

their way—they want total flow control or no flow control or no grandfathering or we move into the interstate waste transfer and they want no exporting or total exporting or the Governor having the total right to make decisions and communities having no rights or whatever—whatever the position may be, if they insist on that, this bill will get bogged down. It will not get passed by the end of this week, this legislative week, on Friday. And the budget will be up next week.

After that, I cannot imagine where there will be a window of time to deal with this again. So I appeal to my colleagues who desperately want this bill to help them and their communities in their States with this flow control to not hold this bill up by adding amendments or trying to add amendments that may in fact derail it. Because once it is derailed, in my opinion, it is going to be a long time until it gets back here.

It is the leader's decision, of course, when it comes up. But the point is there is so much on the table after Monday when the budget comes up, any discussion of flow control, with all due respect, is going to be way down here when the budget and the numbers in that get out and the American people begin to interact with their Senators and Congressmen on that.

So I think there is going to be a lot of discussion. If Members choose to oppose this or dilute it or whatever they choose to do, or even—maybe they would like to strengthen it—they will do it at their own peril. This issue, which has been simmering for the last 6 or 7 years, will continue to remain on the back burner during the 104th Congress.

I hope that does not happen, but the choice is clear. Either vote to pass this bill which has the overwhelming majority support, maybe unanimous support, in the Senate and protect those facilities that come within the scope of this bill, or risk it all to protect a small handful of communities that do not fit within this legislation, who are trying desperately to create a situation where, if they want to have flow control at some point in the future, they can have it, or if they have let a little bit of money out there somewhere, a relatively insignificant amount, and they are not sure what they are going to do—that violates the spirit and intent of this bill and I hope it does not happen.

We will be down here as long as it takes to deal with the amendments. I appeal to colleagues, if they have amendments, let us try to work them out. We will try to work out the ones we agree with, and if we can agree with them, we will accept them. If they violate the spirit and intent of what we tried to do in drafting this bill, we will oppose them forcefully on the floor of the Senate.

Let me conclude with a brief summary as follows. Communities out there, as far as flow control is con-

cerned, are in a tough situation. According to the public securities situation, \$20 billion in bonds have been issued to pay for flow-controlled facilities. That is not the fault of the U.S. Senate. The interstate commerce clause, I believe, was in effect when that happened. But somehow it got ignored and they got into this bind and they have \$20 billion in let bonds.

We are going to try to help them and we do help them with this legislation. We grandfather them, we protect them. We protect the investors, the bondholders, the taxpayers, the individuals out there who have in whatever way participated in these bonds.

As a result of the Carbone decision, the Supreme Court invalidated flow control, so it is in limbo. Here we are in limbo. Nobody knows what to do. They do not know whether to proceed or not to proceed, because they do not know what Congress is going to do in regard to the interpretation of that decision.

Six incinerators in New Jersey have had their bond ratings lowered, and I am sure that is the case in other States, because flow control was invalidated. Again, we are trying to help those communities. That is the goal. Dozens of incinerators and landfills are in immediate danger if flow control is not reauthorized immediately, and every bond based on flow control authority is threatened, every one. Every single bond out there is threatened unless we do something soon. The longer it goes on the worse the threat gets.

So the bill provides a narrow flow control authority to protect those bonds. Again, it is a compromise. It is a fair compromise. It is not my position totally. I would be for no flow control. That is not my position. But it is a compromise position to help those individuals.

With that, Mr. President, I yield the floor and indicate I hope we could get some time agreements and some reasonable information regarding these amendments. If Members who have amendments could come to the floor and offer them in a timely manner so we do not get bogged down and not pass this bill by the end of the week.

Mr. CHAFEE. I thank the distinguished Senator from New Hampshire.

PRIVILEGE OF THE FLOOR—S. 534

Mr. CHAFEE. Mr. President, I ask unanimous consent James McCarthy, of the Congressional Research Service, be granted the privilege of the floor for the pendency of S. 534.

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

Mr. SMITH. Mr. President, I ask unanimous consent Mr. Paul Longworth, a U.S. Department of Energy employee assigned to my staff for a period of 1 year, be granted the privilege of the floor for the duration of the consideration of S. 534.

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

The Senator from Oregon.

ENDANGERED SPECIES ACT REFORM AMENDMENTS

Mr. PACKWOOD. Mr. President, I am pleased to join with my colleagues as an original cosponsor of the Endangered Species Act Reform Amendments of 1995. This bill is the result of several years' work. The bill represents the culmination of a broad, grassroots effort to bring balance to the Endangered Species Act. This coalition consists of miners, ranchers, loggers, refiners, manufacturers, the fisheries industry, and organized labor.

There are problems with the current Endangered Species Act. The Endangered Species Act is an act that has gone awry. It is wreaking havoc on our communities and economies, particularly in the Pacific Northwest, but increasingly nationwide. It is devastating entire regions and industries. In the Pacific Northwest alone, since the spotted owl was listed as threatened in 1990, millions of acres of Federal timberland and thousands of private acres have been set aside. It takes about 1,300 acres for a pair of owls to breed, so we are told. We have set aside thousands and thousands and thousands of acres in hopes of the owl being saved. No guarantee it will, no guarantee it will not, but a tremendous dampener on legitimate economic activity.

It has impacted tens of thousands of human beings and hundreds of rural communities. The estimates on job losses range from a low of 35,000 to a high of 150,000 in the Pacific Northwest.

I was here when the act was originally passed, and I remember what our intention was. We were thinking "a" project: a dam, a road, a canal versus a species. When you read the debate, when the original Endangered Species Act was passed, I do not recall the word "ecosystem" being mentioned in the debate. None of us was thinking of an entire section of the country being affected by one species. Yet this act is now being used as a tool by environmental groups to further their agenda of locking up not only all public land but much private land as well.

I want to emphasize again, this act applies to private land. For a long time I think people thought this was a public land issue in the West, that while it might limit the activities of the U.S. Forest Service or the Bureau of Land Management or the U.S. Park Service, it did not affect private land. It does. It affects your right in ownership. It can diminish the value of your land in every sense. The Government can take your property under the current Endangered Species Act and not pay you. Private property owners are increasingly losing the right to use their property as they intended.

Let us look at the economic cost of the Endangered Species Act. Edward O. Wilson, a renowned entomologist, has observed that there may be something

on the order of 100 million species and yet only 1.4 million have been named. How many billions of dollars are we willing to spend attempting to save insects, bacteria, fungi—that we have never heard of, never identified, for which there may be little or no chance of recovery. Yet in the effort, we will cause dislocation and hardship for thousands and thousands of people.

The social impacts are no less devastating. Professor Lee, Robert Lee, at the University of Washington in Seattle in the College of Forestry Resources, has an interesting background: an undergraduate degree from the University of California in sociology and then a graduate degree in forestry. He has done extensive work on the social trauma that affects timber towns. He points to the destruction of families, long-lasting social fallout. He can identify it, pinpoint it. He points out that, if you are going to go ahead and apply the Endangered Species Act and close the mill in this town—and it does not take a very big mill if you have a town of 2000 and you have a mill that employs 150 people—that mill is in essence the backbone of the town. If you close it, he says he can guarantee that you will see an increase in suicides, homicides, divorce, juvenile delinquency, drug abuse, spousal and child abuse.

He is not saying that in this town this is all going to happen. What he is saying is when you take a 45- or 50-year-old mill worker who married his childhood sweetheart in high school, lived in town all of his life, his children are in the school, he is making \$25,000, \$26,000, or \$28,000 in the mill, it is the only job he is trained for, and the only principal occupation in town is the mill. It is closed. His mother is still alive and he does not want to leave the town. You take away his livelihood. The Federal Government takes away his livelihood.

Professor Lee says you can bank on it, as sure as we are here, that you are going to have the increases that I talked about in the suicides, homicides, the abuses, the divorces, and alcoholism. It is understandable when you think about it. A 45- or 50-year-old is not likely retrained, does not want to move from town, has lived there all of his life. Those things are as likely to happen as you and I being in this Chamber today.

It is ironic that for years we considered the needs of humans as though nothing else mattered. During that period, probably a long period in our country when we developed this country, from approximately 1800 to 1960, we moved west. We gave no thought to limitation of resources because we thought the resources were unlimited. I am old enough to remember in the Pacific Northwest within the last 30 to 35 years when the electric companies advertised: "Use more electricity. The more you use, the less per unit you will pay. Have an all-electric house, electric furnace, electric air conditioning."

The theme was, we will never be able to use all of the electricity we generate. If we ever have to have more, we will build another dam. Or, as we got into the seventies, we will build nuclear plants. But it was use, use, use.

As we moved across the West, the pioneers came over those mountains and they looked at valleys and mountains of timber, timber, and more timber. It is understandable why they thought that those resources could never be used up. These resources were plentiful. The pioneers were not malicious people; they were not greedy; they were not selfish. But they saw the land and thought it was good and right to develop it.

Mr. President, if 100 years ago, 150 years ago, we had on the books, only two laws, the Endangered Species Act and the Wetlands legislation, we would not have developed the West. Every railroad you see, once you get across the Great Plains, is built on rivers and fill. We never would have cleared the valleys, never would have cut the trees and pried out the rocks and farmed it. You would have been prohibited from doing it by just those two acts. But as people moved west, they saw nothing wrong with clearing the land. As a matter of fact, the native Americans, and the early settlers, when they were there saw nothing wrong with burning the trees. They did this not for any kind of malicious intent; they burned for ecological reasons. I doubt if you could do that today.

Things changed. I understand why. You had the century and a half of moving west. You developed the resources, harnessed the rivers, and plowed the land. There was not much thought about the environment, and certainly not much thought at all about endangered species. Then along came Rachel Carson's book, *Silent Spring*, which I like to say is the pivot upon which the environmental movement started. Basically, the book dealt with agricultural pesticides and runoffs and the damage these were doing. But from that moment forward, you could see the pendulum, which had swung for 160 years toward development and exploitation of the resources, swing in the other direction. Now the pendulum has swung completely the other way.

I do not level this charge at everybody who is a member of the Sierra Club or the Wilderness Society. By far, most of them are very reasonable, decent people. But they are accusing unjustifiably a group of people who are excellent stewards of the land, people who living on the land and taking care of the land and replenishing the land. The irresponsible utilization of natural resources is wrong. But I do not know anybody who is a farmer who wants to misuse and abuse his or her land and not have the option of passing it along to their children. I do not know of anyone—if they used to exist, I do not know them now—in the timber industry who wants to cut and run. Everyone I know in the timber industry who

is in the industry wants to cut and plant and grow, and cut and plant and grow forever on an intelligent, sustained-yield practice of forestry.

There is only one group where I have seen a danger. And it is not their fault, and I do not blame them. You are a little woodlot owner. You have 60 or 70 acres of land. You are not Weyerhaeuser. You are not a commercial timber company. But you have 60 or 70 acres of land. You have been managing it well, and you cut a bit, and you plant a bit. You will use some of it to educate your kids, and maybe some of it to help their families, and maybe some of it for retirement. You are faced now with the possibility, under the Endangered Species Act, that you may be prohibited from cutting on your land at all. Right at the moment, you are not cutting and had not intended to cut. Do you know what you are thinking to yourself? "I had better do it now. I had better cut and run and get out while I can still get my money to educate my kids and do some of the other things I had planned to do, because maybe in 5 years, the Endangered Species Act will not let me cut at all." This is a person who is willing to and had planned to cut and plant land that will be in the family for generations. These are the kinds of unintended consequences we face because of this act.

Under the Endangered Species Act, we have to remember that we must balance both species and humans. But here is the problem with the present act. I want to phrase this carefully. This is the present act. When you are determining whether or not a species is threatened or endangered—those are the two classifications under the act—you are to use the best scientific evidence, and nobody quarrels with that.

Realizing science can be wrong, you may recall that science said if we built the Tellico Dam, the snail darter would disappear. We went through a long battle on the Tellico Dam. Finally, the Endangered Species Committee—the God Squad, as we call it—said if we built the dam, the snail darter would disappear and that was to be the end of it. Congress overruled the Endangered Species Committee and said finish the dam, build the dam. We do not care if the snail darter disappears. The dam is all but done. We just have not dropped the gate. Go ahead with it. We were told we would run the risk of the snail darter disappearing. The best scientific evidence said it would disappear. What happened? We dropped the gate, the reservoir filled up, and the snail darter exists in all of the streams that flow into the reservoir. Science was absolutely wrong. This is no excuse not to use science, but science is not perfect.

I have no quarrel with listing a species as threatened or endangered and using the best science that we know. I would like there to be good scientific peer review, and I would like a chance to appeal to the courts should you have a really horrendously bad decision. But

I think the best science ought to be used.

Now you come to the issue of whether or not you are going to have a recovery plan to try to save the species. And here, only the species counts. If you cannot come up with a recovery plan under the present law, if you cannot come up with a recovery plan that will save the species, or, to put it the other way around, if every recovery plan that you can think of by the best scientific evidence will lead to the extinction of the species, then nothing else counts. People do not count. Revenues to counties do not count. Whether or not the schools have enough money to keep going does not count. Nothing counts but the species, and that is where this act is not balanced.

So, Mr. President, I am glad to join a number of my fellow Senators in introducing amendments to the Endangered Species Act. We think these amendments are a balance. We are not getting rid of the act. We are not getting rid of science. As a matter of fact, we are asking for stronger science, for better science, for better review. But this act finally allows people to be considered as much as bugs. And that has been the failing of the present law.

I hope the Senate will favorably consider this. I am proud to join as a cosponsor.

I am pleased to join with my colleagues as an original cosponsor of the Endangered Species Act Reform Amendments of 1995.

This bill is the result of several years' work.

The bill represents the culmination of broad grassroots efforts to bring balance to the Endangered Species Act.

This broad grassroots coalition consists of miners, ranchers, loggers, farmers, manufacturers, the fisheries industry, and organized labor.

PROBLEMS WITH CURRENT ENDANGERED SPECIES ACT

The Endangered Species Act is an act gone awry. The act is wreaking havoc on our communities and economies, particularly in the Pacific Northwest, but increasingly nationwide. The act is devastating entire industries and regions.

In the Pacific Northwest alone, since the spotted owl was listed as threatened in 1990, millions of acres of Federal timberland and thousands of private acres have been set aside for owls.

The act has impacted tens of thousands of human beings and hundreds of rural communities.

Estimates of the number of jobs lost as a result of the listing range anywhere from 35,000 to 150,000.

The act was originally intended to ensure the survival of species that were threatened by site-specific projects, such as roads, dams, and sewer systems.

The act is now being used as a tool by environmental groups to further their agenda of locking up not only all public land, but private land as well.

Private property owners are increasingly losing the right to use their property as they intended.

ECONOMIC COSTS OF ESA

Edward O. Wilson, a renowned entomologist at Harvard observes that there may be something on the order of 100 million species.

Yet only 1.4 million have been named.

How many billions of dollars are we willing to spend attempting to save: fungi, insects, and bacteria we've never heard of, and species for which there may be little or no chance of recovery in any case.

SOCIAL COSTS OF ESA

While the economic costs of protecting species is great, the social impacts are no less devastating.

Robert Lee, sociologist with the University of Washington College of Forest Resources, has done extensive research on the social trauma afflicting timber towns. He points to the destruction of families and long-lasting social fallout in the form of suicide, homicide, divorce, juvenile delinquency, drug abuse, and spousal and child abuse.

It is ironic that for years we considered the needs of humans as though nothing else mattered.

Now, under the Endangered Species Act, we are considering the needs of fish, wildlife, and plants as though nothing else matters.

Both policies are short-sighted and flawed.

CURRENT EFFORTS

We need a process which not only protects plants and animals, but one which recognizes legitimate human needs as well.

That is why, in the last Congress, I joined with Senators GORTON, SHELBY and others in introducing legislation to bring balance to the Endangered Species Act.

This year, with even stronger bipartisan support, we have again introduced legislation to require that the economic and social impacts of Federal efforts to protect species be fully considered.

SUMMARY OF BILL

Our bill contains several components essential to meaningful reform.

The bill reforms the process by which species are listed as threatened or endangered:

Requires independent scientific peer review of the science;

Requires better data collection.

Provides for broader participation by affected States and the public;

Requires judicial review of listing decisions;

In place of intensive Federal management, the bill includes incentives to encourage private landowners to protect species, such as:

Encouraging the exchange of private land for Federal land to provide habitat for affected species; and

Establishing a Federal cost-share program for any direct costs imposed on a private person.

Our bill requires the Secretary to set a "conservation objective," ranging from full recovery of the species to solely protecting the species from actions which would directly injure or kill the species.

In other words, the Secretary could decide to allow a species to go extinct.

Our bill requires that economic and social impacts are fully considered in the development of conservation measures.

Our bill changes the statutory definition of "harm" and "take" to mean the actual injury or killing of a member of a species.

"Harm" will no longer apply to the modification of a species' habitat as the courts have broadly interpreted current law.

Our bill minimizes the impacts to private property.

CONCLUSION

It is not our goal to abandon our national commitment to the protection of endangered species; however, we cannot protect every imaginable species.

We can do a better job of balancing jobs and economic opportunity with species protection.

While this bill does not go as far as I would like, it will begin the debate which is long overdue.

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

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

Mr. McCONNELL. Mr. President, I ask unanimous consent I be allowed to proceed for 5 minutes as if in morning business.

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

PRESIDENT CLINTON BRINGS HOME NOTHING

Mr. McCONNELL. Mr. President, President Clinton has gone to Moscow, and he has come home with nothing. I repeat: President Clinton has gone to Moscow, and he has come home with nothing.

There has not been much coverage yet of the summit over there in Russia, but it is pretty clear that President Clinton has in effect gone to Moscow, given President Yeltsin an opportunity to show that he can deliver the President of the United States for a celebration of the end of World War II, and we have had no progress on stopping the sale of nuclear material to Iran, no apologies about the slaughter of 25,000 people in Chechnya.

In summary, Mr. President, very little, if anything, has been accomplished at this summit that would benefit this country.

Now, arguably, our President showing up over there has helped President