Mr. REID. I announce that the Senator from Connecticut (Mr. DODD) is necessarily absent.

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

The result was announced, yeas 86, nays 11, as follows:

[Rollcall Vote No. 174 Leg.]

YEAS—86

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

NAYS—11

Bunning	Kyl	Snowe
Collins	Sessions	Specter
DeWine	Shelby	Thompson
Feingold	Smith (NH)	

NOT VOTING—3

Dodd	Gregg	Helms

The amendment (No. 3185) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, in the presence of the assistant Democratic leader, I ask unanimous consent that, with the exception of the Byrd amendment on bilateral trade, which will be disposed of this evening, votes occur on the other amendments listed in that order beginning at 9:30 a.m. on Thursday, July 13, 2000.

I further ask unanimous consent that, upon final passage of H.R. 4205, the Senate amendment, be printed as passed.

I further ask unanimous consent that, following disposition of H.R. 4205 and the appointment of conferees the Senate proceed immediately to the consideration en bloc of S. 2550, S. 2551, and S. 2552, Calendar Order Nos. 544, 545, and 546; that all after the enacting clause of these bills be stricken and that the appropriate portion of S. 2549, as amended, be inserted in lieu thereof, as follows:

S. 2550: Insert Division A of S. 2549, as passed;

S. 2551: Insert Division B of S. 2549, as passed;

S. 2552: Insert Division C of S. 2549, as passed; that these bills be advanced to third reading and passed; that the motion to reconsider en bloc be laid upon the table; and that the above actions occur without intervening action or debate.

Finally, I ask unanimous consent with respect to S. 2549, S. 2550, S. 2551, and S. 2552, as just passed by the Senate, that if the Senate receives a message with respect to any of these bills from the House of Representatives, the Senate disagree with the House on its amendment or amendments to the Senate-passed bill and agree to or request a conference, as appropriate, with the House on the disagreeing votes of the two houses; that the Chair be authorized to appoint conferees; and that the foregoing occur without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, it is my further understanding that there are remaining four votes that are going to be needed, and they are on amendments by Senators FEINGOLD, DURBIN, HARKIN, and KERRY of Massachusetts.

Mr. GORTON. I believe the Senator is correct.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

The PRESIDING OFFICER. The Senate will resume consideration of the Interior appropriations bill, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4578) making appropriations for the Department of Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

Pending:

Wellstone amendment No. 3772, to increase funding for emergency expenses resulting from wind storms.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, we are finally back on the appropriations bill for the Department of the Interior. We will be on it from now until 6:30 this evening, when I understand we go back to the Defense authorization bill.

We have made some very real progress in the last 24 hours in the sense that we have a finite list of amendments that can be brought up on this bill. The difficulty is that, as I count them, there are 112 of those amendments that are in order at this point. The distinguished Senator from West Virginia and I both hope and believe that many of them will not be brought up, but this is notification to Members that if they are interested in having their amendments discussed, if they want to get the views of the managers of the bill on those amendments, they should be prompt. We want to hear from everyone this afternoon because we want to finish the bill today or, more likely, tomorrow.

One amendment that is ready to go is the amendment proposed by the senior Senator from Minnesota, together with the junior Senator from Minnesota, that is technically, I believe, the business of the Senate at the present time. I now see both Senators from Minnesota here, prepared to deal with that amendment.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 3772

Mr. WELLSTONE. Mr. President, the pending order of business is amendment No. 3772. I can be very brief.

First, I thank my colleague, Senator GRAMS, for joining me in this effort. We have two amendments, I believe. I say to my colleague from Minnesota, I also join him in his effort.

We are both focused on the same question: a storm that happens about once every thousand years, a massive blowdown in northern Minnesota. We are both committed to helping get to the Forest Service the necessary resources to deal with the massive blowdown. There is a lot of important work to be done. This storm has been a nightmare for our State. One very positive outcome of the storm is the way in which the people in Minnesota have come together.

I thank Senator GORTON and Senator BYRD for accepting this amendment. It would restore about $7.2 million needed in emergency funding. It is critically important, and I thank my colleagues for their support. People in northern Minnesota will appreciate their support as well.

I say to Senator GRAMS, I have to leave the floor soon, but I also support the amendment he is introducing. I have another engagement. I am proud to be a cosponsor on that amendment with my colleague.

It is my understanding this amendment will be approved. I wonder whether we could now voice vote it.

Mr. GORTON. Mr. President, I think we want to let the other Senator from Minnesota speak.

Mr. WELLSTONE. Mr. President, I am sorry.

Mr. GORTON. The managers are prepared to accept the amendment.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I join with Senator WELLSTONE to speak about the urgent need for cleanup and fire threat reduction funding in northern Minnesota. I first want to thank Senator GORTON for his willingness to work with me on this crucial issue for our state.

As many of my colleagues know, I've been working with my colleagues in the Senate, including Senator WELLSTONE, Senator GORTON and Senator STEVENS, for months to ensure that this crucial funding would be available for the Superior and Chippewa National Forests. I've made my request repeatedly, in both letters and

in conversations with the Appropriations Committee and the Senate Leadership. My colleagues on the Appropriations Committee gave me their assurance that the needs of Minnesota would be met.

I just returned from hearing over five hours of testimony in northern Minnesota on last year's storm and its dramatic aftermath. Regardless of political affiliation or the specific interests of those testifying, everyone agreed that the most crucial need in northern Minnesota was the reduction of the tremendous amount of downed timber scattered across the Superior National Forest and the Boundary Waters Canoe Area Wilderness. Right now, there are over 450,000 forested acres in northern Minnesota upon which lie millions of broken, dead or dying trees. Right now, those downed trees pose a fire threat that the Forest Service cannot model. If they're not first burned in a catastrophic fire, many of those trees will become ridden with disease, creating another threat for nearby forested areas that weren't impacted by the storm.

While much of the area most impacted by this storm lies within a federally designated wilderness area, the region is also known for its many homes and resorts and for the diversity of recreational activity it offers. Most importantly for those of us who represent the area is the protection of the lives and property of those who live in and visit this wonderful area of Minnesota. That's why I've insisted that there's an immediate need to reduce the threat of catastrophic fire and provide the Forest Service with the funding it needs to conduct cleanup and fire threat mitigation efforts.

I want to take a moment to address the process through which we arrived at this point. As I said earlier, I've been working with the Appropriations Committee for a number of months to secure this important funding. I first wrote to Senator STEVENS on March 15th seeking emergency funding in a supplemental appropriations bill for cleanup activities this year. I then wrote to Senator GORTON on April 12 asking that he include $9.249 million in emergency funding to address the pressing needs of the Superior and Chippewa National Forests. When the Agriculture Appropriations bill passed through the Appropriations Committee, I was pleased that my request had been approved and would soon be before the full Senate. And finally, when the Military Construction Conference Report was brought out of committee, we were successful in getting a $2 million down payment on the $9.249 million and a commitment that the remainder would soon follow in either the Interior bill or in the Agriculture bill. As I said earlier, the agreement reached today between Senators GORTON, BYRD, WELLSTONE and me fulfills the commitment I received almost two weeks ago.

There have, however, been some suggestions that the funding we're discussing today had been approved in the House of Representatives and then stripped out by the Senate. However, the House has never passed a single dime in emergency funding for northern Minnesota. I would also like to address claims that the Senate had somehow stripped this money out and ignored the needs of northern Minnesota. I've been in almost constant contact over the past few months with the Senate Leadership and with the Appropriations Committee. I have been assured repeatedly that this money will be available for Minnesota and that the pressing needs in this region of my State would be met no later than on the Agriculture Appropriations bill and hopefully on this bill. I'm grateful that now those needs will be met, consistent with the previous assurances I had received.

I would also like to mention that this is not the end, but the beginning of our efforts to ensure the safety and well-being of the people who live in or visit northeastern Minnesota. Reducing the threat of fire, protecting human life and property, and ensuring the continued economic viability of this region of our State should be our number one priority. I intend to see to it that those concerns are addressed by the Federal Government in the coming weeks, months, and years.

To that end, I intend to secure, through an amendment I have already filed, additional funding of $6.947 million for blow-down recovery and fire threat reduction efforts in northern Minnesota for fiscal year 2001.

As, again, Senator WELLSTONE mentioned, he is joining me on this amendment as well in support of this request. This money will provide the Forest Service in northern Minnesota with the funding they need in the coming fiscal year so that they can continue the cleanup efforts beyond October of this year. This is a massive cleanup effort that will cost millions of dollars and will continue for years past fiscal year 2001. I hope we can reach agreement with Senator GORTON and Senator BYRD to accept this important amendment as soon as possible.

Again, I thank Senator GORTON, Senator STEVENS, the staff of the Appropriations Committee, and Senator WELLSTONE for working with me for so many months to secure the funding needed to protect the lives and the property of the people of northern Minnesota.

I yield the floor.

Mr. WELLSTONE. Mr. President, I ask my colleague from Washington whether we can voice vote my amendment.

Mr. GORTON. I believe we are ready to take a voice vote on this amendment.

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

The amendment (No. 3772) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. WELLSTONE. Mr. President, I thank my colleague from Washington and my colleague from Minnesota for their help.

Mr. GORTON. We are working with the two Senators from Minnesota on a follow-on amendment. I hope we will be in a position to accept that relatively quickly.

Mr. President, two amendments were inadvertently left off the list for consideration. I ask unanimous consent that Senator THOMAS' amendment regarding a management study be included, and Senator LINCOLN's amendment on black liquor gasification be included under the agreement.

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

Mr. GORTON. Mr. President, we started with 112 amendments. We have adopted 1 and added 2, so we are now at 113. With that, the floor is open. I believe the Senator from Michigan is here to speak on one of his amendments.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. ABRAHAM. Mr. President, I rise to talk with respect to one of the amendments on that list of 113, one that I had planned to offer, which would basically be an amendment that embodies a bill I introduced, S. 2808, the purpose of which was to temporarily suspend the Federal gasoline tax for 150 days, while holding harmless the highway trust fund and protecting the Social Security trust fund.

Obviously, this is not the type of legislation that would normally be brought on an appropriations bill. I have traveled throughout the State of Michigan in recent weeks where we are confronting gasoline prices that are so high that the motorists in our State and people in industries that depend on the purchase of gasoline and other fuels are up in arms at a level I don't believe I can ever remember.

Whether you are in the Abraham family, which owns a minivan and pays $50 to fill up the tank, or whether you are a family that has multiple minivans and fills up more than one tank a week, or whether you are a farmer who has many needs in the production of agricultural commodities for the use of motor vehicles and other machines that require oil and fuel, or whether you are in the automotive industry that depends on the purchase of SUVs, light trucks, and other American-made automobiles and motor vehicles, or whether it is the tourism industry that requires reasonably priced gasoline in order to make sure that summer vacation plans are carried out—and tourism is an economic sector that remains strong—regardless of your role in my State, you are very upset because today the price of gasoline in Michigan is almost 75 to 80 cents higher than it was a year ago. In

fact, this Monday, a national survey of gasoline prices indicated that in the city of Detroit, in the metropolitan area, we have the highest gasoline prices in America.

Something needs to be done about this. We have heard Senator MURKOWSKI and others on the Energy Committee talk about a variety of long-term strategies, ranging from the development of domestic energy, to addressing alternative energy sources, to conservation. We have talked a little bit here about regulations that have increased the cost of fuel development. We have talked about it in the Senate and have heard about issues that range from whether or not the oil companies are in some sort of collusive effort and are gouging the consumers of America.

We have heard all of these things. But the bottom line is, taking action in any of those areas will not dramatically change the price of gasoline in the short run. We may, if we develop more domestic energy sources, be in a better position to control production and supply and, as a consequence, price. We may, if we address certain regulations, make it possible to change the price. But none of that is going to happen overnight.

In my State and across the Midwest, and really across the entire country, people want action sooner, not later. There is only one thing we can do as a Congress that will bring action sooner rather than later with respect to the price of gasoline, and that is to temporarily suspend the Federal tax on gasoline of 18.4 cents. Overnight, at every filling station in America and every gas station, the price of gasoline would theoretically come down by about 18 cents. Believe me, people will show up to buy that less expensive gasoline.

In Michigan, just a few days ago, a gas station, having heard my plea to suspend the Federal gas tax, reduced the price of gasoline for 2 hours at that station in the Detroit metropolitan area by 18.4 cents. There were lines of traffic a quarter mile virtually in every direction to get into that station because people who had been desperate to pay less for gasoline had the chance to do so—for 2 hours at least.

Our State's economy and the Nation's economy is being affected by these high fuel costs. Recently, I conducted a hearing in Warren, MI. We heard from people in the Michigan agricultural community who indicated to us that, according to their estimates—and, in fact, we heard from a family farmer himself who said they expect their net family farm income this year to be approximately 35 percent lower than it was projected to be. But we heard from people in the Michigan automotive community who indicated that already they were beginning to see indications of a shift from the purchase of new vehicles made in America to the purchase of imported vehicles.

I think many of us remember back when we had energy problems in the 1970s and we saw a shift away from American-manufactured vehicles to foreign imports, and what that did not just to the economy of Michigan or the auto industry but its rippling effect across the entire economy of this country.

We heard from others as well. We heard from consumers who came to that hearing and talked about the impact on their families and the sort of things they could no longer afford to do.

It is not only people who came to the hearing that I heard from. Last weekend, I was up in Traverse City, MI, to participate in the annual cherry festival. I was confronted by a group calling themselves the ''Traverse City Gas Can Gang.'' When I was walking in the parade, they were imploring me, and virtually all other political figures present at that parade, to do something about the gasoline tax because basically they couldn't afford the price of gasoline.

I had a press conference in the city of Alpena, MI, and a lady senior citizen attending the press conference told me she had to walk to the press conference. She was interested in what I had to say about gas prices. She walked because she couldn't afford to pay for gas in order to drive. She was not a young constituent. She was an elderly senior citizen.

But I am not the only one confronting these kinds of constituents. These high prices across America are substantially more than they were a year ago. The metro Detroit area currently suffers under the highest gas prices in the country. Even though the price has come down from approximately $2 a gallon, it is still approximately $1.85 a gallon this week. These prices are 40 cents a gallon higher than they were in May of this year. That is a 27-percent increase in 2 months.

Of course, it is not in Michigan alone. Across the country people are confronting the same kind of significant increases. In June of 1999 gas prices in my State averaged just over $1.13 a gallon in Detroit, $1.17 a gallon throughout Michigan. One year later, gas prices were averaging $2.14 a gallon in Detroit, and just under $2.08 a gallon in the State of Michigan as a whole. That is almost a 90-percent rate of inflation for gas in the State.

As I pointed out, former Soviet Republics don't suffer inflation this aggravated. Even with the recent slight drop in gas prices, it is still 56 percent higher this year than it was 1 year ago.

There are a lot of possible explanations. There are a lot of factors that have come into play. This Congress and this Senate have a responsibility to deal with the long-term issues. But we also have a responsibility to provide relief in the short term, if we can. That is what can be accomplished if we were to temporarily suspend the Federal gas taxes. Eighteen cents a gallon would make a big difference to the people in my State.

This is not insignificant. It is more than a 10-percent reduction in the price of regular gasoline. For the typical one-car or one-minivan family, that would mean savings of $150 over the next 5 months. For those who are in the trucking industry, of course it would reduce their diesel prices by almost 25 cents a gallon. That would make a huge difference for them in terms of their bottom line as well.

My proposal is designed to simultaneously reduce the price at the pump and protect the road-funding dollars that many of our States, including certainly mine, are counting on from Washington. We would replenish any lost revenue to the highway trust fund at the same time we would suspend the gas tax.

As you know, we are confronting for this year as well as for the next year record high surpluses of non-Social Security dollars. Our proposed amendment would, in fact, use those non-Social Security surplus dollars to make sure that highway funding remains constant.

It is our projection and estimation that over the next 5 months the suspension of the gas tax would reduce the highway trust fund by approximately $6.5 billion. Our amendment would replenish those dollars from the general fund.

Indeed, the language of our amendment states specifically that nothing in this subsection may be construed as authorizing a reduction in the apportionments of the highway trust fund to the States as a result of the temporary reduction in rates of tax.

In short, the proposal embodied in my legislation and in the amendment I had planned to bring to the Interior bill would suspend the gas tax and make sure the highway funds continue to flow by using non-Social Security surplus dollars.

When we initially sought to bring this amendment on the Interior appropriations bill, it was unclear what the Senate schedule would be with respect to other appropriate legislation where we might bring this amendment. I am happy to hear this morning that a unanimous consent agreement was entered into which will allow us to take up tomorrow the estate tax—the death tax—legislation that has been discussed over the last day and a half, and that amendments such as this one would be in order at that time.

Indeed, I have already been in consultation with our leadership as to securing one of those amendment slots to bring this amendment in the context of the tax bill, which is clearly a more preferable vehicle for us to address these issues. It is my plan to return to the floor tomorrow when that tax bill is before us with one of the amendments to be offered on the Republican side.

Before I leave, I wish to make it very clear to my colleagues that this is a serious problem—not only in Michigan but across the country. If we continue to have to pay gas prices of the level we are paying today, even though they

have come down slightly in the last couple of weeks, it is going to have a very serious impact on the economy of this country. It is going to hurt our agricultural sector, our tourism sector, our automotive sector, and it will have a rippling effect across America. That means it is not only a problem for somebody who owns a minivan or for somebody who drives a truck; it is going to ultimately be a problem for all of us.

I believe over time a lot of this will be alleviated as supply and production increases by Saudi Arabia and others begin to take effect. But I can't wait that long. My constituents can't wait that long. We need to do something sooner, not later.

I believe the one thing that makes sense to do, that we can afford to do, that will make a difference immediately, and that will provide the consumers in my State with an opportunity to be able to afford gasoline—or at least more easily afford gasoline—is for us to recognize that we are going to have a huge surplus this year, a projected surplus next year, and that a little bit of that surplus over the next 5 months can be used to protect the highway trust fund and give consumers a break. I believe in doing that.

We will do something that will be immensely supported by the people across America who have to fill up their tanks once or twice a week by average working families in this country for whom a rise of 63 percent or 90 percent in the price makes a big difference. I believe it is an action that we should take. The last time we voted on it, there were approximately 43 votes in favor of a gas tax suspension. But that was before these prices crested to the level of today. I believe the Senate should have one more vote on this. I look forward to this debate tomorrow.

At this time, I will withdraw from the list my amendment and allow the Senator from Washington to continue with other amendments on this bill. I thank him for his indulgence. I look forward to debating this issue tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I am grateful to the Senator from Michigan on two fronts: One, that we will not have to deal with the amendment on this bill—at least not on the subject of the bill itself—and substantively for bringing up a vitally important issue; and for his dedication, which I am certain was key to giving him the ability to bring this amendment to the floor of the Senate on a bill for which it is relevant and in a way that Members of the Senate will be able to vote on it. I wish him good fortune in that quest. His case was persuasively stated.

AMENDMENT NO. 3773

Mr. GORTON. Mr. President, I call up amendment No. 3773.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington (Mr. GORTON) proposes an amendment numbered 3773.

Mr. GORTON. 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 167, line 15 of the bill, insert the number ''0'' between the numbers ''1'' and ''5''.

Mr. GORTON. Mr. President, this is a technical amendment. It is to correct an improper citation to public law referenced in the bill.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3773) was agreed to.

AMENDMENT NO. 3801

(Purpose: To approve the reprogramming of funds for computational services at the National Energy Technology Laboratory)

Mr. GORTON. Mr. President, on behalf of my colleague from West Virginia, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington (Mr. GORTON), for Mr. BYRD, proposes an amendment numbered 3801.

Mr. GORTON. 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:

At the end of Title III of the bill insert the following:

''SEC. . From funds previously appropriated under the heading ''Department of Energy, Fossil Energy Research and Development,'' $4,000,000 is immediately available from unobligated balances for computational services at the National Energy Technology Laboratory.''

Mr. GORTON. Mr. President, this confirms a reprogramming of an energy program in the State of West Virginia over which there have been some technical difficulties, and assures that money previously appropriated will be used for the purpose stated in the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3801) was agreed to.

AMENDMENT NO. 3802

(Purpose: To amend the amount provided for the State of Florida Restoration grants within National Park Service land acquisition)

Mr. GORTON. I send a further amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON] proposes an amendment numbered 3802.

Mr. GORTON. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 127, line 11, strike ''$10,000,000'' and insert ''$12,000,000''.

Mr. GORTON. Mr. President, this corrects a figure in the bill to bring it into conformance with the committee report and the intention of the committee in passing a bill. In other words, it was simply a drafting error.

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

The amendment (No. 3802) was agreed to.

Mr. GORTON. I move to reconsider the vote on all three amendments.

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

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, that is all I can deal with at the present time. I repeat—and I know my friend from Nevada is with me on this—we do have a very substantial number of additional amendments. It looks as if somewhere between 6 and 10 may require rollcalls. I particularly urge we start the debate on significant policy amendments to this bill. This is a request to Members who were eager to list amendments for debate to come to the floor and present those amendments.

Mr. REID. I say to my friend, this bill may not be around very long. This may be the only opportunity to offer these amendments because the two leaders have outlined a tremendously difficult legislative program in the next 2½ weeks. This may be the only time in the Sun for some of these amendments.

Mr. GORTON. We are going to the tax bill tomorrow with 20 amendments or so in order for it. Members desiring to deal with this Interior appropriations bill need to present themselves on the floor with those amendments as promptly as possible.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3803

(Purpose: To provide funding for expenses resulting from windstorms, with an offset)

Mr. GORTON. Mr. President, I send an amendment to the desk for Mr. GRAMS and Mr. WELLSTONE, and I ask that it be immediately considered.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Senators GRAMS and WELLSTONE, proposes an amendment numbered 3803.

Mr. GORTON. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 126, line 16, strike ''$207,079,000,'' and insert ''$202,950,000, of which not more than $511,000 shall be used for the preconstruction, engineering, and design of a heritage center for the Grand Portage National Monument in Minnesota,''.

On page 165, line 25, strike ''$618,500,000,'' and inserting ''$622,629,000, of which at least $6,947,000 shall be used for hazardous fuels reduction activities and expenses resulting from windstorm damage in the Superior National Forest in Minnesota, $3,000,000 of which shall not be available until September 30, 2001''.

Mr. GORTON. Mr. President, this amendment was discussed a few moments ago by Senator GRAMS and approved by Senator WELLSTONE. It deals further with the emergency in Minnesota they discussed earlier. I was delighted at the wonderful cooperation between those two Senators. I agree with their description of the emergency. I ask the amendment be agreed to.

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

The amendment (No. 3803) was agreed to.

Mr. GORTON. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. 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. BYRD. Mr. President, the chairman of the subcommittee and I are here on the floor. We are very eager to have Senators who want to call up amendments come to the floor and call up their amendments. I urge Senators: Make haste and come while the time is running and ripe. At some point we have to call up our amendments or go to third reading. It is a little early to go to third reading, but I would plead with Senators not to wait. This is an excellent opportunity. If I had an amendment to the bill, I would be eager to see a moment such as this when other Senators are not seeking recognition, and I would be eager to come to the floor, work out my amendment with the two managers, and be on my way back to the office and other things.

So I make that urgent plea because at some point, if Senators do not come to the floor with their amendments, I may move to go to third reading and get the yeas and nays on that. Of course, if that motion carries, there can be no more amendments. I am not saying I will do that yet, but there will come a time. That is a good fiddler's tune: There will come a time, there will come a time someday. This is your chance, now. Staffs of Senators who are working on amendments, this is your chance. Get your Senator here and let's get the amendments and get votes.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. GRAMS). Without objection, it is so ordered.

AMENDMENT NO. 3804

(Purpose: To provide additional funds for Payment in Lieu of Taxes program)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. THOMAS], for himself, Mr. HATCH, Mr. BURNS, and Mr. GRAMS, proposes an amendment numbered 3804.

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

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

The amendment is as follows:

On page 112, line 20, strike ''$693,133,000'' and insert ''$689,133,000 of which not to exceed $125,900,000 shall be for workforce and organizational support and $16,586,000 shall be for Land and Resource Information Systems''.

On page 113, line 14, strike ''$693,133,000'' and insert ''$689,133,000''.

On page 115, line 19, strike ''$145,000,000'' and insert ''$148,000,000''.

Mr. THOMAS. Mr. President, this is an amendment that deals with a program called Payment In Lieu of Taxes. Last year there was an appropriation of approximately $135 million. This year we intended to increase that amount. We have a letter that came from 57 of our colleagues urging an increase. We have changed the amendment to where it would be an increase in funding over the proposal by $3 million, bringing it up to $148 million.

This is substantially below what the authorizations are. However, I do understand the difficulty of the funding. I appreciate the opportunity to work with the chairman and the ranking member.

Basically what this does, of course, is provide payments to the States for the public lands that are owned there, public lands that if they were privately owned would be taxed and would be an income source.

These counties, despite the fact there is no taxable income, continue to carry on their services—lease services, hospital services, other kinds of services. So really it is sort of a fairness issue when the Federal Government has substantial amounts of ownership.

In Wyoming, 50 percent of the State belongs to the Federal Government. We have counties that run as high as 96 percent being federally owned lands and many that are over half. So this is sort of a payment to them. The Nation, of course, benefits from this ownership, but the counties have to pay the ticket.

I will not go into great detail. But I urge this amendment be agreed to.

Mr. President, I ask unanimous consent that the letter that was sent to the chairman be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, March 17, 2000.

Hon. SLADE GORTON, Chairman,
Hon. ROBERT C. BYRD, Ranking Member,
Subcommittee on Interior, Senate Appropriations Committee, U.S. Senate, Washington, DC.

DEAR SENATORS GORTON AND BYRD: We write to request your support for a multi year process that will lead us to full funding for the Payment in Lieu of Taxes (PILT) program on public lands across the country.

We believe the most favorable course of action would be to appropriate the full authorization level of PILT by FY 2010. The Bureau of Land Management has informed us that the authorized PILT funding level under PL. 103–397 in FY 2005 will be approximately $335 million based on current inflation rates. We realize there are many important needs to be addressed in the Interior Appropriations bill this year. However, a five-year $20 million per year increase would help more than 2000 counties and local governments meet the mandates imposed upon them by an ever increasing public land base. Additionally, it would allow the federal government to work toward fulfilling a commitment it made to counties in 1976 when Congress passed the original PILT act in a fiscally responsible manner.

You are keenly aware that counties, on behalf of the federal government, provide many critical infrastructure servides—including police, search and rescue, fire fighting, road maintenance, garbage collection and other services. Because of the amount of public lands in these counties, they do not have the ability to raise the necessary funds through traditional property taxes.

In the past public lands provided many economic benefits to local communities through multiple use activities such as grazing, mining, oil, gas and timber. The monies generated also stayed in public land counties. These resource activities face ongoing pressures and hardships, and are being replaced by people recreating in these areas. The effect is an increased demand for services often far in excess of resources that the tourism dollars bring to these rural communities.

It is common for federal land ownership in some counties to exceed 50 percent to more than 90 percent. With the trend toward additional acquisitions by the federal government of private taxable land, we believe it has become an absolute necessity that Congress meet its obligation and begin a process that will lead toward full funding of PILT within a reasonable period of time. Absent this, we fear counties will have no choice but to reduce or eliminate essential public services on public lands due to budgetary constraints. Please know you have our full support as we move forward working with you

on an incremental increase for PILT which allows for this critical program to eventually realize its full authorization level.

Best regards,

Craig Thomas; Mary L. Landrieu; Tim Johnson; Kent Conrad; Frank H. Murkowski; Richard Shelby; Conrad Burns; Mike DeWine; Ben Nighthorse Campbell; Byron L. Dorgan; Jon Kyl; Jesse Helms; Jim Bunning; Dick Lugar; Barbara Boxer; Michael B. Enzi; Rod Grams; Spencer Abraham; Larry E. Craig; Mike Crapo; Orrin Hatch; Wayne Allard; Dianne Feinstein; Gordon Smith; Chuck Hagel; Pete V. Domenici; Patrick Leahy; Judd Gregg; Olympia Snowe; Bob Smith; Strom Thurmond; Kay Bailey Hutchison; Tom Daschle; Ron Wyden; Jim Inhofe; Richard H. Bryan; Harry Reid; Patty Murray; Paul Wellstone; Trent Lott; Chuck Robb; John Edwards; Mitch McConnell; Jim Jeffords; Max Cleland; Jeff Bingaman; John Breaux; Rick Santorum; John Ashcroft; Dick Durbin; Max Baucus; Kit Bond; Tim Hutchinson; Bill Frist; Carl Levin; Paul D. Coverdell; Blanche L. Lincoln;

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, we have worked with the Senator from Wyoming on this subject, a subject in which he has been interested, I believe, ever since he came to the Senate, and one in which I am interested as well.

The bill does include an increase for this Payment In Lieu of Taxes. This money is very important to many counties—rural counties almost entirely—that have much or most of their property owned by the Federal Government.

I would like to be more generous than this. I think this is about as far as we can go. I appreciate the willingness of the Senator from Wyoming to come up with a reasonable increase. I am willing to accept it. I believe my colleague is as well.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I have no objection on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3804) was agreed to.

Mr. GORTON. I move to reconsider the vote.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I thank the chairman and Senator BYRD for accepting the amendment, and also Senators HATCH, GRAMS, and BURNS for cosponsoring this amendment. I think it is useful. I appreciate it very much.

Mr. STEVENS. Will the Senator yield?

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

AMENDMENT NO. 3774, WITHDRAWN

Mr. STEVENS. I ask unanimous consent my amendment No. 3774 be withdrawn.

The PRESIDING OFFICER (Mr. THOMAS). The Senator has a right to recall his amendment.

Without objection, it is so ordered.

The amendment (No. 3774) was withdrawn.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I begin by complimenting Senator SLADE GORTON and Senator ROBERT BYRD, the chairman and the ranking member of the subcommittee that brings this legislation to the floor. The Interior appropriations bill is a very important piece of legislation, but it faces the classic problem of trying to meet unlimited needs with limited resources. Senator GORTON and Senator BYRD had a very difficult task, but they have done quite a remarkable job and have certainly earned my compliments and I hope the compliments of my colleagues for the job they have done.

I wish to speak for a few moments, however, about a very difficult problem that is encountered by a group of Americans who suffer some of the highest unemployment rates, some of the most difficult health problems, and the most difficult challenges of any Americans. I'm speaking of Native Americans.

We have in North Dakota four Indian reservations. I frequently visit these reservations and meet with the tribal chairs, men, women, and children who live there. The conditions in some cases on these reservations are very much like those of a Third World country. The unmet health care needs are devastating. The unemployment rates in some cases are as high as 50, 60, and 70 percent because these areas are so remote and there are simply no jobs. And the quality of education regrettably is not up to the standards it should be.

As I talk about these problems today, I want to point out that this bill, for the first time, makes some significant steps in the right direction. This is an important moment. This appropriations bill does make some important progress in dealing with the issues of Indian health care and Indian education.

Yet there is so much left to do. The people in America who live in Indian country have the highest rates of poverty in our country. Over 30 percent of Native Americans live in poverty. The unemployment rate on Indian reservations in North Dakota averages 55 percent. Compare that to the unemployment rate of around 4 percent in the United States as a whole.

To help address the problems that Native Americans face, President Clinton recommended a $1.2 billion increase, government-wide, for priority health care, education, economic development, and other infrastructure needs in Indian country. I am particularly pleased about the President's recommendations in some key areas, including the $300 million he proposed for BIA school replacement and repair. This is $167 million more than the current level, the largest ever single year investment in BIA school infrastructure. The President's budget also proposes a $200 million, or 10-percent, increase in the Indian health services budget.

The increased funding levels in the Senate bill, even though they represent significant progress under difficult circumstances, still fall significantly short of both the President's budget request and what we need to do. Unfortunately, the House-passed Interior bill is far, far worse. We are going to fall short once again of meeting the actual needs of Native Americans.

Let me talk for a moment about the health care needs in Indian country. A Native American living on the reservation is 12 times more likely to have diabetes than the average American—not double or triple or quadruple but 12 times more likely to have diabetes—and 3 times more likely to die from diabetes. An American Indian is five times more likely to die from tuberculosis, four times more likely to die from chronic liver disease, 3 times more likely to die in an accident, especially an automobile accident, and nearly twice as likely to commit suicide.

I recently visited the Indian Health Service hospital in Fort Yates, ND. I have here a picture of that hospital. It has been around for a long while. It doesn't have an emergency room. The folks who use that hospital don't have access to an operating room, and they therefore can't deliver babies because they don't have an operating room. The emergency room is in the midst of the waiting rooms, so when an emergency occurs, everyone in the waiting room has to clear out. It is not visible in this picture, but there is a little old trailer house where the dentist practices. The 1 dentist practicing in that trailer serves 5,000 people.

Now this dentist is no doubt providing the best service that he can given the circumstances he has to work in, but just imagine the kind of dental care that is provided by 1 dentist for 5,000 people. Do you think that dentist is constructing difficult bridges or other complicated treatments for teeth that are in trouble, or is he more likely pulling teeth? This is at Fort Yates, ND, on the Standing Rock Indian Reservation.

The current funding for the Indian Health Service is about 43 percent less per capita than health care spending for the U.S. population generally. The Indian Health Service spends about $1,400 per patient, compared to the national per capita amount per patient of $3,200.

Let me also talk for a moment about education on the reservations. Again, I appreciate the leadership of Senator GORTON and Senator BYRD in providing $276 million for BIA school replacement and repair in this coming fiscal year.

The Federal government has a trust responsibility to provide an education

to Indian children. This is not a luxury or some discretionary choice. We have a trust responsibility to Indian children, just as we have a responsibility to provide for an education for the children of our military personnel residing on or near military bases. The Federal government runs the Department of Defense school system. We also have a trust responsibility to run the school system through the BIA. We have not done that very well. We are woefully short of the funds that are needed to keep these schools up to standard. Even with the funding increases in the Senate bill, there will continue to be a nearly $700 million backlog in repair and replacement of BIA schools.

The GAO says the schools that are serving these Indian children are among the poorest schools in the Nation. Yes, that is among all schools, even those in the inner-cities, where they also have a lot of problems. But the worst school facilities in the Nation are those on the Indian reservations.

This is a picture of a school on the Turtle Mountain Reservation. This happens to be the Ojibwa Indian School. This is a fundamentally unsafe school, as many health and safety investigations have found. One day, my fear is that something awful will happen at that school and people will say, How did that happen? It will happen because nobody paid attention to the warnings.

This is a picture of the fire escape. Notice, it is a wooden fire escape, which is rather unusual—a fire escape made of wood. This is clearly a fire code violation.

The children of the Ojibwa school are attending classes in trailers that have been constructed because the main school building is over 100 years old and has been condemned. So the kids are now put in the mobile units and are required to scurry back and forth, up and down these stairs, in the dead of winter in North Dakota, with temperatures at 30 below zero and with the wind blowing. The people who have inspected these facilities from time to time have found all kinds of problems with them. This wooden fire escape is simply one of many.

This is a picture of the plumbing at the school in Marty, SD, the Marty Indian School. Take a look at that plumbing. See if you want to take a drink of the water from those pipes. Or take a look at this rusted radiator. Not exactly the modern radiator needed to keep the students warm in the dead of a South Dakota winter.

Or, to return to another picture of the Ojibwa school, where the ground beneath the gymnasium is giving way. For safety purposes they have put up plywood, and that plywood is all that separates children from danger as the ground gives way under the corner of the gymnasium.

We have to do much better than this. We can and should do better than this. We have a responsibility to these kids. I have come to the floor many times and talked about these needs. I know I am repetitive, and I know people say that they have heard it all before. But frankly, a lot of these people don't have much of a voice in this appropriations process.

A little third grader, Rosie Two Bears, once asked me: Mr. Senator, are you going to build me a new school? I realize I can't build Rosie a new school even though she desperately needs one. She goes to a school that is terribly inadequate. Rosie goes to a school with sewer gas coming up through the floors of one classroom, which they had to evacuate once or twice a week. She goes to a school in which there are 150 students with 1 water fountain and 2 toilets, a school with no playground.

The fact is, we can do better than that. This bill makes some significant improvements in health and education. For that, I commend all the folks involved. On the Appropriations Committee, I tried to make even more improvements, and I'm glad I was able to do that marginally in the area of tribal college funding. However, I come to the floor to say we have to do better.

The superintendent of the Wahpeton Indian school, Joyce Burr, told me a while ago about a little girl attending that school. Many of these kids are sent to that school from around the country, and they come from troubled backgrounds, many without much of a family or home to go back to. Joyce told me the little girl came to her near Christmastime, when the school was going to close during the 2 week holiday at Christmas and the children would be sent back to their reservations, to their families. This little girl, a third or fourth grader, went to the superintendent and said: I would like to stay over at the school during the Christmas break. I know the school isn't going to be opened, but I promise if you let me stay here I won't eat very much. She had no place to go, so she was asking if she could stay at the school all alone over the Christmas break, promising, ''If you let me do that I won't eat much.'' We must do much better for these children.

On the other end of the education spectrum, with respect to tribal colleges, I want to say we are starting to make some progress there, for which I am very grateful. The tribal colleges represent an extension of educational opportunity and a way out of poverty. I went to a tribal college graduation once and met the oldest graduate in the graduating class. She was 42 or 43 years old, with four children, whose husband had left her. She was cleaning the toilets and the hallways at the tribal college and decided she was going to try and improve her lot in life by attending the college.

The day I was there, she graduated. I can hardly describe the smile on her face that day. This woman decided, with grim determination: I am going to graduate from this college. I know I am cleaning the hallways and bathrooms, but I want to do more than that. Through grit and determination, the help of relatives and scholarships, and because the tribal college was right there, guess what—the day I showed up to give the graduation speech, this proud woman graduated from college. Good for her.

Or the instance of Loretta. Loretta had dropped out of school. She was an unwed teenaged mother. Now she is a doctor, a Ph.D., a real expert on education who eventually went on to teach at a tribal college for awhile. She did that by herself, but she did it because we put in place a system of tribal colleges that give people like Loretta the opportunity to go to school and get a college education. That is why tribal colleges are so important. Frankly, we contribute only about half as much per student at tribal colleges as we do to other colleges around the rest of the country. We need to do better than that. I am pleased to say this piece of legislation starts down that road.

Let me conclude where I began. I am here because I am pleased we are making progress. These are important, critical issues. We cannot ignore the circumstances that exist on Indian reservations. It is easy enough for some people to say that this is the way Indians want to live. That is not the case at all. These are Americans who are beset by poverty, lack of opportunity, lack of jobs, a bad health care system, and a crumbling education system that we must improve. I believe we are taking the first steps in this legislation to do that. For that, I commend my colleagues who brought this bill to the floor —Senator GORTON and Senator BYRD.

I say to them, I will be back again next year, as we continue our work in the Appropriations Committee, saying that we have done a lot, we have made some first important steps and thanks for that. But let's continue to try to address these education and health care needs on our reservations for Indian Americans. Let's try to do even more in the coming fiscal year.

I yield the floor.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Washington.

Mr. GORTON. Mr. President, the Senator is eloquent and persistent and has had great successes, and I am sure he will have great successes in the future. I thank him for his comments and his support.

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. DOMENICI. 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. DOMENICI. Mr. President, I wonder if I can engage in a discussion with the distinguished chairman, Senator SLADE GORTON, on the bill before us.

By way of some opening remarks directed at the fine, excellent job he has done on this bill, I want to talk with him for a moment about what we have done for the U.S. Government-owned-and-maintained Indian schools in the United States in the Interior appropriations bill.

First, when we are finished supplying the numbers for the RECORD, which are obviously in the bill, it should not go unnoticed that this is the first time we have substantially—and I mean substantially—increased the money for the construction of Indian schools owned by the U.S. Government. Let's not be confused with public schools. These are schools that if the Federal Government does not pay for, I ask my chairman, nobody will pay for them, right; they belong to us?

Mr. GORTON. The Senator is entirely correct.

Mr. DOMENICI. And they are maintained by us. As the accounts will show, not only are we in a terrible state of disrepair, in terms of those schools that need management money, but we have a huge backlog of schools that should be built—that is, built anew—because the facilities that Indian children are occupying are truly intolerable.

Thus far, have I stated what the Senator from Washington has attempted to accomplish in this bill?

Mr. GORTON. The Senator from New Mexico is correct, but I really need to say more to respond to him in the affirmative. He has perhaps been the most eloquent, though he has been certainly strongly supported by the Senator from North Dakota on that side of the aisle, our friend, Senator INOUYE, from that side of the aisle, and the Senators from Arizona, in attempting at least to begin with the huge backlog in the absolute necessity of constructing new Indian schools that are 100 percent our responsibility and for renovating and repairing those that can constructively be renovated and repaired.

The Senator from New Mexico also knows how difficult this has been in past years because while the President of the United States has always asked us for big increases in the budget really for spending more money than we thought overall was appropriate to spend, he has always ignored these Indian school needs.

This year, in this budget, the President did dramatically reverse himself and did ask for a generous appropriation for new Indian school construction. That partnership, and the bipartisan partnership on the floor of the Senate, gave me the ability of drafting this bill to begin both appropriate new construction and a large number of repairs and rehabilitation.

I would be deficient in my own duty if I did not say that the first person who saw this need—not only saw this need but spoke eloquently to this need—was the Senator from New Mexico.

Mr. DOMENICI. Is it not true one other major function of activities that we must do in behalf of Indian people has to do with health care, wherein we have hospitals and medical facilities that are run by the U.S. Government for the Indian people? There, again, we have just been barely getting by in terms of keeping them open and properly maintained, and they are rather good medical facilities, I say to the American people. It is not like the public schools that we are ashamed of because they are in such disrepair.

Mr. GORTON. The Indian schools.

Mr. DOMENICI. The Indian schools, yes. They are in such a state of disrepair. Indian health is in pretty good health. In this bill, the President asked for substantially more money, and we were able to fund a substantial increase in Indian health money in the Interior appropriations bill; is that correct?

Mr. GORTON. The Senator from New Mexico, in this instance, as in the earlier instance, is correct.

Mr. DOMENICI. Mr. President, for a period of about 4 years, I was joined with bipartisan letters that we sent to the President of the United States and to the Assistant Secretary of the Bureau of Indian Affairs saying: Will you please put in your budget a 5- or 6-year proposal to pay for the great backlog we have in Indian school construction which, I repeat, only we can make. It is not a question of somebody being generous or kind in building an Indian school. These are Indian schools we own, we operate, and we pay the teachers—we being the United States of America.

The President, after a visit—not the last visit he made to Indian country which was to New Mexico, but one just before that, which was his first visit to Indian country as a President—came back and talked about doing something to enhance economic development—that is, jobs—for Indian people.

I was very privileged to be at the White House and discuss the issue with him personally, after which time we joined with a bipartisan group of Senators and put together a package that strengthened our construction and maintenance of schools, that did somewhat more for Indian health and a few other things. The aftermath of that was the introduction of a bill, and the aftermath of that is the bill on the floor which increases funding in these very important areas.

In closing, the funding in this bill, which essentially resulted from that meeting in the White House to which I just eluded, and then joining a bipartisan group of Senators, really is not going to move us much in the direction of better jobs in Indian country for the Indian people. All of these things that I mentioned are a necessity.

Essentially, there is something basic that the Indian leaders and local communities and the National Government are going to have to do that will make the climate in Indian country better for private sector job growth. I do not levy any criticism at anyone individually, but it is quite obvious that tax credits alone will not do it, for we did that 4 years ago. The most extensive tax credits were passed to give Indian communities a chance to bring in private sector jobs. It is still on the books. It is a huge tax credit per Indian employee. We passed accelerated depreciation at the same time. If somebody builds a plant, they get to accelerate the depreciation much more rapidly than if they were next door in non-Indian country.

The problem is that the combination of all of that has not worked to create any large acceleration in the number of Indian people being employed in Indian country in permanent jobs.

I submit it will take a kind of a change in the attitude of Indian leaders. I think they are beginning to understand that. Businesses will not go even to an Indian reservation in America with tax credits and other benefits if, in fact, they are not satisfied with the business climate on the reservation; that is, if they can go 50 miles to a community off reservation and believe they have a lot more certainty of law, more certainty with reference to rules and regulations, they are not going to be coming to Indian country.

I have been urging that the Indian leaders, while they claim their sovereignty, understand that every government entity that claims sovereignty, from time to time, shows that sovereignty by giving up a little bit of it, by waiving a piece of it, or by entering into an agreement where they share responsibilities with another unit of government, frequently called intergovernmental agreements. These things are going to have to happen if we are going to bring jobs to Indian country.

There is much more to be said about it. There are many people who have tried, and I do not know just when it will work or when it will start working to any significant degree, but I am confident that this year we took a giant step in terms of the public responsibility. There are things moving around, either at the White House or out in Indian country, that are trying to move this whole attitude issue in a direction of business feeling more comfortable on Indian country.

I thank the chairman, again, for the bill with reference to the Indian people and I thank the committee that worked with him to bring it here.

Having said that, I yield the floor and 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.

AMENDMENT NO. 3795

(Purpose: To provide for a review committee for certain Forest Service rules)

Mr. CRAIG. Mr. President, I call up amendment No. 3795.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG] for himself, Mr. HUTCHINSON, Mr. CRAPO, Mr. THOMAS, Mr. ENZI, Mr. BENNETT, Mr. HATCH, Mr. NICKLES, and Mr. SMITH of Oregon, proposes an amendment numbered 3795.

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

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

The amendment is as follows:

At the appropriate place in the bill insert the following section:

SEC. . REVIEW COMMITTEE FOR FOREST SERVICE RULES.

(a)(1) From the amount appropriated for ''Forest Products,'' a sum of $1,000,000 shall be made available until expended to the Secretary of Agriculture for the purpose of reviewing certain proposed rules concerning the planning and management of National Forest System lands referred to in paragraph (2).

(2) The proposed rules subject to this section are the proposed road management and transportation system rule, and proposed special areas—roadless area conservation rule published at 64 Federal Register 54074 (October 5, 1999) and 65 Federal Register 11676 and 30276 (March 3 and May 10, 2000), respectively.

(b) With the funds allocated pursuant to subsection (a)(1):

(1) The Secretary shall appoint an advisory committee in accordance with the Federal Advisory Committee Act and subsection (d) of persons knowledgeable, and reflecting a diversity of viewpoints, concerning issues related to the planning and management of National Forest System lands. The appointments shall be made as soon as practicable after the date of enactment of this Act.

(2) The advisory committee shall—

(A) review and evaluate the proposed rules referred to in subsection (a)(2) and their prospective implementation, particularly as to their cumulative effects and the manner in which they relate to each other, are integrated, and will function together, including any inconsistencies or conflicts in their goals, purposes, application, or likely results and determined whether and in what way they may be improved; and

(B) submit a written report to the Secretary describing the results of the review and evaluation of the proposed rules required by, and any recommendations for improvement of such rules determined pursuant to, subparagraph (A), including any supplemental or minority views which any member or members of the advisory committee may wish to express.

(3) The Secretary shall make the report of the advisory committee required by paragraph (2)(B) available for public comment and submit the report to the Congress, together with a written response of the Secretary to the report and the public comment on the report.

(c) No funds appropriated by this Act or any other act of Congress may be expended for further development or promulgation of the proposed rules referred to in subsection (a)(2) prior to 60 days after the date of submission to the Congress of the report of the advisory committee and the response of the Secretary pursuant to subsection (b)(3).

(d)(1) The advisory committee appointed pursuant to subsection (b)(1) shall have no more than 15, nor less than 9, members who may not be officers or employees of the United States. The Chair of the advisory committee shall be selected from among and by its members.

(2) The members of the advisory committee, while attending conferences, hearing, or meetings of the advisory committee or while otherwise serving at the request of the Chair shall each be entitled to receive compensation at a rate not in excess of the maximum rate of pay for grade GS–18, as provided in the General Schedule under section 5332 of title 5, United States Code, including travel time, and while away from their homes or regular places of business shall each be reimbursed for travel expenses, including per diem in lieu of subsistence as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

Mr. CRAIG. Mr. President, amendment No. 3795 to the Interior appropriations bill deals with the U.S. Forest Service's proposed roadless initiative. My amendment would earmark $1 million from the Forest Service's timber sales account and direct the Secretary of Agriculture to charter an advisory committee, under the provisions of the Federal Advisory Committee Act, to review the proposed rules and the accompanying draft environmental impact statement for the roadless area initiative. The advisory committee would be charged to provide the Secretary with advice on improving the proposed rule and the draft environmental impact statement.

My amendment would further prohibit the Secretary from spending any additional appropriations under this or any other act on the further development of the roadless area rule until the Secretary has received the report of the advisory committee.

Let me tell you why I am offering such an amendment. To date, the subcommittee that I chair, the Forests and Public Land Management Subcommittee, has held three oversight hearings on the roadless area initiative launched by our President last fall. I can tell the members of this committee unequivocally that this is the most slipshod rulemaking effort I have seen—the worst example—in over 20 years as a federally elected official.

Let me note an example we have found in an examination of the communiques with the White House. For example, this is a letter to Raymond Mosley, Director of the Federal Register. This comes from an officer within the U.S. Department of Agriculture.

She says:

Would you please correct our mistakes. In our haste to get the notice to the Register as quickly as possible, we failed to notice that the document heading was missing.

There has been such a phenomenal rush to judgment on this effort to fulfill the President's political agenda with this issue that all of the people have made mistakes and have had to go to the Federal Register's office to amend them. It is not unlike what we saw Katie McGinty do just this week with TMDL rules, where this Senate, 2 weeks ago, spoke to the fact that this rule ought to be delayed. The President withheld his signature of the MILCON appropriations bill, allowing the EPA to accelerate.

I suspect when we begin to examine the rules that have come out of EPA, signed by Katie McGinty yesterday, we will find the same kind of mistakes were made only because of a quick political rush to judgment to try to either circumvent the acts of Congress or to deny the public the kind of input that is important and justifiable in these kinds of procedures.

Among the numerous procedural violations of the Federal statute, I think the most egregious is the willful violation of the Federal Advisory Committee Act, an act that this administration has had trouble complying with many times. I could cite examples where other courts have ruled after the fact of the rulemaking that, yes, this administration had been in violation of FACA. Our oversight record and the executive branch's documents obtained during the oversight process provided a clear record of these violations.

Between May and July last year, a small group of environmental activists met with the White House, the Department of Agriculture, and Forest Service officials to develop what eventually became the proposed rule about which we are talking. All of these meetings were held behind closed doors with no notification provided to the public. Advice and materials were solicited from the environmentalists by executive branch officials in the form of legal memoranda, technical documents, polling data, media relations material, and paid advertising in support of the proposal. Here is an example: George Frampton, head of CEQ, from Mike Francis at the Wilderness Society. Through all of these processes, what they are suggesting is that we submit to you the necessary materials from which you can move to deal with this issue.

I think it is fascinating we find Mike Francis saying: I attach a draft of the ''letter to the chief'' concept that Charles, Mike, and I have worked on as an idea to provide historical linkage to the President.

Ironically, the very letter that George Frampton then sends to the Secretary of Agriculture proposing this rulemaking was a parallel letter, almost identical, word for word. Mr. Frampton, before our committee, did make reference to the fact that, yes, they were very similar, if not alike. That letter came from the Wilderness Society itself.

In many cases, these materials were used by executive branch officials in charge of developing the proposed rule. For example, the polling data was used by lower level officials to brief their superiors. In another instance, there was direct consultation between the outside groups and the administration to coordinate paid and earned media efforts.

Let me repeat that. Government officials sat down with outside groups prior to the rulemaking process and determined that they would launch a paid media campaign. There was even dialog within these memoranda that we gathered that suggested dates and times and the kinds of media markets we are talking about. Of course, I have referenced the letter to the Secretary from George Frampton, which is a mirror image of the letter that was proposed by staff at the Wilderness Society.

In response to the questions before my subcommittee, administration officials conceded that the issue of compliance with the Federal Advisory Committee Act was never raised in their meetings or deliberations, and counsel was never consulted on the matter.

This group of environmental advisers was in every way but one an advisory committee to the Federal Government. The one exception was that the committee was never chartered under the provisions of the Federal Advisory Committee Act. Had they been chartered, the composition of the committee would have had to have been balanced or at least more balanced than it was, and their meetings would have had to have been published and open to the media and to the public. In other words, the process of sunshine and public participation would have had to have been involved in this very process.

Those are citing just a few of the differences and what I believe are substantial violations. Left to its own devices, the administration will not correct the legal violations. They have been cited and examples have been given, both in my committee and at a comparable committee in the House. Lawsuits have been filed. Yet they will not respond. They are simply charging ahead to a pre-November deadline so that all of this fits into the political context that they chose to bring it into by the very announcement of the President last October.

I think, therefore, it is up to Congress to correct these violations and the resulting inequities. We must, unfortunately, intervene if we want to see the rule of law followed and direct the Secretary to follow the law and charter an advisory committee legally under FACA. Then a broader range of interests will have the opportunity afforded to a selected few with connections to high-level administration officials as insiders and friends. The advice they will offer to improve the proposed rule will be offered in the sunlight of public disclosure and ultimately cause the reaction, as it should, of public opinion. It will not be offered in secret, and it will not be offered behind closed doors as it was. This would restore the rule of law and sunshine in Government.

The reason I offer this is the magnitude and the significance of the issue. Some who are from States that are not impacted by large public landownerships or some who oftentimes think that environmental votes are just easy and free to make because they have little or no consequence to their constituency ought to react to this by saying that the administration stepped beyond the rule of law, clearly outside of the intent of what Congress designed in the Federal Advisory Committee Act.

This is the magnitude, the significance of what I am talking about. This chart is significant only as a visual. These red areas represent approximately 42 million acres of existing Forest Service wilderness. Every acre of this 42 million was heard before a House and Senate committee. It was a give and take between the delegates of the State and other Senators and Representatives. It was debated on the floor of the House and the Senate, and it was ultimately passed, all 42 million acres of existing Federal Forest Service designated wilderness. In other words, the public process was full.

What the President announced in October and what has been going on behind closed doors—with now a few public hearings—is the yellow or nearly 60 million acres of public lands now up for redesignation by this President.

What does that represent? It represents the whole State of Massachusetts and the whole State of Rhode Island and the whole State of Connecticut and the whole State of New Jersey and the whole State of Delaware and the whole State of Pennsylvania and the whole State of Maryland and the whole State of West Virginia. Sixty million acres of land are being decided by this President and a few of his administrators with Congress not speaking a word. Never before in the history of this country has an action of this magnitude been taken without full public process and without action and participation on the part of the Congress itself.

What I am suggesting by my amendment is meager in relation to the impact of what is going on behind the doors of the White House and USDA and the Forest Service. I am asking for $1 million out of the forest road fund.

I am asking that the Secretary inform an advisory committee of independent people, and that they advise us on the fact that FACA was or was not violated. I think the significance here is, if the President had operated under the law, or we believed that he did, I may not be here on the floor; although, I probably would be because I am dedicated to a public process. I believe that what my colleagues did in the sixties—the Democratic Party—in causing all meetings to be open and public and registered, and being the primary authors of the act, I think that is the right thing to do because I think the public ought to be involved. That is why we are here today—to involve the public in something that represents all of these States, 60 million acres of the public's land and the ultimate future of how that land will be managed. That is what is important about this amendment.

Mr. DURBIN. Will the Senator yield for a question?

Mr. CRAIG. Yes, briefly.

Mr. DURBIN. The Senator has made reference to the fact this is going to be an open, public process by this advisory committee. In the Senator's amendment, there is no reference to any public meeting by this committee. On page 2, line B(3), there is a reference that this advisory committee report will be available for public comment. That is the first use of the word ''public.'' There is no reference to the sunshine committee having any public hearings.

Mr. CRAIG. If I may answer, it is because this committee is formulated under FACA. Go to the Federal Advisory Committee Act and there before you will be all the terms by which this committee will be structured. So instead of listing page after page of documentation, I am simply saying that the Secretary will constitute a committee under FACA to make determinations as to whether the appropriate actions have been taken.

So the Senator is right; I didn't list all of those things. But you and I operate under the Federal Code. The Federal Code is there and that is why we have done that.

AMENDMENT NO. 3795, AS MODIFIED

Mr. DURBIN. Will the Senator yield for another question?

Mr. CRAIG. Just one more question, briefly.

Mr. DURBIN. I thank the Senator for that. It is almost like a debate on the floor. Will the Senator consider putting this language in: The advisory committee shall have public sessions, open for public review?

Mr. CRAIG. Most assuredly I will. I think the Senator knows exactly what I am saying. If he wants the guarantee that FACA will be used, I will be happy to restate it.

I ask unanimous consent that the words ''full public meetings'' appropriately be placed at the right stage of this. I will work to comply with that.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 3795), as modified, is as follows:

At the appropriate place in the bill insert the following new section:

SEC. . REVIEW COMMITTEE FOR FOREST SERVICE RULES.

(a)(1) From the amount appropriated for ''Forest Products,'' a sum of $1,000,000 shall be made available until expended to the Secretary of Agriculture for the purpose of reviewing certain proposed rules concerning the planning and management of National Forest System lands referred to in paragraph (2).

(2) The proposed rules subject to this section are the proposed road management and transportation system rule, and proposed special areas—roadless area conservation rule published at 64 Federal Register 54074 (October 5, 1999) and 65 Federal Register 11676 and 30276 (March 3 and May 10, 2000), respectively.

(b) With the funds allocated pursuant to subsection (a)(1):

(1) The Secretary shall appoint an advisory committee in accordance with the Federal Advisory Committee Act and subsection (d) of persons knowledgeable, and reflecting a diversity of viewpoints, concerning issues related to the planning and management of National Forest System lands. The appointments shall be made as soon as practicable after the date of enactment of this Act.

(2) The advisory committee shall, with full public participation and open public meetings in accordance with the Federal Advisory Committee Act—

(A) review and evaluate the proposed rules referred to in subsection (a)(2) and their prospective implementation, particularly as to their cumulative effects and the manner in which they relate to each other, are integrated, and will function together, including any inconsistencies or conflicts in their goals, purposes, application, or likely results and determined whether and in what way they may be improved; and

(B) submit a written report to the Secretary describing the results of the review and evaluation of the proposed rules required by, and any recommendations for improvement of such rules determined pursuant to, subparagraph (A), including any supplemental or minority views which any member or members of the advisory committee may wish to express.

(3) The Secretary shall make the report of the advisory committee required by paragraph (2)(B) available for public comment and submit the report to the Congress, together with a written response of the Secretary to the report and the public comment on the report.

(c) No funds appropriated by this Act or any other act of Congress may be expended for further development or promulgation of the proposed rules referred to in subsection (a)(2) prior to 60 days after the date of submission to the Congress of the report of the advisory committee and the response of the Secretary pursuant to subsection (b)(3).

(d)(1) The advisory committee appointed pursuant to subsection (b)(1) shall have no more than 15, nor less than 9, members who may not be officers or employees of the United States. The Chair of the advisory committee shall be selected from among and by its members.

(2) The members of the advisory committee, while attending conferences, hearing, or meetings of the advisory committee or while otherwise serving at the request of the Chair shall each be entitled to receive compensation at a rate not in excess of the maximum rate of pay for grade GS–18, as provided in the General Schedule under section 5332 of title 5, United States Code, including travel time, and while away from their homes or regular places of business shall each be reimbursed for travel expenses, including per diem in lieu of subsistence as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I say to my good friend, Senator CRAIG, that under our Constitution this body was enacted to have two Senators from every State. I hope every State is concerned with what happens in other States. I will be the first to admit that it is very easy not to pay attention to the speech the Senator just made because, obviously, there are whole States—many of them—that don't have this problem because they have no vast public ownership in the midst of their cities, out in their countrysides, or built right up against communities, be it the Bureau of Land Management or the Forest Service. So there is a tendency not to pay attention when a couple of States come to the floor and show some very dire problems that exist in the management of the public domain.

I have a few issues today that won't all be raised on this amendment I will offer. But before the Interior bill is finished, I will talk about some very serious problems out in the Southwest, which is more than one State. Over the last 3 or 4 weeks, New Mexico has had its share and then some. So I want to talk about, first, a substitute that I am going to offer, which the distinguished Senator CRAIG understands I will offer. I hope we can vote on both his suggested amendment and the one I am offering as a substitute.

But I think we have come to the conclusion—he and I and others—that if we can pass the substitute today and have it go to conference with the distinguished chairman and ranking member supporting it in the manner that it will receive support in the Senate—which I think is rather overwhelming—we will be satisfied that that is a good day's work and something that is very important for the forests of our country, which many Senators don't know about because they don't have any public forests. But they can take it from a group of us that the forests of the United States, whether they are run by the Forest Service or whether they are run by the Bureau of Land Management, are in terrible shape today.

Of course, there are people in the country who can talk about how they got that way. But I say to my good friend from Illinois, I know he doesn't have time, but it would be a pleasure to take him out to some areas surrounding Santa Fe, NM, or the areas that our good friend, Senator FEINSTEIN, will talk about in her State, or that Senator BINGAMAN has observed as he toured Los Alamos. The fire there and the fire on the other side of the State took almost 30,000 acres. It would kind of pale in comparison to that incendiary on the top of the hill that almost burnt down Los Alamos.

Let me tell you the reason we are offering this substitute. It is because there is an emergency existing in our forests that has to do with cleaning up the forest so that we can lower the threshold for fire. Anybody paying attention to the 48,000 acres that burned around Los Alamos would quickly come to the conclusion that the forest was almost like a storage of gasoline on the ground in barrels, and that when a fire started, it was just like gasoline burning because we never cleaned the forest. All over the place were knocked down trees with debris and trees that were so close together that if they started burning, it was just like the wind. The wind was blowing at 35 to 45 miles an hour in both of our fires. With the hazardous waste on the ground that we never clean up because either we don't have enough money, or there are certain people in the country who fight even cleanup, where you take the small logs in the forest and you take the kindling that has been accumulating and take it out of there and either control burn it or let it be used by those who can find usage for that kind of a resource.

So we have a substitute today that is called the Hazardous Fuel Reduction Act. We are asking the Senate to find that an emergency exists out there in our forests. I am very pleased to say that a number of Senators concur that there is an emergency and that we ought to put some money up in the state of emergency and get on with cleaning up these forests.

I thank my cosponsors today. We have done this without a lot of work because I have to do this rather quickly upon my return from New Mexico, seeing that the city of Santa Fe, NM, could possibly burn because the community is in direct contact with the forest. The watershed for the city of Santa Fe, which many people like to visit, is right up in the mountains and is filled with kindling and with hazardous waste waiting to burn. So what I have done is ask a few Senators to join me today. I will quickly summarize what we are doing.

The Senators who joined me are from both sides of the aisle. On the Democratic side, we have Senator FEINSTEIN and my colleague, Senator BINGAMAN. On the Republican side, in addition to myself, we have Senators KYL and CRAIG. I am sure Senator CRAIG would quickly indicate with me that if we wanted to circulate it, we would get many more Senators. The point is, we want to get this disposed of on this bill and not cause a great delay for the two distinguished managers.

Let me say up front that we don't change any environmental laws. We have worked at this, and we have had everybody work at it. We have not modified NEPA and we have not changed any other laws of that type in this measure. This measure will allow the Secretaries of Agriculture and Interior to use all current authorities for fuel reduction treatments. It will give new authority for using grants and cooperative agreements for fuel reduction.

It is at the sole discretion of the Secretaries. There is nothing mandatory about it, that they can provide jobs to local people in the local communities for fuel reduction activities.

In my State—which might be different from California—there is a very huge built-up desire on the part of people living in the rural communities of New Mexico to want to join in partnership through their communities and put people to work helping to clean up the forests.

There is nothing in this substitute that says we are going to log the forests. Yet if there is an opponent who comes to the floor to argue against this by some who do not want it, they will

say it is just another way to log the forests. If anybody says that, read the amendment. I don't choose to read it today, but it does not do that. In cleaning the forest, they will cut some small logs, but it will be pursuant to a plan which will show that the primary reason for all of this is to get rid of some of that hazardous fuel that has been piling up waiting to be burned.

In addition, the Secretaries will be able to include in some of this work nonprofits and cooperative groups, such as the YCC, or other partnerships and entities that will hire a high percentage of local folks. The Secretary has to publish a list.

The other things were options and discretionary. This one has to be published by September 30, identifying all urban wild land interfaces.

That is what we are worried about—not the whole forest, the interface, the communities at risk from wildfire, and, identify where fuel reduction treatment is going on, or will start by the end of the year. Then by May they will have to say why they have not and cannot treat the rest of these communities where the interface has occurred. For any reasons not limited to lack of funds, they will have to state why.

Finally, the Forest Service has to publish its cohesive fire strategy, which they have in draft form. They haven't published it. They will have to publish it and simply explain—not delay, but just explain—any differences in current rulemaking and how the new policy of closing roads could impact with firefighting. I know they don't want to do this.

The truth is that is the only way the public is going to find out how conflicts are occurring and whether they should be resolved or whether we should leave them lingering out there in a state of combat, ending up almost daily with lawsuits filed with one side trying to beat the other with some select group of environmentalists in nature most of the time filing these lawsuits.

I repeat that there is nothing that exempts environmental, labor, or civil rights laws. There is a lot of permissive language in here and very little that is mandatory.

But from what this Senator has seen of the forests after these two enormous fires, it is pretty obvious that the professionals will want to employ these techniques to get started where the interface of communities with forests have occurred to some major degree.

AMENDMENT NO. 3806 TO AMENDMENT NO. 3795, AS MODIFIED

(Purpose: To protect communities from wild land fire danger)

Mr. DOMENICI. Mr. President, I send the amendment in the nature of a substitute to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico (Mr. DOMENICI) proposes an amendment numbered 3806 to amendment No. 3795, as modified.

Mr. DOMENICI. 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:

In lieu of the matter proposed to be inserted, insert the following:

TITLE —HAZARDOUS FUELS REDUCTION

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

For an additional amount for ''Wildland Fire Management'' to remove hazardous material to alleviate immediate emergency threats to urban wildland interface areas as defined by the Secretary of the Interior, $120.3 million to remain available until expended: *Provided,* That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further,* That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

For an additional amount for ''Wildland Fire Management'' to remove hazardous material to alleviate immediate emergency threats to urban wildland interface areas as defined by the Secretary of Agriculture, $120 million to remain available until expended: *Provided,* That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further,* that the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress: *Provided further,* That:

(a) In expending the funds provided in any Act with respect to any fiscal year for hazardous fuels reduction, the Secretary of the Interior and the Secretary of Agriculture may hereafter conduct fuel reduction treatments on Federal lands using all contracting and hiring authorities available to the Secretaries. Notwithstanding Federal government procurement and contracting laws, the Secretaries may hereafter conduct fuel reduction treatments on Federal lands using grants and cooperative agreements. Notwithstanding Federal government procurement and contracting laws, in order to provide employment and training opportunities to people in rural communities, the Secretaries may hereafter, at their sole discretion, limit competition for any contracts, with respect to any fiscal year, including contracts for monitoring activities, to:

(1) local private, non-profit, or cooperative entities;

(2) Youth Conservation Corps crews or related partnerships with state, local, and nonprofit youth groups;

(3) small or micro-businesses; or

(4) other entities that will hire or train a significant percentage of local people to complete such contracts.

(b) Prior to September 30, 2000, the Secretary of Agriculture and the Secretary of the Interior shall jointly publish in the Federal Register a list of all urban wildland interface communities, as defined by the Secretaries, within the vicinity of Federal lands that are at risk from wildfire. This list shall include:

(1) an identification of communities around which hazardous fuel reduction treatments are ongoing; and

(2) an identification of communities around which the Secretaries are preparing to begin treatments in calendar year 2000.

(c) Prior to May 1, 2001, the Secretary of Agriculture and the Secretary of the Interior shall jointly publish in the Federal Register a list of all urban wildland interface communities, as defined by the Secretaries, within the vicinity of Federal lands and at risk from wildfire that are included in the list published pursuant to subsection (b) but that are not included in paragraphs (b)(1) and (b)(2), along with an identification of reasons, not limited to lack of available funds, why there are no treatments ongoing or being prepared for these communities.

(d) Within 30 days after enactment of this Act, the Secretary of Agriculture shall publish in the Federal Register the Forest Service's Cohesive Strategy for Protecting People and Sustaining Resources in Fire-Adapted Ecosystems, and an explanation of any differences between the Cohesive Strategy and other related ongoing policymaking activities including: proposed regulations revising the National Forest System transportation policy; proposed roadless area protection regulations; the Interior Columbia Basin Draft Supplemental Environmental Impact Statement; and the Sierra Nevada Framework/Sierra Nevada Forest Plan Draft Environmental Impact Statement. The Secretary shall also provide 30 days for public comment on the Cohesive Strategy and the accompanying explanation.

Mr. DOMENICI. Mr. President and fellow Senators, many of you for a week or more watched on the nightly news as the forests surrounding Los Alamos National Laboratory, America's most renowned scientific laboratory, in spite of some of the negatives that have come forth with reference to security—that laboratory which has supplied us with the very best by way of science expertise and nuclear weapons expertise, not the second best, but the best for the entire era when it was America versus the Soviet Union—we watched each night as that fire got closer and closer to that laboratory. In fact, it burned some buildings, albeit none were critical to the future of the laboratory.

We watched it move literally huge distances at night when the winds were blowing. We watched it go from an adjoining forest called Bandelier National Forest. We watched it grow from a tiny spot where park people had impropitiously started a fire to clear away a piece of land. They started with their torches, and there it went out of control—48,000 acres, 440 residences burned to the ground. When you go back and look, you see that these forests were in desperate need of being cleaned so that the kindling on the surface would be at a much, much lower temperature.

That brought forth from this Senator and others a very significant cry: Let's get on with doing some of this cleanup. Let's give them additional authority in this bill and some emergency money. Let's see if we can get it done.

I thank the cosponsors. I thank the chairman for his attention and for his giving me confidence to offer this amendment because this is the appropriate vehicle. It is my hope that Senator SLADE GORTON will support this measure before we are finished.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I rise to add my support to the amendment of the distinguished Senator from New Mexico. I think this amendment is both needed and timely. It would provide emergency funding to address what has become a very dangerous fuel buildup on millions of acres of national forests.

In April of this year, the General Accounting Office released a report entitled ''Protecting People and Sustaining Resources in Fire Adapted Ecosystems, a Cohesive Strategy.'' The underpinning of this report is this comment:

> The most expensive and serious problem relating to the health of national forests in the interior west is the over-accumulation of vegetation.

The report goes on to say that throughout much of the interior west, dense vegetation and dead material is continuing to accumulate. Each year in the absence of treatment, more forests become high risk, choked with dense accumulations of small trees and dead wood. These accumulations of fuel and more damaging fires are more dangerous and more costly to control, especially during drought years.

As the GAO report points out, many experts attach a sense of urgency to the management of these ecosystems. Because of the high proportion of the total area classified as high risk—in this report it is what is called class 3—combined with the fact that without treatment more vegetation will grow into these high-risk conditions, it is apparent that time is running out for a strategy to successfully avert high cost/high loss consequences.

That is the backdrop for this amendment. The amendment would provide emergency funding to move ahead on this program. Because dead and dying and small-diameter trees and thick underbrush have accumulated in our national forests, the possibility of serious and highly destructive forest fires have dramatically increased. Without any action on our part, it is going to continue to increase in the future.

Senator DOMENICI, several of our colleagues, and I share the belief that we have a true emergency on our hands. The Forest Service has identified 24 million acres of land in the continental United States as being at the absolute highest level of catastrophic fire risk. Almost fully one-third of this—7.8 million acres—lies in California. That is more than any other State.

Last year in my State—and we counted it forest fire by forest fire—over 700,000 acres of forest burned down. Several people lost their lives and dozens of structures were burned. Seventy-thousand of these acres were prime California spotted owl habitat in the Lassen and Plumas Forests.

Last year, $365 million was spent nationally by the Federal Government putting out fires and rehabilitating the land. Of this, $144 million, or approximately one-half of the U.S. total, was spent in one State; that is, California. I think the money would be much better spent preventing fire rather than cleaning up after that fire.

The entire Sierra Nevada mountain range national forests continue to be classified as the highest fire risk. This includes the newly designated Sequoia Monument, over 361,000 acres. It includes the Plumas and Lassen Forests in and around Quincy, where forest fires in the past have destroyed homes and businesses and spotted owl habitat. It includes areas such as the Lake Tahoe Basin, where one-third of the forests are either dead or dying. And the probability of major fire conflagration remains and grows each year. Such a fire would permanently destroy the water quality of the lake.

Through the turn of the 20th century, the U.S. population was predominantly spread out and agrarian. Forest fires burned naturally at fairly predictable intervals, and they burned hot enough to restrict encroaching vegetation and prevent fuel from loading up on the ground but not hot enough to kill old growths. Forests in the United States survived in this fashion for literally thousands of years.

By the middle of the 20th century, however, an increasing population began to occupy new urban wild land zones on what had once been forests. Suddenly, forest fires had to be put out or suppressed in order to protect the surrounding communities. It seemed intuitive to simply continue fighting fires as they arose and leave the forests untouched. So nothing was done to groom the forests, to remove dead and dying trees, to reduce undergrowth, to prevent subsequent conflagrations.

What is called ''fuel load'' has grown to astronomic proportions in many of our national forests. Dead and dying trees, which were no longer consumed by fire, lingered while brush began to build up at ground level. Newer, different species of trees, no longer stifled by natural fire, began to crowd out some of the older growth trees. Forests became crowded and severely fire prone.

Anyone who wants to look at that should get a copy of this report. On page 23 of the report it points out how our forests have changed in species composition and forest structure. The first picture taken is the forest in 1909. We see old growth trees; we see them spaced; we see very little vegetation on the ground. That is because there had been these hot, fierce fires in the past.

Next is a 1948 photo of that same part of the forest. We see changes. We see changes in the species composition, the structure, as fire had been excluded for many years.

In a picture in 1990, the area is totally dense and we cannot see through it. At that time—and most of our forests are like this now—we had an overabundance of vegetation. This stresses the site and predisposes the area to infestation from pests, disease outbreaks, and, of course, catastrophic fire.

That is where we are today.

It is evident to me that the Forest Service's decade-old policy of fire suppression has failed. It is time to look anew at how we can better manage our forests.

In California, for example, fire-intolerant Douglas and white fir have grown underneath old growth ponderosa pine. What is the result? The newer firs, which are not resistant to fire, create potential fuel ladders that permit a fire to reach the top, or what is called the crown, of old growths for the first time. Old growth pine which previously was impervious to fire, since rarely did a fire ever reach all the way up to its crown—with this new fuel ladder, fire threats to old growth pine have become very real.

Drought periods have further stressed the forests, predisposing them to infestations of pests, disease, and of course severe wildfire. The bark beetle has gone through the Tahoe forests like a forest fire. One can see miles of forests standing dead after an infestation. The dead trees remain, year after year after year.

California forests provide homes for dozens of endangered and threatened species, including the marbled murrelet and the spotted owl. It is an understatement to say that today the risk of fire is the most serious threat to these species. I really believe that to be true. It may be the most immediate short-term environmental threat our western forests face. That is why this amendment and this funding is so important. It is imperative that the Forest Service use all available tools to clean up the forests and reduce fire risks.

The one-size-fits-all approach of the Forest Service, I believe, must be changed. Each forest is different. Topography is different, geography is different, climate is different, soils are different, vegetation is different, the kind and type of trees are different, in different places throughout the United States. What is proper stewardship for a California forest may not be proper stewardship in Pennsylvania or Alaska or Montana. We have to look at the area and look at the fire risk differently. A flexibility of management must be employed to fix the problem. Dead and dying trees should be removed. Overgrowth should be thinned. Mechanical treatment and controlled burns must each be used separately and carefully in conjunction with each other. If we don't do this, incidents of serious fire will only continue to increase.

As I said, it is only a matter of time before a cataclysmic fire strikes Lake Tahoe, with potential loss of life, habitat, and property. Already, run-off and problems associated with erosion have

threatened Lake Tahoe's world-renowned crystal blue waters. The last time I was there, scientists told me that if we don't reverse the trend of eutrophication of the water, which removes its clear crystal blue look, in 10 years it will be too late and we might as well not bother. A serious fire could make this happen even sooner.

This amendment helps provide funding to remove dead and dying trees from Lake Tahoe National Forest where almost one-third of that forest today is dead or dying.

Last year, Senators REID, BOXER, BRYAN, and Congressman DOOLITTLE, Congressman GIBBONS, and I introduced the Lake Tahoe Restoration Act to authorize the necessary funding to deal with this problem. It is very timely that this bill will be marked up by the Senate Energy and Natural Resources Committee on Thursday and has already been marked up at the subcommittee level in the House.

The Domenici-Feinstein amendment could be used in that forest. It could almost be used in the Quincy area. In 1998, Congress overwhelmingly passed the Quincy Library Group Project.

This legislation authorized a 5-year demonstration project based on the forest management plan assembled by the Quincy Library Group, a coalition of local environmentalists, public officials, timber industry representatives, and just plain concerned citizens who came together in the Quincy Library so they could not yell at each other, to resolve longstanding conflicts over timber management of national forests in the area.

The project, which is only a pilot, is to see if there is not a better way to manage our forests by combining strategic fuel breaks with selected mechanical thinning and controlled burn. I have had some disagreements with the Forest Service in the past over Quincy, but I believe the project is back on track and I am determined to see, if I can, that funding is appropriated to complete the project to the letter of the law.

I want to quickly speak about one other thing. One of the possibly most cataclysmic fires could occur in the newly designated Sequoia National Monument. This is about 366,000 acres. Once the monument was declared, two timber mills closed down. I have been working with the community in that area to be able to put forward a removal of hazardous fuels. These trees are the largest trees in the world. Around these large trees have built up this dense underbrush, this fuel load that I have spoken about. If this is not removed, this underbrush creates the kind of fuel ladder that can effectively destroy the Sequoias.

The State of California additionally has prepared an adaptive management plan and had been working in the Sequoia area. What they showed was, as you clear certain limited areas around the giant Sequoias, that the giant Sequoias actually grew bigger and grew fatter and were much healthier for it. It is my hope that over the next few years we can reduce the fuel loading on 24 million acres that the Forest Service has identified as being at this level 3. Level 3 is the most significant fire threat. Then focus on the other 18 million acres at jeopardy.

Let me just recount. One-third of all of the national forests at catastrophic fire level in the United States are in the State of California. It is the entire Sierra Nevada range, it is the Sequoia, it is part of the Plumas and Lassen National Forests, and of course the Tahoe National Forest. There is, indeed, a lot to be done if we are not only to protect our endangered species but also protect the property and the people who live in these areas as well.

I think Senator DOMENICI's legislation is timely. It is well thought out. I think making this an emergency and moving in the class 3 areas and being able to remove this underbrush is a major step forward in prudent forestry management all throughout the West.

I thank the Senator. It was a delight to work with him. I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Idaho.

Mr. CRAIG. Mr. President, I will take a few moments to clarify where we are because I think some of our colleagues are slightly confused as to the amendment I offered dealing with the roadless area review and the FACA committee process, and the amendment our colleague from New Mexico has offered, and the Senator from California has just spoken to, dealing with fuel reduction in our forests.

There is no doubt, what I was attempting to do dealt specifically with the roadless area rule specific to whether there had been a violation of the Federal Advisory Committee Act. I was asking the Secretary to formulate an advisory committee to review that.

I had visited with Senator DOMENICI and several things came together that I think are important for us to deal with in the immediate. First of all, there have already been two lawsuits filed against this administration on the Federal Advisory Committee Act process as it relates to the roadless area review process. We believe a judge will make a decision on those two lawsuits, as to their validity and their ripeness, by mid-August. What is important here is for the courts to clarify whether FACA, as a law, is either real or dead letter.

Let me explain that. This administration has been accused and found in violation of FACA on several occasions. But the problem is, once the court has made that determination, the rule was already on the ground. So it is like they violated the law, but so what. The process is over with.

What the court will decide this time is, Is FACA a law that should intervene prior to a final rule and cause an administrative agency to change its course of direction or action prior to a final rule? That is what will happen in August.

I have decided it is important we do not get in front of that ruling by the courts. I think it is very important for this Congress to know whether the law it crafted, known as the Federal Advisory Committee Act, is a dead letter or if it is operative. Right now, based on findings, it is a Catch-22: Yes, they violated the law but so what; the rule is already in place.

That is not the intent of Congress. The intent of Congress is to cause a cause of action change in a rulemaking process if the Federal Advisory Committee Act has been violated.

Then enters the Los Alamos fire and Senator BINGAMAN and Senator DOMENICI trying to resolve that particular crisis of bad policy and bad decisionmaking coming together to not only create a catastrophic environmental situation but also ultimately to cost the taxpayers of this country $1 billion, or somewhere near that. That is the tip of an iceberg of a current forest health problem to which the Senator from California has spoken so clearly.

What the Senator from New Mexico and the Senator from California saw, witnessed, experienced, with hundreds of lives and hundreds of families and lives displaced——

Mr. DOMENICI. Thousands.

Mr. CRAIG. Is the nature of a catastrophic event that is in the nature of forest health.

We now have 22 million acres of our forested lands in crisis because of the fuel loading that has been talked about because of a management style of the last 50 years. Yet there seems to be no desire to deal with this on a constructive, environmentally positive basis that begins to remove that fuel.

The amendment of the Senator from New Mexico, of which I am now a cosponsor, which is a substitute offered to my amendment, goes at this problem in a very real and direct way. That is why I think it is so important that we move forward. I have been advised—and I agree—we should allow the courts to act on the Federal Advisory Committee Act. We will find out whether we have a real law or whether we have a false law; whether it works or it does not work. We will know that by mid-August. If they rule otherwise, we have either to come in and revise it or I think the Congress should act and intervene against the President in his rulemaking process, outside the public policymaking process of the Congress itself. But in the meantime, there is no question in my mind, with my activities, looking at the U.S. forest-managed lands—last week I was in Great Falls, MN. Last year, on July 4, they had a 472,000-acre blowdown. There are fuel loading problems in that State and every other State in the Nation that has public forested lands, that are phenomenal in their nature.

Let me explain. The Senator from New Mexico, Mr. DOMENICI, talked about literally having barrels of gasoline on the ground, in equivalent Btus of fire capability. It is believed that in

these areas, 22 million acres, at least at the top of the stack, that fuel loading equivalency is nearly 10,000 gallons of gasoline per acre in equivalent Btu or firepower.

Yet our Forest Service and this administration choose not to do anything about it. If we are good stewards of the land, we will not allow the stand-altering, environmentally crazy policy of catastrophic fire of the kind in the forests of New Mexico and the kind that are burning across the West today to be the policy of the management of our forests.

I would be the first to tell you we ought to reenter fire as a management tool of the ecosystems of our forests, but fire ought not enter an acre of land that has 10,000 gallons of gasoline stored in the form of slash and dead and dying timber in equivalent Btu's. That we cannot tolerate, or it will truly destroy the land as we know it, the environment as we know it, the riparian areas as we know them, and certainly habitat for any wildlife, let alone any kind of constructive management that would provide the needed fiber for our public in home building, paper, and so many materials we have wisely used our forests for over the years.

I support Senator DOMENICI, Senator BINGAMAN, and Senator FEINSTEIN as a cosponsor of this substitute. It is critically important.

In closing, in the substitute there is an important analysis, and it is an analysis that deals with the roadless problem. If the amendment of the Senator from New Mexico becomes law, it will cause the Forest Service to develop a cohesive strategy for protecting people and sustaining resources in fire-adaptive ecosystems; in other words, a fire strategy to deal with these kinds of fuel loadings. It would then have to place that strategy against the other rulemaking processes that are underway.

One of those rulemaking processes is the roadless area review or the roadless area protection proposal, to see whether that proposal denies the Forest Service the ability to manage these lands to protect them from catastrophic fire. I find that an important test and a necessary analysis of where we are going and how we want to manage these lands.

It also causes them to look at the areas of concern of the Senator from California—the Sierra Nevada framework and the Sierra Nevada draft plan environmental impact statements. All of those deserve to be examined in light of the fire situation we have on these public lands at this moment. We cannot idly sit by and watch hundreds of thousands, if not millions, of acres a year burn in wildfires, destroying wildlife habitat, destroying fiber that could be constructively used and, most important, dramatically altering the ecosystems of those areas that embody these catastrophic fires.

I support the substitute. It is important we stay in focus on the Federal Advisory Committee Act. The courts will rule in August, and then Congress will be able to act according to that ruling if, in fact, the courts have decided the Federal Advisory Committee Act is a dead letter in public law.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, first, I commend my colleague, Senator DOMENICI, for this amendment and indicate I am very glad to be a cosponsor of it. It is an important amendment which is much needed in my State and throughout much of the country.

The problem has been well described by Senator DOMENICI, Senator FEINSTEIN, Senator CRAIG, and others. I do not need to elaborate on that to a great extent, except to say there are many communities in our State of New Mexico which genuinely feel threatened because of the fact that they are adjacent to our national forests and the forests have been allowed to build up underbrush in a way which makes them a fire hazard—communities such as Santa Fe and Los Alamos, which have been mentioned, Ruidoso, Cloudcroft, and Weed. I know my colleague was visiting with citizens in the small community of Weed, NM, about this very issue. There is no question the time has come when it needs to be addressed, and this amendment will allow us to do that on an emergency basis. It is, as I said before, much needed.

Let me give a little background. Even before this year's catastrophic fires, which have really been a wake-up call to all of us about the significance of this problem, particularly the fire at Los Alamos, the Cerro Grande fire, but the Scott Able fire in the southern part of New Mexico, the Cree fire in the southern part of New Mexico, and the Viveash fire in northern New Mexico—we have had a series of fires. Over, I believe, 65,000 acres in my State have burned so far this year. That does not begin to approach the number of acres perhaps in California, as cited by the Senator from California, but it is a great many acres for our State considering the amount of forests we have. Well over 400 homes have been destroyed in our State. So the problem is very real.

Last year, in the first session of this Congress, I was very pleased that, on a bipartisan basis, Senator DOMENICI and I cosponsored a bill, S. 1288, entitled the Community Forest Restoration Act which attempted a demonstration project in New Mexico to begin dealing with this problem of the urban wild land interface, to begin thinning of forest areas near these communities.

In putting this legislation together, we were able to get the cooperation not only of the communities themselves but of many of the groups which take a great interest in the health of our national forests, including several of the major environmental groups. I thought this was major progress. The bill passed the Senate unanimously. It went to the House of Representatives. It has been marked up in subcommittee. It will go to the full committee next week.

This legislation was very small. It was a demonstration project. It was aimed only at New Mexico communities, but it set a good precedent for the type of thing we are talking about, where the Forest Service and the other Federal land management agencies could make grants available to community groups to deal with this problem in a very real and responsible way.

I particularly appreciate the statement Senator DOMENICI made in his presentation that this amendment, to provide substantial additional funding to the land management agencies to deal with the problem, does not involve any change in environmental laws.

Also, this amendment does not involve any change in NEPA, the National Environmental Policy Act. This does not waive that law. This amendment is consistent with those laws. We are providing resources and directing that a substantial effort take place to deal with this problem around the communities that are adjacent to our national forests. It is very important that this happen.

I want to have printed in the RECORD three documents that are important as background. One is a letter that the New Mexico delegation sent to Mike Dombeck, the Chief of the Forest Service, on May 19 of this year, urging that the Forest Service come forward with a proposal for how they will begin to address this problem. The second document is a response by Chief Dombeck to me on the subject. And the third is a followup response to Senator DOMENICI from Chief Dombeck, also alluding to what the Forest Service thought they could do to address this very real problem.

I ask unanimous consent that these three letters be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 1.)

Mr. BINGAMAN. Mr. President, let me mention one other aspect of this which I think is significant, and that is the Forest Service has a program called a Cooperative Fire Protection Program which they try to use to educate people who own homes in or near the forests and also to work with people who have private homes in our forests, that are private property, so the benefits of some of this clearing, some of this thinning we are talking about can also be realized by the people who have those homes, and those homes can be better protected as a result.

One thing that became obvious to me as a result of the Los Alamos fire was that there had been a thinning that had taken place around the laboratory itself, around many of the structures of the Los Alamos National Laboratory; and because of that, because of that thinning activity, there was a dramatic

reduction in the fire risk to those facilities. We had much less damage there than we wound up having in the town of Los Alamos, where, of course, no similar thinning or no similar fire risk reduction activities had occurred.

I think it is very important that we try to take what we have learned about how to reduce the risks of fire and apply that in a responsible way, and do so as soon as possible.

For that reason, I am very pleased to see this amendment being considered. Again, I compliment my colleague for proposing the amendment.

Mr. President, I yield the floor.

EXHIBIT 1

U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE,
Washington, DC, June 16, 2000.

Hon. PETE DOMENICI.
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR DOMENICI: With the Senate in final stages of completing the fiscal year 2000 emergency supplemental appropriation, I want to provide you with the information you requested on Forest Service capability to significantly reduce the risk of catastrophic fire in wildland-urban interface areas.

I know you agree that the tragic fires in New Mexico and those currently burning in Colorado, are focusing our attention on the critical need to reduce hazardous fuels throughout the national forests and particularly areas adjacent to urban interface areas. The emergency supplemental appropriation gives us an opportunity to immediately take action to avoid similar fire disasters in the future.

Enclosed is information identifying agency capability to respond in the immediate and near future based on estimates for completing environmental assessment work. This work can be accomplished within existing authorities. We have established projected implementation based on the date that all planning under the National Environmental Policy Act, Endangered Species Act and other statutes will be completed:

Acres:	Implementation date
59,722	[1]
189,098	12/31/2000
291,575	09/30/2001

[1]Currently ready.

I want to be sure that as the supplemental bill moves through the appropriations process, you have all the information you need to provide focus on the need to address this critical issue without letting the legislation get overburdened and consequently threatened by other agendas. My staff and I are ready to respond in order to assure you have all necessary information available.

MIKE DOMBECK, *Chief.*

WILDLAND URBAN INTERFACE HAZARDOUS FUEL TREATMENT PROJECTS

Listed below are the acres by Region grouped by the date all NEPA, ESA, review, and other planning actions will be completed and the projects will be completed and the projects will be ready for implementation. For the last two groups, planning is well underway and may be completed prior to the date listed. Includes all costs for implementation and monitoring.

Region	Acres	Implementation cost
ALL PROJECT PLANNING COMPLETED—IMPLEMENTATION CAN BEGIN IMMEDIATELY		
1	14,483	$2,425,000
2	5,000	1,400,000
3	16,085	3,981,000
5	8,700	2,267,000
6	3,350	844,000
8	7,600	2,830,000
9	4,504	1,404,000
Total	59,722	15,151,000
ALL PROJECT PLANNING WILL BE COMPLETED BY 12/31/2000.		
1	34,150	2,050,000
2	7,000	1,800,000
3	56,126	19,380,000
5	4,869	2,866,000
6	35,969	4,787,000
8	27,970	9,422,000
9	23,014	3,106,000
Total	189,098	43,411,000
ALL PROJECT PLANNING WILL BE COMPLETED BY 9/30/2001		
1	34,150	9,415,000
2	18,500	5,125,000
3	140,270	21,201,000
5	25,215	6,964,000
6	52,535	7.315,000
8	9,080	3,335,000
9	11,825	3,401,000
Total	291,575	56,756,000

U.S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, DC, May 23, 2000.

Hon. JEFF BINGAMAN,
U.S. Senate, Senate Hart Office Building, Washington, DC.

DEAR SENATOR BINGAMAN: Thank you for your letter dated May 19, 2000. Like you, I am deeply concerned about the potential for unnaturally intense, catastrophic fires and their impact on communities in New Mexico and throughout the United States. The events of recent weeks make clear that we cannot stand by idly and allow the health of our forest and grassland ecosystems to deteriorate to the point that they cannot provide basic ecological services and pose a risk to the safety of our communities.

Unhealthy forest ecosystems evolved through decades of past management and fire suppression. Restoring their health and resiliency and protecting our communities from unnaturally severe wildland fires will take many years. That reality, however, is no excuse for inaction.

If emergency funds were made available, we would limit their use to the urban-wildland interface or within designated municipal watersheds that are determined to be at highest risk of unnaturally occurring catastrophic fire. Our activities would focus on the least controversial areas by concentrating on restoring fire-dependent ecosystems and reducing fire risks adjacent to wildland urban interface areas. We would define urban-wildland interface in one of the two following ways:

Where urban or suburban populations are directly adjacent to unpopulated areas characterized by wildland vegetation. (Urban and suburban areas are defined as places where population densities exceed 400 people per square mile of area.)

Where people and houses are scattered through areas characterized by wildland vegetation. These are areas where population density is from 40 to 400 people per square mile.

Treatment methods to minimize fire risk and restore land health in the interface areas would include: thinning, removal or over-accumulated vegetation and dead fuels, prescribed fire, and fuel breaks. All required project level planning, monitoring, consultation, and implementation would be included in our vegetation treatments. Our objective would be to leave forested areas in the interface in a range of stand densities that more fully represent healthy forest conditions.

Priority for treatment will be given to interface areas that historically experienced low intensity, high frequency fire and where current conditions favor uncharacteristically intense fires.

Projects may also be undertaken in other fire regimes where threats to populations or their water supplies are acute.

We would ensure that additional appropriations are spent in a manner that maximizes on-the-ground accomplishments and minimizes controversy, delay, and litigation. For example, projects would be implemented using service contracts that hire local people, volunteers and Youth Conservation Corps members, or by using Forest Service work crews, where appropriate. Where tree removal is necessary to reduce fire risks, these emergency appropriations would only be used to remove trees that are under 12 inches in diameter. Merchantable material that is generated as a byproduct of vegetative treatments could be sold under a separate contract to local industry or the public. We must also monitor our progress and report our results to Congress and the American people to demonstrate our accountability.

The type of program I describe will lead to demonstrable results and improvements in the near future. I must make clear, however, that a one-year emergency appropriation will not remedy what ails our forests and threatens our communities. We must fund and build a constituency for active forest restoration based on ecological principles. For example, we can partner with local communities to reduce fuel hazards, improve building codes, and suggest fire resistant landscaping to reduce fire risk. Such efforts can reduce insurance premiums, prevent wildland fires from destroying homes, reduce costs associated with fire suppression, and protect our treasured forests.

We expect to soon release a strategy to more broadly address wildland fire risks across National Forest System lands. We need a sustained level of funding to ensure that we can restore fire-dependent ecosystems and protect the lives and property of people in our communities. Restoring our forests not only makes our communities safer, it provides jobs—high paying, quality, family wage jobs.

Thank you for your continued interest in the health of our lands and the well-being of our communities.

Sincerely,

MIKE DOMBECK, *Chief.*

WASHINGTON, DC,
May 19, 2000.

DR. MICHAEL DOMBECK,
Chief, Forest Service, U.S. Department of Agriculture, Washington, DC.

DEAR MIKE: As you know, fires in New Mexico over the past week have burned more than 65,000 acres in New Mexico and destroyed well over 400 homes. While we commend Forest Service efforts to assist in protecting the lives of New Mexico's citizens, their property, and the public's resources, we are deeply concerned about the potential for future, unnaturally intense, catastrophic fires and their impact on communities in New Mexico and throughout the West.

The events of the past two weeks in New Mexico demonstrate that we cannot simply allow ''nature to take its course.'' The risks to our communities, Native American resources, and public resources are too great. We must take action to protect our communities and the forest resources upon which they depend. Inaction is not an option.

In order to provide adequate, or potentially additional, funding to assist the Forest Service in proactively addressing the risk of catastrophic wildland fires that can threaten communities in the West, as well as the health of our lands and waters, we need your assistance. A good first step in providing us with the information we need is the release of the Forest Service report on the subject currently under review by OMB.

In addition, we would like you to address what actions the Forest Service can undertake to minimize catastrophic fire in the wildland-urban interface; identify appropriate size limitations for thinning of trees; and provide information about specific contractual arrangements that should be employed to most effectively address the risk of wildland fire in the urban-wildland interface.

Thank you for your continued interest in the safety of communities and the health of our lands and waters. We look forward to your prompt response.

Sincerely,

JEFF BINGAMAN.
PETE DOMENICI.
TOM UDALL.
HEATHER WILSON.
JOE SKEEN.

Several Senators addressed the Chair.

Mr. SESSIONS. Mr. President, I would like to call up amendment No. 3790.

Mr. GORTON. This one is not done yet.

Mr. DOMENICI. I believe we have not finished this amendment yet.

Mr. SESSIONS. Mr. President, I ask unanimous consent that I be allowed to call up my amendment and to then debate it at a later time.

The PRESIDING OFFICER. Is there objection?

Mr. GORTON. Mr. President, if the Senator would yield, I think there are just two more relatively brief speakers, and we can then finish this amendment.

Mr. SESSIONS. I would set this amendment aside, but I have to go. I could come back, I suppose.

Mr. GORTON. Then, if it is brief, why don't you go ahead, I suppose.

The PRESIDING OFFICER. Is there objection to the Senator's unanimous consent request?

The Chair hears none, and it is so ordered.

The Senator from Alabama may proceed to call up his amendment.

AMENDMENT NO. 3790

(Purpose: To prohibit the use of funds for the publication of certain procedures relating to gaming procedures)

Mr. SESSIONS. Mr. President, I call up amendment No. 3790.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for himself and Mr. GRAHAM, Mr. ENZI, Mr. LUGAR, Mr. VOINOVICH, Mr. GRAMS, Mr. REID, Mr. INHOFE, and Mr. BAYH, proposes an amendment numbered 3790.

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

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

The amendment is as follows:

On page 225, between lines 11 and 12, insert the following:

SEC. . None of the funds made available in this Act may be used to publish Class III gaming procedures under part 291 of title 25, Code of Federal Regulations.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the debate on this amendment be set aside pending the time that Senator CAMPBELL and others would be here to debate.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be set aside until such time.

Mr. SESSIONS. I thank the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, for some time now the Senate has been debating, somewhat interchangeably, two issues; one involves protection for roadless areas and the other involves the important issue of fire prevention.

I would like to take just a minute or 2 to discuss each one of these so that it is clear where we are with respect to this debate.

The original amendment offered by the senior Senator from Idaho, Mr. CRAIG, my longtime colleague on the Forestry Subcommittee, would have, in effect, presented the Senate with a referendum on the President's roadless proposal, a major environmental initiative, certainly supported by millions of Americans. There have been more than 180 public meetings on this roadless initiative, and more than 500,000 comments. This is certainly the centerpiece of the President's environmental agenda.

So had we been presented here in the Senate with an up-or-down vote on this roadless proposal, despite my friendship with the Senator from Idaho, I would have had to oppose that original amendment strongly. To me, the President's proposal on roadless areas makes sense for one reason: Protecting additional unspoiled areas can produce gains for fish runs across this country, as well as improving habitat and watershed quality. These environmental gains outweigh the benefits of commercial development on these particular lands.

A lawsuit is pending in Federal court concerning the FACA issue as related to the roadless initiative. Certainly Congress should allow the judicial process to operate without interference.

Several of my colleagues have noted that oral arguments are going to be heard on August 7 in that lawsuit. There will be plenty of time for the Senate to act with respect to any issues involving the Federal Advisory Committee. But I say, as the ranking Democrat on the Forestry Subcommittee, I think it would be a great mistake for the Senate to, in effect, ashcan the President's roadless area proposal. Fortunately, the Senate is not going to be asked to vote up or down on that issue today.

I have, for some time, along with a number of other colleagues, pursued an effort to modernize our policy with respect to both road and roadless areas. There is much that we can do that protects both habitat and also resource-dependent communities. But to have had a referendum on the President's roadless area proposal today, with a lawsuit pending, and with millions of Americans in support of that proposal, would have been, in my view, a very serious mistake.

Now we are presented with a substitute proposal, initiated by the two Senators from New Mexico, involving fire prevention. At this point, we are talking about something very different than the original Craig proposal. We are talking about an effort to protect homes and businesses, and, by the way, habitat as well.

I want it understood for the record that this amendment is not going to affect the completion of the roadless area initiative. That is why I am pleased to be able to say that I intend to support this fire prevention initiative. Again, this new amendment does not affect the roadless area proposal.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I compliment my friend from Oregon because everything he said speaks for me.

I will be brief, but I think it is important that I put some comments into the RECORD because I have a sense that perhaps Senator CRAIG may be back with a similar amendment at another time, and I think it is important to lay the groundwork for why I would not support it at that time.

I do support what Senators DOMENICI and BINGAMAN have brought us. I compliment them for bringing this to us. I know they have been very careful not to do anything in this amendment that would, in fact, stop any environmental rules from going forward, in particular the roadless rule that we are in the midst of promulgating.

I will be supporting the Domenici-Bingaman amendment. I am pleased in the way it has been presented. It is, in fact, a substitute for the Craig amendment.

Let me ask my friend from New Mexico, does he want to have the floor?

Mr. DOMENICI. No, thank you, I say to the Senator.

Mrs. BOXER. All right.

Mr. President, I have such a good feeling about Interior appropriations bills. My friend, Senator BYRD, and Senator DOMENICI and Senator GORTON have worked hard on this Interior bill.

For California it is so important. It is wonderful. I just got a reminder note from Senator BYRD on the wonderful things in this bill, for which I thank my colleagues on both sides of the aisle. Funding for the historic Presidio, for Lake Tahoe, so many others, the Manzanar historical site. For those of you who may not remember, it was the site where Japanese-Americans were essentially interned. We are going to make a monument out of it.

So when I see an antienvironmental rider come on this beautiful bill, it is always distressing because, to me, the Interior appropriations bill, it seems to me, should be a positive statement of good things that we are doing for the environment.

So when I heard a rumor that Senator CRAIG would offer his amendment, I decided at that time I would try to talk the Senate out of adopting it. And this has become unnecessary.

So let me quickly say, I am pleased that what is before us does nothing to stop this roadless policy from going into effect.

As Senator WYDEN has stated, there have been countless meetings on it. The fact is, the roadless areas are the remaining gems of a forest system that has been degraded by centuries of logging and other types of heavy use. If we look at the big picture, we are really talking only about setting aside 2 percent of all our land in this country as roadless areas. What an important thing that is for us to do because it will in fact preserve our beautiful, priceless environment for future generations and preserve the fishing industry, stop erosion. It is a very important environmental initiative.

So there is no misunderstanding, we know there are many inroads into these roadless areas. In the next 5 years alone, we are going to see more than 1,000 miles of roads inventoried. We are moving into these pristine areas.

At some point, we have to say enough is enough in terms of destruction of our natural wilderness and our wonderful natural heritage. I think the U.S. Forest Service has taken a bold and positive step forward with its effort. I am very glad that nothing in this bill will stop them.

Let me cite a couple of poll numbers. A recent poll done by some pollsters from the other side of the aisle found that 76 percent of the public supports the protection of roadless areas, and in my home State, asking Republicans and Democrats that question, 76 percent of Californians support roadless policies.

We have editorials that I ask unanimous consent to have printed in the RECORD.

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

[From the San Francisco Chronicle, Oct. 15, 1999]

CLINTON SEEKS LEGACY OF FOREST PROTECTION

In recent years, the Clinton administration has been pushing for a more balanced national forest policy, with a group of timber-oriented congressional leaders resisting every step of the way.

The administration's approach, under U.S. Forest Service Chief Mike Dombeck, was hardly radical. It was entirely consistent with the preservationist vision of President Theodore Roosevelt at the turn of the century when he greatly expanded the amount of national forest. It certainly jibes with the views of most Americans that conservation should get greater priority on public land.

President Clinton this week took a bold step toward cementing those values by protecting about 40 million acres of U.S. forest land from road building. The proposal would effectively halt logging and mining in those still-pristine areas. About 4 million of the acres are in California, including significant parts of the Sierra Nevada.

The timber industry, predictably, howled.

''These are not the king's lands, they are the serfs' lands, they are the people's lands,'' said Sen. Larry Craig, R-Idaho, arguing that Congress should decide forest policy. In a letter to Dombeck, he argued that the Clinton plan would limit forest access.

The Clinton plan will not curtail access to any of the 380,000 miles of logging roads in national forests—about eight times the length of the interstate highway system. These roads, typically dirt trails wide enough to accommodate a tractor-trailer, have often contributed to erosion, creek sedimentation and other environmental problems.

This modest but essential effort to curtail further intrusion into the nation's forests will not spell doom and gloom for the timber industry. Less than 5 percent of timber cut in the U.S. comes from national forests, and less than 5 percent of that volume comes from roadless areas.

It is important to note that the Clinton plan is not a done deal; it is the first step in a regulatory process that could take more than a year and most certainly will be influenced by public input.

Notably missing from the president's eloquent call to conservation was a commitment to include Alaska's Tongass National Forest, the nation's biggest and the heart of the world's largest remaining expanse of coastal temperate rain forest. Tongass has been a major battleground for lawsuits and legislation over logging in an area with healthy populations of grizzly bears, bald eagles and salmon.

These are the people's lands, natural treasures, and Americans who care about conservation must ensure their voices are heard in what promises to be a contentious process.

[From The Sacramento Bee, Oct. 22, 1999]

FIGHT OVER FORESTS—WHICH PUBLIC LANDS SHOULD REMAIN ROADLESS?

President Clinton used the Shenandoah Valley as the vista for his recent announcement to seek permanent protections for up to 40 million acres of pristine, roadless national forests. A more appropriate backdrop would have been somewhere between a rock and a hard place. Seeking to manufacture a legacy of forest protection in his remaining months in office, Clinton faces an uphill struggle.

The president and Congress are supposed to work together to pass laws that protect forests as wilderness. This is how approximately 34 million acres of the 191 million acre national forest system are now officially protected with the wilderness designation. These 40 million acres that are the target of Clinton's new effort are not now legally designated as wilderness, yet function in nature as such. There are no roads on these lands—each of 5,000 acres or greater—and in many cases they are adjacent to a designated wilderness area.

The Republican-led Congress, beholden on this issue to an extractionist ideology, is simply incapable of working with the president on wilderness issues, with the sole notable exception of an emerging bipartisan effort in western Utah. A compromise that could serve multiple interests—additions to wilderness areas in return for additional certainty on other lands for timber harvests—is not possible in this political environment. As Republicans use riders attached onto appropriation bills to thwart forestry planning efforts, many environmental groups have taken up the call for no logging whatsoever on any public lands. The average American, meanwhile, uses more paper products than anybody else on Earth.

As Clinton wades into this ideological war, he has few options. Legally, the strategy with the best chance of permanency is to embody new protections for roadless areas within an environmental impact statement that offers a scientific basis for the action.

The strategy may prove to be a long shot. On forestry issues in the Sierra, for example, the administration has been unable since 1993 to finish an environmental impact statement that offers final guidelines on how to protect the California spotted owl. Courts, meanwhile, have stalled Clinton's logging strategy for national forests in the Pacific Northwest. Environmental groups successfully challenged the adequacy of the environmental impact statements, which did not include surveys for certain rare species such as mollusks.

Ironically, the very legal techniques used by roadless advocates to challenge logging plans will be handy weapons to attack Clinton's roadless plan—if the Forest Service manages to produce the environmental documentation before he leaves office. There's not much time left to count mollusks on 40 million acres of roadless America. In the forests, the biologists better start counting. And in Washington, leaders on both sides of the aisle should contemplate a bipartisan approach to forestry policy.

[From the New York Times]

CLINTON'S LEGACY AS PRESERVATIONIST?

For someone who paid no attention to environmental issues during his first year in office, Bill Clinton may wind up with an impressive legacy as a preservationist. In addition to his earlier programs to restore the Everglades and to protect Yellowstone, the forests of the Pacific Northwest and the redwoods in California, the president recently set in motion a plan that would, in effect, create 40 million acres of new wilderness by blocking road building in much of the national forest.

In recent months, his secretary of the interior, Bruce Babbitt, has been exploring the possibility of additional action under the Antiquities Act of 1906, a little-known statute that allows presidents, by executive order, to protect public lands from development by designating them as national monuments. If used intelligently, the act offers Clinton a useful tool to set aside vulnerable public lands before he leaves office.

Because it allows a president to act on his own authority and without engaging Congress, the Antiquities Act is an attractive weapon to any president whose time is running out and who wishes to quickly enlarge his environmental record.

In 1978, President Jimmy Carter designated 15 monuments in Alaska, which in turn accelerated passage of a bill that added 47 million acres in Alaska to the national park system. Near the end of his first term, Clinton created the Grand Staircase-Escalante national monument on 1.7 million unprotected acres in Utah.

In the last 93 years, all but three presidents—Richard Nixon, Ronald Reagan and George Bush—have designated at least one national monument. There are now more than 100.

Congress has never revoked a designation, though it has the power to do so, and some monuments have become revered national parks, like the Grand Canyon. Yet Congress has never really liked the law because it so clearly gives the president the upper hand.

All it can do is rescind a designation, which is politically difficult. After Clinton's Grand Staircase-Escalante designation in 1996, a bill requiring congressional approval of any designation exceeding 5,000 acres passed the House, but died in the Senate.

Babbitt is considering a dozen sites. The largest is one million acres on the North Rim of the Grand Canyon. Others include the Missouri Breaks, along 140 miles of the Missouri River in Montana, and hundreds of thousands of acres in Arizona, Colorado, California and Oregon.

All the projects are worthy, but as a matter of caution he and the President need to winnow the list to sites most deserving of immediate protection. Western Republicans, complaining about a federal ''land grab,'' are looking for any excuse to revive their attack on the act, which has survived in part because it has been used sparingly.

Overuse could also divert support from even broader open-space initiatives, including what is expected to be another serious push to seek $1 billion annually in permanent financing for the Land and Water Conservation Fund.

Within these limitations, there is no reason not to use the act, a statute with an honorable history that has produced illustrious results.

[From the Ventura County Sunday Star, Nov. 7, 1999]

PRESCRIPTION FOR FOREST HEALTH PROBABLY WOULD KILL THE PATIENT

(By Arthur D. Partridge)

The Clinton administration's recent proposal to protect roadless areas in our national forests is already under attack in Congress. One often-repeated objection is that roads are needed for logging, logging is necessary for a healthy forest, and our forests are suffering a health crisis. As prescriptions go, this one verges on quackery.

The term ''forest health'' is so poorly understood and defined nowadays that it's virtually useless. When first coined, in 1932, it referred solely to insects and tree diseases. Now people use it to encompass fire, storms, or virtually anything. But all of the data, both from the Forest Service and studies by many forestry researchers including me, indicate there's been no change in the real condition of our forests, other than through excess and ill-advised logging.

In terms of disease and insects, there has been no difference in true forest health for at least 50 years. In fact, a report from the U.S. Forest Service indicated that between 1952 and 1992 the amount of damage from disease, insects and all other major causes—including fire—was less than 1 percent of the standing commercial timber throughout the United States. And the numbers stayed at those levels the entire time, with no ups and downs. The same thing is true of both public and private lands.

* * * * *

Unfortunately, this basic reality often gets distorted in order to accomplish some kind of cutting plan. In the Pacific Northwest, for instance, we hear that in many regions the Douglas fir is threatened by bark beetles. But when we go to those areas and investigate, we find that a significant problem just doesn't exist. There are some beetles, all right, but the overall beetle population is in decline and the amount of damage is extremely low. Of course if you only look for trees with beetles, you'll find them. But in the whole forest the mortality rates hover around the historical rates of 1 to 2 percent. And this is true of root diseases and other pests, of different species of trees, and in different areas of the country.

Claiming harm to forest health is merely an excuse to log, but logging in the roadless areas is plain foolishness. The reason they weren't logged long ago is that early loggers knew there was little worthwhile timber in these areas.

* * * * *

Widespread clearcutting has also brought changes in the water cycles, creating rapid runoff and melting during the spring, leaving little available water during the summer, when it's needed most. Even the local weather has been affected: If you change the structure of the forest, you change wind patterns and rainfall as well.

In spite of this, I'm more optimistic than I was 15 years ago. Back then, nobody would listen to such concerns. All they could think about was the product and not the results of producing that product. Now even the industry is more sensitive to what it's doing, and it's changing some logging practices.

We need to continue to improve the way we maintain our forests. If we cut timber, we have to do it more gently than in the past. And we have to stop using wrong-headed excuses like ''forest health'' to log in the few and fragmented remaining roadless areas that America still treasures. If we destroy such areas through needless incursion, we will leave our descendants far poorer than justified by the small immediate profits, and they will wonder what sort of physicians made such poor judgments about health.

[From the Central and East County Contra Costa Times, Oct. 26, 1999]

FORESTS NEED PROTECTION

President Clinton has directed the U.S. Forest Service to produce an environmental impact statement and develop a proposal that potentially will protect more than 40 million roadless acres of its 155 national forests and 20 grasslands. Reactions from the two most vocal sides insist Clinton has erred, but he is moving in the right direction.

The timber industry is angry about losing future access to these woods. Where will its product come from? Hmm. Well, probably the same place it comes from now—and that's not primarily federal forests. Only 5 percent of the annual timber load comes from national land and only 5 percent of that comes from areas that could come under protection. Besides, the 380,000 miles of road already in forests—more miles than the interstate system—will still be usable.

That the plan provides for only 40 million acres and only inventoried, roadless areas 5,000 acres or larger upsets many environmentalists, as does not including Alaska's Tongass Forest. The heart of the world's largest remaining expanse of coastal temperate rainforest, Tongass is under siege, its supporters feel. Logging does take place in specified areas, and efforts to increase cut levels in Tongass are already in progress. Supporters feel an urgent need for more federal protection and were intensely worried when this proposal that excludes Tongass was chosen by Clinton.

The plan also deals almost strictly with road-building; it will prohibit it, which hampers development. Environmentalists would of course like the regulation to stop logging, mining, many kinds of recreation and other exploitation.

Clinton went with what was the weakest of his choices of plans, particularly making no rule to protect wildlife, to avoid needing congressional approval. His is an effort to have something happen instead of nothing. Part of the proposal also calls for a 60-day (only about 45 days to go now) public review and comment process, and all sides are hoping your voice will make a difference on what the final plan becomes. (Send comments to: U.S. Forest Service-CAET, Attn: Roadless Areas NOI, P.O. Box 221090, Salt Lake City, UT 84122.)

We encourage you to support this effort. Only about 18 percent of the 192 million acres of federal forests are now protected from development. Roadless areas are reference areas for research, bulwarks against invasive species, and as aquatic strongholds for fish as well as vital habitat and migration routes for wildlife species, especially those requiring large home ranges. Tongass by merit of its uniqueness should be included in any plan that will protect it.

We also would like to see forest lands remain untouched where they can so that they will still be around for centuries to come and our children won't have to explain to their grandchildren what forests were.

Mrs. BOXER. These editorials are in favor of roadless protections. The two Senators from New Mexico have offered us a great service because they have essentially, by their amendment, stopped us from a very controversial amendment that was antienvironment, that the administration would have been very opposed to, and may well have caused a veto of this bill. I thank them again.

I say to my friend from Idaho, Senator CRAIG, I hope he will not bring this back to us. I think it would drive a wedge into the heart of our environmental heritage. I hope that will not happen.

I yield the floor.

Mr. KYL. Mr. President, I rise in support of the amendment to add $240 million to the budgets of the Bureau of Land Management and the Forest Service for fuels reduction on our public lands.

In April 1999, the General Accounting Office reported to the Congress that 39 million acres on the national forests in the interior West are at high risk of catastrophic wildfire. The GAO also stated in that same report to Congress that the ''most extensive and serious problem related to the health of national forests in the interior West is the over-accumulation of vegetation, which has caused an increasing number of large, intense, uncontrollable, and catastrophically destructive wildfires.''

As we've seen this summer on the Rim of the Grand Canyon in my state of Arizona, on the Hanford Reach in Washington State, in the community of Los Alamos, New Mexico, and now in Colorado and other western states, it's time to pay the piper. If we don't spend the money now to treat the forests and other public lands, mechanically and through the use of fire, we will pay later—and we will pay a lot more.

The National Research Council and FEMA have recognized wildland fires in California in 1993 and Florida in 1998 as among the defining natural disasters of the 1990s. The 1991 Oakland, CA fire was ranked by insurance claims as one of the ten most costly all-time natural disasters. And in terms of damage, the magnitude of these catastrophic fires was compared with the Northridge earthquake, Hurricane Andrew and the flooding of the Mississippi and Red River.

As the findings of these organizations reveal, we are setting ourselves up for costly and deadly disaster unless we act now and send money to the Forest Service and the Bureau of Land Management for hazardous fuels reduction in the wildland/urban interface.

In response to the GAO report, the Forest Service is working on a Cohesive Strategy to restore and maintain fire-adapted ecosystems across the interior West. I've seen a draft of that report, and the price tag on the draft is about $12 billion over 15 years to treat 60 million acres on the National Forest. As I understand it, the Forest Service had hoped to release a final Strategy about a month ago, but this Administration's OMB has put a hold on the Strategy as too expensive.

I'm not willing to wait until Flagstaff or Tucson or any other community virtually surrounded by the National Forest burns. I support providing the Forest Service and the Bureau of Land Management with emergency funds, assuming that the Administration designates these funds as emergency funds as required by the Balanced Budget and Emergency Deficit Control Act of 1985.

Mr. President, I also want to draw my colleagues' attention to the comments of Stewart Udall that were published in the Arizona Republic on Thursday, July 6th. As my colleagues know, Stewart Udall, who now lives in the fire-threatened community of Santa Fe, New Mexico, served as Secretary of the Interior and represented Arizona in the House of Representatives. Mr. Udall notes with complete accuracy that we have altered the ecology of our forests and that it is only a matter of time before these man-made tinderboxes will ignite. Mr. Udall implores citizens to unite and demand restoration plans and aggressive, science-oriented, landscape-scale restoration action plans to prevent Los Alamos-style disasters.

Mr. Udall praises an organization of which I, too, am proud, the Ecological Restoration Institute, located at Northern Arizona University, and its leader, Dr. Wallace Covington. Mr. Udall opines, and I agree, that with appropriate support, the Ecological Restoration Institute can show other forested states how to use controlled burns and mechanical thinning to eliminate the threat of devastating fires.

Mr. President, I ask unanimous consent that these remarks of Mr. Udall be printed in the RECORD.

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

[From the Arizona Republic, July 6, 2000]

LET'S BEGIN TO MANAGE OUR FORESTS

(By Stewart L. Udall)

SANTA FE.—As I survey the charred remains of the ''Cerro Grande'' fire that raged through Los Alamos, N.M., and its National Nuclear Laboratory, I am reminded that we have created an environment that invites a monster to rampage through our forests and threaten many communities.

In the Southwest, we have whetted its appetite by providing an overabundance of ponderosa pines and by mismanagement that has built a ladder of small, sickly trees that allows fires to leap into the crowns of old-growth yellow-bellies and into our mountain towns and homes. Meanwhile, we have wasted precious time looking for someone to blame and arguing over the definition of logging.

By altering the ecology of our ponderosa pine forest lands for a century, we have created unnatural conditions where fire can no longer play its natural role. Unhealthy forests abound in the West, and it is only a matter of time before these man-made tinderboxes are ignited and hapless ''disaster areas'' are proclaimed by presidents.

Before Western settlement began, fire strayed mostly on the ground, working its way through the grasses every few years as nature's steward, cleaning up the debris on the forest floor. Scientists at the Ecological Restoration Institute in Flagstaff have been telling us that the size and frequency of the recent fires have never before occurred in our ponderosa forests. They report, too, that the fires are growing larger, more damaging and more expensive and difficult to suppress.

Concerned citizens must unite and demand restoration plans and action that will reduce dangers and initiate campaigns to restore our forests and make them resilient and sustainable. Party lines and political agendas have no place in the upcoming battle. Republican Sen. Jon Kyl of Arizona and Interior Secretary Bruce Babbitt, a Democrat, have set an excellent example by locking arms and supporting projects to show what can be done to restore forest lands.

It will be incredibly short sighted if Arizona's affected cities do not, working in concert with the Forest Service, develop aggressive, science-oriented, landscape-scale restoration action plans and begin to implement them soon. Preventing Los Alamos-style disasters from decimating Arizona communities will test the grit and gumption of the Forest Service. And if emergency measures or funds are needed to get action started, it will also test the foresight and leadership of the state's congressional delegation.

Arizona's Ecological Restoration Institute is a national asset. It is led by Dr. Wallace Covington, a scientist who knows more about the ecology of ponderosa forests than any of his colleagues. With appropriate support, the institute can show other ponderosa states how to use controlled burns and thinning to eliminate the threat of devastating fires.

In a rich country, it is downright stupid to spend billions each year to put out destructive fires when modest resources can be invested to prevent such disasters. The bill presented to the federal government for fire suppression and reparations at Los Alamos is mounting daily toward $800 million. Experts are telling us this conflagration could have been prevented by forest-management measures costing $15 million to $20 million. When will we get smart?

Mr. ENZI. Mr. President, I rise in support of the amendment introduced by the Senator from Idaho, Senator LARRY CRAIG, to require the United States Forest Service to establish a Federal Advisory Committee Act committee to study and report on the proposed roadless area initiative and proposed transportation guidelines rule.

I have serious concerns regarding the process implemented by the United States Forest Service in developing these proposed rules. The House Energy and Natural Resources Subcommittee on Forests and Forest Health initiated a review on October 28, 1999, requesting documents from the Forest Service and the White House regarding development of the proposed roadless rule. While reviewing thousands of pages of documents provided by the Clinton administration, the committee found that the administration had held a number of meetings with, and used draft language, legal memoranda, and survey research data prepared by, a select group of representatives from national environmental organizations including: the Heritage Forest Campaign; the Wilderness Society; Natural Resources Defense Council; USPIRG, Earth Justice Legal Defense Fund, Audubon Society; and the Sierra Club.

In addition, the committee found no evidence of any effort to meet with or involve other groups or interested parties, and that the USFS' push to complete the proposed roadless initiative led to the use of poor data and errors in documentation, as is evidenced by letters from the National Forests and regional offices to the Washington Office expressing concern over the accuracy of the information being transmitted. For example, in one letter a USFS employee stated, ''This is an estimate that I hope we are not held accountable for.''

This reliance by a Federal agency upon a select group of individuals for the purpose of obtaining advice or recommendations is a de facto establishment of an advisory committee, an activity that must be conducted in accordance with the Federal Advisory Committee Act (FACA). FACA requires any agencies that establishes an advisory committee to file a formal charter, publish notice of all meetings in the Federal Register, ensure that all meeting are open to the public, keep minutes for each meeting, designate a Federal officer who must be present at each meeting, and must ensure that membership of the committee represents a cross section of groups interested in the subject—in this case the management and use of national forests.

This provision is also contained in the National Forest Management Act of 1976 (NFMA).

Unfortunately, the United States Forest Service's proposed roadless rule was developed without meeting any of the above FACA requirements. Instead, the Forest Service developed this rule in meetings with a small, insular group that represented only one, limited interest. Furthermore, the meetings were conducted behind closed doors and without any public notice.

Once again, the Clinton/Gore administration has demonstrated its unwillingness to include those most affected by federal land management decisions in developing land use policy. Instead of finding a way to include state and local governments, industry, recreationists and any other group interested in using and enjoying our national forests, this administration has chosen the politics of divisiveness and has excluded those who will ultimately have to live with the final decision from the development process. The

only inevitable conclusion from this kind of politics will be first, exclusion from the process, and finally exclusion from the forests themselves.

I support this amendment, and encourage the Forest Service to take this opportunity rethink its current process and to reconsider its proposed actions at a more appropriate level. The decisions being made pursuant these rules would be more responsive to local communities and forest health concerns if they were conducted properly and not in violation of current law.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, as manager of this bill, I have been extraordinarily gratified by this debate on something I thought might be very controversial, but the Senator from New Mexico and his allies have given us a wonderful, totally bipartisan compromise on a significant issue, one I believe personally to be very constructive and very important. Rather than say anything more about it, I think we should take advantage of this opportunity and call for the question.

The PRESIDING OFFICER. Is there further debate on the secondary amendment?

Mr. DOMENICI. Mr. President, I thank everyone. There have been so many people working on this amendment. It has boiled down to a page and a half, but it is a very good amendment. It will permit the Forest Service and the BLM to do a lot of things they otherwise would not be able to do.

I am very thrilled today. I had originally nicknamed this bill ''happy forests'' because I thought maybe if we cleaned them up and took all this gasoline, using that figuratively, that is waiting around to burn them down—I thought they might just smile; they might just be happy forests. I want to say that is going to be the title of the bill. It has another fancy title. But when it passes today, let us just put in the RECORD, Senator DOMENICI is going to call this the happy forest bill.

I yield the floor.

The PRESIDING OFFICER. Is there further debate?

Hearing none, the question is on agreeing to amendment No. 3806.

The amendment (No. 3806) was agreed to.

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.

The PRESIDING OFFICER. The question is now on agreeing to amendment No. 3795, as modified, as amended.

The amendment (No. 3795), as modified, as amended, was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3807

(Purpose: To make emergency funds available to the United States Fish and Wildlife Service for salmon restoration and conservation efforts in the State of Maine)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for herself and Ms. SNOWE, proposes an amendment numbered 3807.

Ms. COLLINS. 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 121, between lines 18 and 19, insert the following:

For an additional amount for salmon restoration and conservation efforts in the State of Maine, $5,000,000, to remain available until expended, which amount shall be made available to the National Fish and Wildlife Foundation to carry out a competitively awarded grant program for State, local, or other organizations in Maine to fund on-the-ground projects to further Atlantic salmon conservation or restoration efforts in coordination with the State of Maine and the Maine Atlantic Salmon Conservation Plan, including projects to (1) assist in land acquisition and conservation easements to benefit Atlantic salmon; (2) develop irrigation and water use management measures to minimize any adverse effects on salmon habitat; and (3) develop and phase in enhanced aquaculture cages to minimize escape of Atlantic salmon: *Provided*, That, of the amounts appropriated under this paragraph, $2,000,000 shall be made available to the Atlantic Salmon Commission for salmon restoration and conservation activities, including installing and upgrading weirs and fish collection facilities, conducting risk assessments, fish marking, and salmon genetics studies and testing, and developing and phasing in enhanced aquaculture cages to minimize escape of Atlantic salmon, and $500,000 shall be made available to the National Academy of Sciences to conduct a study of Atlantic salmon: *Provided further*, That the amounts appropriated under this paragraph shall not be subject to section 10(b)(1) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3709(b)(1)): *Provided further*, That the National Fish and Wildlife Foundation shall give special consideration to proposals that include matching contributions (whether in currency, services, or property) made by private persons or organizations or by State or local government agencies, if such matching contributions are available: *Provided further*, That amounts made available under this paragraph shall be provided to the National Fish and Wildlife Foundation not later than 15 days after the date of enactment of this Act: *Provided further*, That the entire amount made available under this paragraph is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

Ms. COLLINS. Mr. President, let me begin by complimenting the Senator from Washington and the Senator from West Virginia for crafting an excellent bipartisan appropriations bill for these very important programs that matter so much to each of us in all our States. They have worked very well together and brought to the Senate for its consideration a bill that deserves support. I commend their efforts in that regard.

The amendment I am offering on behalf of myself and the senior Senator from Maine, Ms. SNOWE, concerns an issue of tremendous importance and urgency to the State of Maine. The issue involves the Federal Government's proposal to list the Atlantic salmon in the State of Maine under the Endangered Species Act. More specifically, the issue before us is whether the Federal Government will support the efforts of the State of Maine and other organizations to restore and conserve the Atlantic salmon in our State. Our amendment would appropriate $5 million in emergency funds for this very purpose.

I will give all of my colleagues an idea of just how critical it is for these funds to be invested in our State this year. This situation is truly an emergency. The U.S. Fish and Wildlife Service and the National Marine Fisheries Service have proposed to list certain Atlantic salmon in Maine as an endangered species. Under an agreement reached last month between the services and the two organizations that filed suit in Federal court seeking emergency listing of the salmon, the services have agreed to make a final decision on whether or not to list the Atlantic salmon as endangered by November 17 of this year.

I emphasize this point: The services have already given up their statutory and—what is usually a matter of course—routine ability to seek an extension of time in which to make a determination of whether or not to list the Atlantic salmon in our State under the ESA. In short, the time is now to demonstrate a Federal financial commitment to salmon in our State and that a listing under the Endangered Species Act is not necessary to conserve and restore Maine's magnificent Atlantic salmon.

The stakes are decidedly high and the services' rush to judgment unfortunate. A decision to list the Atlantic salmon under the ESA could threaten the livelihood of thousands of Mainers, particularly in the eastern part of the State of Maine. This is one of the most beautiful sections of our State; unfortunately, it is one of the most challenged economically.

At risk is a $68-million-a-year agriculture industry employing 1,500 Mainers, a $100-million-a-year blueberry industry supporting 8,000 jobs, a developing cranberry industry into which more than $500 million has been invested already, and a forest products industry that is the linchpin of Maine's economy. As Maine's independent Governor, Angus King, put it, a listing would be ''a devastating economic blow to a region of the State least able to endure it.''

The $5 million we are seeking would make a substantial contribution to salmon conservation and restoration

efforts in our State. The funds would be made available to the National Fish and Wildlife Foundation, which has made a commitment to us to work very closely with the State of Maine to ensure that every single dollar is spent effectively. The funds would be used to assist in land acquisition and conservation easements to benefit Atlantic salmon, to develop irrigation and water use management measures, to minimize any adverse effects on salmon habitat, to develop and phase in enhanced agriculture cages to minimize the risk of escape, to install and upgrade weirs and fish collection facilities, and to conduct risk assessments, fish marking, and salmon genetics studies and testing.

The need for these emergency funds is right now. As noted, a listing decision is expected to be made early in the next fiscal year. The $5 million we are requesting needs to be appropriated prior to the Federal Government making its decision on whether or not to list the species, if it is to make a difference. We strongly believe that vigorous and effective salmon conservation and restoration efforts are needed in the State of Maine, but that listing the salmon as an endangered species is simply not the way to go. If these emergency funds are not appropriated this year, we will have missed an opportunity to convince the services that listing Atlantic salmon as endangered is not warranted. And we will have missed an opportunity of great importance to the people of Downeast Maine.

I thank the distinguished chairman and the ranking member of the subcommittee for their invaluable assistance on this critical matter. Senators GORTON, BYRD, and STEVENS have worked very hard to help us get to this point, and I have confidence that they will see this crucial amendment through to its enactment.

Mr. President, I understand that the amendment is acceptable to both managers of the bill, and I will urge its adoption following the remarks by the senior Senator from Maine.

Ms. SNOWE. Mr. President, today I am pleased to join Senator COLLINS in offering this amendment to the Interior Appropriations bill to make available $5 million in emergency supplemental funding for the restoration of Atlantic salmon. This is an issue that is critically important to the State of Maine. In 1997, the Fish and Wildlife Service and the National Marine Fisheries Service (the Services) enthusiastically endorsed the Maine Atlantic Salmon Conservation Plan as the best possible approach to restoring these fish to Maine rivers. Unfortunately, this five-year plan was essentially shut down less than halfway into its implementation when the Services re-initiated a proposed listing under the Endangered Species Act (ESA) on November 17, 1999.

This short-sighted action has placed in jeopardy an innovative and cooperative restoration strategy involving habitat restoration, water quality improvement, and widespread restocking programs statewide. The Services have yet to demonstrate what additional benefits will be afforded the salmon through such a designation despite my repeated requests for such information.

We in Maine have worked hard and made many sacrifices to restore our treasured Atlantic salmon. I continue to believe that a fully implemented Maine Plan remains the best means of restoring these fish and there is no benefit in cutting short such a promising effort.

Unfortunately, the Services have entered into an agreement with litigants that requires them to make their final listing determination by November 17, 2000. This action precludes the possibility of seeking a six month extension, as allowed under the ESA, to resolve any questions of scientific uncertainty. Many such questions have been raised. Questions range from whether or not these fish actually constitute a genetically distinct population segment as defined by the ESA to whether the Services' river specific hatchery stocking program has produced any benefits and is an appropriate restoration strategy. I have asked the National Academy of Sciences to thoroughly review the quality of the science that forms the basis of this proposed listing. This information will guide future restoration efforts in Maine. The funding under consideration today will make such a review possible.

Additionally, the Services have not undertaken a quantitative risk assessment to ascertain the relative importance of various factors which may influence salmon survival. Without such a risk assessment, we have no way of knowing if the Services are focusing on the right problems or potential problems and there is no clear way for the Services to evaluate what more needs to be done. In essence, the Services have no way of knowing if they are asking the impossible of the State. The State of Maine has been asking for such an assessment for over one year. Since the beginning, the Maine Plan has been incredibly dynamic and has evolved to address new problems or concerns. In fact, the State has addressed in some form every concern raised by the Services. This risk assessment will provide the necessary guidance to again strengthen salmon restoration efforts and target limited resources most effectively.

This risk assessment is but one example of the critical activities that need to take place prior to November 17th if the Services are to make an informed decision as to whether or not to list. The State of Maine is poised to take further action, such as upgrading weirs at the river mouths, conducing genetic analyses, and testing fish marking techniques, that might render a listing unnecessary. Unfortunately, despite the tripling of the State budget for salmon restoration, there is not sufficient funding available to complete these critical activities. If the State is able to complete these priority items prior to the November 17th deadline, we may be able to render a listing unnecessary. I would hope that the Services will adhere to the letter and spirit of the Endangered Species Act and fully consider the restoration activities paid for by these funds when making their final determination whether or not to list.

I would like to thank Senators GORTON, BYRD, and STEVENS for all of their assistance in making sure that this money is made available to Maine. I know that they share my concerns regarding the importance of the recovery of U.S. salmon populations, particularly Senators GORTON and STEVENS who have been working hard with people in their home states to restore populations of Pacific salmon. The funding we are seeking today was originally included in the Agriculture Appropriations bill. I am pleased that the managers acknowledge how time sensitive this issue is and are receptive to including it on this bill which is moving more rapidly. I can assure you that this money will make a tremendous difference in our efforts to restore Atlantic salmon in Maine. Thank you.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, I have at least three reasons to urge adoption of the amendment of the Senator from Maine. The first, of course, is the eloquence that she has evidenced in presenting it and her persistence in pursuing this particular course of action.

Second is that this is directly analogous to the first amendment we adopted today by the two Senators from Minnesota. It is a decision, effectively, that we have already made that this money should be appropriated on an emergency basis. It is included in another bill that is slower to pass. Unfortunately, it was not included in the military construction bill, which did have a number of emergency expenditures in it.

The third comes even closer to home for this Senator because, as the Senator from Maine knows, Washington and Oregon, and for that matter, California, do have listed salmon species.

I may say to the Senator from Maine, we got an advance appropriation and it didn't prevent the listings from taking place, by any stretch of the imagination. But I think it did help my State and the other two States to prepare for what is going to be a long campaign toward their recovery. The hope that a listing may be prevented is a worthy goal on the part of the Senator from Maine. But even if it doesn't happen, this will have helped in connection with whatever the steps are thereafter. If the junior Senator from Maine would not mind, we can accept this amendment now and, of course, give other Senators an opportunity to speak. So she is ahead and she might as well win while she has a chance.

Ms. COLLINS. I thank the Senator.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, we in the minority share the feelings expressed by the distinguished manager of the bill. We, too, yield to the eloquence and the grace of the distinguished Senator from Maine.

Ms. COLLINS. Mr. President, I thank both my colleagues for their gracious comments and willingness to work with me on this very important issue. I urge adoption of the amendment.

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

The amendment (No. 3807) was agreed to.

Mr. GORTON. 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.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I will be offering an amendment at the close of my remarks. It involves a section of this bill which I believe was authored by Senator DOMENICI of New Mexico. I just spoke to him a minute ago to tell him I will be offering this amendment to strike his section. He said to proceed. He will come to the floor in a few moments, and I am sure he is following this debate in the meantime.

First, I thank Senator BYRD and Senator GORTON for their fine work on this Interior appropriations bill. I think I have expressed the feelings of many Members of the Senate that this is a spending bill that is near and dear to our hearts. It involves so many of our Nation's greatest treasures, and the stewardship which they showed on this bill will not only reflect their feelings, but will inure to the benefit of generations to come, if we do it right.

This bill is considerably different and, in my estimation, considerably better than the bill in previous years. In the past, there have been the so-called environmental riders that have been added on a variety of different issues. Most of them involved public lands and how they were to be used.

I come from the State of Illinois. We have some public land in Illinois. We have a national forest in Illinois. We have part of a National Park System—a very small part. I know that some of my colleagues from the Western States have a much different situation. Many of them represent States where the majority of the land is owned by the Federal Government. I am sure that is an awkward situation, at best. I can't quite imagine all of the ramifications of that policy, of owning that public land and managing it. But I am sure it affects their daily lives and the economy of their States.

Having said that, though, I think all of us, whether we live in one of those States with a large portion of publicly owned land or whether we live in some other part of the country, have a vested interest in this debate about the use of the public lands. The reason we have a vested interest is twofold. First, these lands are being managed now by this Presidential administration in a temporary way. Soon there will be another President. It could be President Gore; it could be President Bush. I am not certain what the outcome of the election will be. But the next administration will then be handed the responsibility of managing this public land.

Each successive administration, each President, and Congress, for that matter, have a voice in determining how that land is to be managed. And if they do the job right, in my estimation, they will hand off to the next generation succeeding an even better stewardship of this Federal land. I drew from my desk a quote from the CONGRESSIONAL RECORD. It is a quote from a former Republican President of the United States by the name of Theodore Roosevelt. For those familiar with the administration of President Theodore Roosevelt, you know he created the first national park and that he had a special interest in conserving and protecting our natural heritage and, particularly, in establishing public lands to protect them for future generations. This short quote summarizes his philosophy and, I might add, my own:

> We must ask ourselves if we are leaving for future generations an environment that is as good or better than what we found.

That is a very simple, straightforward statement. I keep it in my desk here because, quite honestly, when the Interior appropriations bill comes up, that question is being asked of us. Are we going to manage the public lands of America in a way that future generations will look back and say we did a good job and protected that legacy from previous generations? It has been handled and managed well under your stewardship.

I think that is the test. It is the test of this appropriations bill, and it is the test of every amendment to that appropriations bill. That is half of the test. The other half of the test goes beyond our obligation to explain to future generations, if we did a good job—it goes to the question as to whether or not we have met our responsibility to God's creation because on these public lands we find a great many species, a lot of different plant life, wild flowers, grasses, which are things that, frankly, depend on our good stewardship. If we don't treat those lands well, we not only stand to disappoint future generations, we stand to destroy our natural legacy.

So when we talk about environmental issues, a lot of people like to categorize those as some kind of bureaucratic gobbledygook jargon in Washington. I think it is much more than that. It gets down to those two fundamental questions. At the end of the day, when we are called to judgment for our public service, can we say to future generations that the public lands you entrusted us with are given to you in at least as good a shape as we received them, and maybe better, and that we protected God's creation in a reasonable and thoughtful way during our years of management? That is the underlying debate that we hear on the floor of the Senate when we discuss so-called environmental riders; that is, questions of environmental policy raised in the Interior appropriations bill.

Let me address the specific issue before us in the amendment I will offer. The Bureau of Land Management is part of the Department of the Interior. It is entrusted with administering millions of acres of our Nation's valuable and diverse public lands located primarily in 12 Western States, including the State of Alaska.

Currently, the BLM manages more Federal lands than any other public agency. BLM oversees some 40 percent of our Nation's Federal lands—roughly 264 million acres of surface land predominantly in the western part of the United States. But acreage alone doesn't tell the story.

Our Nation's public lands contain a wealth of natural, cultural, historical, economic, and archaeological resources that belong to everybody. They are, in fact, part of the Treasury of the United States—not in dollar terms, but when you want to measure the assets of this country, you would certainly step back and say: I want to include not only what we find in our Treasury but our Grand Canyon, Yellowstone, Yosemite, and all of the land owned by the people of this country. These are our assets that we have a responsibility to protect and manage.

The natural and ecological diversity of the BLM-managed public lands is perhaps the greatest of any Federal agency. BLM manages extensive grasslands and forests, islands, wild rivers, high mountains, arctic tundra, and desert landscapes. As a result of the diversity of habitat, many thousands of wildlife and fish occupy these lands. These fish and wildlife species represent a wealth of recreational, national, and economic opportunities for local communities and States in our Nation.

The single most extensive use of public land under the jurisdiction of the BLM is grazing in the lower 48. Of the roughly 179 million acres of public land managed by the Bureau of Land Management outside of Alaska, grazing is allowed on almost 164 million acres out of 179 million, and millions of these acres also contain valuable and sensitive fish, wildlife, archaeological, recreation, or wilderness values.

At the present time, the BLM authorizes through the issuance of grazing permits approximately 17,000 livestock operators to graze on these 164 million acres of public land. These permits and public land grazing that they allow are important to thousands of Western livestock operators. Many of these livestock operators and ranchers use these permits to help secure bank

loans to provide important financial resources for their operations.

BLM typically issues grazing permits for a 10-year period on public lands. Many current grazing permits were issued in the late 1980s and are now expiring in large numbers over 2- or 3-year periods of time. These permits numbering in the thousands present the BLM with an unusually large and burdensome short-term renewable task.

We addressed this very issue in previous Interior appropriations bills. Can the Bureau of Land Management keep up with expiring permits or leases and reissue them in timely fashion so that someone who is using the land, the livestock operations, can continue their business, not lose money, and not face uncertainty when it comes to financing their operations?

The unusually large number of expiring grazing permits has created 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 processing by the Bureau may cause them to lose their permits or otherwise threaten their ability to use the permits to secure bank loans for their operations.

Conservationists-environmentalists—meanwhile believe that the Bureau has a responsibility to perform responsibly for the governmental and environmental stewardship of these lands and analyze the grazing to make certain that if there is to be a renewal it is done in a reasonable and responsible way.

It is entirely understandable to me being from my State that ranchers are concerned about issues of security and predictability. So are my farmers. I understand this. Likewise, we require the BLM to wisely manage and protect our public lands for all Americans.

The on-the-ground permit level decisionmaking that should legally accompany the BLM's permit renewal process is fundamentally important to the ecologically sound and multiple-use management of our Nation's public lands.

The BLM must conduct what we call a NEPA, which is the National Environmental Policy Act, compliance and land use planning performance review before reauthorizing permits. In other words, before they give the permit back to the livestock operator to go back on public land to use it for grazing, they take a look at public land: How are we doing? Are we doing this in a responsible environmental way so ultimately the land is not so degraded or changed as to lessen its value or to endanger species and wildlife? That is a responsibility of BLM. It is an important one.

To meet the review requirements under NEPA and other existing Federal laws and regulations, the BLM uses a lot of different teams composed of agency professionals who look at wildlife, range, wild horse, bureau and cultural, and recreation wilderness activities. The BLM also solicits public comments and relevant information from a wide array of people interested in range management, including hunters, fishermen, and many others.

The simple fact is this: On most public land, grazing allotments and all of 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 in the areas will flourish or be degraded and whether wildlife habitat will be maintained or destroyed. Public involvement in this process is essential for balanced public management. Without the application of NEPA and related laws, the American public has no real voice in public rangeland management.

Let me at this time give you an illustration. A picture is worth more than a thousand words. Any Senator is good for a thousand words at the drop of a hat. This picture will tell you an interesting story of a NEPA review of grazing on BLM land.

Let me drop some of these acronyms and abbreviations and try to speak English so those following the debate will understand.

The ecological picture here is one of the Santa Maria River in western Arizona, which has improved dramatically as a result of permit management changes under the environmental policies of the BLM.

It is important to note that the BLM continues to allow grazing in the areas you are looking at. However, they change some of the conditions of the grazing. As a result of environmental considerations, the grazing permits on the Santa Maria River in western Arizona now contain terms and conditions requiring livestock to be kept away from the rivers and streams during the spring and summer growing season.

The Santa Maria River in western Arizona is a rarity. It is 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 listed by Federal or State agencies as threatened, endangered, or some other special status. The riparian area of Santa Maria and its ability to support wildlife were severely degraded by many years of uncontrolled and unmanaged livestock grazing in the river corridor.

The vegetation was literally stripped away. Water was so polluted that streambanks were trampled and miles of riverbed areas and riparian areas were nearly as barren as the surrounding desert.

This is the picture of the overgrazed area around the Santa Maria River in Arizona. There is the ''before'' picture. Let me tell you a little bit about the ''after'' picture, which I will refer to in a second.

For decades, the BLM issued new grazing permits to ranchers along the Santa Maria River with no terms and conditions to protect the riparian areas.

Even though the BLM developed the land-use plan that required the river to be rested from livestock grazing, that requirement was not included in the permits. In the late 1980s, a portion of the Santa Maria River received an unplanned reprieve from grazing. The rancher who held the permit went bankrupt and had to sell all his cattle.

The result of 3 years of rest from grazing can be seen in the second photo. These are roughly the same areas. This one looks like a stripped desert; the second is much different. This is a stream bed from the Santa Maria River, showing the natural vegetation and grass that has grown back in the grazing area. The riparian vegetation has begun to return, the stream banks are rebuilding, and the water is cleaner than in 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 and start the grazing again in this area. The BLM proposed to transfer the grazing permit to the new rancher with no NEPA analysis; that is, no environmental analysis and no public review. The transferred permit would have had the same terms and conditions and ultimately resulted in the same condition as seen in the before picture.

A number of individuals and organizations challenged the BLM decision to renew these permits without a NEPA review and public comment. As a result of the environmental assessment, the grazing permits on the Santa Maria contain terms and conditions requiring that livestock be kept out of the riparian area during the spring and summer growing seasons. There is now a chance for vegetation to recover and water quality and wildlife to be restored.

The reason this part of the debate is important is it relates directly to the amendment I will offer. If the amendment offered by the Senator from New Mexico remains in this bill, permit level management changes that I have just described will be much more difficult to obtain.

Let me speak for a minute about section 116 of this bill that I would strike. This is the so-called grazing right. Most Members of the Senate have received letters from virtually every major environmental group in Washington, asking them to join in supporting my amendment to strike section 116. Here is the reason. This is the third attempt in an Interior appropriations bill to allow grazing permits to bypass current environmental regulations. Section 116 allows renewal of grazing permits that expire in fiscal year 2001 under the same old terms and conditions in which the permits were first issued.

Last year, I offered substitute language to similar offerings by the Senator from New Mexico. My language

would have addressed ranchers' needs for the Bureau to process grazing permits in a timely fashion and in a manner by which ranching operations and financial arrangements would not be needlessly disrupted.

My intent last year was to not only protect the environment but to protect the ranchers, as well, to give them certainty as to when the new permits would be issued, and to also say that, where necessary, the Bureau of Land Management could step in and make the environmental changes to protect an area, changes that could avoid this and result more in this type of situation, which I think most of us would agree is better stewardship of the land.

However, I am pleased to report that my efforts to hold the BLM and their feet to the fire successfully on their own resulted in change. My amendment didn't succeed. But they went on to work to solve the backlog of expiring permits.

The bottom line is this: There is no longer any need whatever for section 116 in this bill.

Let me show a chart in reference to the activity of the Bureau of Land Management. The BLM issued 3,872 fully processed grazing permits and leases in fiscal year 1999. In fiscal year 2000, the Bureau of Land Management is scheduled to issue 2,893 fully processed grazing permits and leases; 1,408 have been holdovers from the previous year, but they, too, will be renewed this year. In fiscal year 2001, the Bureau of Land Management will only be faced with 1,646 permits that have expired, and a small carryover of 484 from the previous year, for a total workload of 2,130 permits in the next fiscal year. This number is fully within the capability of the Bureau of Land Management.

We will hear from the other side, those supporting this environmental rider—that is opposed by virtually every environmental group in the Nation's Capital—that we have to put this rider in place to renew old permits without review because the ranchers and livestock operators cannot be certain that the BLM will meet its obligation to issue the new permits as the old ones expire.

The numbers tell a totally different story: 3,872 permits reviewed and approved by the BLM in 1999; this year, another 2,885; in the year for which we are appropriating, the numbers will be down around the 2,100 range. Clearly, the BLM has the capability to handle many more permit renewals than we envision in the next fiscal year. There is no need for this environmental rider to create exception and to tell the old permit holders they don't have to go through the process. The process is there. It is timely. It will give them the certainty they want about their future. All but 79 of the expiring 2001 permits will be completely processed in 2001.

The BLM has decided to carry over the permits because they concern areas near the Grand Staircase Escalante National Monument and in the Bookcliffs allotment. Because of the environmental sensitivity of these areas, the Bureau of Land Management will conduct an environmental impact statement instead of the regular environmental assessment.

The question arises, if the BLM will no longer have a backlog of permits, why is there such concern that section 116 be included in this bill? Although that question can be easily reversed, the concern is that section 116 will create incentives for livestock operators to delay renewal of their permits in hopes of avoiding environmental compliance by gaining an automatic renewal of their old permits under the old terms and conditions.

Section 116, as presented in this bill, undercuts meaningful opportunities for public involvement in a range management process. Is that important? Remember the picture from the Santa Maria situation; the BLM didn't come up with policies that resulted in the second photo. The lands lying in rest for 3 years, and public comments, led to changes in permits, which means that instead of desert, we are going to have a very beautiful area, an important area for habitat which is not environmentally damaging.

Section 116 undercuts that opportunity for public comment because it provides for an automatic renewal of the old permit without going through public comment or environmental review. They have to renew under section 116 the old permits under the same terms and conditions for an indefinite period. It effectively eliminates public input into the stewardship of public lands.

The Senators in support of 116 are saying to the people of this country who own these lands all across America: Get out of the way. We don't want you to be part of the process. We don't want you to sit back and determine whether the livestock operator who has been on this land for 10 years has done a good job from an environmental viewpoint.

Frankly, that is why we are here. Those in Congress and in the administration who have responsibility for the management of the land have to leave it to future generations in at least as good shape as we received it. If we cannot take an objective appraisal of how a rancher or livestock operator has managed the land, if we cannot decide that perhaps there needs to be a change because the way he is managing the lands is destroying it, then frankly we are running away from our responsibility.

Section 116 in this bill, which I strike, does exactly that. It takes the public out of the process. It takes the Government, looking at this from an environmental viewpoint, an ecological viewpoint, out of the process. It says it is an automatic renewal, no questions asked or answered. That is why this section 116 is opposed by a wide array of groups, including the Wilderness Society, the Sierra Club, the U.S. Public Interest Research Group. It is important to note that the League of Conservation Voters views this as a very important vote, as well.

Let me address specifically the situation involving the State of New Mexico. The BLM says that New Mexico, which is the home State of the Senator who has offered this, will process and issue all fiscal year 2001 expiring permits, as well as all carryover permits from fiscal year 2000. So if we hear the argument on the floor that this backlog is hurting the State of New Mexico, the home State of the Senator who offered section 116, the facts don't back it up.

By September 30 of this year, New Mexico is committed to fully processing and issuing all 379 carryover 1999 permits and leases and 179 of the year 2000 permits, for a total of 558. New Mexico plans to issue 192 fiscal year 2000 permits, using Public Law 106–113.

In fiscal year 2001, 221 permits and leases will expire in New Mexico. Like the BLM as a whole, in fiscal year 2001, New Mexico will process and issue all fiscal year 2000 carryover and fiscal year 2001 expiring permits, a total of 413.

This environmental rider, this section, was sold to us in years gone by as a necessity because of the backlog of cases on permits. The argument no longer holds. The BLM is fully capable of issuing new permits after the environmental consideration and public comment period, without hardship to the livestock operators and ranchers.

Let me address one other aspect of this which I think is very important. The reason why section 116 should be stricken from the bill gets to the heart of the question. Assume for a minute that you have a permit for your cattle to graze on public lands. Assume that the permit is about to expire and you are now in a position where you are having a review by the Bureau of Land Management. They come to a conclusion that the way you have used your permit over the last 10 years has been bad, you have damaged the land, you have damaged the water quality, you have destroyed habitat for wildlife, you may have threatened some species that live in that land. So they want to change, in the next permit process, the way that you, for example, graze your cattle. If you remember the example from the previous photograph, the Santa Maria River, they decided at certain times of the year cattle could not graze near the river, for many of the reasons I just explained.

If section 116 goes forward as proposed by the Senator from New Mexico, if there is a dispute between the Bureau of Land Management and the permit owner, all the permit owner needs to do is to appeal the decision by the BLM, and, frankly, he gets to live under the terms of his old permit with no restrictions on when the cattle can graze and no restrictions on activity

that might be damaging to the environment. That is the net effect of section 116, that we allow any bad actors who are destroying the environment on our land, our public land, to continue under the old terms and conditions and not face changes that would be in place.

If section 116 were not part of this bill, the Bureau of Land Management could step in with a full force and effect order and say: Even while we are debating and appealing this question, you have to stop grazing your cattle near these streams and rivers in the summer and spring seasons when the area is the most vulnerable.

The bottom line is, those who support section 116 think environmental concerns should be removed, take second place to moving forward and renewing the old permits. That is the bottom line. That is what this debate is all about. Those who believe, as I do, that this land belongs to us and future generations, that this land is in fact the habitat for many species and wildlife that need to be protected, believe, I hope, section 116 should be stricken.

Aldo Leopold wrote a great book called ''A Sand County Almanac.'' It is one of the classics, legends, when it comes to the West and the environment. This is what he said about the land:

> Having to squeeze the last drop of utility out of the land has the same desperate finality as having to chop up the furniture to keep warm.

I hope Members of the Senate, Democrats and Republicans, will step back and acknowledge the obvious. The BLM can meet its obligation. It can renew these permits. It can do it in an environmentally sound way. It can leave this land in as good shape as we received it and maybe better. It can leave a legacy to future generations, and even future ranchers, of which they can be proud. We do not need to carve out an exception here. We do not need to walk away from our environmental responsibility. We do not need to take the public out of the process of debating the future of public lands.

A few minutes ago one of my colleagues from Idaho came to the floor, very critical of the Clinton administration because he said they went through a process on roadless lands in the national forests and they were not public enough. The facts are otherwise. There was room for a lot of public comment. But now we are going to hear those who defend section 116 come forward and say: Take the public out of the process. Automatically renew the permits. Don't make the evaluation.

That is shortsighted. That does not meet the standard and test that Teddy Roosevelt and so many others before us established for this Nation. If we do this, we are not managing this land in the best interests of the taxpayers and the best interests of our children and in the best interests of God's creation.

AMENDMENT NO. 3810

(Purpose: To strike the provision relating to renewal of grazing permits and leases)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 3810.

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:

Strike section 116.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I listened with great interest to the comments of the Senator from Illinois on striking section 116. Let me preface my point by saying the language in the bill is the same language that was in last year's bill. There is a reason for it. Contrary to the argument being voiced by one side of the aisle, this is compromise language. It passed the House and the Senate last year. It was cleared by the Council on Environmental Quality and signed into law by the President.

As part of his speech, the Senator from Illinois showed us a picture of rangeland in poor quality. Well, I could take that same picture in Yellowstone Park. There is not one cow in Yellowstone Park, not one. There are a lot of buffalo, though. It is all managed by educated, competent land managers. The problem is, they have a hard time cutting back on the herd there. So let's not say that all the ranchers in the world are the rapers and the pillagers of the land, because we can see range in worse shape being managed by the National Park Service.

I go back on open range, range country, with the BLM and Government land back to the 1950s, and even a little before that. I can remember riding into Chicago with cattle for J.C. Penney at the old International Stock Show. So I know a little bit about these cattlemen. I know a little bit about grass. I know a little bit about rain. I know a little bit about sunshine.

If it had not been for the ranching community in our public lands States, there would also be no wildlife on that range because there is no water. For the most part, the land that was not claimed under the Homestead Act was land without water. Water was later developed on that land by the people who leased it from the government. To water their cattle they built reservoirs and wells. They also used pipelines. Anyplace livestock can graze, one will find wildlife.

There was an organization formed just after World War II. The country was coming out of a depression and also some devastating years of drought in the thirties. There are probably not a lot of folks standing around here who know much about that. I do not see that much gray hair around.

An organization was formed to improve the range. It was called the Society for Range Management, long before Government had established any kind of environmental rules, long before there was an establishment of the BLM and guidelines for the men and women who would judge the quality of the range. Government did not fund the Society for Range Management. It was strictly funded by those stockmen who ran livestock on public lands. The Taylor Grazing Act was then established, and that is what governs how we handle permits today.

I want to talk about the Society for Range Management. Every year—and I started this in Montana by the way—we have Montana Range Days. About 300 to 400 people show up for a 3-day camp. They sleep on the ground, and they sleep in the back of pickups. The people run from little shavers in the first grade to seasoned stockmen. During the 3 days, we identify the grass, the foliage, noxious weeds, the carrying capacity of a particular strip of range.

I started that when I went into the broadcast business in 1975 because rangeland is the basis for the economies in the eastern counties of Montana. And as a result, the grazing permits on public lands are vital for Montana.

The range today carries a lot more livestock, a lot more recreation, and more activity overall because of a group called the Society for Range Management. They have been responsible, and that is something we should recognize. Oh, sure, you can take a picture of an area after a drought and it won't be pretty. But as I said, I can show you that in Yellowstone Park where the buffalo took the grass into the ground. I can show you that in Jackson Hole. I can show you that around Devils Tower in the Black Hills, and the rangeland of North Dakota. I could probably show you some pastures in the State of Illinois that are privately owned and are overgrazed. There are always one or two bad examples that one can magnify and say the whole world is doing this to my or our land.

I have yet to see any government organization that has taken care of its land, or our land, as well as a private landowner who has made an economic and cultural investment in that land. It just does not happen.

Last year, we compromised with those opposing the language that we would solve the problem of renewing the permits. We told them that in accepting this compromise, the language before us today, we would have to come back each year until the Bureau of Land Management cleared up the current backlog of permits.

The State of Montana does not have as much BLM acreage as some other States. I do not think we have as much as our neighboring State to the south,

Wyoming. They probably also have more people employed by the BLM because of the environmental laws that have been passed. Some of those BLM folks are very good land managers, but they are also hamstrung by some very narrow-minded people who think they know more about the rangeland than they do or the stockmen who run it.

In the meantime, there is a huge backlog of grazing permits that have gone unapproved, and that is the heart of Section 116. If they get the backlog cleared up, this language goes away. What is to fear? If the permit work is done and the permits have gone before the board, this language goes away. We are making sure everybody plays fair—just fair. That is all we are doing.

We are good to our word, and with the BLM's failure to process the backlog of permits, we have used the same compromise language we did last year to prevent kicking family ranchers off the land through no fault of their own. They get their work done. That is the bottom line. It cannot get any more definitive than that.

I do not want America to think that what I heard spoken before is an accurate assessment of our public lands because I will show you land managed by a stockman that lays next to what the Government manages, and there is a big contrast. It is huge. I will take the stockman's land 9 times out of 10 because I have seen it. I have seen the growth. I have seen the maturity and the things we put in place in range country to make it better, and we have done it with our own money. We did not do it with Government money. We did it with our own money to improve that range country.

I support my good friend from Illinois in the area of good environmental practices, but it is my belief that it is not just Government employees who understand good environmental practices. It is done all through farm and agricultural country, whether it be on public lands or private lands.

This change does nothing to impact the compromise language of a year ago.

I oppose striking section 116. I think it is necessary, understanding there are those who do not want anything, anybody, or any livestock on those lands whatsoever, and particularly people. I can put faces on the people who use these lands very conservatively and improve these lands.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I say to Senator DURBIN, I apologize for not being present on the floor when he gave what is always an eloquent speech, which he also did in this instance, with some very marvelous background information. Since that graphic is so alive, I suggest that the Senator should know when the vote starts he has to take it down.

In any event, the good Senator from Illinois said there is no good reason to continue to support the Domenici amendment from last year. Incidentally, on an up-or-down vote on the Durbin amendment last year—he will get up and say it is a different amendment, but essentially it is the same issue—58 Senators voted against Senator DURBIN in favor of the Domenici amendment and 37 voted against the Domenici amendment, and 5 did not vote. I am looking at those who did not vote on the Domenici amendment, and I think the numbers will get more lopsided, I say to the Senator from Illinois, because more of them will go my way than his way.

So we want everybody to understand that we still need what we needed last year. I will answer the rhetorical question, which was, there is no good reason for doing this again. I will say, there are 1,300 good reasons to do it this year, for there are 1,300 Americans—some in my State, some in the State of the Senator from Montana, some in the State of the Senator from Wyoming, but there are 1,300 permits that are still not done, and those are for the years 1999 and 2000. We have 2½ months left in 2000. But there are 1,300 permits backed up for processing that are not completed.

Let me make sure that in just a few minutes everybody understands what this means.

If you were to come around 5 years ago or 6 years ago and ask, what is the issue with the National Environmental Policy Act and the grazing permits—as I told my friend from Illinois last year, it did not exist because nobody thought that renewing a grazing lease qualified under the National Environmental Policy Act—get this—as a major Federal action.

But it has happened in this administration. They have concluded that these 10-year leases we give to ranchers, which are policed by the U.S. Government, are subject to NEPA. Be it the Forest Service rangers or the BLM rangers—they police these permits. They see that they are managed right. That is their job.

Incidentally, during that 10-year lease, if they violate it, they are penalized. If they do not take care of things, they get their allotment cut. It is not operating in a vacuum. It is operating all along with the rancher trying to make a living and the Government saying: Do it right.

Then here comes this administration and it says: Why don't we make both Forest Service permits and BLM permits go through a National Environmental Policy Act review for each and every one.

I can tell the Senator, they heard from me then, but all they heard from me were two things: One, it really isn't needed; and, two, if you are going to do it, you will never get it done on time.

I turned out to be right on both scores because, I say to the good Senator from Illinois, in my State, for each and every NEPA evaluation that preceded a lease renewal, about one from my entire State was changed significantly. That means across the board, 99 percent-plus of the time, the NEPA analysis found nothing needed to be dramatically changed.

As I said to the administration way back then, NEPA analyses aren't needed. And then secondly, I said: You will not get them done on time.

Lo and behold, 2 years into that process, we started getting letters from ranchers and property owners saying: Look what is happening. They are making us do a NEPA statement, but they have not done the work yet, for the Government does the NEPA statement. They have said: What is going to happen when our lease expires?

Nice question. The administration could say: We are not ready to give it to you because we have not done the environmental impact statement on each and every grazing lease, which almost everybody looking at the land says is unnecessary. But let us conclude that they had authority administratively to impose NEPA. Incidentally, they never got authority from Congress. Senator Scoop Jackson was the author of the NEPA law.

It would be very interesting if we could ask him from his place, wherever he is on high: Scoop, did you ever think that a grazing lease renewal was a major Federal action under your law? And I swear, if he is listening, he is turning over in his grave because ''major Federal action'' meant a major Federal action, not renewals of every single lease on the grazing lands of America, which are thousands.

Nonetheless, when I offered my amendment last year, all it said was: Look, Federal managers, because of your own fault, you did not get the NEPA work done. Here is all the money you need. How much money do you need? I remember in the Interior bill they asked for more funding. The distinguished chairman gave them that money, so they had no more complaints. They got every bit of the money they needed to do it.

They set about to complete each and every impact statement on leases that were expiring. The problem is, they have not gotten it done yet. All we said is, since you are the ones that are supposed to get it done, and you did not get it done, then you renew their lease. Give them the renewal, but write in this law and on that renewal that as soon as the NEPA work is finished—get this, my good friend, the Presiding Officer—as soon as the NEPA work is done, whatever your conclusions are, you have a right then to impose them on the permit.

I have every confidence in the world, since I believe only one lease in New Mexico had any major changes made because of NEPA, that this law that I am asking to continue again—because they are still behind—will do no damage to the public domain.

Let me make it very clear. There are some marvelous environmental groups in the United States. They have taken on some fantastic causes. Albeit they

do not like my voting record, that is all right with me. I like some of the things they have done. I do not necessarily ask how they want me to vote before I vote. I saw too much of that when I was a young Senator.

I saw Senators come to the floor, knowing little or nothing about it, who said: How are the environmentalists positioned on this vote?

They would say: They are an aye. They would vote aye.

I just do not happen to be one of those Senators. I am kind of proud of that, to be honest. I do not think anybody should come to the floor and say, I better vote with them. I hope I am informed before I get here.

In spite of what I just said, and that some of the brightest Americans are leading these environmental groups, believe it or not, I say to my fellow Senators, they have made this little amendment a major American environmental test. Using my name, they have spread it far across the country: The Domenici amendment is calculated to destroy the public domain, to let ranchers ranch without having the Federal Government oversee their growing malignancy which is destroying ranchlands.

I say to my friends, it did not destroy any because they did not find anything wrong on most of them. There is a chance they will not get completed on time, and we just ought to stay where we were last year because there are too many Americans who are desperately afraid of the arbitrary action that can be imposed on the rancher by lawsuits. They are afraid of arbitrary actions of people who represent the Federal Government.

They kind of cry out to us, when we go meet with them, saying: Just don't do another thing to us, not giving us our lease renewal, when we had nothing to do with the reason for the denial.

I can't put it any more succinct. That is the way it is.

I urge every Senator to do something very simple, and just send a word back that the proof in the pudding is that the NEPA reviews are not saving the public domain. They are just costing a lot of money, taking a lot of time. At least we ought to say to the ranchers who manage well—which is the overwhelming number—we are not going to hold you hostage out there and do what the distinguished Senator from Illinois recommends, which is that it is no longer mandatory that you proceed in a manner that the Domenici amendment last year said. That law allowed the renewal and then, in due course, when the NEPA analysis is finished, act accordingly, with the Government losing no rights. He would say the Government may do that if they want to. Everybody should know, if you turn the amendment into a ''you can do it if you want to, Federal Government,'' you know what is going to happen, at least for a while: The environmental pressure on the Department will be great enough that they won't do it for anybody. A ''may'' will turn into ''thou shalt not.''

I don't think that is fair. I have high regard for the Senator from Illinois. We were just talking before this debate, saying maybe one of these times we are going to be on the same side. I was thinking, if that happened, we might just overwhelm the Senate. We might get 99 votes.

In any event, I am sure hoping he doesn't get 99 votes tonight. I am hoping I get the same number I got last year, maybe even a few more who have thought about it a little bit. Those who understand that it is kind of ridiculous to claim this amendment that DOMENICI put in this bill is going to wreak havoc on the public domain.

I will go anywhere to debate this issue with anyone as to whether this justifies being a major environmental issue. If it does, we must not have very many environmental issues around. They must have paled from the horizon if one of the major environmental issues in America is this issue. This is an issue where the Government doesn't do its work and therefore can't give the rancher a 10-year permit renewal, which he might be completely entitled to. The agency just hold them in abeyance and says: When we get through with our work, we will give you a lease. In the meantime, maybe you will lose your financing.

A lot of Senators know about ranchers and financing. I wonder what the banks would do if their leases were not as certain as they have been because the BLM or the Forest Service can just say maybe we will be able to renew the permit.

I have spent a lot of time on the floor between the happy forest and perhaps the happy solution to this environmental issue. We will have a vote pretty soon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I won't take a long time. My friends have covered many of the details.

This issue is not about the pictures that were shown by the Senator from Illinois. It has nothing to do with overgrazing or not overgrazing. That is not the issue. I hate to see it be left that way because it really has nothing to do with that. It has to do with what happens until the BLM can get to that piece of land to make the study to decide what to do with the lease. It is pretty simple.

Here is what it says:

> The terms and conditions contained in the expiring permit or lease shall continue in effect under the new permit or lease until such time as the Secretary of Interior completes the processing of such permit or lease in accordance with all applicable laws and regulations, at which time such permit may be canceled, suspended or modified, in whole or in part, to meet the requirements of such applicable laws and regulations. Nothing in this section shall be deemed to alter the Secretary's statutory authority.

I am sorry to say that doesn't fit much with what the Senator from Illinois described when he discussed this bill. I do think we need to briefly talk about what does it do.

It allows the BLM to have more time to complete the necessary environmental reviews for renewing permits and leases. By providing BLM more time, they are less susceptible to litigation and therefore less costly to the taxpayer, and it is more likely that BLM will not rush to finish their job and do a complete job of their review when the time comes. The language provides a better method for stewardship of Federal lands by having the BLM and the rancher work hand in hand on it. It provides the means for the agency to utilize sound processes and procedures. That is what they claim they have not had time to do. This provides that.

It subjects the permittee or lessee to potential modifications by the BLM of the terms and conditions, once the reviews are completed. It doesn't give them carte blanche. BLM is still able to revoke a permittee's grazing privileges at any time. They can do that.

It provides more stability, consistency, and security to ranching families. That is very important to us. Fifty percent of Wyoming belongs to the Federal Government. Most of that is BLM land. It is multiple-use land; it was designed to be under the law. This is a renewable resource, and it is done that way. I know that doesn't mean much in Chicago, but it means an awful lot in Wyoming, out where the Federal lands are. We have to talk about that.

The language eases the end-of-the-year backlog, of course, for BLM.

What does the language not do? It does not lessen the responsibility of the rancher in abiding by the terms and conditions of the permit or lease. It does not limit BLM's authority to manage grazing on public lands. It does not exempt the permittee or the lessee from any environmental law. It does not grant a permit in perpetuity. It simply provides for 10 years, until it is changed by the BLM.

It does not allow BLM to delay or ignore compliance of any environmental law or regulation, since BLM is mandated in those time lines to do those things.

Why is this language necessary? Frankly, it is very disappointing that the Senator from Illinois is back the second year in a row to fight against western livestock ranchers. This issue—BLM not being able to complete the required environmental renewal process on expiring grazing permits—is not the permittee's fault. The backlog was created by the administration, by the BLM. For some reason or other, the Senator from Illinois prefers to penalize the ranchers rather than hold the agency accountable.

Striking this section in the bill is really detrimental to management of these lands. The Senate language, which I agree with, states:

> The inability on the part of the Federal Government to accomplish permit renewal procedural requirements should not prevent or interrupt ongoing grazing activities on public land.

When they get back to doing their job, it continues on. It is pretty simple. It has worked. It can work in the future. I think it is important we have the same language President Clinton signed into law last year.

As a matter of fact, after being contacted by the cattlemen, he said:

> . . . the final 2000 budget does provide BLM with $2.5 million that will enable the agency to effectively conduct detailed reviews before renewing livestock grazing permits and leases to ensure environmental compliance. I am confident this funding will help us protect both the public lands and the livelihood of hardworking ranchers.

That was from President Clinton's letter.

That is where we are. What we need to do is vote against this amendment and allow the system to continue to work as we proved it can work last year.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, in a few moments we may be voting on a motion to strike section 116 of this appropriations bill. That is the amendment offered by our colleague from Illinois. I hope Senators will join with us, as they did last year, in opposing this kind of striking of language.

The Senator from New Mexico has said it so clearly, as have the Senator from Montana and the Senator from Wyoming. They have caused all of us to understand where we are in the process of reexamining the grazing permits of western livestock grazers.

I don't think we have put it in the context we ought to for the Senator from Illinois. If we had, maybe he would be less inclined to come to the floor with this issue in hopes of gaining another environmental certificate this year from the Sierra Club for his charging, dynamic rhetoric on behalf of the environment.

Let me for a moment, if I may, deal with this in a hypothetical way. What if there had been a lawsuit in Rosemont, IL, that suggested the air traffic coming into O'Hare Airport was causing air congestion within that air shed and that air quality could not be arrived at there without changing the character of the management of the O'Hare Airport by reducing its flights by 50 percent?

Of course, the Senator from Illinois and I know—he lives in that region; I fly in and out of that region—if you do that, O'Hare Airport is out of business. Thousands and thousands of people would be laid off, if that were to become a Federal rule or a restriction against that activity. More importantly, this is a hypothetical case.

There is a lawsuit that the air traffic coming in and out of O'Hare has created a situation that disallowed that area from gaining its air quality standards. So EPA is in there examining it and establishing a rule to see whether O'Hare can continue to manage its air flights in and out in a way as to sustain its viability and meet the air quality standards. But the rule hasn't been made at a time that the judge has said: Either get it done or I will enforce a reduction in air traffic by 50 percent.

The Senator from Idaho likes that idea, so I come to the floor on the appropriations bill for the Department of Transportation and say: I want to strike an amendment the Senator from Illinois has in there. Let's extend this period of time and allow EPA to complete its rulemaking process so that we can keep O'Hare alive.

I think it is important that we put all of these kinds of things in context. Illinois is not a public grazing State. Idaho is, New Mexico is, Arizona is, Montana is, and so is Wyoming. What the Senator from New Mexico has said is that under today's environmental laws, and yesterday's environmental laws, these grazers will be allowed to graze during that period of time in which the permit process, through an examination by BLM or the Forest Service, is ongoing to reassess their permit and to adjust and change it in concert with current environmental law. I don't know why he would want to stop that. Obviously, he tried last year and the Council on Environmental Quality agreed with us, we defeated that amendment, and the environment is better today because of it.

I hope our colleagues will stand with the Senator from New Mexico, as they did last year, and say to the Senator from Illinois that we are not going to put ranchers out of business. We live with environmental law, we are sensitive to it, and we believe in it. We are not going to arbitrarily do as I suggested in my hypothetical case with O'Hare Airport, which is an area that is not of my interest, but it is an interest of the Senator from Illinois because it is in his State. I don't know much about it, but in my example I want to come in and arbitrarily change the name of the game. Of course, he would work to disallow that, and this Senator would respect the Senator from Illinois for saying that is not my business; that is the business of the Federal Aviation Administration and the State of Illinois, the city of Rosemont, and the Senator from Illinois—not the Senator from Idaho. I think that is the issue here.

In 1878, the diaries of a cavalry officer in charge of the cavalry in eastern Oregon, northern Nevada, and southern Idaho reflected the following:

> I believe the grazing lands of this region to be 50 to 60 percent depleted.

That was in 1878. Why? No BLM management. No Federal land management. No standards. Large grazing herds out of the Southwest swept through that country and their history, of course, has filled our history books with the nostalgia of the great trail drives. But there was a young man who was used to the land, and at that time he made an observation that the grazing in the region he used to ranch in and that these Senators are concerned about had already been depleted by over 50 percent—in 1878.

I can say to the Senator from Illinois, because of the standards established by the grazing industry, the environmental community, the Federal Government, U.S. Forest Service, and BLM, many of those lands are much better today than they have ever been. In fact, everyone who knows the western grazing lands and the riparian zones the Senator so eloquently spoke of know that they are hundreds of percent better than just a few decades ago. In fact, let us not forget that when the Secretary of the Interior, at the beginning of his tenure back a few years ago, wanted to go out and find some bad grazing examples that he could talk about to change his grazing land policy, his staff came back and said: Mr. Secretary, we can't find any. We can't find the kind of examples you want to bad mouth the grazing industry and management policies of the Forest Service and BLM because grazing has substantially improved and is continuing to improve.

That is what the Domenici provision, section 116, is all about—continuing that relationship of progressive improvement, environmentally, for the benefit of our country and for the benefit of the wildlife, but also for the benefit of the grazing industry.

Improved grazing and better grass in our country means fatter cattle. By the way, we sell them by the pound. I am not at all embarrassed for saying that. That is the way the industry works, in a balanced and necessary way. I thought it was important to bring this debate into context to the Senator from Illinois, who knows more about the subject I proposed hypothetically than I do. I suggest that I probably know a great deal more about public land grazing than he does. I and my family have used public lands for grazing for over 100 years. I have walked on them, I know the changes, and I have helped to get improved standards. We are doing it right on the public lands of the West today, and a great deal better than we used to do it. I think it is important that we recognize grass as an asset and a natural resource that can be used for a multitude of reasons. One of those reasons is to produce red meat protein for the American consumer. That is what the issue is about. I hope my colleagues will join with me in denying the Senator from Illinois his motion to strike.

I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Alabama is recognized.

Mr. SESSIONS. I want to speak on another subject, so I will yield to the Senator from Illinois.

Mr. DURBIN. I thank the Senator. Mr. President, if there is no other Senator wishing to speak the first time on

this, I will speak briefly in conclusion. I have spoken to the chairman of the committee. It is my hope that I can ask for the yeas and nays and that we can schedule a final vote on the amendment, as well as on any other pending amendments at a later hour when all Senators reassemble. If that is acceptable, I will speak for a few moments in conclusion.

Mr. GORTON. Will the Senator yield?

Mr. DURBIN. Yes.

Mr. GORTON. Mr. President, the majority leader has indicated that he hopes we can continue debating this bill and finish it tonight, or at least get to a point tonight where it can be finished, perhaps, with a vote on final passage tomorrow. I think that is possible, and this will be part of it.

So I hope the Senator from Illinois will finish his remarks on it. We will ask for a rollcall, and then we will set voting on it aside until we find out how many other amendments there are. I believe the Senator from Nevada, Mr. BRYAN, wishes to come in with an amendment that would require a vote. The Senator from California, Mrs. BOXER, may have an amendment. Senator NICKLES may have one. I am not sure about the Senator from Alabama. But there are a fairly small number that will require votes. I strongly suggest that anyone who feels that his or her amendment cannot be accommodated as a part of a managers' amendment—and we have a very large one now that includes many of the proposals made—if anybody wants to have a vote or debate, they really need to be on the floor very promptly to do so because we would like to go ahead and finish. With that, I thank the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, let me say in conclusion on this amendment that I have the highest respect for my friend from New Mexico. I often wonder why each year I decide to take on the chairman of the Budget Committee, and the powerful Appropriations Committee, with usually predictable results on the floor of the Senate. He has, much to my consternation, read last year's rollcall, which is another dagger to my heart on this same issue.

Notwithstanding that, I am going to soldier on here because, as the Senator from New Mexico does, there are times when you stand up and fight for something you believe in, even if you may not prevail. I still have the highest regard for him and all of my colleagues on the other side of the issue. I respect the fact that many of them have a much more personal knowledge of ranching and livestock operations than I do. When I think about Senator BURNS of Montana and all of his years as a rancher and auctioneer, he stared more cows in the eye than I will ever be able to.

I listened to my friends, Senator THOMAS, Senator CRAIG, and Senator DOMENICI. I can readily see that these are men in the Senate who represent areas with many more ranchers and many more livestock operators with much more personal knowledge on this subject, notwithstanding that I come to the floor not trying to preach to them about ranging practices but trying to ask them to at least respect the process of trying to protect our public lands.

The Senator from Idaho—I have heard this argument every year when I introduced this type of amendment—has basically said: Why are you sticking your nose into issues about the West? You live in the Midwest. When it comes to an issue such as O'Hare Airport, we would expect you to stand up and talk about it, being from Illinois. But goodness' sake, why are you talking about grazing in 13 Western States if you are from a Midwestern State?

I say to the Senator from Idaho that I think we all bear responsibility, no matter where we are from, for the stewardship of public lands. It isn't only Senators who represent Western States. It is all of us.

Frankly, if those lands are left to future generations, each one of us should take an interest in it, whether we live in Florida, or Illinois, or Maine. We all have a responsibility for those public lands—that Public Treasury, those resources that we count on so much.

I also say to my friend from Idaho that when we stand here and debate gun safety issues representing large cities where a lot of people are victims of gun violence, he stands up on the floor many times and tells us what he thinks gun policy should be in the city of Chicago. He thinks that is his opportunity and responsibility as a Senator from Idaho. So it works both ways.

I think he will concede the fact that, being elected to the Senate, we are not restricted in what we can speak to. We may be restricted in our success about what we speak to.

But let me also say that I want to get down to a couple of things that were not mentioned at the outset that should be mentioned. For those livestock operators who choose to graze on public lands, this is worthy of mention. The grazing fees paid by those ranchers and livestock operators are a bargain. They are an absolute bargain. This Congress and a President decided that we will continue to give these ranchers and livestock operators access to land owned by the people of the United States so they can make a living grazing their cattle for fees that are, frankly, a fraction of what they would pay on private land.

The Federal grazing fee for 1999 was $1.35 per animal unit month grazed. By contrast, the average grazing lease rate for private land is currently more than $11—almost 9 or 10 times the amount these same livestock operators are paying to graze on the lands owned by the people of the United States. In 1996, the fees charged on State land by Western States ranged from $2.18 to $2.20. There was not a single State that leased its grazing land to local livestock operators at a fee as low as the Federal Government.

In addition to the subsidized fees, ranchers with Federal permits enjoy subsidized range improvements. As a result, livestock operators with Federal grazing permits actually have lower production costs and higher profits than livestock ranchers without Federal permits.

As we talk about hardship that we may be creating for livestock operators, let us at least concede at the outset that we are giving these permit holders a bargain to make a living. I have not stood here and criticized ranchers and livestock operators, nor would I. In my State of Illinois, we have livestock products and a lot of farmers. I respect the men and women involved in my State, as I do in any other State. Nor am I bringing this issue before the Senate to try to put any ranchers out of business.

There is one fundamental flaw in the argument on the other side. It is the suggestion that if you had a 10-year permit that expired, that the Bureau of Land Management would cut you off and not give you the right to continue to graze land while they are going through the reissuing of the permit process.

I don't know of a single case where that has happened. The BLM goes out of its way to continue the grazing rights of these livestock operators, even while they are debating the terms of the new permit.

The suggestion has been just the opposite—that they somehow want to get the ranchers off the land. The only time I have read about that is in a situation where they have a rancher or a livestock operator using Federal land in a way they think is harmful to the environment. I think that is reasonable because BLM has a responsibility to protect those public lands from environmental damage.

Let me also address one other thing. The Senator from Montana got up and said there are people managing Yosemite and Yellowstone. There is buffalo and wildlife there, and many of them can destroy land just like any other livestock. I bet that is true. I don't question that it is true. He also went on to say that he thought when it came to range management that we should basically leave it up to the livestock operators to decide what is good for the land. I think that was his conclusion. I think this is a fair summary of his conclusion. I guess in some instance that would be true.

In my home State of Illinois, there are farmers who are responsible environmentalists. They think twice before they apply chemicals. They think about the right thing to do to avoid the loss of good topsoil, and about siltation going into the streams that run into the water supplies of surrounding towns. My hat is off to them. I usually spend Earth Day with farmers because I respect a lot of them. They take this

very seriously. I will tell you that conversely there are some I wouldn't put in that category. There are good and bad.

But let me tell you what the BLM has to say about the acreage that is being grazed by livestock now under their control. They estimate that only about a third of a total 160 million acres grazed by livestock are in good or excellent ecological condition—one-third. Worse yet, even a higher percentage—almost 70 percent of riparian areas, streams, and rivers and their associated fish and wildlife habitat—are in a damaged condition: A third in good condition; 70 percent near streams in bad condition. The General Accounting Office attributes the vast majority of these resource deficiencies to abusive and excessive grazing practices.

When I come before you and show this photo, they say this isn't the real world. But the statistics suggest that overwhelmingly this is the real world. This is a grazing situation where, unfortunately, someone put cattle on this land, and they grazed it down until it looked like a desert. For 3 years after bankruptcy, the land had a chance to recover in the Santa Maria River area of western Arizona. This is what we have to show for it.

What I am suggesting is that the statistics and the studies do not back up the statements on the floor which suggest that this land is being managed so well. There is a need for the BLM. There is a need for the environmentalists. There is a need for public comment.

That is what I think needs to be protected. That is what section 116 would deny us. Frankly, that is what this debate is all about.

It has been the suggestion of my friend from New Mexico—not a suggestion but his notation of the rules of the Senate—that when the time comes for a vote that I am required by the rules of the Senate to remove this photo from the floor. So my colleagues who have not been here for this debate cannot come in and see exhibit No. 1, in my case, for the passage of my amendment. I can understand it. I know why the Senator from New Mexico doesn't want my colleagues to look at this photo. This tells the story as to what section 116 is all about.

I made it a point—because I have such high respect for the chairman from New Mexico—to ask those who are well versed in the rules of the Senate. Once again, the chairman from New Mexico is right. I have to remove this photo under the Senate rules. I will probably appeal that to the Supreme Court at some later time. But, for today, I am going to, obviously, follow the rules of the Senate.

But it is of interest to me that the Senator from New Mexico doesn't want our colleagues to see this photograph. I hope they are watching it as we broadcast this debate on the Senate floor. It tells the story.

This is the bottom line. The BLM is going to process these applications. They are going to get them done on time. There is no need for this amendment. They are going to take a look. In the rare case where they find a livestock operator who is misusing Federal lands that he is getting for a bargain price—where he is misusing land, destroying the ecology, endangering species, and destroying riverbeds and riparian areas—they are going to make him sign a change. If the Senator from New Mexico prevails, they will lose the authority to do that. They will have to renew the permit under the old conditions.

That is my objection to it. That is why I think it should be stricken.

I sincerely hope we have a better outcome on the vote. If my colleagues have followed the debate and have had a chance to see this photo, which concerns my colleague so much, I am hoping they will support me in my motion to strike section 116.

I yield the floor.

Mr. DOMENICI. Mr. President, I ask unanimous consent the Senator be permitted to leave his picture up for the vote.

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

Mr. DURBIN. May I respond to my colleague from New Mexico?

Mr. DOMENICI. The Senator has been responding for 20 minutes.

Mr. DURBIN. The Senator from New Mexico is a gentleman, a scholar, and will receive a reward, I am sure, from the civil liberties group for defending the first amendment.

Mr. DOMENICI. Senator, let me say the idea of putting posters around has proliferated. I don't think we ought to add more to the confusion of a vote by having them around. I had no intention to pass judgment on the validity of your exhibit, which I find very difficult to interpret and rather irrelevant, but besides that, I don't have anything to say about it.

Let me say, why strike a provision that the Federal Government's inaction cries out to be left in this bill, which was signed by the President last year? I might even tell my friend from Illinois, can you believe it, I talked to him personally on this issue because he wanted to understand what the hoopla was about. I will not paraphrase him, but he signed the bill with this provision in it. It does no one any harm, and nothing has happened to say it has hurt the environment in this past year. And this issue has nothing in the world to do with how much ranchers are paying.

If we ever get into a debate upon the issue of, are they getting a great deal from the Government, I will bring from my State name after name of ranchers who are just not even making a living on the Federal domain today. Whatever price he suggested, they just can't hardly make a living under the rules and regulations of the U.S. Government.

That has nothing whatever to do with this issue. The assertion is not correct that the BLM has to leave correctable degradation in place and issue a new permit while damage could continue on the property. Read the amendment. Whatever power the Bureau of Land Management has, it keeps. That means if they issue a permit and they had the authority to make a correction to its terms to fix a problem, they still have it. Nothing is missing.

This provision lets the rancher feel a little more comfortable. He is not as denuded and vulnerable by having no permit until they get ready to issue it to him after they finish processing, which in the past would have taken a couple of years, maybe 2½ years. Now BLM is getting closer to finishing processing of all the expiring permits. I am glad. The amendment is working.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I believe the Senator from Illinois wanted a rollcall. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GORTON. I ask unanimous consent we lay this amendment aside and proceed to an amendment by the Senator from Oklahoma.

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

The Senator from Oklahoma.

AMENDMENT NO. 3812

(Purpose: To provide $7,372,000 to the Indian Health Service for diabetes treatment, prevention, and research, with an offset)

Mr. INHOFE. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE], for himself and Mr. NICKLES, proposes an amendment numbered 3812.

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

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

The amendment is as follows:

At the appropriate place, add the following:

SEC. . Notwithstanding any other provision of this Act—

(1) $7,372,000 shall be available to the Indian Health Service for diabetes treatment, prevention, and research; and

(2) the total amount made available under this Act under the heading ''NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES'' under the heading ''NATIONAL ENDOWMENT FOR THE ARTS'' under the heading ''GRANTS AND ADMINISTRATION'' shall be $97,628,000.

Mr. INHOFE. After going through that rather lengthy amendment of the Senator from Illinois, there should be a little relief that this amendment should not be controversial. This amendment takes the amount of money that was increased—increased—to the National Endowment for the

Arts and transfers that to a fund for Indian diabetes. It is the Indian Health Service for Diabetes.

Probably the least understood illness in this country is that of diabetes among Indians. It is a chronic disease. It has no cure. There are two different types. Type II is what we are addressing, diabetes among adults. Among American Indians, 12.2 percent of those over age 19 have diabetes. This is the highest risk of any ethnic group.

One Pima tribe in Arizona has the highest rate of diabetes in the world, about 50 percent of the tribe between the ages of 30 and 64. In Oklahoma, a lot of people are not aware, during the 1990 census, preliminary figures show the largest percentage of Indian population and the largest number of Indians of any of the 50 States. We spent a lot of time talking to our Indian population and looking at the problems that are peculiar to that population.

Not long ago, I spent some time at an Indian hospital in Talihina, OK, operated by the Choctaws. Case studies include one young male patient I talked to, 20 years of age, who already has been partially blinded with diabetes. He is already suffering from renal failure. He has a 40-year-old father who has gone blind. They recently had to amputate his leg, and probably the other one will go next. In one family, the father and mother both have type II diabetes. The mother is going to start dialysis next month. The son, who is 20 years old, has eye and kidney damage. The daughter is 17 years old and suffered a stroke, requiring weekly medical care. She has a 3-year life expectancy. The average life expectancy of the American Indian patient with diabetes is only 45 to 50 years.

It is very peculiar to the Indian population. It is very clear to see our money is better spent there and we can actually try to do something through research, through medication, through programs, to get the Indian population where they can be treated, where they know how to deal with infections they don't know how to deal with now.

It is unacceptable that, nationwide, 12.2 percent of the Indian adult population has type II diabetes. There is no cure. It is not a lot of money but will go a long way toward saving lives, not just in Oklahoma but in the Indian population all over the country.

The PRESIDING OFFICER. The Senator from Washington State.

Mr. GORTON. Mr. President, with all respect, it seems to this Senator that this amendment is more about the National Endowment for the Arts than it is about the Indian Health Service.

To give a comparison, the amount of money for the Indian Health Service in this bill is more than $2.5 billion. The amount for the National Endowment for the Arts cultural institutions is $105 million. As a consequence, this amendment would add to the Indian Health Service something less than one-third of 1 percent of the budget of the Indian Health Service —something less than one-third of 1 percent. It would subtract from the National Endowment for the Arts some 7 percent of the amount of money appropriated to it.

Our bill provides a $143 million increase for the Indian Health Service for next year over the current year, more than the entire appropriation for the National Endowment for the Arts. I find it ironic it was less than an hour ago that this Senator was praised by the Senator from New Mexico, who is a vocal advocate for the Indian Health Service, for the generosity with which we were treating that service.

Of the amount we are talking about for the Indian Health Service, $56 million is specifically for improved clinical services, which obviously could include diabetes treatment and prevention efforts. But even more significant in connection with this amendment is the fact that the Balanced Budget Act of 1997 provides $30 million a year for 5 years specifically to accelerate diabetes efforts for Native Americans. This year is the fourth such year. So there is $30 million for the fourth consecutive year for the specific purpose of this amendment.

On the other hand, the National Endowment for the Arts has not had a single increase in its funding since 1992. In many respects, the $7 million increase for the National Endowment for the Arts is symbolic; $7 million is real, but in a sense it is symbolic—but it is an important symbol. It is far less than the President's budget has in it. In fact, one of the elements in the long letter from the Executive complaining about this bill is that we are not generous enough with the National Endowment for the Arts.

But when we had our great debates on that subject during the mid-1990s, one of the focal points of the debate was that the National Endowment for the Arts was not using its money correctly and was funding objectionable artistic efforts, objectionable groups, and organizations and individuals. In the intensity of the debate, I believe in 1995 and 1996, an extensive list of reforms was imposed on the National Endowment for the Arts with respect to the way in which it spent its money and made its grants.

Now far more of its money goes to grants to the States. More of its money is spread more broadly around the United States, particularly to relatively small communities rather than a concentration in New York and Washington, DC, and Los Angeles and San Francisco. In other words, the very reforms that were demanded by the Congress have been, I think, cheerfully and thoroughly carried out by the National Endowment for the Arts in a manner quite responsive to what Congress asked for. To continue to punish the Endowment for the sins of its predecessors, or the supposed sins of its predecessors, seems to me to be perverse. I do not believe it appropriate for literally the 10th straight year either to reduce or freeze the appropriation for the National Endowment for the Arts.

I would have to say I think it is doing good work. It is one of those fields in which relatively small grants provide sort of a Good Housekeeping Seal of Approval to a multitude of arts organizations around the country, and provides a tremendous help to them in securing private contributions for their efforts. Some say the money that we provide through the National Endowment for these organizations comes back tenfold, fiftyfold, a hundredfold in private and local contributions.

It does seem to me long past time that we recognize the changes in the National Endowment and reward them for a job well done, even though the reward contained in this bill is modest. I said 2 days ago when this debate began that last year we included such a modest increase. The House was adamant about freezing the appropriation for the Endowment and we ultimately receded to the House. I said then I don't intend that should happen this year. I think it is time for the House to recede to us. I think it is time to deal fairly with an important part of the culture of the United States, and I think this amendment is unnecessary for the purpose for which it is stated because we have far more money in the bill already for the purpose of this amendment than is included in the amendment itself.

I believe we should leave this modest increase and encourage the National Endowment for the Arts to continue the good work and to continue to follow the dictates of this Congress about the way in which it does that work, rather than to continue to punish it for perceived past sins which I am now convinced have long since been cured.

For that reason, Mr. President, I oppose the amendment.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I thank the Senator from Washington for his comments. I do not agree, obviously. I do think, though, I find two reasons to disagree with his arguments: One, to use percentages, as to what percentage this represents that would be decreased from the NEA as opposed to increase for diabetes because of the seriousness of this; the second thing is why carry this into a discussion and a debate on the merits of the National Endowment for the Arts.

If we were to do that, I would be glad to join in that debate. In fact, I voted many times to defund the National Endowment for the Arts. However, that is not this amendment. Right now they have, from last year, $97 million, the NEA, and they are talking about not keeping it level but increasing it by $7.3 million. I am saying the $7.3 million is going to end up saving lives, particularly lives of Indians with diabetes, as opposed to rewarding and increasing the appropriation to the NEA.

I think we need to look at it in that light. As I said, it is just incredible for

people to comprehend the seriousness of this affliction among the Indian population. Yes, I am prejudiced. Yes, the State of Oklahoma has the largest number of Indians of all 50 States, and there are a lot of States that do not have that concern. I can tell you right now, we are going to do everything we can.

What the Senator from Washington says is true. We have increased it by some $30 million and it is going to be increased again over the next 4 years. However, every incremental increase is going to have a very positive effect on the research and the treatment of the Indians with diabetes. So I am going to ask for the yeas and nays on this for a vote.

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. INHOFE. I have no objection to setting it aside and voting when we vote on the rest of the amendments.

Mr. GORTON. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have.

Mr. GORTON. I ask unanimous consent the vote on the amendment be set aside. I had told Senator BRYAN we could go to him next. Does the Senator from Alabama——

Mr. SESSIONS. I had an amendment I did want to talk on tonight. I wanted to take 2 minutes on one other subject, to thank the distinguished floor leader of the bill. I could do one of those, if Senator BRYAN is ahead of me. I have been here longer than he has, I think.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from Washington for his understanding and support, accepting an amendment I offered involving the Rosa Parks Museum in Montgomery, AL. Last year, about this time, Senator ABRAHAM and I submitted a bill to give a Congressional Gold Medal to Rosa Parks. That bill was passed in the Senate and the House, and the President presented it to her last summer in the Rotunda of the Capitol in a most remarkable ceremony.

Rosa Parks, as most people know, was a native of Alabama, Tuskegee. She moved to Montgomery. She was a seamstress. She was riding on a bus one day, the bus was full and she was tired, and simply because of the color of her skin she was asked to go to the back of the bus and she refused and was arrested. That arrest commenced the Montgomery Alabama bus boycott over that rule, leading to a Federal court lawsuit that went to the Supreme Court, in which the Supreme Court held that kind of segregated public transportation was not legal and could not continue.

The leader of that boycott turned out to be a young minister at Dexter Avenue Baptist Church by the name of Martin Luther King, Jr. The Federal judge who originally heard the case was Frank M. Johnson, Jr., one of the great Federal judges in civil rights in American history, as far as I am concerned. Fred Gray was an attorney involved. Mr. Fred Gray, one of the first black attorneys in Montgomery, told the story in his book ''Bus Ride To Justice.'' How little did they know that the events they started on that day in 1955 would commence a movement that has reverberated, not only in Montgomery, in Alabama, but throughout the United States and, in fact, throughout the world, to a claim for rights and freedom and equality—great ideals.

Troy State University in Montgomery, a 3,000-student university, is building a museum and library on the very spot of this arrest. These funds will help create in that building a museum to Rosa Parks with an interactive video friendly to visitors and children about the story of what happened on that day and the importance of it.

I thank the distinguished Senator from Washington for supporting us in this effort.

I see Senator BRYAN. Mr. President, I say to him, I had 15 minutes on an amendment I called up earlier. Would it be all right for me to go ahead? I have a time crisis.

Mr. BRYAN. I inquire of the Chair, there is a unanimous consent agreement that at 6:30 p.m. draconian things happen. I do not want to be precluded from offering my amendment.

Mr. GORTON. Will the Senator yield?

Mr. BRYAN. I will be happy to yield.

Mr. GORTON. The majority leader said 6:30 p.m. can come and go. If there is a prospect of finishing this bill tonight, the defense debate will be diverted. I think we can finish, I hope, by 8 o'clock this evening. The Senator is protected.

Mr. BRYAN. As long as I am protected, I will be happy to yield to my friend from Alabama, and I ask unanimous consent that I be next in line for the purposes of offering an amendment after our distinguished colleague from Alabama.

Mr. GORTON. I put that in the form of a unanimous consent request.

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

Mr. BRYAN. I thank the distinguished floor manager.

Mr. DOMENICI. Mr. President, I ask the Senator to yield 30 seconds for an inquiry. I have an amendment that is pending with reference to a water situation in my State. I ask unanimous consent to follow Senator BRYAN whenever he has finished.

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

The Senator from Alabama.

AMENDMENT NO. 3790

Mr. SESSIONS. Mr. President, I offer amendment No. 3790 to the Interior appropriations bill. It will prevent the Secretary of the Interior from utilizing regulations that he has issued which would grant him the authority to approve class III casino gambling for Indian tribes in States throughout the United States in which class III gambling compacts between the State and a tribe have not been entered.

This amendment had been adopted in the past several years. An identical amendment was accepted last year by voice vote. The original cosponsors already this year are: Senators GRAHAM, REID, BAYH, GRAMS, ENZI, LUGAR, VOINOVICH, and INHOFE. Others are signing on.

Essentially, this amendment will prevent any 2001 funds allocated to the Department of the Interior from being spent on the publication of gaming procedures under the regulations found under part 291 of title 25 of the Code of Federal Regulations, which by now is probably 100,000 pages of regulations issued by the different Secretaries.

The intent of this funding restriction is to render these regulations inoperative next year only so the Department can take no action under the regulations until a case brought by the States of Alabama and Florida concerning the legality of these regulations is first resolved. In fact, Secretary Babbitt himself has expressed on numerous occasions his desire for the Alabama-Florida case to be decided first.

This amendment simply seeks to place the Secretary's public commitments in law to ensure that a Federal court has the opportunity to rule on the validity of these regulations prior to any departmental action next year. This is an important and timely amendment. I urge anyone who is concerned about local control and freedom and concerned about bureaucracy and the spread of gambling within this country to join me in support of this amendment. I want to take a moment to provide some background.

In April of 1999, Secretary Babbitt promulgated final regulations which empower him to resolve gambling controversies between federally recognized Indian tribes seeking to open a class III gambling operation—that is generally casinos—in a State which has not agreed with him to enter into a compact with the tribe or has not agreed to waive its 11th amendment right to exert sovereign immunity from suit.

As a result, tribes located within certain States, such as Alabama and Florida, would be able to use these regulations to obtain class III gambling facilities by negotiating directly with the Secretary of the Interior in Washington, DC, even if the people of the State itself remained opposed to the spread of such gambling or even if the types of gambling sought were illegal under State law.

In my opinion—and the Attorneys General Association of the United States has written us in opposition to this Babbitt rule and regulation and in support of this amendment—in my

opinion, these regulations turn the statutory system created under IGRA, the Indian Gaming Regulatory Act, on its ear because they undercut a State's ability to negotiate with tribes and because it places the gambling decisions in the hands of an unelected bureaucrat who, as a matter of law, also happens to stand in a trust relationship with the Indian tribes, not an unbiased arbiter.

Not only do these regulations offend my notions of federalism, but they also promote an impermissible conflict of interest between the tribes who are asking for a class III gambling license and the Secretary of the Interior who enjoys a special relationship with them. He is not a neutral arbitrator and was never given this power to arbitrate these acts by the Congress. I do not believe these regulations are a valid extension of his regulatory power.

It is breathtaking to me, in fact, and it is another example we in Congress are seeing of unelected, appointed officials, through the power of the Code of Federal Regulations, implanting policies that may be strongly opposed by a majority of citizens. Indeed, none of these people is elected.

My concerns about these gambling regulations were shared by the attorneys general of Alabama and Florida who filed a suit in Federal district court in Florida to challenge the validity. This lawsuit is currently working its way through a Federal court, and its resolution will provide an important initial reading as to whether these regulations are, in fact, legal and constitutional. Allow me to share some of the legal questions raised in the suits.

The States point out that the regulations effectively and improperly amend the Indian Gaming and Regulatory Act because:

> . . . under IGRA, an Indian tribe is entitled to nothing other than an expectation that a State will negotiate in good faith. If an impasse is reached in good faith under the statute, the tribe has no alternative but to go back to the negotiating table and work out a deal. The rules significantly change this——

That is, the rules by Secretary Babbitt—

> by removing any necessity for a finding that a State has failed to negotiate in good faith.

Further, the lawsuit points out:

> The rules at issue here arrogate to the Secretary the power to decide factual and legal disputes between States and Indian tribes related to those rights. Pursuant to 25 U.S.C., section 2 and section 9, the Secretary of the Interior stands in a trust relationship to the Indian tribes of this Nation. The rules set up the Secretary, who is the tribes' trustee and therefore has an irreconcilable conflict of interest as the judge of these disputes—

Between a tribe and a State.

> Therefore the rules, on their face, deny the States their due process and are invalid.

I think the concerns raised by the States are legitimate, that these rules are, in fact, seriously flawed. But do not take my word for it alone. In fact, even Secretary Babbitt admits that the test of legality should be passed first.

On October 12, 1999, the Secretary contacted Senator GORTON—who is managing this bill, and doing an excellent job of it in every way—and wrote him:

> If (a) I determine that a Tribe is eligible for procedures under those regulations, (b) I approve procedures for that tribe, and (c) a State seeks judicial review of that decision, I will not publish the procedures in the Federal Register (a step that is required to make them effective) until a federal court has ruled on the lawfulness of my action.

Similarly, on June 14 of this year, the Secretary wrote Representative REGULA, the chairman of the House Subcommittee on Interior and Related Agencies, to further clarify his position on these regulations. He offered these thoughts:

> I feel it is very important for the court to clarify and settle the Secretary's authority in this area. I anticipate that the court ruling in the Florida case will be favorable of the Secretary's authority to promulgate the regulation.

I disagree. But he goes on:

> However the Department will defer from publishing the procedures in the Federal Register until a final judgment is issued in the Florida case, whether by the District Court or on appeal.

I have written the Secretary to ask him to write me a similar letter and have not yet heard from him.

All the amendment I am offering would do is to back up those public statements with the force of law, by ensuring that the Department could not spend funds to publish these procedures until a Federal appellate court had finally ruled on them. They would not seek to repeal the regulations, nor would they affect any existing compacts with States that wish to negotiate a compact with a tribe.

Personally, I would support an outright repeal of the regulations, but for now I am content to make the Secretary's own words binding because I believe that legal review of these regulations is needed and proper, and that he should not be allowed to take action until such time as a court has made a final ruling on the merits of these regulations, which are, indeed, breathtaking.

Make no mistake about it, it is an important issue in my State. As I speak, there are reports in the local papers that Alabama's lone federally recognized tribe—we have one tribe—is in the process of finalizing a deal with Harrods, which would result in the future construction of a casino on land operated within the small town of Wetumpka, AL, not far from Montgomery.

No Indians now live on this land. It is land they simply own. It is about 180 miles from the small tribe lands that exist there. Because Alabama has not entered into a compact with the tribe, to allow them to put a casino there, they have gone to the Secretary of the Interior and had him issue regulations that would give them the power to override the State of Alabama's decision not to have casinos anywhere in the State.

They have a power to compact. They have a power to say no on certain things. Alabama does have a dog track. The Indians would be entitled to a dog track. They have bingo and related activities at the Indian tribal lands further to the south in the State, but they are not being allowed, under the State's negotiating position, to have a casino, a position that I would support.

Allow me to quote a few of the public comments that were made concerning this effort. The office of the Governor of Alabama, Governor Siegelman, has stated:

> The governor is ''adamantly opposed'' to casino gambling in any form within the state and will take whatever steps are necessary to stop it.

That is a Democratic Governor.

Attorney General Pryor, a Republican, has stated that the Attorney General:

> . . . will take whatever action necessary to prevent illegal gambling by any Indian tribe in the State of Alabama [because Attorney General Pryor] believes Babbitt has no authority to allow gambling by Indians in states where such gambling is prohibited by law.

Representatives EVERETT and RILEY oppose any future casino development.

Mayor Jo Glenn of Wetumpka—I think everybody in the city council has written me about it—has expressed her strong opposition to the presence of a casino in her town and wrote me:

> Our infrastructure and police and fire departments could not cope with the burdens this type of activity would bring. The demand for greater social services that comes to areas around gambling facilities could not be adequately funded. Please once again convey to the Secretary our City's strong and adamant opposition to the establishment of an Indian Gambling facility here.

The Secretary does not have to live with the community whose nature is changed overnight by a major Harrods gambling facility. He does not live in that community. He is not elected. He is not answerable to anybody. Yet he thinks he has the power to tell them what they have to do and dramatically change the nature of that town and the lives of the people who live there. No, sir.

The Montgomery Advertiser wrote:

> Direct Federal negotiations with tribes without State involvement would be an unjustifiably heavy handed imposition of authority on Alabama. The decision whether to allow gambling here is too significant a decision economically, politically, socially to be made in the absence of extensive State involvement. A casino in Wetumpka—not to mention the others that would undoubtedly follow in other parts of the State—has implications far too great to allow the critical decisions to be reached in Washington. Alabama has to have a hand in this high stakes game.

Unelected and unaccountable, the Secretary of the Interior has issued regulations that would completely change the nature of beautiful Wetumpka, a bedroom community to Montgomery, AL, and a historic community in its own right, against its will. It is a shocking and amazing event, in my view.

Clearly, the unmistakable sentiments of the Alabama public can be heard through these diverse voices. Not only would the regulations allow the tribe to obtain permission to engage in activity that is currently illegal under Alabama law, but the actual placement of the casino itself would result in the destruction of an important archaeological site that is listed on both the National Register of Historic Places and the Alabama Historical Commission and the Alabama Preservation Alliance's list of historic ''Places in Peril.''

The site that is most frequently mentioned for development is known as Hickory Ground, and it is an important historical site that served as the capital of the National Council of the Creek Indians, and was visited by Andrew Jackson, and which contains graves and other important subsurface features.

The site is, in fact, revered by other Creek Indian groups within the State and the Nation, as represented by the comments of Chief Erma Lois Davenport of the Star Clan of Muscogee Creeks in Goshen in Pike County who stated:

Developers' bulldozers should not be allowed to destroy the archaeological resources at the Creek site.

What is ironic about the choice of this site by the tribe is that the land was acquired by the tribe in 1980 in the name of historic preservation in an attempt to prevent the previous landowner from developing the site for commercial purposes.

In fact, the tribal owners of this site once wrote:

The property will serve as a valuable resource for the cultural enrichment of the Creek people. The site can serve as a place where classes of Creek culture may be held. The Creek people in Oklahoma have pride in heritage, and ties to original homeland can only be enhanced. There is still an existing Hickory Ground tribal town in Oklahoma. They will be pleased to know their home in Alabama is being preserved.

As you can see, should the tribe receive the ability to conduct class III gambling and construct a casino, Alabama will run the very real risk of losing an important part of its cultural heritage, as will Creek peoples throughout the country.

It is for these reasons I am offering this amendment. We should not allow these gaming regulations to go into effect until we have had a final ruling of the court. We should not allow the Secretary of Interior to promulgate these regulations when he has an untenable conflict of interest. I think it is appropriate to put a 1-year moratorium on it.

I am glad to have broad bipartisan support from Senators GRAHAM, REID, BAYH, GRAMS, INHOFE, VOINOVICH, LUGAR, and ENZI.

I ask unanimous consent that Senator MACK be added as a cosponsor of the amendment.

The PRESIDING OFFICER (Mr. L. CHAFEE). Without objection, it is so ordered.

Mr. SESSIONS. This is an important matter, Mr. President. I care about it. I believe it is important from a governmental point of view. The Chair understands, as a former Governor, the importance of protecting the interest of the State to make decisions the people of the State care about and not have them undermined or overruled by unelected bureaucrats in Washington.

I ask unanimous consent to print in the RECORD a letter to me from the Attorney General of the State of Florida, Robert Butterworth, and a letter from the Attorney General of the State of Alabama detailing eloquently their objections to the Babbitt regulations.

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

STATE OF FLORIDA,
OFFICE OF ATTORNEY GENERAL,
July 12, 2000.

Re Amendment to H.R. 4578

Hon. JEFF, SESSIONS,
United States Senate, Washington, DC.

DEAR SENATOR SESSIONS: This letter is presented in support of the rider that you will be sponsoring on the Interior Appropriations Bill preventing the Secretary of the Interior from issuing procedures which would allow class III gambling on Indian lands in the absence of a Tribal-State compact during the fiscal year ending September 31, 2001. Such a rider would be welcomed by the State of Florida and I strongly support your effort to so restrict the actions of the Secretary.

In April of 1999, the Secretary promulgated final rules allowing him to issue procedures which would license class III gambling on Indian lands in a State where there has been no Tribal-State compact negotiated as required by section 2710(d) of the Indian Gaming Regulatory Act. Florida and Alabama immediately challenged those regulations asserting that they are in excess of the authority delegated to the Secretary by Congress in IGRA and that they are inconsistent with IGRA's statutory scheme. In letters to various members of Congress, the Secretary stated that he would allow the litigation to conclude prior to finalizing any such procedures through publication in the Federal Register. During recent deliberations on a House measure similar to the one you propose, the Secretary indicated that he would forbear publication until after the completion of any appeals.

Such a promise by the Secretary is not legally binding on this Secretary or any successor. If the trial court rules in his favor and the States appeal, the State of Florida faces the prospect of the Secretary publishing final procedures for Florida Tribes thereby licensing full scale casino gambling on Indian lands in our state while the appeal is pending. Should the States prevail on appeal and the Secretary's actions are determined to be invalid by either the Court of Appeals or the Supreme Court, Florida will be faced with an intolerable situation. The Tribes will have invested in and opened full scale casinos which will then be deemed illegal under IGRA. In the past, the federal government has been either unable or unwilling to see that the requirements of the law—IGRA—be faithfully enforced. Both the Seminole and Miccosukee Tribes in Florida have for some time operated uncompacted class III gambling operations with no response from the responsible federal officials.

I believe that your proposal is in order. The proposal is consistent with the Secretary's position that the court should be given an opportunity to rule on the validity of his regulations prior to the implementation of any gambling purporting to be licensed under them. By preventing the Secretary from acting in the next fiscal year, the proposal protects all concerned from a miscarriage of justice and will inject the certainty necessary for proper relations among the parties to this dispute.

Thank you again for your continued attention to this very important matter and I remain at your service to help in any way I can.

Sincerely,
ROBERT A. BUTTERWORTH,
Attorney General.

OFFICE OF THE ATTORNEY GENERAL,
STATE OF ALABAMA,
July 11, 2000.

Re Sessions-Graham Amendment to H.R. 4578

Senator JEFF SESSIONS,
United States Senate,
Washington, DC.

DEAR SENATOR SESSIONS: I write in support of the amendment that you and Senator Graham have proposed to H.R. 4578, the FY 2001 appropriations bill for the Department of the Interior, which would prohibit the Secretary of the Interior from using appropriated funds to publish Class III gaming procedures under part 291 of title 25, Code of Federal Regulations.

As you know, substantial questions have been raised regarding the Secretary's authority to promulgate Indian gaming regulations. At the Notice and Comment stage, the Attorneys General of several states, including Alabama, pointed out that the Secretary lacked statutory authority to promulgate procedures that would allow Indian tribes to obtain gaming compacts from Interior rather than by negotiation with the States. The Attorneys General also pointed out that the Secretary had an incurable conflict of interest that would preclude his acting as a mediator in disputes between the tribes and the States because he is a trustee for the tribes and owes them a fiduciary duty. After the Secretary overrode these objections and promulgated Indian gaming regulations, the States of Alabama and Florida filed suit in federal district court to challenge the Secretary's action. That lawsuit remains pending.

The proposed rider preserves the status quo and allows the federal courts to resolve the issues raised in the lawsuit filed by Alabama and Florida. More particularly, the rider precludes the Secretary from spending appropriated funds to take the last step necessary to allow a tribe to conduct Class III gaming over State objection. The Secretary should withhold this final step until the Alabama and Florida lawsuit has been resolved and all appeals are precluded.

The rider will not only preserve the status quo, it will preclude injury to the States and any tribe that may rely to its detriment on Secretarial action that has not been conclusively held to be statutorily authorized.

Very truly yours,
BILL PRYOR,
Attorney General.

The PRESIDING OFFICER. Does the Senator seek to make his amendment the pending amendment?

Mr. SESSIONS. I ask unanimous consent the amendment be made the pending amendment.

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

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

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I rise today as I have in prior years to oppose the amendment proposed by my colleague, Senator SESSIONS, related to Indian gaming.

I have had the privilege of serving on the Committee on Indian Affairs for 20 years now.

Over the course of that time, I have learned a little bit about the state of Indian country, and the pervasive poverty which is both the remnant and result of too many years of failed Federal policies

There was a time in our history when the native people of this land thrived.

They lived in a state of optimum health.

They took from the land and the water only those resources that were necessary to sustain their well-being.

They were the first stewards of the environment, and those who later came here, found this continent in pristine condition because of their wise stewardship.

Even after the advent of European contact, most tribal groups continued their subsistence way of life.

Their culture and religion sustained them.

They had sophisticated forms of government.

It was so sophisticated and so clearly efficient and effective over many centuries, that our Founding Fathers could find no other better form of government upon which to structure the government of our new Nation.

So they adopted the framework of the Iroquois Confederacy—a true democracy—and it is upon that foundation that we have built this great Nation.

Unfortunately, there came a time in our history when those in power decided that the native people were an obstacle, and obstruction to the new American way of life and later, to the westward expansion of the United States.

So our Nation embarked upon a course of terminating the Indians by exterminating them through war and the distribution of blankets infested with smallpox.

We very nearly succeeded in wiping them out.

Anthropologists and historians estimate that there were anywhere from 10 to 50 million indigenous people occupying this continent at the time of European contact.

By 1849, when the United States finally declared and end to the era known as the Indian Wars, we had managed to so effectively decimate the Indian population that there were a bare 250,000 native people remaining.

Having failed in that undertaking, we next proceeded to round up those who survived, forcibly marched them away from their traditional lands and across the country.

Not surprisingly, these forced marches—and there were many of these ''trails of tears''—further reduced the Indian population because many died along the way.

Later, we found the most inhospitable areas of the country on which to relocate the native people, and expected them to scratch out a living there.

Of course, we made some promises along the way:

That in exchange for the cession by the tribes of millions of acres of land to the United States, we would provide them with education and health care and shelter.

We told them, often in solemn treaties, that these new lands would be theirs in perpetuity—that their traditional way of life would be protected from encroachment by non-Indians and that we would recognize their inherent right as sovereigns to retain all powers of government not relinquished.

Their rights to hunt and fish and gather food, to use the waters that were necessary to sustain life on a reservation and the natural resources, were also recognized as preserved in perpetuity to their use.

But over the years, these promises and others were broken by our National Government, and our vacillations in policies—of which there were many—left most reservation communities in economic ruin.

It might interest my colleagues in the Senate to know that the Government of the United States entered into 800 treaties with Indian nations, sovereign nations. Of the 800 treaties, 470 were filed. I presume they are still filed in some of our cabinets. Three hundred seventy were ratified. Of the 370 treaties ratified by this Senate, we found it necessary to violate provisions in every single one of them.

The cumulative effects of our treatment of the native people of this land have proven to be nearly fatal to them.

Poverty in Indian country is unequaled anywhere else in the United States.

The desperation and despair which inevitably accompanies the pervasive economic devastation that is found in Indian country accounts for the astronomically high rates of suicide and mortality from diseases.

Within this context, along comes an opportunity for some tribal governments to explore the economic potential of gaming.

It doesn't prove to be a panacea, but it begins to bring in revenues that tribal communities haven't had before.

And then the State of California enters the picture by bringing a legal action against the Cabazon Band of Mission Indians—a case that ultimately makes it to the Supreme Court.

Consistent with 150 years of Federal law and constitutional principles, the Supreme Court rules that the State of California cannot exercise its jurisdiction on Indian lands to regulate gaming activities.

This is in May 1987, and in the aftermath of the Court's ruling, attention turns to the Congress.

Mr. President, it was now in the 100th session of the Congress that I found myself serving as the primary sponsor of the Indian Gaming Regulatory Act of 1988.

There were many hearings and many drafts leading up to the formulation of the bill that was ultimately signed into law.

Intially, our inclination was to follow the well-established and time-honored model of Federal Indian law—which was to provide for an exclusive Federal presence in the regulation of gaming activities on Indian lands.

Such a framework would be consistent with constitutional principles, with the majority of our Federal statutes addressing Indian country, and would reflect the fact that as a general proposition—it is Federal law, along with tribal law, that governs most all of what may transpire in Indian country.

But representatives of several States came to the Congress—demanding a role in the regulation of Indian gaming—and ultimately, we acquiesced to those demands.

We selected a mechanism that has become customary in the dealings amongst sovereign governments.

This mechanism—a compact between a State government and a tribal government—would be recognized by the Federal Government as the agreement between the two sovereigns as to how the conduct of gaming on Indian lands would proceed.

This Federal recognition of the agreement would be accompanied when the Secretary of the Department of the Interior approved the tribal-State compact.

In an effort to assure that the parties would come to the table and negotiate a compact in good faith, and in order to provide for the possibility that the parties might not reach agreement, we also provided a means by which the parties could seek the involvement of a Federal district court, and if ordered by the court, could avail themselves of a mediation process.

That judicial remedy and the potential for a mediated solution when the parties find themselves at an impasse has subsequently been frustrated by a ruling of the Supreme Court upholding the 11th amendment immunity of the several States.

Thus, while there are some who have consistently maintained that sovereign immunity is an anachronism in contemporary times, in this area at least, the States still jealously guard their sovereign immunity to suit in the courts of another sovereign.

In so doing, the States have presented us with a clear conflict, which we have been trying to resolve for several years.

Although 24 of the 28 States that have Indian reservations within their boundaries have now entered into 159 tribal-State compacts with 148 tribal governments, there are a few States in which tribal-state compacts have not been reached.

And the conflict we are challenged with resolving is how to accommodate the desire of these States to be involved in the regulation of Indian gaming and their equally strong desire to avoid any process which might enable the parties to overcome an impasse in their negotiations.

The Secretary of the Interior is to be commended in his efforts to achieve what the Congress has been unable to accomplish in the past few years.

Following the Supreme Court's 11th amendment ruling, the Secretary took a reasonable course of action.

He published a notice of proposed rulemaking, inviting comments on his authority to promulgate regulations for an alternative process to the tribal-State compacting process established in the Indian Gaming Regulatory Act.

Thereafter, he followed the next appropriate steps under the Administrative Procedures Act, inviting the input of all interested parties in the promulgation of regulations.

When the Senate acted to prohibit him from proceeding in this time-honored fashion, he brought together representatives of the National Governors Association, the National Association of Attorneys General, and the tribal governments, to explore whether a consensus could be reached on these and other matters.

In the meantime, my colleagues propose an amendment that would prohibit the Secretary from proceeding with the regulatory process.

Once again, there have been no hearings on this proposal—no public consideration of this formulation—no input from the governments involved and directly affected by this proposal.

Last year, the Secretary of the Department of the Interior made clear his intention to recommend a veto of the Interior appropriations bill should this provision be adopted by the Senate and approved in House-Senate conference.

I suggest that it is unlikely that the Secretary's position has changed in any material respect—particularly in light of all that he has undertaken to accomplish, including frank discussion amongst the State and tribal governments.

As one who initiated a similar discussion process several years ago, I am more than a little familiar with the issues that require resolution.

However, in the intervening years, court rulings have clarified and put to rest many of the issues that were in contention in that earlier process.

I have continued to talk to Governors and attorneys general and tribal government leaders on a weekly, if not daily basis, and I believe, as the Secretary does, that the potential is there for the State and tribal governments to come to some mutually acceptable resolution of the matters that remain outstanding between them.

I believe the Secretary's process should be allowed to proceed.

I also believe that pre-empting that process through an amendment to this bill could well serve as the death knell for what is ultimately the only viable way to accomplish a final resolution.

The alternative is to proceed in this piecemeal fashion each year—an amendment each year to prohibit the Secretary from taking any action that would bridge the gap in the Indian Gaming Regulatory Act that was created by the Court's ruling and which will inevitably discourage the State and tribal governments from fashioning solutions.

This is not the way to do the business of the people.

There are those in this body who are opposed to gaming.

As many of my colleagues know, I count myself in their numbers. I am opposed to gaming.

Hawaii and Utah are the only two States in our Union that criminally prohibit all forms of gaming, and I support that prohibition in my State.

But I have walked many miles in Indian country, and I have seen the poverty, and the desperation and despair in the eyes of many Indian parents and their children.

I have looked into the eyes of the elders—eyes that express great sadness.

I have met young Indian people who are now dead because they saw no hope for the future.

And I have seen what gaming has enabled tribal governments to do, for the first time—to build hospitals and clinics, to repair and construct safe schools, to provide jobs or the adults and educational opportunities for the youth—and perhaps most importantly, to engender a real optimism that there can be and will be—the prospects for a brighter future.

It is for these reasons, and because of their rights as sovereigns to pursue activities that hold the potential for making their tribal economies become both viable and stable over the long term, that I support Indian gaming.

And it is for these reasons, that I must, again this year, strongly oppose the efforts of my colleagues to take from Indian country, what unfortunately has become the single ray of hope for the future that native people have had for a very long time.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I just have a minute and then I will yield to Senator CAMPBELL.

Mr. President, Alabama has one very small tribe of a few hundred people down at the south end of the State, near my home of Mobile. This land is around Montgomery, 150 miles further north, and there are no Indians living on it, where they want to build this casino.

The tribe is a group of the finest people I know. The chief tribal administrator, Eddie Tullis, is a long time friend of mine. I admire him. I admire what they have done. They have a bingo parlor that has been successful and is doing well. They have a motel and a restaurant that I eat at frequently. I love the people who are there. I care about them. Eddie Tullis recently said in the paper: JEFF is OK. He is just letting his morality get in the way of his good judgment.

I didn't know whether I should take that as a compliment, or what.

But my view is simply this: I don't think IGRA would have passed if the people in the Senate and the House thought that if a State said to the tribe: You can have horse racing, you can have dog racing, you can have bingo, as we have in Alabama, but we are not going to remove casino gambling from the State.

That is the question I have.

The Secretary of Interior is talking about stepping into this dispute and taking the position that he alone can decide what is done.

I care about the fine Indian people who are members of the Poarch Band in Atmore, AL. I have visited that area many times. I know quite a number of them personally. This isn't a personal thing. I think they understand it. It is matter of law. I was former Attorney General of the State of Alabama. I don't believe this is good policy.

We ought to pass this amendment.

I see Senator CAMPBELL, whom I respect highly. I know he wants to speak on the matter.

I yield to Senator CAMPBELL.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Mr. President, I thank my friend.

Mr. President, certainly there are Members of this Chamber who are downright against gaming. I understand that. As Senator INOUYE mentioned, even his State has no gaming. But I do not believe that is what this debate is about. For me, very frankly, it is about whether we keep our word or we do not keep our word.

The Senator mentioned that literally for every treaty ever signed by the Federal Government, Indian tribes ended up losing by virtue of the Government breaking the treaty.

No one speaks more eloquently than Senator INOUYE about the destructive forces that have been heaped upon American Indians at the hands of the U.S. Government. I think he does it very eloquently because of his own background. He is a man of great bravery, who just received America's highest award. He is a Medal of Honor recipient. Yet he fought in a war during which his own people were interned in camps at the hands of the Federal Government. Certainly, Senator INOUYE is held in the highest esteem throughout Indian country, as he is in this body.

But I think many of our colleagues ought to study the old treaties, even though most of them were broken—not all—by the Federal Government. Indian people have a very special relationship with the Federal Government. It would do us well if we read some of the old promises we made and didn't keep.

The Senator talked a little about the problems we have on reservations. But

I don't think it is really understood by people who spend most of their time, as we say, ''outside the reservation.'' You ought to go to Pine Ridge, SD, where unemployment is 70 percent, usually. It is rarely less than 50 percent. It is sometimes higher than 70 percent—where every third young lady tries suicide before she is out of her teenage years; and young men, too. Too many of them succeed.

With fetal alcohol syndrome compared to the national average, 1 out of every 50,000 babies born in America suffers from fetal alcohol syndrome. For those who do not know what that is, that is a disease they get when they are inside of their mother because their mother drinks. It is about 1 out of 50,000 nationwide. But in Pine Ridge, SD, in some years it is 1 out of 4 babies. It is a disease that is totally preventable. Yet it is incurable once they have it. They get it from their mother drinking too much. They are institutionalized for life, at a huge cost in terms of human tragedy and the American taxpayer.

If you had those numbers in any town in America—whether it is the high school dropout rate, or the suicide rate, whether it is death by violent actions, whether it is fetal alcohol syndrome, or anything else—if you had anything near that in the outside culture, it would be considered devastating to that community. Believe me, people would be here on the floor clamoring for the Senate to do something about it.

There are very few things that work on Indian reservations that try to bring new money to the reservation.

In 1988, when Senator INOUYE was the leader on the Senate side on the Indian Gaming and Regulatory Act, and I was on the House side as one of the people involved originally in the writing of that bill, certainly then none of us knew that it would grow to such proportions. But clearly it has done some good. It is not all good. Obviously, there are stresses and pressures. When you increase any kind of economic activity in a local community, there are more people on the highways. There are more people in the schools and parks. We understand that.

If you look at the outside of it in terms of what it has done to help youngsters with scholarships, what it has done to help senior citizens who had no other income, and what it has done to provide money for tribes that have been able to invest that money into other enterprises, it is overwhelmingly positive.

I have to tell you that it seems that every year we have to fight this fight. Almost every year, somebody comes down here with a microphone who wants to take a hit at the little opportunities Indians have in Indian country because of gaming.

I point out, my gosh, that I live on the Southern Ute Reservation in Colorado 150 yards from a tribal casino. I see who works it. I see if there is any increase in crime—or other kinds of wild accusations we sometimes hear on the Senate floor. Believe me, they are mostly wrong.

First of all, the majority of people who work in the Indian reservations are not Indian. At least 50 percent in most of the casinos are not Indians. It has helped whole communities. They pay income taxes just as anybody else—Indian people and non-Indian. It has put revenue into the coffers of the Federal Government and State governments.

Under Federal law, in 1988, as you know, tribes were limited to the types of gaming allowed under the laws of the States in which they reside. Some States simply don't allow gaming at all. Therefore, those tribes in those States can't do it. We made sure that the tribes were factored in in 1988. In my own State, tribes are limited to just slot machines and low-stakes table games.

The State of our friend from New Mexico has a little higher limit. Other States have higher limits. But it is with the approval of the States under a contractual agreement between the States and the tribes.

In Utah, there is no gambling whatsoever. Therefore, the tribes cannot have any form of gaming.

The intent of the Federal Indian Gaming Act was that in States where gaming is limited or prohibited, tribes would be similarly limited or prohibited. It was an agreement made with the States. They were not locked out. They were completely included in the process and certainly in the dialog when we wrote this bill in the first place.

There are many tribes and States that sat down and worked out their agreements that are binding and effective.

We often hear about an isolated case where something is not working very well. But often we don't study all of the overwhelmingly positive effects.

There are some Governors whom we know who have refused to negotiate at all with the tribes in their States, leaving those tribes without the ability to legally conduct gaming activities. That wasn't assumed. We passed the IGRA Act in 1988. We didn't think there would be some Governors who simply wouldn't negotiate and would stonewall and not come to the table. But there have been some.

We should remember how we got here.

In the wake of the 1987 Cabazon decision by the Supreme Court which held that State gaming laws did not apply to Indian gaming conducted on Indian lands, States clamored for a role in the writing of IGRA and regulating of the gaming on Indian lands. They got it.

Congress responded in 1988 by enacting the Indian Gaming Regulatory Act which provided an unprecedented opportunity for States to participate in the conduct and regulation of Indian gaming conducted entirely on Indian lands.

Reverse that a little bit. Do you think Indian tribes are in the loop or are able to participate in the conduct of regulation of State activities that are off Indian lands? They don't have the voice that States do within tribal governments.

That act was a compromise and for the first time gave the State governments a role in what gaming would occur on Indian lands. While Congress intended State participation, we intended to participate but we never intended that the States' refusal to negotiate would serve as an effective veto by any State over a tribe's right to conduct such gaming.

Today's debate is about whether a Governor or State can limit the type of activity of certain groups simply by refusing to negotiate. That is unfair. I think it is un-American.

As my colleagues know, I happen to be from the West. Most westerners are strong States rights people. We continually harangue the Federal Government for eroding States rights. We are always down here over business development or use of public lands. If it is good enough for a tribe to have to negotiate, then it should also be good enough for the State to have to negotiate, as was implied in IGRA.

While I believe that each State's public policy should determine the scope of gaming in that State, I also believe the current state of the law gives States what is in reality a veto over tribes. That is unacceptable.

I should point out to my colleagues that in many cases non-Indian gaming is promoted and even operated by State governments, such as State lotteries. It is an element of competition that should not be lost on this body. No one wants to share the revenue if they think they can make it all. I understand that. That is American business. But I believe some States have refused to bargain simply in order to preserve that monopoly on gaming.

To begin to break the stalemate, the Interior Department proposed a process based on the IGRA statute. Senator INOUYE alluded to that. Though the process may need refinement, I don't believe the Secretary should be stopped from developing alternative approaches to this impasse.

I believe it is in the interests of all parties that the Federal courts be allowed to render final, binding decisions to clarify the authority of the Secretary. That has not been finished. That is ongoing now. Adoption of this amendment would certainly short circuit that process.

By the way, there has been a similar amendment already rejected by the House of Representatives. I think it will unduly interfere with the litigation that is now at hand and deny the parties the clarification they need.

Last year, Secretary Babbitt made a commitment to Chairman GORTON, to the Senate as a whole, to refrain from implementing any further regulations until the Federal courts, including the

appellate level, rule on the merits of the legal issues involved. That litigation is now endangered by this amendment, which prohibits the Secretary from taking any action to implement those regulations, including the actions that will allow the matter to ''ripen'' and allow it to be pursued to a conclusion.

Coming from a Western State, I am as supportive as anyone in this body of States rights, but those who say this process ''overrides the Governors'' are wrong.

Under the proposal, if a State objects to a decision made by the Interior Secretary, that State can challenge the decision in Federal court.

For those who fear the Department is acting without oversight I point out that Congress has the authority to review any proposed regulations before they take effect.

As the proposal comes before the authorizing committees, any new regulations will get a careful review and if they are found wanting, they will not pass.

I urge my colleagues to vote against this amendment and allow the process to work.

Mr. President, I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Washington.

AMENDMENT NO. 3790

Mr. GORTON. Mr. President, I believe Senator SESSIONS is willing to withdraw the rollcall on this amendment. It will be accepted by voice vote.

Also, I have a unanimous consent request with respect to the votes that have already been ordered.

Mr. SESSIONS. Mr. President, that is correct. First, we are asking today in this amendment basically what the Secretary has agreed to. He has agreed, to the House but not to us, that he would hold off until after the appeal, and this 1-year delay would cover the circumstance in which we are likely to have a new Secretary come January—whether President Bush or GORE is elected. This may not be binding on the new one. It will guarantee the status quo until we get a court ruling.

In light of that and the discussions I have had, I vitiate my request for the yeas and nays and ask for a voice vote.

Mr. CAMPBELL. I have no objection to the voice vote. I will be on the losing side, but when we get to conference, I will have a lot more to say about it.

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

The amendment (No. 3790) was agreed to.

Mr. GORTON. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, I ask unanimous consent, notwithstanding the DOD concept, that the votes occur in the following order, with no second-degree amendments in order prior to the votes, with 2 minutes prior to each vote for explanation in relation to the Durbin amendment on the subject of grazing and the Inhofe amendment on the subject of the National Endowment.

CHANGE OF VOTE—NO. 169

Mr. REID. Reserving the right to object, on rollcall vote 169, I was recorded as voting yea and I voted nay. Therefore, I ask unanimous consent the official record be corrected. This will in no way affect the outcome of the vote.

The PRESIDING OFFICER. Is there objection?

Mr. REED. Reserving the right to object, on rollcall vote No. 169, I was recorded as voting nay and I voted yea. Therefore, I ask unanimous consent that the official record be corrected to accurately reflect my vote. This will in no way affect the outcome of the vote.

Mr. LEVIN. Reserving the right to object, do I understand that the unanimous consent request would bring the Senate back to the previous order, immediately after those two votes?

Mr. GORTON. The Senator is correct. Basically, we will have two rollcall votes now and then go to DOD. I understand the leaders were attempting to arrange to finish Interior on Monday.

The PRESIDING OFFICER. Is there objection to the request by the Senator from Washington?

Without objection, it is so ordered.

The PRESIDING OFFICER. Is there objection to the request of the Senators from Nevada and Rhode Island?

Without objection, their requests are so ordered.

VOTE ON AMENDMENT NO. 3810

Mr. GORTON. Mr. President, I don't believe the Senator from Illinois is available.

Mr. REID. Why don't we waive our 2 minutes? We heard from the Senators previously.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment No. 3810. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 38, nays 62, as follows:

[Rollcall Vote No. 175 Leg.]

YEAS—38

Akaka	Hollings	Moynihan
Bayh	Jeffords	Murray
Biden	Johnson	Reed
Boxer	Kennedy	Reid
Bryan	Kerry	Robb
Chafee, L.	Kohl	Rockefeller
Cleland	Landrieu	Sarbanes
Collins	Lautenberg	Schumer
Durbin	Leahy	Snowe
Edwards	Levin	Torricelli
Feingold	Lieberman	Wellstone
Graham	Lincoln	Wyden
Harkin	Mikulski	

NAYS—62

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

The amendment (No. 3810) was rejected.

Mr. GORTON. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. BROWNBACK). Under the previous order, there are 2 minutes equally divided prior to a vote on the Inhofe amendment.

The Senator from Nevada.

Mr. REID. Mr. President, the two managers of the Defense authorization bill, after we complete this vote, in an effort for people to understand what is going on, would like to be able to tell Members who have amendments to offer to that legislation what the sequence would be. Under the order that is now in effect, Senator BYRD will be first.

I think it would be appropriate if Senator WARNER and Senator LEVIN could give us some indication how the next amendments would flow so we know what happens after this vote.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank the distinguished leader.

We are here to try to convenience the Senate tonight. After this next vote, under the order, we go to the defense authorization bill. There are only four amendments scheduled in addition to Mr. BYRD's amendment. That would make five.

Senator LEVIN and I will accommodate the Members who are going to be debating tonight. If we can get into some short meeting with them, in between these votes right now, perhaps at the end we can announce a UC request sequencing the four amendments. That is my intention.

Mr. LEVIN. If the Senator would yield, there is just one more vote now scheduled?

Mr. WARNER. That is correct.

Mr. LEVIN. Then we would go to Senator BYRD, who is in the UC, dispose of that amendment. Then the other four that are listed are not sequenced yet.

Mr. WARNER. That is correct.

Mr. LEVIN. We would attempt to sequence them. If we fail, as far as I am concerned, then it's whoever gets recognized first. But we are going to make a real effort to sequence those amendments and then vote on them in the morning.

Mr. WARNER. Yes. Mr. President, we will try to reduce the times so that we are not here for a lengthy period.

Mr. REID. The Senators involved are Senators FEINGOLD, DURBIN, HARKIN, and KERRY of Massachusetts.

Mr. LEVIN. But there are others involved in those amendments.

AMENDMENT NO. 3812

The PRESIDING OFFICER. Under the previous order, there are 2 minutes equally divided prior to a vote on the Inhofe amendment.

Who yields time?

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, this is a very simple, straightforward, easy-to-understand amendment. It merely takes $7.3 million and puts it into the Indian Health Services for diabetes. It does take that out of the National Endowment for the Arts, but all it does is take it out of the increase. Last year they had $97 million. They are increasing it this year to $105 million. All I am asking is to take that $7 million, instead of increasing the National Endowment for the Arts, and to put it into the Indian Health Services' diabetes program.

I am prejudiced because I come from the State that has in terms of percentages, the largest Indian population. However, I can tell you this, that of the national Indian population, 12.2 percent of them have diabetes because of the environment in which they live. It is an unhealthy environment. There are cases where they have all kinds of infections that set in where they are unable to keep from having amputations. So it is a very serious thing.

You will hear from the other side an argument that says we are hurting the National Endowment for the Arts. I want Senators to remember, when you cast your vote, this does not take any money away from the allocation they had last year; it merely freezes that allocation in for the coming year. Even with the increase of $30 million that is currently in this program, that still is less than 10 percent of the amount of money that is spent for research on cancer and AIDS.

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

Who yields time?

The Senator from Washington.

Mr. GORTON. Mr. President, this bill includes a $143 million increase for the Indian Health Service, an amount much larger than the entire appropriations for the National Endowment for the Arts. Due to the work of Senator DOMENICI, there is a $30 million-a-year entitlement for the very subject of diabetes control for Indians that is already a part of the funding of Indian programs in the United States.

The National Endowment for the Arts, which has abided by all of the restrictions put on it over the last several years by this body, has not had an increase since 1992. This is a fair and modest increase for the National Endowment for the Arts. It ought to be rewarded for following the commands of Congress, itself. The money is not needed for the purposes of the amendment because that function is already very generously supported both in this bill and through an entitlement.

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

The question is on agreeing to amendment No. 3812. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

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

The result was announced—yeas 27, nays 73, as follows:

[Rollcall Vote No. 176 Leg.]

YEAS—27

Abraham	Gramm	McConnell
Allard	Grams	Murkowski
Ashcroft	Hagel	Nickles
Brownback	Helms	Roberts
Bunning	Hutchinson	Sessions
Burns	Inhofe	Shelby
Coverdell	Kyl	Smith (NH)
Enzi	Mack	Thomas
Fitzgerald	McCain	Thurmond

NAYS—73

Akaka	Edwards	Lott
Baucus	Feingold	Lugar
Bayh	Feinstein	Mikulski
Bennett	Frist	Moynihan
Biden	Gorton	Murray
Bingaman	Graham	Reed
Bond	Grassley	Reid
Boxer	Gregg	Robb
Breaux	Harkin	Rockefeller
Bryan	Hatch	Roth
Byrd	Hollings	Santorum
Campbell	Hutchison	Sarbanes
Chafee, L.	Inouye	Schumer
Cleland	Jeffords	Smith (OR)
Cochran	Johnson	Snowe
Collins	Kennedy	Specter
Conrad	Kerrey	Stevens
Craig	Kerry	Thompson
Crapo	Kohl	Torricelli
Daschle	Landrieu	Voinovich
DeWine	Lautenberg	Warner
Dodd	Leahy	Wellstone
Domenici	Levin	Wyden
Dorgan	Lieberman	
Durbin	Lincoln	

The amendment (No. 3812) was rejected.

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

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

The motion to lay on the table was agreed to.

UNANIMOUS CONSENT AGREEMENT

Mr. GORTON. Mr. President, I ask unanimous consent that the only remaining first-degree amendments in order to the Interior bill other than the managers' package of amendments be the following and subject to relevant second-degree amendments:

Boxer on pesticides;

Bryan on timber sales;

Nickles on monuments language;

Torricelli on UPAR;

Torricelli on highlands;

Reed of Rhode Island on weatherization;

Bingaman on forest health;

Bingaman on Ramah Navajo;

Feingold on Park Service;

And Domenici on Rio Grande water.

I further ask unanimous consent that on Monday, July 17, the Senate resume the Interior bill at a time to be determined by the majority leader, after consultation with the minority leader, and the amendments listed above be offered and debated during Monday's session, other than the Feingold amendment which will be debated on Tuesday with 15 minutes under the control of Senator FEINGOLD and 15 minutes under the control of Senator BINGAMAN regarding the Navajo amendment; further, with consent granted, to lay aside each amendment where deemed necessary by the two leaders.

I also ask unanimous consent that all amendments and debate be concluded during Monday's session and the votes occur at 9:45 a.m. on Tuesday, with 2 minutes prior to each vote for explanation, with the bill being advanced to third reading and passage to occur after disposition of these amendments, all without any intervening action or debate. Further, I ask unanimous consent that additional relevant second degrees be in order if necessary to the first degree after disposition of any offered second-degree amendment on Tuesday.

Finally, I ask unanimous consent that the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate, which will be the entire Interior Subcommittee.

Mr. REID. Reserving the right to object, Senator BOXER has instructed me to make sure she has an up-or-down vote on her amendment. It is one that is in order. She wants to make sure that if there is a second degree she has a right to reoffer her amendment. She is willing to take a voice vote. She wants to make sure there is a vote on her amendment, and I ask the Chair if that would be permissible under this consent agreement.

The PRESIDING OFFICER. That is correct.

Without objection, it is so ordered.

Mr. GORTON. Mr. President, in light of this agreement, there will be no further votes this evening. The next vote will occur in a stacked sequence beginning at 9:30 a.m. tomorrow. The Senate will begin the death tax repeal at 8:30 a.m. tomorrow, Thursday morning.

Mr. SMITH of Oregon. Mr. President, I want to comment briefly on the Senate's adoption of the Domenici substitute amendment to the Craig amendment regarding the President's Roadless Initiative. I was unable to be on the floor earlier today when the Craig amendment and Domenici substitute amendment were considered.

First, let me say that I was a cosponsor of the underlying Craig amendment and I continue to share his concern about blatant Federal Advisory Committee Act violations by this administration in the development of their Roadless Initiative. In any case, I don't believe ''one-size-fits-all'' proposals like the President's Roadless Initiative, hatched in the halls of bureaucracy in Washington, D.C., can be any substitute for sound land management policies developed in collaboration with people at the local level. Oregonians, if given a chance, have proven

time and again that they can be better stewards of the land than federal bureaucrats.

I understand that Senator CRAIG agreed to the Domenici substitute in part because this matter of FACA violations will be considered by the courts this August. I trust that the Congress will have an opportunity to review this matter this session if the courts fail to do so, and I praise Senator CRAIG for his continued leadership on this important issue.

With that said, I wanted to add my voice to those who spoke earlier in favor of the Domenici substitute amendment that seeks to address the growing threat of catastrophic wildfire in areas of urban-wildland interface. A century of fire suppression followed by years of inactive forest management under this administration have left our National Forest system overstocked with underbrush and unnaturally dense tree stands that are now at risk of catastrophic wildfire. The GAO recently found that at least 39 million acres of the National Forest system are at high risk for catastrophic fire. According to the Forest Service, twenty-six million acres are at risk from insects and disease infestations as well. The built up fuel loads in these forests create abnormally hot wildfires that are extremely difficult to control. To prevent catastrophic fire and widespread insect infestation and disease outbreaks, these forests need to be treated. The underbrush needs to be removed. The forests must be thinned to allow the remaining trees to grow more rapidly and more naturally. This year's fires in New Mexico have given us a preview of what is to come throughout our National Forest system if we continue this administration's policy of passive forest management.

I believe the Domenici amendment will help this reluctant administration to face up to this growing threat to homes, wildlife, and watersheds. I commend Senator DOMENICI and the bipartisan group of Senators who worked very hard to craft this compromise.

Mr. DOMENICI. Mr. President, I am pleased to rise today in strong support of H.R. 4578, the Interior and related agencies appropriations bill for FY 2001.

As a member of the Interior Appropriations Subcommittee and the full Appropriations Committee, I appreciate the difficult task before the distinguished subcommittee chairman and ranking member to balance the diverse priorities funded in this bill—from our public lands, to major Indian programs and agencies, energy conservation and research, and the Smithsonian and federal arts agencies. They have done a masterful job meeting important program needs within existing spending caps.

The pending bill provides $15.6 billion in new budget authority and $10.1 billion in new outlays to fund Department of Interior and related agencies. When outlays from prior-year budget authority and other completed actions are taken into account the Senate bill totals $15.5 billion in BA and $15.6 billion in outlays for FY 2001. The Senate bill is at its Section 302(b) allocation for BA and $2 million under the Subcommittee's revised 302(b) allocation in outlays.

I would particularly like to thank Senator GORTON and Senator BYRD for their commitment to Indian programs in this year's Interior and Related Agencies appropriation bill. They have included increases of $144 million for Bureau of Indian Affairs construction, $110 million for the Indian Health service and $65 million for the operation of Indian programs.

I commend the subcommittee chairman and ranking member for bringing this important measure to the floor within the 302(b) allocation. I urge the adoption of the bill, and ask for unanimous consent that the Budget Committee scoring of the bill be printed in the RECORD at this point.

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

H.R. 4578, INTERIOR APPROPRIATIONS, 2001, SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal year 2001, in millions of dollars]

	General Purpose	Mandatory	Total
Senate-reported bill:			
Budget authority	15,474	59	15,533
Outlays	15,509	70	15,579
Senate 302(b) allocation:			
Budget authority	15,474	59	15,533
Outlays	15,511	70	15,581
2000 level:			
Budget authority	14,769	59	14,828
Outlays	14,833	83	14,916
President's request:			
Budget authority	16,286	59	16,345
Outlays	15,982	70	16,052
House-passed bill:			
Budget authority	14,723	59	14,782
Outlays	15,224	70	15,294
SENATE-REPORTED BILL COMPARED TO			
Senate 302(b) allocation:			
Budget authority	.....	.....	.....
Outlays	−2	.....	−2
2000 level:			
Budget authority	705	.....	705
Outlays	676	−13	663
President's request:			
Budget authority	−812	.....	−812
Outlays	−473	.....	−473
House-passed bill:			
Budget authority	751	.....	751
Outlays	285	.....	285

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001—Continued

The PRESIDING OFFICER. The clerk will report the Defense authorization bill.

The legislative clerk read as follows:

A bill (S. 2549) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Mr. WARNER. Mr. President, I have in mind, and I think other Members do at this juncture, operating under the unanimous consent agreement reached last night. I amend that unanimous consent to the extent that the senior Senator from West Virginia very graciously is willing to withhold the presentation of his amendment until such time that the distinguished Senator from Massachusetts and the Senator from Alaska bring up their amendments, which is sequenced, and they indicate to this manager that it will not take more than 10 or 12 minutes. Therefore, I ask that.

I further request, following the disposition of the Byrd amendment, Mr. FEINGOLD be recognized; following the completion of his amendment, the Senator from Illinois, Mr. DURBIN, be recognized.

Mr. LEVIN. I understand the Senator from Wisconsin is willing to have 30 minutes equally divided instead of 40 minutes on his amendment. I ask that the unanimous consent agreement be so modified.

Mr. WARNER. I have no objection.

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

The Senator from Alaska.

AMENDMENT NO. 3815

(Purpose: To provide that the limitation on payment of fines and penalties for environmental compliance violations applies only to fines and penalties imposed by Federal agencies)

Mr. STEVENS. Mr. President, the Senator from Massachusetts had an amendment pending concerning section 342 of this bill. We have discussed this. That was an amendment that would change the existing text that came from an amendment I suggested. I will offer an amendment to strike the existing section 342 and insert language we agreed upon. I do believe the Senator from Massachusetts wants to be heard on this. I want a word after his comments.

Mr. KERRY. I suggest the Senator from Alaska go first, since he wants to frame the change, and I will be happy to respond.

Mr. STEVENS. The Senator is very gracious. I have become increasingly concerned about the fines that EPA has been assessing against military reservations or elements of the Department of Defense, and had requested this provision in the bill to curtail that activity. In fact, it would have originally applied to similar fines from State and local agencies also.

We have now agreed on a version of this section 342 that will limit the fines that can be assessed against military entities by the EPA to $1.5 million unless the amount in excess of that is approved by Congress. It will be a provision, if accepted, which will be in effect for 3 years. My feeling is that there are many things that go into the operation of the Department of Defense that are subject to review by EPA, and it is my opinion that they have been excessive in terms of applying fines against the military departments. I do believe it results in an alteration of the lands we have for particular installations and it reduces the amount of money available