

Mr. BURNS. 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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. BURNS. Mr. President, I might inquire, what is the order of the day or hour?

The PRESIDING OFFICER. The Senate is in morning business, with Senators authorized to speak therein for up to 10 minutes each.

Mr. BURNS. Mr. President, I would like to speak in morning business, then.

The PRESIDING OFFICER. The Senator is recognized.

IMPROVING THE MANAGEMENT OF THE PUBLIC LANDS

Mr. BURNS. Mr. President, I rise today to address an issue that has been highly controversial in the State of Montana, and throughout the West, for that matter. As we speak, there has been a campaign of disinformation aimed at confusing and scaring residents of Montana into believing that we in Congress are about to sell or give away all of the public land managed by the Bureau of Land Management and sell those lands to big corporations and, of course, to the rich. Of course, nothing could be further from the truth.

I want to take this opportunity to clear the air on some misapprehensions about the issue and where we stand on it, or where I stand. First, let me say I do believe we have to make some changes in the management of public lands because of all the conflict and the controversy that surrounds them. The real issue here is letting local citizens have an effective voice in the management of those lands which have such a direct and important bearing on their lives and their livelihood.

I have cosponsored S. 1031. It was drafted by my good friend, Senator THOMAS, of Wyoming. That bill, if passed, will provide the opportunity to transfer public lands now managed by the Bureau of Land Management, a Federal agency, to those States which wish to have them. This has been proposed by State and local governments, among others, for some time.

The States believe that being closer to the land, they are more capable of managing those lands for the public than ones who were, say, from a State that has no large concentration of public lands or even us here in Washington, DC. And that is probably true. I believe it is time to take a serious look at the alternatives and to decide whether it is an option we want to use in some situations.

As I said, I think some changes should be made in this bill before final passage. But, nonetheless, I want to give the States and their citizens an opportunity to make a decision about local control themselves. Through the public hearing process and committee and floor debates and amendments, we

can decide if, and how, we use this concept to better serve the public's needs.

We face many problems in the management of public land resources today and all those natural resources found on those lands. We have a host of laws which have been developed over more than a century. In many cases they conflict. They are often interpreted differently by agencies responsible for implementing them, so they have different requirements for complying with the law. The result for the average citizens trying to use these lands is conflict, confusion and, of course, frustration. Just like the Federal regulatory process in general, the public land regulations are, in a sense, a mess. Of course, we have to start this process of reforming them.

We had testimony from the head ranger of the Forest Service. He tells us, just about the time they try to make a decision with regard to natural resources found on those lands—we have a lot of laws, and when they get down to the small end of the funnel to where the decision could be made, all at once they are in conflict and therefore no decision is made. Therefore, the inefficiency of running these lands comes to the forefront.

To illustrate what I mean, I have made up these charts. The first shows the BLM permitting process. Those would be those permits required by Federal agencies under law now. The red spots represent all of those other agencies which can deny a permittee the use of BLM land.

When we talk about permittee, that is, if you want to do anything on public land, before you can do anything—and I mean that is from grazing to recreation—it has to jump through the hoops.

I just want to point out, the red dots are Federal agencies that have control over the decisions made on permitting on BLM land. Also, the yellow diamonds are places of conflict which could derail the process and deny access or deny the permittee the use of those lands. Of course, the X's mean that is where it stops; everything stops, the permit is denied.

Whatever it costs, what you want to do is get from here to here and still have money enough to do what you want to do on public lands. Sometimes that gets to be a big race. You start off when the project is proposed. It goes through documents and plan conformance. If they say no, it does not do it, so you start through the process. You amend it, there is public comment, there is a protest. If there is protest by anybody with a 32-cent stamp—a letter from anybody in the country can protest that particular permittee—then it has to go through conflict resolution, through an appeal process again, back to the district manager, and that can be appealed.

So, if the appeal is upheld, the project is not OK'd. If the project is not appealed, if everything goes right and they say no, that appeal should not be

in here, then we start up here and we start through this process. And then, if they allow a resolution, then we have to go back down through here again. We have to jump on.

Remember, I would remind the Chair, remember when we were debating the health care situation of a year ago, a proposal by the administration on all the hoops you would have to jump through and all the new agencies it would create in order to take care of just health care in this country under the plan proposed by the administration? I guess they just love hoops.

Anyway, when you get over it all, walk it all the way through, when you get to here—and remember this all costs a little bit of money along the way—this is the area where you try to work out if you have jumped through all of, or some of, your conflicts. If you get all those done—if you do not get them done you can kill the project here. Here is another stop sign, another place for the project to die. If you get through this—and all this takes time and time is money—before it can be finalized, then something else enters into the project and that is other agencies.

Other agencies now come into play because you have just about done everything required by the agency that really has the responsibility of managing the land, it has pretty much said, OK, so far, so good. Now we have to go to other agencies. For water quality, you have to go through EPA. If EPA says yes, then the permit is approved. Then it goes from there, you have to have public comment on that. When the EPA says OK, still there is an area where the public has access, they can make comment. If they say no, then we are back doing another EIS or another dead end, a stop sign, and the project can die. But say they approve it and say we get along pretty good.

The EPA—and we get down here. So far so good. There is also another section, section 401. That is the Clean Water Act. The State has to sign off on it. The State of Montana does. So does the EPA. There are two different steps in there. It takes time. You have to have a bureaucrat in every one of those stages. Somebody has to push the paper. Somebody has to lick the stamp to get it to go on.

Then you get down here. The permit is approved. You have another comment area. If somebody with that 32-cent stamp is handy again, he can protest it, and it goes into conflict. So now you have to go through another process that kicks it back through the process of the EIS.

There might be some wetlands on it. If you think the Corps of Engineers only does business around the navigable rivers and around our coastlines of this country, you are wrong. The Corps of Engineers does business where you could not float a stick.

So you have to go to the Corps of Engineers. You have to file the application because you have wetlands on

this. Maybe the EIS showed a wetlands. The Corps of Engineers has to check off on it. This process is a little bit longer. They approve the permit. It goes to public comment. Then it can be appealed. If the appeal is successful, that kills the project. If it does not, it still has to go to the EPA through another appeal, and finally it has to go down to the Fish and Wildlife Service.

All of these are Federal agencies. I do not know how your history has been in dealing with Federal agencies. But you can see there are a lot of things to take into consideration in this line right here when you start talking about wetlands.

Say you are successful at that. You want to count the time. In this line right here it is probably quite a lot.

The next is air quality. You have to take that into consideration. It goes to the EPA, or to the State. It can go to either one. But I would guess, if I was a guessing person—which I am—it would probably go to both. They get notice. There is a comment period. And there is also an area down here where, if there is a conflict on the air quality—if you get down here and see there is no conflict, we move on. If there is conflict, then we go back through the process again. And also here is another area, one more area where the permit could be denied.

Then you have another law called the Endangered Species Act. Some folks have said the act is really not working, and it will be, I think, amended and reauthorized this year. So then you have to take your permit and go to the U.S. Fish and Wildlife Service. They are in consultation. Here again is another area for public comment, and a place where a 32-cent stamp comes in that says you can file an appeal, and there is a conflict noted. Then you have to go through that decision process.

The only thing we are trying to do is get from here to here. But it looks like a regular steeplechase.

I am going to have this chart made up smaller and pass it out to my colleagues. I am wondering as we put laws into effect and try to develop some kind of rules and regulations for the protection of the people's property. Sometimes we actually destroy the people's property while we are doing it. Of course, this process is expensive. You hope by the time you start the process up here and by the time you get down here that you have money enough to implement the proposed action.

Mining—the editorial for mining the other day in the Washington Post said, Who is minding the mint? It takes 10 to 15 years to permit mining of a metal, or a trace metal, or whatever you want to mine on that property. Right now the property has doubtless value. Before you can give it value there has to be something to make it valuable. I am not sure the Government wants to spend money on its own land or speculate with that money to give that land value before the mine is sited—10 to 15

years. If you are thinking about running out West and starting a mine, you want to be ready because all of this is just for you. In mining it becomes a little more. There are a few more things that you have to talk about.

The difference? Here is what we are trying to do. We are trying to simplify and still gather the same information on the activities of BLM. Under the State permitting system, in the State of Montana we have a board of land managers which is made up of the Governor, the Lieutenant Governor, and it manages those school sections under the school trust. They manage for a benefactor which is the schools. That is the way we fund our schools. On every range there are a couple of sections that are set aside and managed, whether it is farmland, or woods, or timber, or whether it is mining for whatever. Any time you have to do business on State land, they do not have as many hoops to jump through. According to a white paper that was done by a woman out of the University of California at Berkeley, it showed that State lands are managed 25 percent more efficiently than Federal lands because of a benefactor, which are the schools.

Basically what we are doing is we have a request for an activity. It goes through MEPA, which is the environmental act in the State of Montana, and it also has public and Federal comment only. It goes into a field evaluation. There is a notice of competitive bidding. In other words, if something is going to happen on that land, notice is given to everybody if they want to participate. That goes out to all interested parties. There is a bid acceptance, and the lease is issued. They derive an improvement settlement. That can be appealed. Then arbitration, and maybe another appeal. It goes to the State director. Maybe there is another appeal. And then it goes to the district court. That all happens pretty fast. But, nonetheless, to get from here to here is the time saved, the expense saved, and it also provides as much opportunity for public comment as any other process and with very few conflicting laws as we can have.

I will have a chart of this also done for my colleagues so they understand what we are trying to do.

Basically, the bill that was crafted by Senator THOMAS says this. They are going to offer the BLM's to the State. If the States do not want them, then they will continue to be managed by the Bureau of Land Management. If they do, then there is a 10-year transition period.

I would say before it is over that we will not know what the final form of this bill will take because there are some people who would like something to happen, and some people would not. It is big Government. They all want to sit here in Washington, DC, and the decisions made here in Washington. I happen to think that people who live next to the land, basically those people who live in the State of Montana, can

make those decisions probably better about the resources and the resource management on those lands.

So the laws and regulations of public land ownership have been developed over the years. We have areas in Montana that are checkerboard. This gives them an opportunity for land exchanges, and to block it and make it more efficient. The land management agencies complain that most of their resources are dedicated to paperwork and paperwork exercises, and they are stymied with conflicting requirements. We are trying to take some of that out of that, and also to take out some of those areas where there are conflicts caused by nuisance more than they are by substance.

There is a lot of funding and manpower in the United States. I know from just dealing with the State of Montana. When I went to the State of Montana as a young man, I think the BLM probably did not have 50 people that managed all of the BLM land in the last 30 years. They probably did not have 50 people when I first went to Montana managing around 8 million acres. I will stand corrected on that. Now there are over 300 in one sector and 500 in another all paid by the taxpayers of America of which they are getting no return for those people working out there. No return unless it is from resource management, and, of course, some of that resource management is held up because of the first chart.

So, Mr. President, that sort of clears the air. There is also another bill that would set up a commission, a commission to take a look at our laws and how they apply to our public lands, how to manage them, and also the resources found on them and to make some recommendations back to Congress. I think both of those pieces of legislation should move.

A LEGISLATIVE BLUEPRINT

Mr. BURNS. Mr. President, I thank you for allowing me to run over my time. I wish to at this time thank the leadership of Congress. I know the last 2 or 3 days have been the most grueling days in trying to iron out some sort of a blueprint on which we can get this country and this Government back in some kind of fiscal order.

The President stepped up. I congratulate him. But I think you have to look around at the faces of those who have worked all through it. Some of us kind of took some time off and did some things we wanted to do on Friday and Saturday, not being involved in leadership, but that was not something that was afforded to leadership because they had to stay and stay. When you read this commitment to a 7-year balanced budget, even when it gets down to saying, yes, we have to assure Medicare solvency, that is the reason most of us come down for it. And Medicaid, or Medigraunt they are calling it now, or welfare, all of this is something we