

Mr. STEVENS. Mr. President, I know of no further business to come before the Senate on this bill. As I understand it, all of the amendments that were to be considered by the time agreement have now been brought before the Senate, and there is no more time left—I yield back whatever time I have.

Mr. President, I ask unanimous consent that Senator COHEN be added as a cosponsor of the amendment of Senator SNOWE, which was previously adopted.

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

Mr. KERRY. Mr. President, I yield back whatever time I have.

The PRESIDING OFFICER. The Senator from Massachusetts yields back his time. The Senator from Alaska yields back his time. All time has been yielded back.

Mr. STEVENS. If all time is yielded back, Mr. President, I would like to move on now to the matter of closing. I suggest the absence of a quorum.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak therein for up to 5 minutes each.

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

ESCALANTE NATIONAL MONUMENT PROPOSAL

Mr. HATCH. Mr. President, for my colleagues who may have missed it, today President Clinton used executive power under the 1906 Antiquities Act to designate nearly 2 million acres in southern Utah as a national monument.

A national monument, as my colleagues know, effectively locks up land within its boundaries preventing any kind of responsible development and limiting existing rights, including water rights, in the second driest State in this Union.

Utah is already home to five national parks, two national monuments, two national recreation areas, seven national forests, one national wildlife refuge, and 800,000 acres of wilderness.

We prize our land in Utah. We believe we ought to preserve as much of it as we can, and we would like to continue working on legislation to designate more wilderness in Utah.

But the process the President is using is flawed and inherently unfair. I just say, the unilateral action taken by the President today is out of bounds. Members from Utah's congressional delegation and our State Governor had to read about this proposal in the Washington Post. That is the first time

we heard about it. There has been no consultation whatsoever in the development of the proposal. We have seen no maps; no boundaries; there have been no phone conversations; no TV or radio discussion shows; no public hearings; absolutely nothing from this President.

None of the procedures for review and comment that are built into our environmental laws, such as the National Environmental Policy Act or FLPMA have been followed. These procedures are a part of our law precisely to guard against the Federal Government from usurping State or local prerogatives without public knowledge or comment.

While the 1906 Antiquities Act may, indeed, give the President the literal authority to take this action, it is quite clear to me that in using this authority, President Clinton is violating the spirit of U.S. environmental laws and, indeed, of American democracy itself.

It was no doubt inconceivable before today that any President of the United States would take such dramatic action—action that so dramatically affects any State—without due diligence. And it is plain to this Senator that the White House either flunks the test of due diligence or takes this action deliberately without regard to its negative impact on our State.

What should be especially relevant, and alarming, to every Senator is that this disregard for established public law requiring public input, let alone the disregard of established traditions of democracy, can be applied elsewhere other than Utah. Today, Utah; tomorrow, your State.

I hope my colleagues will not brush off the precedent this Executive action creates. There are numerous negative consequences to this President's action today. Among the most serious is the effect on education in Utah.

Many States in the West depend on school trust lands to help finance their educational systems. In fact, 22 States, most of the States west of the Mississippi River, have trust lands.

Utah relies heavily on the income produced by these trust lands to help finance our schools. The national monument proclaimed by President Clinton will capture approximately 200,000 acres of Utah school trust lands and render them useless to Utah schoolchildren. I say to my colleagues, and to President Clinton if he is listening, this is a potential loss of \$1 billion to Utah schools, and these environmental extremists are already talking that it is only \$36,000 a year. That is how ridiculous they are.

There is not a single State in America that can afford to lose that kind of money for education—that is \$1 billion worth—let alone Utah, which, because we have so much public nontaxable land, is always straining to fund education.

What is even more appalling is the fact that the resources President Clinton is taking away from Utah kids, in

effect, is their own land. These school trust lands were deeded to Utah to be held in trust for our children's education, and with one stroke of the pen, these 200,000 acres will be gone.

The Utah Public Education Coalition, which includes professional educators, State and local administrators, the PTA and school employees, have come out strongly against this arbitrary action by the President.

I ask unanimous consent that their letter to President Clinton, position statement and resolution, be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. HATCH. Mr. President, another adverse ramification of the President's action today is inability to responsibly extract the high-quality, clean-burning, low-sulfur coal that lies in the Kaiparowits coal basin. Please note, the coal is in the basin, not on the Kaiparowits Plateau. This is not a strip mine. This is a mine right in the side that will not even show.

The basin has been called the "Saudi Arabia of coal." There are about 62 billion tons of coal here, about 16 billion tons of which can be mined with existing technologies. That is enough coal to fulfill Utah's energy needs for the next 1,000 years, and, I might add, the energy needs of this country. That is environmentally sound coal that could be blended with the dirty coal from the East, and it would be in the best interest of the environment of this country.

I find it a little ironic that the President wants to prevent the mining of this clean, environmentally beneficial coal while we are still paying billions of dollars to clean our dirty air from burning high-sulfur, dirty coal.

These coal reserves, in addition to being a financial asset to our State, are a critical energy resource for our entire country. We are being extremely shortsighted if we forget this fact.

How can we justify sending U.S. troops to keep the Middle East stable and to keep the oil flowing when President Clinton refuses to develop energy resources right here in our own country? We have to do both. We have to act in the best interest of the energy needs of this country. What the President did today is not in the best interest.

Mr. President, we should not forget the impact the restrictions on water rights will have, not only on Utah, but also on Colorado, New Mexico, Nevada, Arizona, and California.

Utah is the second driest state in the union. This action by President Clinton would deny our state the right to develop its water in southern Utah.

Finally, Mr. President, I wonder how the Administration plans to pay for the operations and maintenance of what would be the largest national monument in the United States.

Already, the National Park Service is stretched to the limit. Adding nearly 2

million acres to their inventory—almost the size of Yellowstone—raises real questions about our stewardship of this land. We want to preserve land in southern Utah.

There is no question that Utahns want to protect as much land as we can. We would support a well thought out proposal for additional national park or wilderness areas in southern Utah.

We also recognize that there are differences of opinion concerning the number of acres and management prerogatives. We believe those are matters for negotiation and compromise, not for making political hay with important special interest groups.

We would like to work with President Clinton to develop a sound preservation plan. And, the offer is still open to work together on this.

But, frankly, I say to my colleagues, real damage has been done here—both to Utah and to the tradition of open debate. The failure even to consult prior to making this decision should be considered devastating to representative democracy.

Our Utah newspapers have thus far been unanimous in their criticism of the President's action. But, they also represent the people of Utah. They may be sympathetic to environmental concerns—just as Utahns are—and they may support more protected land in southern Utah—just as many Utahns do—but they draw the line on a Federal Government exercising what they construe as abusive power—just as Utahns do.

So permit me to quote from an editorial this morning from the San Francisco Chronicle: "The question is whether a decision of such magnitude should be carried out by executive order. We think not."

While acknowledging their differences with me and my colleagues on the specifics of the wilderness bill proposed earlier, the Chronicle goes on to suggest that:

"In this case, Clinton is taking the wrong route—an election-year shortcut—to the right goal."

The bottom line here, Mr. President, is that any proposal that is going to have such an incredible impact on the people of Utah—or of any other State—ought to be vetted by our political process.

People ought to be able to debate it in the press, on talk radio, in civic clubs, and across back fences. They ought to be able to write their Congressman. They ought to be able to support it or protest it.

Utahns have had little opportunity to do either. There is something fundamentally wrong with a Presidential action that deprives a State of \$6.5 billion in revenue, \$1 billion for education, surrounding States with water resources, and the entire Nation of important energy resources without even a hearing or a vote.

One last thing: I want to put the Senate, the House, and the President on

notice that this issue is not over. William Jefferson Clinton's signature on this order isn't the end of it.

We cannot suffer this kind of an assault on Utah without a fight. So, today it begins.

Mr. President, I will just conclude with these comments. There is no question that Utahans want to protect as much lands as we can. We would support a well-thought-out proposal for additional national park or wilderness areas in southern Utah and even a national monument, which is not as good as wilderness areas or national parks.

We also recognize that there are differences of opinion concerning the number of acres in management prerogatives. We believe those are matters for negotiation and compromise, not for making political hay with important special interest groups.

We would like to work with President Clinton, if he would, to develop a sound preservation plan. And the offer is still open for us to still work together on this. But, frankly, I say to my colleagues, real damage has been done here, both to Utah and to the tradition of open debate. The failure to even consult prior to making this decision is to be considered devastating to representative democracy.

I ask unanimous consent that a number of documents be printed in the RECORD.

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

[From the Standard-Examiner, Sept. 10, 1996]

BILL CLINTON SHOULD WAIT FOR UTAH'S INPUT

In the battle between environmentalists, the federal government and Utah's congressional delegation, the battle for wilderness has taken a creative turn.

President Clinton and his Secretary of the Interior, Bruce Babbitt, have floated an unusual trial balloon: The administration may invoke a 1906 statute to create a 1.8 million-acre national monument encompassing Utah's Kaiparowits Plateau.

It would be called Canyons of the Escalante National Monument, and the thing that's driving Gov. Mike Leavitt and Utah's congressional delegation crazy is that Clinton can accomplish the task with a stroke of his pen—Congress and the state be damned.

It's the kind of bold move Clinton might enjoy taking in an election year, cuddling up to and solidifying his support among environmentalists across the nation, who have been pushing for designation of 5.7 million acres of wilderness in Utah.

Such a move would surely anger the less environmentally inclined of Southern Utah, though, since they've been counting on the mining of Kaiparowits Plateau coal by the Dutch firm Andalex Resources Inc., which plans to start a 50-year coal mining operation within the next year, bringing in paved roads and about 1,000 jobs.

The Kaiparowits is pretty much ground zero in the battleground between those lobbying for 5.7 million acres of wilderness and those who prefer 2 million acres. In the 5.7 million-acre plan, virtually all of the Kaiparowits Plateau is set aside as wilderness, whereas in the 2 million-acre alternative only about 12 percent would be preserved.

Debate is a good thing, but this latest move by the White House ought to be alarm-

ing to all sides. It means the president, if he has a mind to, can bypass public comment and unilaterally create de facto wilderness. As the administration has said, the 1906 law permitting Clinton this discretion can be used to protect objects of historical, biological or archaeological importance.

If, indeed, that is the case with the Kaiparowits Plateau—and it may well be—Clinton should use the standard means for coming to that conclusion: study, debate and action. To do otherwise in an election year can be seen as nothing but what it is: pandering to a specific constituency.

[From the San Francisco Chronicle, Sept. 18, 1996]

CANYONS OF THE ESCALANTE

Our concern with President Clinton's intention to establish the Canyons of the Escalante National Monument has nothing to do with its paleontological or archeological value.

Indeed, there are compelling reasons to preserve a 1.8 million-acre, red-rocked patch of southern Utah, with its stunning buttes, steep canyons and array of artifacts from tribes that once inhabited the foreboding terrain.

The question is whether a decision of such magnitude should be carried out by executive order.

We think not.

This may well be a worthy idea, but it deserves a fair hearing. It deserves to go through public deliberations—as slow and messy as democracy may be—to fully air the concerns about sealing off access to a potentially rich coal field.

There is no dispute that President Clinton has the legal authority under the Antiquities Act of 1906 to declare the national monument. President Teddy Roosevelt invoked the same statute in 1908 to protect the Grand Canyon.

Utah's congressional delegation is understandably irate at the prospect of a Clinton-decreed monument. In their view, the president is rolling over their concerns—and scoffing at the five electoral votes he had no chance of getting anyway—to score points with the broader electorate. Polls show that voters are concerned about environmental protection, and the deficiency of such a sensibility in Congress.

We certainly would not want to defer to Utah politicians on this issue. After all, their pro-development bent was clearly evident in a Utah Wilderness Bill that has been languishing in the U.S. Senate.

Still, they deserve to be heard. Some of the canyon land in the new monument would have been designated as wilderness in the Utah bill. Which approach would provide the proper level of protection? That and other land-management issues were worth exploring—in a public process.

By drawing a circle around a chunk of southern Utah, Clinton will have headed off the exploitation of a precious area.

In doing it by executive order, however, Clinton and the environmental community are likely to encounter intensified hostility in future skirmishes over development and preservation. Utah may not matter on the electoral map, but small Western states pack disproportionate clout on Capitol Hill, particularly in the U.S. Senate, and they often band together on land issues.

In this case, Clinton is taking the wrong route—an election-year shortcut-to the right goal.

[From the Salt Lake Tribune, Sept. 13, 1996]

A MONUMENT TO RASHNESS

The Clinton administration would be denying its own land-management process if it

were to create unilaterally a huge Canyons of the Escalante National Monument on federal land in southern Utah. It should forgo such rash action and await results from processes already in motion.

The concept of a Canyons of the Escalante National Monument blindsided most everybody last weekend, when a Washington Post story revealed that President Clinton was considering such protection for 1.8 million acres in Kane and Garfield counties. Under the 1906 Antiquities Act, he has the right to establish national monuments, just as other presidents have on Utah's public lands. But a designation of this magnitude, at this time, would not be well-advised.

There are two intertwined developments here, and the administration ought to let them run their course rather than pre-empt them with a national monument designation. One is the ongoing preparation of an environmental impact statement (EIS) for Andalex Resources' request to develop its coal-mining claims on the Kaiparowits Plateau. The other is the ongoing fight over wilderness designation on Utah's Bureau of Land Management lands.

The Interior Department is involved in both, developing an EIS on Andalex that is now projected to be ready sometime next year and, at the recent behest of Secretary Bruce Babbitt, conducting a new inventory of BLM lands in Utah for wilderness designation. Wilderness advocates, who oppose the Andalex mine, have been critical of the EIS process, yet they endorse the re-inventory. It is a bit disingenuous to applaud the agency on one project and distrust it on a related one.

Of course, the Utah Wilderness Coalition, which wants 5.7 million acres of wilderness designation on Utah's BLM lands and hopes Babbitt's re-inventory will facilitate that, is primarily looking for results—and, concurrently, for the blocking of the Andalex mine. And Clinton's designation of a national monument would give it more than it ever envisioned.

The proposed national monument would involve three potential wilderness areas—the Kaiparowits Plateau, the Grand Staircase and the Escalante Canyons. The UWC recommended 1.27 million acres of wilderness in those three areas. So, President Clinton's designation of a 1.8-million-acre national monument would give environmentalists a half-million more acres of protection than even they suggested. Obviously, that's a stretch.

By the same token, little sympathy should be reserved for the members of the Utah congressional delegation, who whined about learning of the national monument idea through the press. They already know about an unbalanced process, since they were accused of conducting one last year prior to unveiling their original 1.8-million-acre wilderness bill.

The delegation bill was inadequate on acreage and was particularly short in the Escalante-Kaiparowits areas, where it recommended only about 360,000 acres of wilderness. The wilderness study areas that the BLM had established a decade earlier covered 2 times that much in this precious region. So, while a national monument providing 1.8 million acres of protection may be off the scale, so too was the delegation's meager 360,000 acres.

Other considerations that should cause the president to look before he leaps include Utah's school trust lands and the future of the Kaiparowits coal reserves. If a national monument were designated, some sort of compensation for school trust lands within the area would be necessary. But the educators protest too much; their windfall from the development of these lands is not a pri-

mary consideration on which to base land-management decisions.

As for the estimated 62 billion tons of coal under the Kaiparowits Plateau, that is a natural resource as well as the unusual land above it. The president ought to think twice before considering a designation that would inhibit the use of that resource, which, if not developed now by Andalex, may be needed decades from now.

Obviously, the process for determining how much of southern Utah's public lands to protect—whether by wilderness designation, national monument, conservation area, eco-region or some other brand name—has not been productive so far. But if the president's own Interior Department is assessing the impact of the proposed Andalex mine and re-assessing wilderness acreage, it makes little sense for him to obviate the agency's work now by cavalierly dubbing the whole area a national monument.

— U.S. SENATE,
Washington, September 17, 1996.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: Last Saturday, we met with Secretary of Interior Babbitt and Council on Environmental Quality (CEQ) Director McGinty to discuss the possible designation to the Canyons of the Escalante National Monument. We are writing to strenuously voice our opposition to this action.

Since the proposal surfaced in a Washington Post article in September 7, we have been unable to ascertain any information on the specifics of this proposal now under review by the White House. Repeated requests for information from both CEQ and the Department of Interior have resulted in no further clarification of the story. Even our meeting last Saturday yielded nothing new on this subject. It has been very frustrating to know that senior officials in the Administration have been considering creating a new national monument in Utah, and yet we are unable to learn any of the details—i.e., the exact location, the specific boundaries, the impact on existing rights-of-way and permits, which federal agency will manage the proposed monument, the impact to state school trust lands, etc. In our opinion, this is not the way to go about the establishment of a new national monument, let alone carrying out the public's business.

We have expressed our specific concerns to Secretary Babbitt and Director McGinty, and we trust they will bring these items to your attention prior to your making any decision to proceed further on this project this week or, for that matter, anytime in the coming months. However, we would like to reiterate these concerns to you so there can be no misunderstanding.

As we indicated on Saturday, we believe this proposal, as indicated in the Post article, should be rejected for several critical reasons:

The total acreage of the Monument proposal will be approximately 1.8 million acres. If this acreage figure is correct, this proposal would create the largest national monument in the continental United States, 1½ times the size of the Grand Canyon National Park. This land will be withdrawn from multiple use without any public comment and review, including congressional hearings and meetings, and without consulting the land managers on the ground who must deal with any conflicts that will occur.

The State of Utah is bound by this fiduciary responsibility to show complete and undivided loyalty to the school children of Utah—the sole beneficiaries of the trust created at statehood—and properly manage these lands to enhance our schools. That is

the reason for their existence. Placing these lands within the proposed Monument's boundaries will create state inholdings within a national monument, which severely limits the proper management of these lands by the trustee, the Utah State Schools and Institutional Trust Lands Board.

Understandably, the Board is very concerned about the future of the billions of tons of clean, low sulfur coal that is located on these school trust lands. The Utah Geological Survey has estimated the net present value of the coal in this area at over \$1 billion. This revenue flow is vital to Utah, as the Utah Public Education Coalition has stated. If this much land is taken from the school children of Utah, the state and board of education would have no choice but to file a lawsuit as trustees for the beneficiaries for taking over a billion dollars of school resources without fair and timely compensation.

Those who support the Monument proposal have spoken of the need to protect the land for generations to come; we would argue for support of a better and more responsible proposal that protects the beauty of our land while enhancing the educational component of our society for these future generations. As we understand the proposal, it would not achieve both results.

Acceptance of the Monument proposal would send the message to every public lands state in the nation that at anytime the Executive Branch could withdraw millions of acres of lands within that state from multiple use purposes without the benefit of a single comment from the affected state. In fact, it may occur without any notification.

The Monument proposal will basically withdraw from future development the largest untapped energy reserve in the United States, valued by the State of Utah to be more than \$1 trillion. The energy in the Kaiparowits Coal Basin is comparable to 20 to 30 billion barrels of OPEC oil, and would satisfy the energy needs of Utah for many generations to come. The inclusion of this resource within the Monument proposal will have an enormous fiscal impact on all taxpayers of approximately \$6 to \$9 billion in lost federal royalties. Under the Monument proposal, this resource will never be available for future generations. We question whether these economic and national security issues have been thoroughly discussed by the administration prior to the formulation of this proposal.

Mr. President, for these and many other compelling reasons, we have very serious reservations about the Monument proposal. We have been provided with no details on this proposal. That is why we strongly encourage you to resist any temptation or campaign advice to issue a proclamation designating a new national monument in Utah this week or in the coming weeks, until a complete analysis conducted through a public process can be undertaken with us and the citizens of our state. It is only through such an open process that these and the many other issues related to the establishment of a national monument can be properly addressed.

We would appreciate your serious consideration of these issues.

Sincerely,

MICHAEL O. LEAVITT,
Governor.

ROBERT F. BENNETT,
U.S. Senator.

ORRIN G. HATCH,
U.S. Senator.

JAMES V. HANSEN,
Member of Congress.

ENID GREENE,
Member of Congress.

EXHIBIT 1
THE UTAH PUBLIC
EDUCATION COALITION,
September 11, 1996.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: The Utah Public Education Coalition is adamantly opposed to the proposed designation of the Kaiparowits Coal Basin and other lands in Utah as the Escalante National Monument. We oppose this designation as currently proposed for a variety of reasons.

First of all, there has been so little discussion and review of the proposal that it is not clear what the boundaries are. Potentially 200,000 acres of school trust lands granted to support our schools are within the boundaries of the proposed designation. If this much land is taken from the school children of Utah, the state and board of education would have no choice but to file a lawsuit as trustees for the beneficiaries for taking over a billion dollars of school resources without fair and timely compensation.

One of our major concerns is over the designation of the Kaiparowits Coal Basin as part of this national monument. This land is separate from the Kaiparowits Plateau which is known for its scenic beauty and unique land formations. The Kaiparowits Coal Basin is composed of considerably less scenic terrain and is interlaced with many miles of country roads, an airstrip, an old coal mine, drill sites, and abandoned mine sites.

The designation would frustrate environmentally sound recovery of an important national resource. The coal resources in the Kaiparowits Coal Basin represent the largest untapped energy reserve in the United States, and this coal is among the least polluting in the world. Development of this underground coal will be important to our nation and will return \$6 to \$9 billion to the national treasury in royalties plus additional funds through the multiplier effect.

We further believe that there is no reason to declare this a national monument to protect the canyons of the Escalante as they are already protected. At this time, 90 percent of the canyons of the Escalante are already in the Glen Canyon National Recreation Area. The remaining 10 percent are near the town of Escalante and are in current wilderness study areas.

On behalf of the children and our schools, we ask that you not designate any further lands in Utah as a national monument without full consideration of the impacts on education in Utah and full compensation for any restrictions placed Utah's school trust lands.

Sincerely,

Linda M. Sarkinson, Utah PTA, Brent Thure, Utah School Superintendents Association; Mossi W. White, Utah School Boards Association; W. Lee Glad, Utah Association of Elementary School Principals; Janet A. Cannon, Utah State Board of Education; Phil Oyler, Utah Association of Secondary School Principals; Scott W. Bean, Utah State Office of Education; Kelly Atkinson, Utah School Employees Association; Phyllis Sorensen, Utah Education Association.

POSITION STATEMENT IN OPPOSITION TO THE
PROPOSED DECLARATION OF THE CANYONS OF
THE ESCALANTE NATIONAL MONUMENT
(By the Utah Public Education Coalition)

The position of the Utah Public Education Coalition is in support of careful consideration of the environment. Additionally, our position is in defense of educational opportunities for our children, a strong adherence to

issues of integrity, and a position that the best decisions are made in an environment of information, communication, balance, and knowledge.

The following educational issues are important:

Within the boundaries of the proposed 1.8 million acres under consideration are approximately 200,000 acres of SCHOOL TRUST LANDS that do not belong to the federal government.

At statehood, the federal government entered into a compact with the state of Utah in which it was agreed not to tax the federal lands in exchange for 5.8 million acres being granted to support education. Utah is bound by the fiduciary duty to show undivided loyalty to the schools of Utah, who are the beneficiaries of the trust created by the Enabling Act. The federal government is also bound, as grantor, by the terms of the grant. We expect our President to show integrity in abiding by its compacts with its own people.

Any attempt to deny the schools of Utah full fair market value for the lands so granted would initiate a takings procedure by the education family and the state as trustee for the full value plus interest. Governor Mike Leavitt's office and the Utah Geological Survey has estimated that the net present value of the coal underlying the Kaiparowits Coal Basin on the school lands alone is between \$640 million and \$1.1 billion.

The National Education Association Legislative Platform has a plank to protect land set aside to support schools. There are 22 states that have trust lands (Alaska, Arizona, Arkansas, California, Colorado, Hawaii, Idaho, Louisiana, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming).

The energy in the Kaiparowits Coal Basin represents the largest untapped energy reserve in the continental United States. This is not just a Utah issue; this issue is a national issue, especially with the recent power outages on the west coast.

Inclusion of the Kaiparowits Coal Basin in the proposal has an enormous fiscal impact on the taxpayers of approximately \$6 billion to \$9 billion in lost royalty.

Designation of 1.8 million acres is not necessarily a pro-environmental position as the coal from the Kaiparowits is among the cleanest coal with the lowest sulfur content. At this time, 90% of the canyons of the Escalante are already in the Glen Canyon National Recreation Area. The remaining 10% are near the town of Escalante and are in current wilderness study areas.

The coal resources are NOT located on the Kaiparowits Plateau. The coal resources are located in the Kaiparowits Coal Basin to the west of the plateau.

The Kaiparowits Coal Basin is not pristine. Within 2 miles radius there are 36 miles of publicly maintained roads, an air strip, drill holes, a previously mined coal site, numerous other mining sites, fences and cattle watering holes.

The Kaiparowits Plateau is composed of towering cliffs and spectacular, stark scenery. On the other hand, the Kaiparowits Coal Basin has been described an undulating grey terrain. Parts of "Planet of the Apes" were filmed there.

There is a middle ground. Development of the coal resources can occur under the ground with the mine portal occupying only 40 acres of the surface, about .004% of the Kaiparowits Coal Basin. Citizens can continue to enjoy the Canyons of the Escalante and the Kaiparowits Plateau under the protection of a National Recreation Area and wilderness study areas. Improvement of the existing road would eliminate the need for additional road construction.

RESOLUTION IN SUPPORT OF AN EXCHANGE OF
UTAH SCHOOL TRUST LANDS FOR FEDERAL
LANDS IN THE SMOKY HOLLOW AREA OF
KANE COUNTY, UTAH

(By The Utah Public Education Coalition)

Whereas, Under the Utah Enabling Act the federal government granted to the state certain sections of the public domain, now known as School Trust lands, to be used exclusively for generating revenue to support Utah's public education system; and

Whereas, These School Trust lands are scattered and isolated parcels which are now totally surrounded within a larger matrix of federal lands, and management of the surrounding federal lands by the federal government for non-economic purposes is in direct conflict with the state's fiduciary responsibility to create revenue from these trust lands for the state's public education system, and that such federal land management conflicts are in direct violation of the grant made by the United States government to the State of Utah; and

Whereas, Utah School Trust lands located within the Kaiparowits and Alton coalfields of southern Utah contain hundreds of millions of recoverable tons of high-grade bituminous coal, enough to supply all the electrical power requirements for the entire state of Utah for the next 100 years at present rates of consumption; and

Whereas, This coal reserve constitutes one of the most important sources of future revenue for Utah's School Trust and shall be protected by the State now and forever in the future; and

Whereas, Most of these School Trust coal reserves are scattered throughout federally designated wilderness study areas in the interior of the Kaiparowits coalfield or in areas of the Alton coalfield designated by the federal government as "unsuitable for mining" because of proximity to the viewshed from Bryce Canyon National Park; and

Whereas, These federal non-use designations prevent the development of the inheld School Trust resources for the support of the schools within these areas; and

Whereas, The development of underground coal deposits by modern underground mining methods requires large blocks of contiguous acreage; and

Whereas, It is the responsibility of the State of Utah to assure the beneficiaries of the Utah school trust that in the future the federal government will be required to provide just and adequate compensation for any defacto takings of any and all School Trust assets within the Kaiparowits/Alton coalfields resulting from any federal action or land designation which effectively renders inheld trust lands incapable of providing revenue to Utah's education system as mandated by the Utah Enabling Act; and

Whereas, Present and future management conflicts between the Utah School Trust and the federal government could be quickly, easily and permanently resolved to the mutual benefit of all parties by simply trading School Trust coal resources within federal wilderness study areas/unsuitability areas for federal coal resources of equal value located outside of these designated areas; and

Whereas, Such an exchange would allow the Utah School Trust to provide long term economic benefits to the state's education system as required by law while allowing the federal government the ability to manage its land in accordance with non-economic objectives (wilderness values, national park viewsheds, etc.) and thereby avoid serious, and inevitable, future land use conflicts between the federal government and the Utah School Trust involving the Kaiparowits/Alton areas; and

Whereas, Andalex Resources is now proposing an underground coal mine on existing federal and school trust leases located in the Smoky Hollow area at the southern tip of the Kaiparowits coalfield, and the federal government has formally and officially determined that this area clearly and obviously does not qualify for wilderness designation; and

Whereas, The state of Utah Division of Oil, Gas and Mining has approved the Smoky Hollow Mine Permit Application Package and has determined that the mine can be constructed, operated and reclaimed in accordance with all necessary state and federal environmental protection laws and regulations; and

Whereas, The Utah Public Education Coalition, the Utah School Trust Administration, the Utah Association of Counties, and the Utah State Legislature have gone on record in support of responsible development of the Smoky Hollow coal reserves as is now being proposed by Andalex; therefore be it

Resolved, That the Utah Public Education Coalition hereby reaffirms its strong support for responsible development of the Smoky Hollow coal resources as proposed by Andalex; and be it further

Resolved, That the Utah Public Education Coalition supports and advocated an exchange of scattered School Trust coal lands located within the Kaiparowits wilderness study areas and the Alton unsuitability area for a block of land located in the Smoky Hollow area which could be developed as part of the Smoky Hollow underground coal mining operation; and be it further

Resolved, That the Utah Public Education Coalition urges the Board of Trustees of the School and Institutional Trust Lands Administration, the Utah Governor's office, and Utah's congressional delegation to jointly petition the US Department of Interior to expedite this exchange on an equal-value basis, subject to valid existing rights, as being in the best and highest interest of Utah's public education system and the people of the state of Utah and the United States.

Linda M. Sarkinson, Utah PTA; Brent Thurie, Utah School Superintendents Association; Mossi W. White, Utah School Boards Association; W. Lee Glad, Utah Association of Elementary School Principals; Janet A. Cannon, Utah State Board of Education; Phil Oyler, Utah Association of Secondary School Principals; Scott W. Bean, Utah State Office of Education; Kelly Atkinson, Utah School Employees Association; Phyllis Sorensen, Utah Education Association.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, September 17, 1996 the Federal debt stood at \$5,190,807,990,011.88.

Five years ago, September 17, 1991, the Federal debt stood at \$3,625,799,000,000.

Ten years ago, September 17, 1986, the Federal debt stood at \$2,106,475,000,000.

Fifteen years ago, September 17, 1981, the Federal debt stood at \$976,369,000,000.

Twenty-five years ago, September 17, 1971, the Federal debt stood at \$415,338,000,000. This reflects an increase of more than \$4 trillion (\$4,775,469,990,011.88) during the 25 years from 1971 to 1996.

AIR BAG SAFETY AND EFFECTIVENESS

Mr. PRESSLER. Mr. President, I rise to make a few remarks concerning child passenger vehicle occupant protection.

Earlier this year, the Senate Committee on Commerce, Science, and Transportation held an oversight hearing on the safety and effectiveness of driver side and passenger side air bags. At the hearing, we learned that generally air bags are safe. They are credited with saving approximately 900 lives since 1987 and with reducing the severity of injury in many more instances. So it is abundantly clear that air bags are an important automotive safety device.

Unfortunately, there is a downside to air bag use. While usually minor in nature, in some cases they cause injuries. In the worst cases, they have caused death. This is especially true in the case of children with some data showing two children die because of a passenger side air bag deployment for every one saved by the deployment.

The Committee's oversight hearing highlighted issues like this and also explored actions underway at the National Highway Traffic Safety Administration (NHTSA) to improve child passenger safety. At the hearing, I stressed the need to publicize the importance of putting child safety seats in the back seat and not in a passenger seat equipped with an air bag.

Subsequent to our hearing, I was pleased that a coalition was formed to alert the public of passenger side air bag dangers to infants and children. I also have followed closely the initiatives at NHTSA to change federal air bag requirements, encourage the introduction of new air bag technology, and improve child restraint system performance.

These steps are needed and they hold promise for child passenger safety improvements. However, more comprehensive action is needed.

Yesterday, the National Transportation Safety Board (NTSB) released the findings of its 2-year child occupant safety study. Pointing to the dangers and risks to children posed by passenger-side air bags and improperly used child restraint systems, the NTSB called on NHTSA, State Governors, and automobile manufacturers to take steps to address continuing safety problems.

For instance, the NTSB study found inadequacies in NHTSA's proposed rulemaking on smart air bags and air bag warning labels. On August 1, 1996, NHTSA proposed changes to federal air bag requirements to encourage the introduction of new air bag technology. If automobile manufacturers do not provide the so-called smart air bags, the NHTSA proposal would require manufacturers to post new and more prominent air bag warning labels inside the vehicle.

The safety study, however, concluded that the NHTSA proposal will not ac-

celerate the development of more intelligent systems. As a result of its review of the proposed rulemaking, the NTSB called on NHTSA to do more to encourage automobile manufacturers to install intelligent air bag systems and specifically recommended that NHTSA establish an implementation timetable.

In another area, the NTSB safety study investigated air bag deployment rates and recommended that NHTSA's technical air bag deployment threshold standards be reevaluated. The recommendation urges the consideration of technical standards for less aggressive air bag deployment, particularly for those on the passenger side of motor vehicles.

Its my recollection that NHTSA has said the technology for less aggressive air bag deployment currently is not available. However, technically it can be done. Canada, as I understand it, is on the verge of requiring less aggressive deployment standards for air bags in any car sold in Canada. Until "smart" air bags are available, this may be the best interim solution and NHTSA should carefully investigate this possibility. The NTSB recommendations make clear the lack of testing that was done prior to putting passenger side air bags into the automotive fleet.

The NTSB also asked NHTSA to revise several motor vehicle safety standards governing air bags and passenger restraint systems. As revisions are made, testing and performance standards that reflect an actual accident environment must be developed.

Quick action on these recommendations is required because there are nearly 22 million vehicles currently on the road with passenger-side air bags. NHTSA's proposed rulemaking will not affect these vehicles. Also, an estimated 13 million additional vehicles will be sold yearly before the new standards take effect.

Something must be done to protect children in vehicles like these. Changes in air bag deployment rates and the installation of on-off deployment switches are two of the options that could be evaluated.

The NTSB's safety study also explores in detail the difficulties parents and care givers have in securing a child restraint system properly in vehicles. Inadequacies in the design of child restraint systems themselves and the need to improve seatbelt fit for children were singled out by the NTSB as an area in which safety improvements can be made.

These problems warrant action and I encourage NHTSA to act swiftly on the NTSB recommendations. I will continue to follow this safety issue closely and plan on holding a hearing early in the next Congress to examine the NTSB's safety study.

Mr. President, finally we need to get a simple message to parents. We must tell parents that until less aggressive passenger side air bags or "smart" air