Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3136. An act to provide for enactment of the Senior Citizens' Right to Work Act of 1996, the Line Item Veto Act, and the Small Business Growth and Fairness Act of 1996, and to provide for a permanent increase in the public debt limit.

The enrolled bill was signed subsequently by the President pro tempore [Mr. THURMOND].

At 3:50 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2854) to modify the operation of certain agricultural programs.

The message also announced that the Speaker appoints Mr. HOYER of Maryland to fill the vacancy occasioned by the resignation of Mr. STOKES of Ohio in the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3019) making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes.

The message further announced that the House has passed the following joint resolution, in which it request the concurrence of the Senate:

H.J. Res. 170. Joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in it requests the concurrence of the Senate:

H. Con. Res. 157. Concurrent resolution providing for an adjournment or recess of the two Houses.

ENROLLED JOINT RESOLUTION SIGNED

At 4:35 p.m., a message from the House of Representatives, delivered by one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 170. Joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes.

The enrolled joint resolution was signed subsequently by the President pro tempore [Mr. THURMOND].

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1271. A bill to amend the Nuclear Waste Policy Act of 1982 (Rept. No. 104–248).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Ms. SNOWE (for herself and Mr. LEAHY):

S. 1655. A bill to amend the Public Health Service Act to provide, with respect to research on breast cancer, for the increased involvement of advocates in decision making at the National Cancer Institute; to the Committee on Labor and Human Resources.

By Ms. SNOWE:

S. 1656. A bill to permit individuals to continue health plan coverage of services while participating in approved clinical studies; to the Committee on Labor and Human Resources.

By Mr. FAIRCLOTH:

S. 1657. A bill requiring the Secretary of the Treasury to make recommendations for reducing the national debt; to the Committee on Finance.

By Mr. MCCONNELL:

S. 1658. A bill to amend the Internal Revenue Code of 1986 to provide improved access to quality long-term care services and to provide incentives for the purchase of long-term care insurance, and for other purposes; to the Committee on Finance.

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 1659. A bill to declare a portion of Queens County, New York, to be nonnavigable waters of the United States, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GLENN (for himself, Mr. LEAHY, Mr. JEFFORDS, Mr. JOHNSTON, Mr. LEVIN, and Mr. D'AMATO):

S. 1660. A bill to provide for ballast water management to prevent the introduction and spread of nonindigenous species into the waters of the United States, and for other purposes; to the Committee on Environment and Public Works.

By Mr. PRESSLER (for himself, Mr. BURNS, Mr. INHOFE, Mr. DASCHLE, and Mr. BAUCUS):

S. 1661. A bill to specify that States may waive certain requirements relating to commercial motor vehicle operators under chapter 313 of title 49, United States Code, with respect to the operators of certain farm vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HATFIELD:

S. 1662. A bill to establish areas of wilderness and recreation in the State of Oregon, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATFIELD (for himself and Mr. HARKIN):

S. 1663. A bill to amend the Internal Revenue Code of 1986 to improve revenue collection and to provide that a taxpayer conscientiously opposed to participation in war may elect to have such taxpayer's income, estate, or gift tax payments spent for nonmilitary purposes, to create the United States Peace Tax Fund to receive such tax payments, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE (for himself and Mr. DASCHLE):

S. Res. 236. A resolution appointing Members to certain Senate commitees; considered and agreed to.

By Mr. FAIRCLOTH:

S. Res. 237. A resolution to express the sense of the Senate regarding reduction of the national debt; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee has thirty days to report or be discharged.

By Mr. HELMS (for himself, Mr. ROTH, Mr. LOTT, Mr. D'AMATO, Mr. NICKLES, Mrs. HUTCHISON, Mr. FAIRCLOTH, Mr. BREAUX, Mr. SHELBY, Mr. BENNETT, and Mr. SANTORUM):

S. Res. 238. A resolution expressing the sense of the Senate that any budget or tax legislation should include expanded access to individual retirement accounts; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August, 4, 1977, with instructions that if one Committee reports, the other Committee has thirty days to report or be discharged.

By Mr. DOLE (for himself and Mr. DASCHLE):

S. Res. 239. A resolution to authorize representation by Senate Legal Counsel; considered and agreed to.

By Mr. WARNER (for himself and Mr. FORD):

S. Res. 240. A resolution to authorize representation by Senate Legal Counsel; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE (for herself and Mr. LEAHY):

S. 1655. A bill to amend the Public Health Service Act to provide, with respect to research on breast cancer, for the increased involvement of advocates in decision making at the National Cancer Institute; to the Committee on Labor and Human Resources.

By Ms. SNOWE:

S. 1656. A bill to permit individuals to continue health plan coverage of services while participating in approved clinical studies; to the Committee on Labor and Human Resources.

BREAST CANCER LEGISLATION

Ms. SNOWE. Mr. President, I introduce two important pieces of legislation which promise to be of great significance to women with breast cancer: the Consumer Involvement in Breast Cancer Research Act of 1996, and the Improved Patient Access to Clinical Studies Act of 1996.

Breast cancer is a national health crisis of enormous proportions. Each year, breast cancer strikes approximately 182,000 women, resulting in 46,000 deaths. It has become the most common form of cancer and the second leading cause of death among American women. An estimated 2.6 million women in the United States are living with breast cancer, 1.6 million have been diagnosed with the disease, and an estimated 1 million women do not yet know they have breast cancer.

Some 1 out of 8 women in our country will develop breast cancer in her lifetime, up from one out of 14 in 1960. In fact, this year, a new case of breast cancer will be diagnosed every 3 minutes, and a woman will die from breast cancer every 11 minutes.

Breast cancer is a crisis that has tragically claimed the lives of almost 1

million women of all ages and backgrounds since 1960. It has become the leading cause of death for women age 40 to 44, and the leading cause of cancer death in women age 25 to 54.

In 1994, 900 Maine women were diagnosed with breast cancer. This is the most commonly diagnosed form of cancer among Maine women, and represents more than 30 percent of all new cancer among women in Maine.

Over the past few years, we have made significant gains in funding for breast cancer research. In fiscal year 1991, Congress spent $92.7 million on breast cancer research at the National Institutes of Health. By fiscal year 1995, spending had increased to $308.7 million. Moreover, the Department of Defense has received $460 million over the past 3 years to undertake breast cancer research.

However, funding alone is not enough. We must work to ensure that the most worthy and innovative projects are pursued and funded. This means funding projects which victims of breast cancer believe are important and meaningful to them in their fight to live with this disease.

Over the past 3 years, the Department of Defense has included lay breast cancer advocates in breast cancer research decision making. The involvement of these breast cancer advocates has helped foster new and innovative breast cancer research funding designs and research projects. While maintaining the highest level of quality assurance through peer review, breast cancer advocates have helped to ensure that all breast cancer research reflects the experiences and wisdom of the individuals who have lived with the disease. In addition, breast cancer advocates provide a vital educational link between the scientific and lay communities.

My bill, the Consumer Involvement in Breast Cancer Research Act of 1996, urges the National Institutes of Health to follow the DOD's lead. It urges NIH to include breast cancer advocates in breast cancer research decision making, and to report on progress that the Institute is making next year.

I believe that this legislation provides the critical next step in making breast cancer research more responsive to the needs of millions of American women living with breast cancer.

But it is not the only step we need to take. People suffering from diseases with no known cure often have access to the latest, most-innovative therapies only through clinical trials. This is often the case for women with breast cancer. Yet insurance companies regularly deny coverage for such treatments on the basis that they are experimental or investigational.

As a result, many patients who could benefit from these potentially life-saving investigational treatments do not have access to them because their insurance will not cover the costs. Denying reimbursement for these services also impedes the ability of scientists to conduct important research, by reducing the number of patients who are eligible to participate in clinical trials.

The second bill I am introducing today, the Improved Patient Access to Clinical Studies Act of 1996, addresses this problem. This bill would prohibit insurance companies from denying coverage for services provided to individuals participating in clinical trials, if those services would otherwise be covered by the plan. This bill would also prevent health plans from discriminating against enrollees who choose to participate in clinical trials.

Mr. President, March is Women's History Month. We should take this opportunity to celebrate the important gains we have made over the past few years in the area of women's health research. At the same time, we must also recognize how far we still have to go. I believe that the bills I have introduced today represent continued progress in the fight against breast cancer, and I urge my colleagues to support them.

By Mr. McCONNELL:

S. 1658. A bill to amend the Internal Revenue Code of 1986 to provide improved access to quality long-term care services and to provide incentives for the purchases of long-term care insurance, and for other purposes; to the Committee on Finance.

THE FAMILY CHOICE IN LONG-TERM CARE ACT

• Mr. McCONNELL. Mr. President, the graying of America means significant changes for our Nation's families. Traditionally, a family member, most likely a wife or daughter, has cared for an ailing spouse or parent at home. However, today's pressures of work, child-rearing, and family mobility greatly restrict the ability of adult children to administer to the day-to-day needs of a chronically ill parent. In addition, the rigors of home-based care can have a debilitating impact on the health and well-being of a caring spouse.

Few families are fully prepared for the physical, emotional, or financial demands of long-term care. For too many, this difficult journey begins with a unexpected jolt from a sudden accident, the death of a spouse or parent, or the diagnosis of a debilitating, long-term illness.

As America's population ages, the need for long-term care increases. In 1993, almost 33 million Americans were over the age of 65, and by 2011, the elderly population is estimated to number close to 40 million. While the opportunity for a happy and healthy retirement is better than ever, an October 1995 long-term care survey by Harvard/Harris revealed that 1 in 5 Americans over age 50 is at high risk of needing long-term care during the next 12 months.

Today, a variety of long-term care services are available, from help in cleaning one's home and getting groceries to skilled nursing care with 24-hour supervision. However, the means to pay for long-term care are still very limited and the expense can be overwhelming. For example, $59 billion was spent on nursing home care for the elderly in 1993, and 90 percent was covered by out-of-pocket payments and Medicaid.

The cost of paying out-of-pocket for 1 year in a nursing home is more than triple a senior's average annual income. Long-term care expenses put a lifetime of work and investment at risk. To gain Medicaid coverage, seniors must spend down their assets in order to meet State eligibility requirements. While Medicare takes care of hospital costs and home care, it provides only limited coverage for short-term stays in skilled nursing facilities.

The medical side of long-term care has seen enormous advances over the years in new technologies, facilities, treatment methods, and even psychological studies of the effects of long-term care on patients. But the financing side of long-term care has simply failed to keep up, and as a result it is ill-prepared for seniors' future needs. Today, private insurance pays for less than 2 percent of long-term care costs. As Federal mandates for Medicaid coverage have increased, States have attempted to contain costs by restricting services for the elderly. State-imposed caps on the number of Medicaid-sponsored nursing home beds has separated families from their loved ones because the only Medicaid beds available were hundreds of miles away from their community. Most disturbingly, the remaining assets of a deceased elderly couple can be tapped through an estate recovery action to compensate the State for the couple's Medicaid expenses.

Since 1990, Medicaid expenditures for long-term care have been increasing by almost 15 percent annually, causing costs to double every 5 years. Medicaid's service as the sole long-term care safety net for middle class seniors may seriously impair the program's ability to serve the underprivileged. While low-income families accounted for 73 percent of Medicaid's beneficiaries in 1993, nearly 60 percent of expenditures went to nursing home care and other long-term care services. For example, in 1993, Kentucky's Medicaid spending per enrollee for children was $964; while the cost for elderly beneficiaries was $6,540. Without relief, a harsh battle between generations may emerge.

Mr. President, I rise today to introduce the Family Choice in Long-Term Care Act, a bill that would alleviate dependence on Medicaid by enabling families and seniors to plan ahead for their long-term care needs. Currently, our tax code does not define long-term care as a medical expense. My proposal would end this discrimination and allow long-term care expenses and policy premiums to be tax deductible.

Like health care insurance, payments under long-term care insurance would not be taxable when received. Children would be able to purchase policies on behalf of their parents. In

addition, employer-based plans would be treated like accident or health policies. Individuals could convert a life insurance contract in favor of a long-term care policy without suffering a tax penalty. Under my bill, terminally or chronically ill patients could receive accelerated death benefits to pay for their long-term care needs. And my legislation would also permit qualified withdrawals from individual retirement accounts of 401(k) plans for the purchase of a long-term care policy.

Interest in long-term care insurance is growing. According to the American Health Care Association, the average growth rate in long-term care policy sales has averaged 27 percent annually since 1987. In 1993 alone, a total of 3.4 million insurance policies were sold. A study conducted by the research firm of Cohen, Kumar & Wallack found that it is not just higher-income seniors who are interested in long-term care insurance. The study showed that 30 percent of surveyed long-term care policy-holders earned less than $20,000 annually.

While tax clarifications will make long-term care plans more affordable to seniors and families, attention must be paid to assure investment quality and security. My proposal would establish the National Long-Term Care Insurance Advisory Council to advise Congress on the market's development and promote public education on the necessity of long-term care planning and the options available. The bill also outlines consumer protection standards for policies as recommended by the National Association of Insurance Commissioners.

Finally, my proposal would require the Secretary of Health and Human Services to develop and distribute a summary of recommended health care practices to Medicare beneficiaries. As always, prevention is the first step in curtailing the demand for high-cost medical care.

While there has been a great deal of rhetoric about tax cuts lately, long-term care tax clarification benefits everyone. Seniors can invest in a quality long-term care plan without fear of losing everything they own, and families will have access to the support they feel is most appropriate for their loved ones.

In addition, Medicaid will continue to provide long-term care services for seniors in need. A 1994 study published in Health Affairs estimates that Medicaid would save $8,000 to $15,500 on each nursing home entrant who held a long-term care policy. Also, the probability of a senior's spending down to Medicaid eligibility would be reduced by 40 percent. Private long-term care insurance would preserve the medical safety net for seniors and benefit other Medicaid recipients, particularly low-income children and the disabled.

Mr. President, in sum, private long-term care insurance translates into quality, flexible care for seniors, more Medicaid funds for low-income families and the disabled, and essential support for families who want their loved ones to be safe and secure. These are priorities that all Members of Congress share. We should not miss this opportunity to help America's families prepare for the challenges of long-term care.

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 1659. A bill to declare a portion of Queens County, New York, to be nonnavigable waters of the United States, and for other purposes; to the Committee on Environment and Public Works.

THE QUEENS-WEST WATERFRONT DEVELOPMENT ACT OF 1996

Mr. MOYNIHAN. Mr. President, I rise to introduce, with my esteemed colleague Senator D'AMATO, a bill to eliminate an impediment to an important economic development project in Queens. The Queens West development is 12 years in the making. Construction of the first apartment tower should create 1,000 construction jobs, and the entire project should ultimately create 14,000 construction jobs and 10,000 permanent jobs. This in a county with unemployment two points higher than the State average.

With the financial parties ready to go to closing this month, the title search turned up an impediment that threatens to make the entire project uninsurable, and therefore untenable. A portion of the development would be built on an area that in the last century was on the watery side of the historical high water mark of the East River. Since then it has been filled, bulkheaded, or otherwise developed. The Federal Government, however, retains the right of navigational servitude, which means the Government can condemn the area because it is still navigable in law, if not in fact.

The only solution is for Congress to declare the area nonnavigable. This bill does so. The declaration of nonnavigability would apply only to areas that ''will be bulkheaded, filled, or otherwise occupied by permanent structures or other physical improvements''—including parklands. The declaration would expire in 20 years if the area is not occupied by permanent structures.

Mr. President, I believe this is a commonsense effort to allow an important project to go forward. We will not need to resume navigating this portion of the East River. We do need the economic development that the Queens West project will bring. Senator D'AMATO and I ask for the support of our colleagues.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1659

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

SECTION 1. DECLARATION OF NONNAVIGABILITY FOR PORTION OF QUEENS COUNTY, NEW YORK.

(a) DESCRIPTION OF NONNAVIGABLE AREA.—Subject to subsections (b) and (c), that portion of Long Island City, Queens County, New York, which is not submerged and lies between the existing southerly high water line of Anable Basin (also known as the 11th Street Basin) and the existing northerly high water line of Newtown Creek and extends from the existing high water line of the East River to the original high water line of the East River is declared to be nonnavigable waters of the United States.

(b) REQUIREMENT THAT AREAS BE IMPROVED.—

(1) IN GENERAL.—The declaration of nonnavigability under subsection (a) shall apply only to those portions of the areas described in subsection (a) that are or will be bulkhead, filled, or otherwise occupied by permanent structures or other permanent physical improvements (including parklands).

(2) APPLICABILITY OF FEDERAL LAW.—The work to meet the requirements of paragraph (1) shall be subject to applicable Federal laws, including—

(A) sections 9 and 10 of the Act of March 3, 1899, commonly known as the Rivers and Harbors Appropriation Act of 1899 (33 U.S.C. 401 and 403);

(B) section 404 of the Federal Water pollution Control Act (33 U.S.C. 1344); and

(C) the National Environmental Policy Act of 1969 (43 U.S.C. 4321 et seq.).

(c) EXPIRATION DATE.—The declaration of nonnavigability under subsection (a) shall expire with respect to a portion of an area described in subsection (b), if that portion—

(1) is not filled or otherwise occupied by a permanent structure or other permanent physical improvement (including parkland) in accordance with subsection (b) by the date that is 20 years after the date of enactment of this Act; or

(2) requires work described in subsection (b)(2) that is subject to a permit under an applicable Federal law, and that work is not commenced by the date that is 5 years after the date of issuance of that permit.

Mr. D'AMATO. Mr. President, I rise today to join with my friend and colleague, Senator MOYNIHAN, in introducing legislation that will allow for the commencement of a project of immense economic significance in the city of New York and the Borough of Queens. This project, which has been named Queens West, will produce a myriad of waterfront apartment buildings, parkland, hotel, and commercial space and will create 14,000 construction jobs as well as 10,000 permanent jobs. This ambitious project will rejuvenate this section of New York and add to its vitality for countless generations to come.

As I am sure many of my colleagues can understand, there is a great deal of excitement about the Queens West project. However, with the parties ready to close, a single issue has emerged that could delay the financing and disrupt the timing of this project. Some of the land upon which Queens West is to be built falls within the historic, unobstructed high water mark of the East River that was established in the 1800's. However, a bulkhead has since been established in this particular area and industrial development has occurred there for many years.

Nevertheless, this area still remains defined as ''navigable in law'' which allows the Federal Government to retain a right to navigational servitude. Because of this glitch, the project may not be insurable and may not therefore commence in a timely fashion.

The legislation that Senator MOYNIHAN and I are introducing will rectify this situation. Simply, it will declare this portion of the land nonnavigable and thus take the property out of navigational servitude. Should no permanent structure be built on this site within 20 years, the area reverts to its current status. Once this bill is passed, the Borough of Queens and indeed all of New York will receive a vital economic boost. This legislation is identical to H.R. 2987, which Congressman TOM MANTON introduced in the House of Representatives, and enjoys support from State and city officials.

Mr. President, the thousands of jobs, the housing, the recreational opportunities, and the commercial benefits created by the Queens West project are urgently needed. I urge my colleagues to join Senator MOYNIHAN and I in supporting speedy passage of this legislation.

By Mr. GLENN (for himself, Mr. LEAHY, Mr. JEFFORDS, Mr. MOYNIHAN, Mr. SARBANES, Mr. JOHNSTON, Mr. INOUYE, Ms. MIKULSKI, Mr. D'AMATO, and Mr. LEVIN):

S. 1660. A bill to provide for ballast water management to prevent the introduction and spread of nonindigenous species into the waters of the United States, and for other purposes; to the Committee on Environment and Public Works.

THE NATIONAL INVASIVE SPECIES ACT OF 1996

Mr. GLENN. Mr. President, today I rise to introduce the National Invasive Species Act of 1996 with my colleagues Senators LEAHY, JEFFORDS, MOYNIHAN, SARBANES, JOHNSTON, INOUYE, MIKULSKI, and LEVIN. This act is a reauthorization and expansion of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990. I am pleased that my Ohio colleague, Congressman LATOURETTE and 18 of his colleagues in the House of Representatives also are introducing this act today.

Picture a pollution spill in the waters of your region that simply will not go away. Government and industry teams work to disperse it with chemicals and mechanical barriers, but as soon as the treatments stop, the pollution resurges. Worse yet, the spill spreads and concentrates in connecting water ways, and is further seeded by unintentional transport overland. Municipalities, manufacturers, and agriculture experience degraded water supplies and higher operating costs. Shell fisheries and fin fisheries permanently decline.

This scenario seems like a nightmare, yet it closely approximates the result of unintentional releases of nonindigenous species, or biological pollution, into U.S. waters. As a Senator from the Great Lakes region, where we spend many millions of dollars annually to battle sea lamprey and zebra mussel infestations, I can attest that such biological spills can and do happen, their impacts on the receiving system are additive, and the resource degradation is permanent.

As shown in the display map, the zebra mussel, a native species of eastern Europe, has spread throughout the United States from the Great Lakes where it was unintentionally introduced in ballast water of commercial vessels around 1986. Wherever it becomes established, the zebra mussel threatens both economic and environmental well-being. It clogs intake pipes, fouls drinking water, and covers swimming beaches with sharp shells. The zebra mussel also has led to the loss of many highly valued native species of freshwater mussel in both the Great Lakes and the Mississippi River.

I remember when Allegra Cangelosi, who is with me on the floor today, first came into my office and talked about zebra mussels in the 1980's. She had a bottle of these critters and set them on my desk and said, ''Here is what they are.'' And they multiply—each zebra mussel lays about 30,000 eggs a year. Eggs that are laid early in the season mature into adult zebra mussels by the end of the season.

Zebra mussels and other nonindigenous species can survive in ballast water transported into our nations waters largely because we now have faster sea transportation. Ironically, some of our own waters in this country are cleaner, allowing the species to become established.

The Great Lakes are not the only entryway for invasive species into U.S. waters. Last week, I hosted a National Forum on Nonindigenous Species Invasions of U.S. and Fresh Waters in cooperation with the Northeast-Midwest Institute. At the day long event, experts and natural resource stakeholders from around the country cited invasion impacts in just about all of America's fresh and marine waters. Biodiversity and economic well-being are suffering due to invasions of nonindigenous species in San Francisco Bay, the Pacific Islands, the Gulf of Mexico, the Mississippi River, the Northeast and Southeast Atlantic coasts, the Great Lakes, and Lake Champlain.

In 1990, I authored and gained enactment of the Nonindigenous Aquatic Nuisance Prevention and Control Act to begin to address the tremendous problem of unintentional invasions of aquatic species into the Great Lakes and other U.S. waters. The 1990 act consisted of two basic parts: One which focused on prevention of new introductions of species into the Great Lakes by the ballast water of vessels; and the other which established a national program of prevention, monitoring, management, and control of invasive species already established in U.S. waters. All of the many vectors of aquatic species transfers fell under the purview of this portion of the act. Most of the revisions contained in the bill which I am introducing today with my Senate and House colleagues pertain to the prevention portion of the program.

With respect to prevention, the 1990 act focused on ballast water of vessels. This water is the leading vector for unintentional transfers of nonindigenous species into United States waters. Ships carry ballast water to maintain trim when they are empty or partially empty of cargo. They discharge this water at their ports of call. Currently, there is practically nothing to prevent the uptake, transfer, and discharge of organisms along with that water.

An estimated 21 billion gallons of ballast water from vessels from foreign ports is discharged into U.S. waters each year. That's 58 million gallons per day, and 2.4 million gallons per hour. This ballast water contains just about everything and anything that was in the harbor from which the water was drawn. It is estimated that 3,000 species of aquatic organisms are in transit in ballast tanks around the world in any given 24-hour period. Most of these organisms will come to nothing in the receiving ports, but any one of them could cause billions of dollars of damage. It's a huge gamble. Even human cholera is transported unintentionally in ballast water and has been detected in ships visiting Mobile Bay and the Chesapeake, among other regions.

Fortunately, a ballast management practice known as high seas ballast exchange greatly reduces the transfers of dangerous organisms through ballast water. This technique is not applicable in all circumstances; it cannot be employed in stormy weather and with some types of vessels. However, where it can be employed safely, it results in a substantial reduction in the risk of invasive species transfers. It is for this reason that the Australian Government among other nations, and the International Maritime Organization, already encourage ballast management practices for commercial vessels.

The 1990 law included a voluntary ballast management program for the Great Lakes which automatically became regulatory in 1992. The act assigned the Coast Guard the task of consulting with the maritime industry and Canada to develop voluntary guidelines, conducting education and outreach, and, after 2 years, promulgating regulations to help reduce the probability of new introductions of alien species by commercial vessels into the Great Lakes.

The 1990 act also included several studies to help build information on the threat and impacts of ballast discharge on other U.S. waters. These studies, now complete, provide strong evidence that unmitigated ballast water exchange is a serious economic and environmental threat in regions

outside the Great Lakes. In particular, the biological study conducted pursuant to the act found that a new species of aquatic organism invades San Francisco Bay every 12 weeks. Serious risks of invasion to the Chesapeake Bay and Florida coasts have also been documented. A crab which is the host of a dangerous human parasite has been found in United States waters within the Gulf of Mexico, fortunately not yet established.

In light of this information, and based on the successful experience with the Great Lakes voluntary ballast management program, my 1996 proposal establishes a national voluntary ballast management program to begin to address concerns of other United States coastal regions. The Coast Guard is directed to issue voluntary ballast management guidelines for all vessels visiting U.S. ports after operating outside the exclusive economic zone. Consistent with the Great Lakes program, I want to stress, Mr. President, that this program puts safety first. The guidelines will protect the safety of vessel and crew, whatever that may entail, including waiving the requirement where necessary.

While there will be no penalty against vessels which do not participate in the national program, record keeping by vessels to document participation is required. In the interest of maintaining a level playing field, the Coast Guard has authority to issue the same guidelines as regulations in regions where a review of ship records reveals poor cooperation with the voluntary approach. Importantly, the maritime industry would see only one set of rules nationally. However, over time, there may be enforcement mechanisms associated with the guidelines in certain regions. Of great interest to the Great Lakes community, the successful Great Lakes regulatory program remains in place. For better prevention of invasions in the future, a ballast water management demonstration program is established in the Act. This project will demonstrate promising ballast technologies and practices to prevent the introduction and spread of nonindigenous species through ballast water.

Other changes to the 1990 program which are contained in our National Invasive Species Act of 1996 include: First, the authorization of research in several coastal regions—including the Chesapeake Bay, Lake Champlain, the Mississippi River and the Gulf of Mexico—which are at particular risk of degradation by species invasions; second, voluntary guidelines to help recreational boaters to prevent unintentional transfer of zebra mussels; and third, provisions to encourage more regions to set up coordinating panels and develop State management plans for invasive species prevention and control. Though now much broader in scope, I am proud to announce that the overall cost of the National Invasive Species Act of 1996 does not exceed that of the 1990 law.

I would like to close by pointing out that species invasions that originate anywhere on the continent have the potential to affect all of us. Once established on the North American continent nonindigenous invasive organisms will make their way to the far reaches of their potential range. Just as the zebra mussel has expanded its range from the Great Lakes to the entire Mississippi River and has been found on recreational vessels entering California, the east coast marine resources could be harmed by invasions on the west coast and vice-versa. Moreover, biological pollution of U.S. waters, so far, has not had serious public health implications. But the 1992 transfer of human cholera from South American ports to the shellfish beds of Mobile Bay via ballast water of commercial vessels reminds us that our luck may not hold forever. It is in everyone's interest to improve our Nation's precautions against invasions of aquatic nuisance species. Mr. President, I will ask unanimous consent that an updated version of a Northeast-Midwest Economic Review article be printed in the RECORD following my remarks. This article provides further background on the context, history, and content of the National Invasive Species Act.

I am personally quite excited about the progress that we can make in protecting the economy, the environment, and the biodiversity of our coasts through passing the National Invasive Species Act this year. Unusual in the environmental arena, this issue offers us low-hanging fruit and bipartisan enthusiasm. I am grateful to my colleagues, Senators LEAHY and SARBANES for authoring legislation last year which helped draw attention to the national scope of the invasive species problem, and to my other colleagues for joining us in support of the National Invasive Species Act. I look forward to working closely with them to gain its enactment. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD, along with the article previously mentioned.

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

BIOLOGICAL INVASIONS: CONGRESS TAKES A SECOND LOOK

(By Allegra Cangelosi, Senior Policy Analyst of the Northeast-Midwest Institute,)

[From an Updated Version of an Article That Appeared in the Northwest-Midwest Economic Review, September 1995]

Five years into implementation of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (NANPCA), there is new awareness of the magnitude of the exotic species problem and the difficulty of the management task. As Congress prepares to reauthorize the Act, it faces pressure to broaden the prevention program to include coastal areas in addition to the Great Lakes, while keeping the burdens of regulation to a minimum.

THE LIFE AND TIMES OF NANPCA '90

In 1989 and 1990, the zebra mussel infestation of the lower Great Lakes exploded before the startled eyes of the region's natural resource managers and industrial water users. Mussel encrustation of intake pipes shut-down the Monroe, MI city water supply for two-days, bringing the impact of the zebra mussel (Dreissena polymorpha) directly to the homes of basin residents. Meanwhile, a population of Eurasian ruffe (Gymnocephalus cernuus), a small forage fish native to Eastern Europe, staged in Duluth/Superior Harbor, preparing for an all but inevitable migration from the cold waters of Lake Superior to the more habitable lower Great Lakes.

For fishery and biodiversity experts, the appearance of both the zebra mussel and the ruffe implied permanent degradation of the Great Lakes ecosystem. Over time, the two alien species were expected to spread to all five Great Lakes and most of the U.S. freshwater system. Irreversible loss in biological diversity was inevitable; the only question was whether the degradation would be cataclysmic, or gradual and insidious.

These concerns arose from hard experience. The sea lamprey (Petromyzon marinus), native to the Atlantic, caused a near collapse of the Great Lakes fishery in the 1950s. A fortuitous discovery of a chemical lampricide is the only reason the fishery is once again abundant. But lampricide treatments, even coupled with vigorous fish stocking efforts by the States, have been effective only at restoring the rough appearance of the pre-lamprey fishery. They cannot restore the system's previous structure, composition or self-sustainability. Moreover, without annual treatments with the lampricide, the populations of lampreys would quickly rebound. The annual battle to continue funding for the lamprey control program provides Great Lakes fishery experts constant incentive to avert the costly and enduring impacts of further exotic species invasions.

The Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (NANPCA) originated in draft in 1989 in response to concern over the potential impact of the Eurasian ruffe on the Great Lakes fishery. But the zebra mussel infestation ultimately filled its political sails, to reach final enactment in just a year.

The Act, championed by Senator John Glenn of Ohio, enjoyed enthusiastic support of the bipartisan Great Lakes delegation in both chambers, and several federal agencies, especially the Fish and Wildlife Service. It also benefitted from the commitment of environment committee leadership from outside the basin.

NANPCA set forth a national program for preventing, researching, monitoring and controlling infestations in U.S. waters of alien aquatic species. It set up a standing multiagency task force (the Aquatic Nuisance Species Task Force), chaired by NOAA and the Fish and Wildlife Service, to develop and oversee the program, a policy review of the impacts of intentional introductions of exotic species (such as for sport fishing or biological pest control), a zebra mussel demonstration project, and state aquatic nuisance management planning. It created a Great Lakes Aquatic Nuisance Species Panel to help coordinate federal, state, local and private sector activities to prevent and control exotic species within the Great Lakes basin. Other provisions addressed the brown tree snake, research protocols to prevent the spread of exotics by research and risk assessment.

Most importantly, the Act assigned the Coast Guard the task of promulgating voluntary guidelines and, after two-years, regulations to help reduce the probability of new introductions of alien species by commercial

vessels. The ballast water of commercial vessels is a leading vector by which alien aquatic species enter U.S. waters. The zebra mussel and the ruffe, along with the spiny water flea (Bythotrephes cederstroemi), and many of the hundred-plus other alien organisms that currently complicate the Great Lakes ecosystem were transported to the Great Lakes in the ballast holds of transoceanic vessels. Red tide, human cholera, and the brown clam (Perna perna), are examples of ballast stow-aways that have been discharged into U.S. marine coastal environments.

The 1990 Act underwent many changes as it moved through the Congressional process to enactment. Perhaps the most significant such change was the decision by the Senate Commerce Committee to reduce the scope of the Coast Guard prevention program from national to Great Lakes-only. Besides fiscal concerns of the Coast Guard, the political rationale for such a change was clear. The maritime community had no choice but to acknowledge the obvious though unintended impacts of its ballasting practices on the Great Lakes environment. Moreover, as residents of the basin, Great Lakes port operators and the laker association members shared concern over the condition of the Great Lakes ecosystem. But in areas other than the Great Lakes, there was less awareness of exotic species impacts and the broader maritime community was under less pressure to change its ballasting practices.

TODAY'S CONTEXT

Today, six years after initial passage of the Act, there is growing interest in reforming the measure to better address other U.S. waters. The zebra mussel has become established in much of the freshwater systems of the eastern United States, including the upper Mississippi River, where it has degraded an economically valuable commercial mollusk fishery. Similarly, there is new awareness of the threat of nonindigenous species to marine coastal areas. Perna perna, native to the Indo-Pacific region, invaded South America via ballast discharge years ago, and was transported to the Gulf of Mexico near Galveston, Texas, more recently. The non-native mussel threatens Mangrove communities, coats hard surfaces and could compete with native oysters.

In some cases, concern over the impact of exotic species on aquatic systems beyond the Great Lakes has been elevated to the Congressional level. In 1995, Senator Sarbanes (MD) introduced the Chesapeake Bay Ballast Water Management Act of 1995, S. 938, to assure that the reauthorization of NANPCA broadens the Coast Guard's ballast management program to include saltwater coasts. In response the mussel's spread to Vermont, Senator Leahy introduced a measure, the Lake Champlain Zebra Mussel Control Act, S. 1089, to focus the reauthorization on the needs of Lake Champlain.

Both legislative measures are firmly rooted in the expressed interests of local constituencies. For example, the Sarbanes bill is a response to resolutions passed by the Maryland, Virginia and Pennsylvania general assemblies urging action to prevent future introductions of nonindigenous aquatic species into the Chesapeake Bay through ballast management. A report developed by a wide range of stakeholders and endorsed by the Chesapeake Bay Commission further spells out the recommendations of the States. While the Sarbanes bill proposes national voluntary guidelines for ballast management, the Chesapeake Bay proposal urges a follow-on regulatory system nationally within 24 months if participation or effectiveness of the voluntary system is inadequate.

NATIONAL INVASIVE SPECIES ACT OF 1996

Senator Glenn, author of the 1990 NANPCA, is the lead sponsor of the National Invasive Species Act of 1996 (NISA) which reauthorizes and expands the 1990 Act. A bipartisan group of Senators from in and outside the Great Lakes region has joined him in sponsoring the measure. Congressman LaTourette and his colleagues are the sponsors of a companion bill in the House of Representatives. As in 1990, the Senate Commerce Committee is expected to have jurisdiction over the prevention portion of the measure, while the Environment and Public Works Committee will consider the remainder of the bill. Both the Resources Committee and the Committee on Transportation and Infrastructure will likely have jurisdiction over part or all of the House measure.

In the stark light of 1995–1996 budget fights, a national regulatory ballast management program such as the one proposed in the original 1990 bill appears impractical and unaffordable. To implement such a scheme, the Coast Guard would have to monitor compliance with regulations at each harbor, stretching human and monetary resources beyond their limits. On the other hand, if the Coast Guard were to simply issue national voluntary guidelines, the effort would lack accountability, providing little additional protection for regions eager for change such as the Chesapeake Bay.

NISA 1996 finds a middle ground. It emphasizes a voluntary approach in light of the positive response of the shipping community to the voluntary phase of the Great Lakes program. But it reserves authority for the Coast Guard to promulgate the same voluntary guidelines as regulations in coastal regions where recordkeeping or compliance with the voluntary system seem to be lacking. Such an approach gives shippers and ports both the opportunity and incentive to cooperate with voluntary guidelines, while conserving Coast Guard resources for regions with special needs.

Whether voluntary or not, a national ballast management program which employs existing port inspection infrastructure will hold the additional hassle for ports, shippers and the Coast Guard to a minimum. NISA 1996 urges a cooperative approach between the Coast Guard and the Animal and Plant Health Inspection Service (APHIS), which already boards vessels to inspect for crop pests. The addition of just a few items on the questionnaire that APHIS routinely distributes to vessel masters could meet new ballast-related reporting needs.

Among other changes that are included in NISA 1996 are: Ballast technology demonstrations: A bill introduced in the 103rd Congress (and passed in the House) to create a demonstration program for ballast technologies that can be installed or designed into commercial vessels to prevent the unintentional transfers of exotic species is incorporated into NISA 1996.

Naval ballast management: A provision from the Sarbanes bill (S. 938) to incorporate ballast management procedures into naval operations is included.

Ecological surveys, ballast discharge surveys: The package authorizes the National Aquatic Nuisance Species Task Force to undertake ecological and ballast discharge surveys for selected harbor areas to assess the risks and impacts of invasions by exotic species.

Voluntary guidelines for recreational boaters: The recent discovery of live zebra mussels on the hull of a recreational vessel ready to enter California waters underscores the role of recreational boating in spreading exotic species infestations. A provision of Senator Leahy's legislation (S. 1089) to create national voluntary guidelines for recreational boaters to prevent the spread of zebra mussels is included in NISA 1996.

Regional coordination: The reauthorization package includes a provision to encourage the establishment of regional coordinating panels for other regions of the country in addition to the Great Lakes.

While the U.S. government invests over $100 million annually to prevent new invasions of exotic agricultural pests, less than $1 million is being invested to prevent new introductions of nonindigenous aquatic organisms as devastation as the sea lamprey. NISA 1996 offers Congress an important opportunity to better protect the nation's valuable marine and freshwater resources from exotic pests. But only support from a broad political spectrum and diverse geographic regions can assure enactment.

Mr. SARBANES. Mr. President, I am pleased to join as an original cosponsor of the National Invasive Species Act of 1996, to address the serious threat posed by nonindigenous aquatic species entering the U.S. waters from the exchange of ballast water. I want to thank and commend my colleague, Senator GLENN, for his leadership in crafting this very important legislation.

The introduction of nonindigenous species through the exchange of ballast water is a serious national and international problem with potentially profound economic and environmental consequences. These invasive species, such as the zebra mussel, have already caused millions of dollars in damage to municipal and industrial water intake pipes, and valuable fisheries throughout the United States and Canada. By the turn of the century, damage to aquatic ecosystems and public and private infrastructure is expected to be in the billions of dollars from the zebra mussel alone.

In the Chesapeake Bay, our Nation's largest estuary, the threat of these invading species is particularly acute due to the extensive release of ballast water from foreign ports. Over 3 billion gallons of ballast water a year—more than any other east or west coast port—is released into the bay from ships calling at the ports of Baltimore and Norfolk. This water originates from 48 different foreign ports. An ongoing study by the Smithsonian Environmental Research Center, one of foremost authorities on this issue, found that nearly 90 percent of the vessels sampled arriving at Chesapeake Bay ports had living organisms in their ballast water, placing the bay at very high risk from these potentially harmful species. Indeed, some scientists speculate that the diseases that devastated oyster stocks in the bay were introduced through the exchange of ballast water. It is estimated that there more than 100 exotic species now established in the bay, some of which are recent arrivals via ballast water discharge.

The interstate and international nature of ballast-mediated invasions make it impractical for the individual States of the Chesapeake region to address this risk alone. Various interests

in the Chesapeake Bay community, as well as the State legislatures of Maryland, Pennsylvania, and Virginia, are, in fact, seeking increased Federal action to address this important concern. I want to particularly commend the Chesapeake Bay Commission for focussing attention on this very important issue.

Mr. President, this measure is an important step forward in understanding and managing the risks of ballast-mediated invasions. It incorporates provisions of legislation I introduced last year, S. 938, to study and manage ballast water releases in the Chesapeake Bay. It establishes national voluntary guidelines for vessels entering U.S. waters to reduce the probability of ballast transfers of these exotic species. It authorizes research, demonstration, and education programs to help prevent the introduction and spread of these species into our lakes, rivers, and bays. I urge my colleagues to join with us in support of this important legislation.

Mr. LEAHY. Mr. President, I am proud to join my colleagues in introducing the National Invasive Species Act of 1996. This comprehensive bill includes the provisions of my Lake Champlain Zebra Mussel Control Act and is the vehicle which can help Vermont and other States wage war on exotic nuisance species like the zebra mussel.

Mr. President, a tiny mussel the size of my thumbnail threatens to choke off 25 percent of Vermont's drinking water, clog our hatcheries, and unravel the Lake Champlain ecosystem. It was only three summers ago when the mussel was first discovered in the South Lake near Orwell, VT, by a young boy. Two years later, zebra mussel densities has reached 134,000 larvae per cubit meter. The end is not in sight.

We did not ask for them, but we got them. Now Vermont has to face the consequences of a problem that Vermont has been powerless to stop. The zebra mussel problem in Lake Champlain deserves immediate and swift action. This exotic pest poses a serious risk to the water resources throughout Vermont, economic opportunities along the lake, and the health and safety of the people of Vermont.

This bill we are introducing today addresses a number of issues that can only be resolved through Federal coordination and cooperation. Millions of gallons of water are imported each day from foreign ports throughout the globe. One gallon can contain the seeds of an invasive species epidemic that can wipe out domestic species, ecosystems, and economic resources. Vermonters know this well through our experience with lampreys on trophy sportfish, millfoil throughout our lakes, and zebra mussels in Lake Champlain.

The United States needs this bill now. Our inland and marine seaports are a ticking time bomb. The heart of this bill is a nationwide effort to control the transportation and discharge of ballast water from international cargo ships. One seaport cannot tackle this problem alone without risking their economic base. However, if every port works together, we can protect fisheries, marine resources, and ultimately taxpayers from the enormous cost of fighting an exotic nuisance species.

The other major theme in this bill is a concerted effort to control exotic species once they have arrived and multiplied. This second theme is based largely on my bill, the Lake Champlain Zebra Mussel Control Act. In addition to highlighting the specific needs of Lake Champlain, my bill—and this bill—includes a three point plan for tackling exotic species.

First, establishes national voluntary guidelines for recreational boaters who are a major mechanism for the spread of zebra mussels and other exotics within the United States freshwater bodies.

Second, allows states to work cooperatively on watershed approaches to attack this problem. If Vermont devotes millions of dollars to this effort and our neighbors do nothing, the effort will be futile.

Third, reauthorizes and enhances the Federal authority for agencies to fight exotics. The nuisance species problem crosses many jurisdictions. Therefore, the comprehensive strategy set forth in this bill includes the Army Corps of Engineers, the Environmental Protection Agency, the Department of the Interior, the Department of Commerce, the Coast Guard, the Smithsonian, and other Federal efforts. As our Federal foot soldiers in this war against the zebra mussel and other species, all of these departments and agencies need the authority, resources, and flexibility to win the battle.

Mr. President, every minute that we delay an effort to stop the zebra mussels, the mussels multiply exponentially and risk the physical and economic health of Vermont. While my colleagues may not know first hand the scourge of zebra mussels or other exotic species, let me assure them that the ounce of prevention in my bill will save them pounds of cure. To turn our backs on this problem of national significance only guarantees that it gets much worse. Mr. President, I hope we can move this bill quickly.

By Mr. PRESSLER (for himself, Mr. BURNS, Mr. INHOFE, Mr. DASCHLE, and Mr. BAUCUS):

S. 1661. A bill to specify that States may waive certain requirements relating to commercial motor vehicle operators under chapter 313 of title 49, United States Code, with respect to the operators of certain farm vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

CUSTOMER HARVESTERS LEGISLATION

Mr. PRESSLER. Mr. President, earlier this year the U.S. Custom Harvesters held their annual meeting in Sioux Falls, SD. South Dakotans put out the welcome mat for custom harvesters throughout the country, and the annual meeting was a resounding success.

During that meeting it was brought to my attention that custom harvesters were not granted equal treatment as farmers and farm workers under Federal laws requiring commercial driving licenses [CDL]. Presently, States can grant waivers to the Federal CDL requirement to farmers and farm workers. Those same waiver requirements are not afforded to custom harvesters.

In many parts of the country, including South Dakota, custom harvesters are a crucial component in agricultural production. The bill I am introducing today simply grants States the right to waive CDL requirements for custom harvesters similar to those waivers currently afforded farmers and farm-related businesses. Joining me in this effort are Senators BURNS, INHOFE, DASCHLE, and BAUCUS.

Mr. President, customer harvesters normally drive less than 5,000 miles per year. They drive mostly on roads leading to and from farms and to the local grain elevator. Little time is spent on highways. Generally, custom harvesters drive less that 500 miles annually on interstate highways. It is a simple matter of fairness that they be treated equally.

My bill would provide relief to custom harvesters from onerous and costly CDL requirements. Under the waivers, family members can take an active role in custom harvesting and drivers with experience and trust can be hired to drive custom harvesting vehicles.

Custom harvesting involves many small, family owned companies. Custom operators account for nearly 40 percent of the total wheat acreage harvested annually. Their equipment must be utilized properly, kept in tip-top working conditions and safe in order to provide quality services. These harvesters go the extra mile to maintain equipment, train employees, and operate in the safest way possible.

In 1988, States were provided the authority to waive CDL requirements for farmers. In 1991, the Senate passed a bill to provide the authority to individual States to provide the same exemption to custom harvesters. Unfortunately, that bill never passed and custom harvesters are still burdened with CDL requirements. My bill is similar to the measure passed in 1991. Given past Senate support for this measure, I am hopeful adoption of this bill will occur soon. I thank those Senators who have joined me in this effort and urge the Senate to adopt this bill.

By Mr. HATFIELD:

S. 1662. A bill to establish areas of wilderness and recreation in the State of Oregon, and for other purposes; to the Committee on Energy and Natural Resources.

THE OPAL CREEK WILDERNESS AND OPAL CREEK SCENIC RECREATION AREA ACT OF 1996

Mr. HATFIELD. Mr. President, the natural resources of my State are indisputably among the most significant and spectacular in the world. It has been almost 30 years since the enactment of the Oregon wilderness bill—the massive, 100,000-acre Mt. Jefferson Wilderness in central Oregon. I sponsored that bill and two other comprehensive pieces of legislation in 1978 and 1984, which increased Oregon's wilderness system fourfold, from 500,000 acres to 2.1 million acres.

Throughout my years in the Senate I have attempted to protect Oregon's resources by following the philosophy of the one of our Nation's first and foremost conservationists, the original U.S. Forest Service Chief, Gifford Pinchot. Gifford Pinchot said:

The conservation of natural resources [in this country] is the key to the future. It is the key to the safety and prosperity of the American people. Conservation is the greatest material question of all.

This principle of conservation has led me to sponsor numerous land protection bills over the years.

Let me say, as I list this record of legislation, I want it clearly understood that, like anything else that happens in this Senate and in the legislative body, it was a team effort. It was a group effort. We had the advocates in the population and communities, we had the organizations sponsoring such issues in the public, and I had colleagues, colleagues not only in the Senate but colleagues in the House of Representatives, who were all part of this record that I am reciting today. In addition to that is the staff, the staff that serves these committees with such dedication, such expertise. None of it could have happened solely on the energy or effort of any one Member.

I have also sponsored legislation enacting the Columbia River Gorge National Scenic Area, the Oregon Dunes National Recreation Area, the Hells Canyon National Recreation Area, Yaquina Head and Cascade Head on the Oregon coast, the John Day Fossil Beds National Monument, the Newberry Crater National Monument, and the Oregon Wild and Scenic Rivers Act, which includes protection of 42 Oregon rivers, more than any other State in the Union.

In fact, the next highest State is California with 11.

To put Oregon's 42 wild and scenic rivers into context, having just made that statement about California, Alaska has displaced California. Alaska now has 25 rivers. Next comes Michigan, with 16. California now has 13 and Arkansas 8. I am proud that Oregon has led the way in protecting our wild and scenic rivers. Again, having stated the figures of those other States, Oregon is 42.

Each time I have labored to protect these special areas, I have been forcefully reminded that I represent a State that is often sharply divided on natural resource issues. These divides generally reflect the difference between the urban and the rural way of life. During the decades I have devoted to public service, I have sought to bridge the chasm that has formed between the urban and rural citizens of my State and bring some order and balance to natural resource conflicts by addressing both sides of the debate.

Today, in a sense, I am coming full circle to where I started with the 1968 Mt. Jefferson Wilderness Act. Today, I am introducing legislation to, once again, increase Oregon's wilderness system and protect one of Oregon's most important low-elevation old growth forests, Opal Creek. This legislation, called the Oregon Resources Conservation Act, also includes solutions to two other natural resource issues in my State on which I have been working for many years: protection of the Mt. Hood corridor; and promotion of consensus-based working groups in the Klamath and Deschutes River Basins. I am also including a so-called placeholder title for the Coquille Forest proposal, which will require a significant amount of public input prior to the introduction of any legislation.

Title I of the Oregon Resources Conservation Act creates a 25,800-acre Opal Creek Wilderness and National Scenic-Recreation Area. Opal Creek is truly one of Oregon's ecological crown jewels. It is one of the last remaining intact, low-elevation old-growth forest areas in western Oregon. Portions of Opal Creek are literally blanketed with majestic old-growth forests and crystal clear, stair-stepping waters.

I have always felt this area should be protected in perpetuity from commercial timber harvesting and mining. In fact, I included it in the original versions of both my 1984 Oregon Wilderness Act and my 1988 Oregon Wild and Scenic Rivers Act. Each time, however, the area was removed from these bills at the request of the State's Governor.

In 1991, I sponsored additional Opal Creek protection legislation when I included a provision which was enacted as part of the fiscal year 1992 Department of Defense appropriations bill to to facilitate the issuance of a patent on the key access property to Opal Creek. This provision was necessary to facilitate a large charitable donation of land and mineral interests by a mining company to the Nature Conservancy for the protection of the area. Unfortunately, the Nature Conservancy was forced to reject this donation due to its concerns about potential liability for an existing contaminated abandoned mining site in the Opal Creek area. Subsequently the Friends of Opal Creek, a local conservation group, stepped forward to accept this large charitable donation.

In 1994, there was another Opal Creek protection bill before the Congress. The bill, sponsored by my good friend, then-Representative Mike Kopetski of Oregon, passed the House of Representatives under his fine leadership and was referred to the Senate Committee on Energy and Natural Resources in the final days of the 103d Congress.

In fact, Mr. President, I invited my former colleague, Congressman Mike Kopetski, to be here today on this very historic occasion to share in the results of many of his long years of commitment and his dedicated effort.

The Senate was unable to take final action on this legislation in the few remaining weeks prior to sine die. These difficulties were enhanced by the administration's initial opposition and ambivalence toward the proposal.

I called for and chaired a hearing before the the Senate Committee on Energy and Natural Resources on October 5, 1994, which examined the concerns with the bill and sought to build momentum for a working group process at the local level which would attempt to build consensus and bring divergent parties together on this controversial issue.

This hearing did, indeed, create the momentum necessary for the formation of an Opal Creek working group, and on September 1, 1995, the first meeting of the group was held in Salem, OR. The Willamette University Dispute Resolution Center agreed to facilitate the meeting and attempt to build a consensus on the issue. The group, with the benefit of the outstanding facilitation skills of Prof. Richard Birke, met from September 1995 to March of this year and has developed a several-hundred page report summarizing its deliberations. I believe the group has done an excellent job discussing difficult issues and working together to find a solution. Mind you, this was a very broadly based group representing industry, local officials, environmental organizations, user groups and so forth. While no clear-cut consensus emerged from the group, their report has given me a strong understanding of the existing natural values of the area, the issues involved in protection of the area and the positions of all groups involved in the debate. Indeed, this report has greatly assisted me in developing the legislation I am introducing today.

As many of my colleagues know, we have a political environment in Oregon and the Pacific Northwest that is as splintered as any I have seen in my political career. This environment is characterized by a lack of trust on all sides of the political spectrum and extreme polarization. The Opal Creek working group, therefore, is a great success in bringing parties together in an attempt to heal old wounds and build new partnerships. The group also represents in my mind a great success in addressing one of my major concerns with the House's legislation from 1994, which was the general lack of agreements and limited dialog regarding protection of this forested area. I thank each and every member of the group of their dedication to this 6-month process and to resolving this difficult issue.

Again, I want to say, parenthetically, that one of the outstanding members of that group is former Congressman Mike Kopetski who, again, was able to give leadership from some of his experience in giving his life effort to the development of Opal Creek.

The legislation I am introducing today also addresses another major concern I had with the 1994 Opal Creek bill, its lack of ecosystem watershed management principles. The 1994 bill would have protected approximately 22,000 acres in the Opal Creek area. My bill protects 25,800 acres, including the creation of approximately 12,800 acres of new wilderness. Each and every one of the sub watersheds—we took a map, and we looked at that map as an ecosystem. We looked at that map as a great basin, a watershed. So we took from that map, with concern for protection of the entire ecosystem. Each and every one of those sub watersheds in the Little North Fork Santiam River drainage are addressed in some way in my legislation, either through a wilderness or a national scenic recreation area designation.

By doing this, we have attempted to protect the outstanding resource values in each of these sub drainages, while at the same time addressing the area comprehensively as an intact ecosystem.

In addition to addressing the protection of the entire watershed, the Opal Creek title of this bill maintains recreation at existing levels and allows for growth in uses where appropriate. The bill also calls for historical, cultural and ecological interpretation in the newly-created area to be conducted in a balanced and factually accurate manner. Motorized recreation will be prohibited except on the existing road system and nonmotorized use will be permitted throughout the area, except, of course, in the wilderness. The existing road system will be analyzed and evaluated through a management planning process, which will decide which roads to close and which to leave open. No new water impoundments will be allowed in this area. No new mining claims will be allowed to be filed under the 1872 mining law, and no existing claims will be allowed to be patented. In addition, the bill calls for the creation of an advisory council composed of members of the local community, industry, environmental groups, locally elected officials, the Forest Service and an appointee by the Governor. Finally, the bill will not allow commercial timber harvesting of any kind in the Opal Creek area except to prevent the spread of a forest fire or to to protect public health and safety. It is important to note that the lands covered by my legislation are not included—not included—in the timber base and are not open to commercial harvest today.

The final element of the Opal Creek package, Mr. President, was an important part of the working group's discussions. I am referring to an economic development package for the Santiam Canyon, which includes the communities immediately adjacent to the Opal Creek area. This package is based, primarily, on a set of infrastructure improvements developed by these communities in conjunction with the State Economic Development Office, which are designed to improve the water quality and delivery systems of the communities in the area.

I have made the first downpayment on this economic commitment package by including a $300,000 appropriation in the fiscal year 1996 Omnibus Appropriations Act to help begin the clean up of the contaminated Amalgamated Mill site at Jawbone Flats in Opal Creek.

Throughout the coming fiscal year 1997 appropriations cycle, I will work closely with Oregon's Gov. John Kitzhaber, and my colleague on the House Appropriations Committee from Oregon, JIM BUNN, to further refine this package and provide additional funding, as needed, for the Amalgamated Mill cleanup and for the critical community infrastructure projects designed to allow these former timber communities to diversify their economic bases and improve their water systems.

In short, the Opal Creek title of this bill attempts to address every issue raised both in the 1994 hearings on Opal Creek and in the working group process conducted out in Oregon. This is an issue I have worked on for almost 20 years. I am extremely pleased that, with this legislation and accompanying infrastructure development package, we will finally be able to address the protection of Opal Creek and the adjacent portions of the Little North Fork Santiam Watershed, as well as improvements to the water quality and delivery systems of nearby, timber-dependent communities.

Mr. President, the Oregon Resources Conservation Act also contains two other titles. The first is a relatively noncontroversial provision which promulgates a land exchange in the Mt. Hood Corridor between the Bureau of Land Management and the Longview Fibre timber company in the State of Washington. Both parties are willing participants in this process, which seeks to protect the viewshed along the Highway 26 corridor on the way to Mt. Hood, the highest mountain peak in my State.

Longview Fibre owns approximately 3,500 acres of timber land in the scenic Mt. Hood corridor, which are interspersed with BLM lands in a checkerboard fashion. Longview would like to harvest these lands within the next 5 years, but is sensitive about the public perception regarding these clearcuts along such a heavily traveled route. I agree with Longview Fibre and feel harvesting these trees along Highway 26 would be a disaster both for the ecological and visual characteristics of the resource. Longview, to their credit, has been extremely interested in working with local planning and environmental groups to identify BLM parcels elsewhere in western Oregon that could be traded for the Longview Fibre lands in the corridor.

This proposal is a unique opportunity to forge ahead with a plan that has been built at the local level over the past 5 years and which has virtually unanimous support, including the local county government, local businesses, the timber industry, and local environmental groups.

The third, and final, title of the Oregon Resource Conservation Act includes the establishment of a 5-year pilot project for two, consensus-based natural resource planning bodies now working in Oregon's Klamath and Deschutes Basins. Both of these bodies are already in place and have been working to provide the Federal agencies with recommendations about how best to prioritize spending for ecological restoration, economic health, and reducing drought impacts.

I called for the creation of the Upper Klamath Basin working group in 1995. This group is citizen-led and includes environmentalists, irrigators, local business leaders, locally elected officials, educators, the Klamath Tribes, and Federal land management agencies in an advisory capacity. This group was charged with developing both short- and long-term recommendations for restoring ecological health in the Klamath Basin. They were successful in developing short-term funding recommendations ranging from riparian and wetland restoration, to fish passage and the coordination of geological information systems in the basin. I followed through on these recommendations and was able to obtain either funding or direction to the pertinent agencies in the fiscal year 1996 appropriations process.

The group has also developed a long-term recommendation which includes a formal registration of the group as a State-sanctioned foundation and congressional legislation enabling them to help land management agencies set priorities for how money is spent in the basin on various ecological restoration and economic stabilization projects.

The legislation I am introducing today addresses their long-term recommendation by creating a 5-year pilot project to allow the Upper Klamath Basin Working Group-Foundation, in conjunction with the Federal land management agencies in the basin, to develop funding priorities for ecological restoration in the basin. It will provide $1 million per year to be spent consistent with these priorities. This money will be administered by the agencies and matched by an equal amount of non-Federal dollars.

The Deschutes Basin in central Oregon would also be allowed to develop a similar regime using, as its base, a group formed by the Warm Springs Tribes, the Environmental Defense Fund, local irrigators, and locally elected officials. This group has been meeting and collaborating on projects in the basin for several years.

Recently, both of these working groups have been able to make significant progress in building coalitions and consensus on natural resource management challenges that, not too long ago, many felt were insurmountable. By given them more authority to temporarily assist Federal agencies with setting policy priorities using a finite amount of money, I hope we can begin to enter a new era of more local control and greater public input regarding resource management decisions. I also hope these groups, and others that may follow, will continue to use the consensus-based management approach to return resource management decisions to a collaborative, inclusive process rather than divisive, litigious morass in which we find ourselves today.

Mr. President, today I had also planned on introducing a bill to create a 59,000-acre Coquille Forest as part of the federally-recognized Coquille Tribes' economic self-sufficiency plan. However, because of a number of unresolved issues, including the apparent lack of agreement, understanding or consensus at the local level, I am withholding my introduction of this bill until after I have had an opportunity to gather more public input through the congressional hearing process. And also there is a local election that is being held in May concerning this issue.

I am extremely pleased with this bill. It protects two of Oregon's most important natural resource areas, Opal Creek and the Mt. Hood Corridor, and it promotes consensus-based, watershed planning at the local level in the Klamath and Deschutes Basins. I have worked many years to protect Oregon's magnificent natural resources. I am pleased that in this, my last year in the Senate, I will be able to continue this legacy of protecting Oregon's beauty for the enjoyment and use of future generations.

I look forward to speedy hearings on the Oregon Resources Conservation Act, of which I have been promised by the chairman of the committee, Senator MURKOWSKI of Alaska. We will have that hearing later in the month of April.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD. This bill is ready to be sent to the House.

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

S. 1662

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Oregon Resource Conservation Act of 1996''.

TITLE I—OPAL CREEK WILDERNESS AND SCENIC RECREATION AREA

SEC. 101. SHORT TITLE.

This title may be cited as the ''Opal Creek Wilderness and Opal Creek Scenic Recreation Area Act of 1996''.

SEC. 102. DEFINITIONS.

In this title:

(1) BULL OF THE WOODS WILDERNESS.—The term ''Bull of the Woods Wilderness'' means the land designated as wilderness by section 3(4) of the Oregon Wilderness Act of 1984 (Public Law 98–328; 16 U.S.C. 1132 note).

(2) IMMEDIATE FAMILY.—The term ''immediate family'' means, with respect to the owner of record of land or an interest in land, a spouse, sibling, child (whether natural or adopted), stepchild, and any lineal descendant of the owner.

(3) OPAL CREEK WILDERNESS.—The term ''Opal Creek Wilderness'' means certain land in the Willamette National Forest in the State of Oregon comprising approximately 13,212 acres, as generally depicted on the map entitled ''Proposed Opal Creek Wilderness and Scenic-Recreation Area'', dated March 1996.

(4) SCENIC RECREATION AREA.—The term ''Scenic Recreation Area'' means the Opal Creek Scenic Recreation Area established under section 103(a)(3).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

SEC. 103. ESTABLISHMENT OF OPAL CREEK WILDERNESS AND SCENIC RECREATION AREA.

(a) ESTABLISHMENT.—On a determination by the Secretary under subsection (b)—

(1) the Opal Creek Wilderness shall become a component of the National Wilderness System and shall be known as the Opal Creek Wilderness;

(2) the part of the Bull of the Woods Wilderness that is located in the Willamette National Forest shall be incorporated into the Opal Creek Wilderness; and

(3) the Secretary shall establish the Opal Creek Scenic Recreation Area in the Willamette National Forest in the State of Oregon, comprising approximately 13,013 acres, as generally depicted on the map entitled ''Proposed Opal Creek Wilderness and Scenic-Recreation Area'', dated March 1996.

(b) CONDITIONS.—Subsection (a) shall not take effect unless the Secretary makes a determination, not later than 2 years after the date of enactment of this Act, that the following have been donated to the United States in an acceptable condition and without encumbrances:

(1) All right, title, and interest in the following patented parcels of land:

(A) Santiam number 1, mineral survey number 992, as described in patent number 39–92–0002, dated December 11, 1991.

(B) Ruth Quartz Mine number 2, mineral survey number 994, as described in patent number 39–91–0012, dated February 12, 1991.

(C) Morning Star Lode, mineral survey number 993, as described in patent number 36–91–0011, dated February 12, 1991.

(D) Certain land belonging to the Times Mirror Land and Timber Company located in section 18, township 8 south, range 5 east, Marion County, Oregon, Eureka numbers 6, 7, and 8, and 13 patented mining claims.

(2) A public easement across the Hewitt, Starvation, and Poor Boy Mill Sites, mineral survey number 990, as described in patent number 36–91–0017, dated May 9, 1991, or any alternative route for the easement that may be available.

(c) EXPANSION OF SCENIC RECREATION AREA BOUNDARIES.—On acquiring all or substantially all of the land located in section 36, township 8 south, range 4 east, of the Willamette Meridian, Marion County, Oregon, by exchange, purchase, or donation, the Secretary shall expand the boundary of the Scenic Recreation Area to include the land.

SEC. 104. ADMINISTRATION OF THE SCENIC RECREATION AREA.

(a) IN GENERAL.—The Secretary shall administer the Scenic Recreation Area in accordance with the laws (including regulations) applicable to the National Forest System.

(b) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 2 years after the date of establishment of the Scenic Recreation Area, the Secretary, in consultation with the advisory committee established under section 105(a), shall prepare a comprehensive management plan for the Scenic Recreation Area.

(2) INCORPORATION IN LAND AND RESOURCE MANAGEMENT PLAN.—On completion of the management plan, the management plan shall become part of the land and resource management plan for the Willamette National Forest and supersede any conflicting provision in the land and resource management plan.

(3) REQUIREMENTS.—The management plan shall provide a broad range of land uses, including—

(A) recreation;

(B) harvesting of nontraditional forest products, such as gathering mushrooms and material to make baskets; and

(C) educational and research opportunities.

(4) PLAN AMENDMENTS.—The Secretary may amend the management plan as the Secretary may determine to be necessary.

(c) CULTURAL AND HISTORIC RESOURCE INVENTORY.—

(1) IN GENERAL.—Not later than 1 year after the date of establishment of the Scenic Recreation Area, the Secretary shall review and revise the inventory of the cultural and historic resources on the public land in the Scenic Recreation Area that were developed pursuant to the Oregon Wilderness Act of 1984 (Public Law 98–328; 98 Stat. 272).

(2) INTERPRETATION.—Interpretive activities shall be developed under the management plan in consultation with State and local historic preservation organizations and shall include a balanced and factually-based interpretation of the cultural, ecological, and industrial history of forestry and mining in the Scenic Recreation Area.

(d) TRANSPORTATION PLANNING.—

(1) IN GENERAL.—To maintain access to recreation sites and facilities in existence on the date of enactment of this Act, the Secretary shall prepare a transportation plan for the Scenic Recreation Area that evaluates the road network within the Scenic Recreation Area to determine which roads should be retained and which roads closed.

(2) ACCESS BY PERSONS WITH DISABILITIES.—The Secretary, in consultation with private inholders in the Scenic Recreation Area, shall consider the access needs of persons with disabilities in preparing the transportation plan for the Scenic Recreation Area.

(3) MOTOR VEHICLES.—

(A) IN GENERAL.—Except as provided in subparagraph (B) and in the transportation plan under paragraph (1), motorized vehicles shall not be permitted in the Scenic Recreation Area.

(B) EXCEPTION.—Forest road 3209 beyond the gate to the Scenic Recreation Area, as depicted on the map described in section 103(a)(3), may be used by motorized vehicles for administrative purposes and for access to a private inholding, subject to such terms and conditions as the Secretary may determine to be necessary.

(4) ROAD IMPROVEMENT.—Any construction or improvement of forest road 3209 beyond the gate to the Scenic Recreation Area may not include paving or any work beyond 50 feet from the centerline of the road.

(e) HUNTING AND FISHING.—

(1) IN GENERAL.—Subject to other Federal and State law, the Secretary shall permit hunting and fishing in the Scenic Recreation Area.

(2) LIMITATION.—The Secretary may designate zones in which, and establish periods

when, no hunting or fishing shall be permitted for reasons of public safety, administration, or public use and enjoyment.

(3) CONSULTATION.—Except during an emergency, as determined by the Secretary, the Secretary shall consult with the Oregon State Department of Fish and Wildlife before issuing any regulation under this section.

(f) TIMBER CUTTING.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall prohibit the cutting of trees in the Scenic Recreation Area.

(2) PERMITTED CUTTING.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may allow the cutting of trees in the Scenic Recreation Area—

(i) for public safety, such as to control the spread of a forest fire in the Scenic Recreation Area or on land adjacent to the Scenic Recreation Area; or

(ii) for activities related to administration of the Scenic Recreation Area.

(B) SALVAGE SALES.—The Secretary may not allow a salvage sale in the Scenic Recreation Area.

(g) WITHDRAWAL.—Subject to rights perfected before the date of enactment of this Act, all land in the Scenic Recreation Area are withdrawn from—

(1) any form of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under the mineral and geothermal leasing laws.

(h) WATER IMPOUNDMENTS.—Notwithstanding the Federal Power Act (16 U.S.C. 791a et seq.), the Federal Energy Regulatory Commission may not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project work in the Scenic Recreation Area.

(i) RECREATION.—

(1) RECOGNITION.—Congress recognizes recreation as an appropriate use of the Scenic Recreation Area.

(2) MINIMUM LEVELS.—The management plan shall accommodate recreation at not less than the levels in existence on the date of enactment of this Act.

(3) HIGHER LEVELS.—The management plan may provide for levels of recreation use higher than the levels in existence on the date of enactment of this Act if the levels are consistent with the protection of resource values.

(j) PARTICIPATION.—In order that the knowledge, expertise, and views of all agencies and groups may contribute affirmatively to the most sensitive present and future use of the Scenic Recreation Area and its various subareas for the benefit of the public:

(1) ADVISORY COUNCIL.—The Secretary shall consult on a periodic and regular basis with the advisory council established under section 105 with respect to matters relating to management of the Scenic Recreation Area.

(2) PUBLIC PARTICIPATION.—The Secretary shall seek the views of private groups, individuals, and the public concerning the Scenic Recreation Area.

(3) OTHER AGENCIES.—The Secretary shall seek the views and assistance of, and cooperate with, any other Federal, State, or local agency with any responsibility for the zoning, planning, or natural resources of the Scenic Recreation Area.

(4) NONPROFIT AGENCIES AND ORGANIZATIONS.—The Secretary shall seek the views of any nonprofit agency or organization that may contribute information or expertise about the resources and the management of the Scenic Recreation Area.

SEC. 105. ADVISORY COUNCIL.

(a) ESTABLISHMENT.—On the establishment of the Scenic Recreation Area, the Secretary shall establish an advisory council for the Scenic Recreation Area.

(b) MEMBERSHIP.—The advisory council shall consist of not more than 11 members, of whom—

(1) 1 member shall represent Marion County, Oregon, and shall be designated by the governing body of the county;

(2) 1 member shall represent the State of Oregon and shall be designated by the Governor of Oregon; and

(3) not more than 8 members shall be appointed by the Secretary from among persons who, individually or through association with a national or local organization, have an interest in the administration of the Scenic Recreation Area, including representatives of the timber industry, environmental organizations, and economic development interests.

(c) STAGGERED TERMS.—Members of the advisory council shall serve for staggered terms of 3 years.

(d) CHAIRMAN.—The Secretary shall designate 1 member of the advisory council as chairman.

(e) VACANCIES.—The Secretary shall fill a vacancy on the advisory council in the same manner as the original appointment.

(f) COMPENSATION.—A member of the advisory council shall not receive any compensation for the member's service to the advisory council.

SEC. 106. GENERAL PROVISIONS.

(a) LAND ACQUISITION.—

(1) IN GENERAL.—Subject to the other provisions of this subsection, the Secretary may acquire any lands, waters, or interests in land or water in the Scenic Recreation Area or the Opal Creek Wilderness that the Secretary determines are needed to carry out this title.

(2) PUBLIC LAND.—Any lands, waters, or interests in land or water owned by a State or a political subdivision of a State may be acquired only by donation or exchange.

(3) CONDEMNATION.—Subject to paragraph (4), the Secretary may not acquire any privately owned land or interest in land without the consent of the owner unless the Secretary finds that—

(A) the nature of land use has changed significantly, or the landowner has demonstrated intent to change the land use significantly, from the use that existed on the date of the enactment of this Act; and

(B) acquisition by the Secretary of the land or interest in land is essential to ensure use of the land or interest in land in accordance with the management plan prepared under section 104(b).

(4) RIGHT OF FIRST REFUSAL.—

(A) IN GENERAL.—The following privately owned lands, interests in land, and structures may not be disposed of by donation, exchange, sale, or other conveyance without first being offered at not more than fair market value to the Secretary:

(i) The lode mining claims known as the Princess Lode, Black Prince Lode, and King Number 4 Lode, embracing portions of sections 29 and 32, township 8 south, range 5 east, Willamette Meridian, Marion County, Oregon, the claims being more particularly described in the field notes and depicted on the plat of mineral survey number 887, Oregon.

(ii) Ruth Quartz Mine Number 1, mineral survey number 994, as described in patent number 39–91–0012, dated February 12, 1991.

(B) ACCEPTANCE PERIOD.—The Secretary shall have not less than 120 days in which to accept an offer under subparagraph (A).

(C) ACQUISITION.—The Secretary shall have not less than 45 days after the end of the fiscal year following the fiscal year in which an offer was accepted under subparagraph (B) to acquire the land, interest in land, or structure offered under subparagraph (A).

(D) PROHIBITION OF CHEAPER SALES.—Any land, interest in land, or structure offered to the Secretary under subparagraph (A) may not be sold or conveyed at a price below the price at which the land, interest in land, or structure was offered.

(E) REOFFER.—

(i) IN GENERAL.—Subject to clause (ii), any land, interest in land, or structure offered to the Secretary under subparagraph (A) may not be reoffered for sale or conveyance unless the land, interest in land, or structure is first reoffered to the Secretary.

(ii) IMMEDIATE FAMILY.—Clause (i) shall not apply to a change in ownership of land, an interest in land, or a structure within the immediate family of the owner of record on January 1, 1996.

(F) PROCEEDS.—The proceeds of any sale to the Secretary under this paragraph may be used only for—

(i) trail, road, and bridge maintenance;

(ii) elementary, secondary, undergraduate and graduate level interpretive, research, and educational programs and activities, such as public school field study programs, laboratory studies, workshops, and seminars; and

(iii) construction of visitor facilities, such as restrooms, information kiosks, and trail signage.

(b) ENVIRONMENTAL RESPONSE ACTIONS AND COST RECOVERY.—

(1) RESPONSE ACTIONS.—Nothing in this title shall limit the authority of the Secretary or a responsible party to conduct an environmental response action in the Scenic Recreation Area in connection with the release, threatened release, or cleanup of a hazardous substance, pollutant, or contaminant, including a response action conducted under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(2) LIABILITY.—Nothing in this title shall limit the authority of the Secretary or a responsible party to recover costs related to the release, threatened release, or cleanup of any hazardous substance or pollutant or contaminant in the Scenic Recreation Area.

(c) MAPS AND DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a boundary description for the Opal Creek Wilderness and for the Scenic Recreation Area with the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(2) FORCE AND EFFECT.—The boundary description and map shall have the same force and effect as if the description and map were included in this title, except that the Secretary may correct clerical and typographical errors in the boundary description and map.

(3) AVAILABILITY.—The map and boundary description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

SEC. 107. DESIGNATION OF ELKHORN CREEK AS A WILD AND SCENIC RIVER.

Section 3(a) of the Wild and Scenic Recreation Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

''( ) ELKHORN CREEK.—Elkhorn Creek from its source to its confluence on Federal land, to be administered by agencies of the Departments of the Interior and Agriculture as agreed on by the Secretary of the Interior and the Secretary of Agriculture or as directed by the President. Notwithstanding subsection (b), the boundaries of the Elkhorn River shall include an average of not more than 640 acres per mile measured from the

ordinary high water mark on both sides of the river.''.

SEC. 108. SAVINGS CLAUSE.

Nothing in this title shall—

(1) interfere with any activity for which a special use permit has been issued (and not revoked) before the date of enactment of this Act, subject to the terms of the permit; or

(2) otherwise abridge the valid existing rights of an unpatented mining claimant under the general mining laws of the United States.

TITLE II—UPPER KLAMATH BASIN

SEC. 201. UPPER KLAMATH BASIN ECOLOGICAL RESTORATION PROJECTS.

(a) DEFINITIONS.—In this section:

(1) ECOSYSTEM RESTORATION OFFICE.—The term ''Ecosystem Restoration Office'' means the Klamath Basin Ecosystem Restoration Office operated cooperatively by the United States Fish and Wildlife Service, Bureau of Reclamation, Bureau of Land Management, and Forest Service.

(2) WORKING GROUP.—The term ''Working Group'' means the Upper Klamath Basin Working Group, established before the date of enactment of this Act, consisting of representatives of the environmental community, Klamath Tribes, water users, local industry, Klamath County, Oregon, the Department of Fish and Wildlife of the State of Oregon, the Oregon Institute of Technology, the city of Klamath Falls, Oregon, and the United States Fish and Wildlife Service, Bureau of Reclamation, Bureau of Land Management, Forest Service, Natural Resources Conservation Service, and Ecosystem Restoration Office.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) COOPERATIVE AGREEMENT.—

(1) IN GENERAL.—The Secretary shall enter into a cooperative agreement with the Working Group under which—

(A) the Working Group through the Ecosystem Restoration Office, with technical assistance from the Secretary, will propose ecological restoration projects to be undertaken in the Upper Klamath Basin based on a consensus of interested persons in the community;

(B) the Working Group will accept donations from the public and place the amount of any donations received in a trust fund, to be expended on the performance of ecological restoration projects approved by the Secretary;

(C) on continued satisfaction of the condition stated in subsection (c), the Secretary shall pay not more than 50 percent of the cost of performing any ecological restoration project approved by the Secretary, up to a total amount of $1,000,000 during each of fiscal years 1997 through 2001;

(D) funds made available under this title shall be distributed by the Department of the Interior, the Fish and Wildlife Service, and the Ecosystem Restoration Office;

(E) the Ecosystem Restoration Office may utilize not more than 15 percent of all funds administered under this section for administrative costs relating to the implementation of this title; and

(F) Federal agencies located in the Upper Klamath Basin, including the Fish and Wildlife Service, Bureau of Reclamation, National Park Service, Forest Service, Natural Resources Conservation Service, and Ecosystem Restoration Office shall provide technical assistance to the Working Group and actively participate in Working Group meetings as nonvoting members.

(c) CONDITIONS.—The conditions stated in this subsection are—

(1) that the representatives and interested persons on the Working Group on the date of enactment of this Act continue to serve, and in the future consist of not less than—

(A) 3 tribal members;

(B) 2 representatives of the city of Klamath Falls, Oregon;

(C) 2 representatives of Klamath County, Oregon;

(D) 1 representative of institutions of higher education in the Upper Klamath Basin;

(E) 4 representatives of the environmental community;

(F) 4 representatives of local businesses and industries;

(G) 4 representatives of the ranching and farming community;

(H) 2 representatives of the State of Oregon; and

(I) 2 representatives from the local community; and

(2) that the Working Group conduct all meetings consistent with Federal open meeting and public participation laws.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 1997 through 2002.

SEC. 202. DESCHUTES BASIN RESTORATION PROJECTS.

There is hereby authorized the Deschutes Basin Working Group to be constituted in the same manner, with the same membership, provided with the same appropriations and provided with the same ability to offer recommendations to Federal agencies regarding the expenditure of funds as the Klamath Basin Group.

TITLE III—MOUNT HOOD CORRIDOR

SEC. 301. LAND EXCHANGE.

(a) AUTHORIZATION.—Notwithstanding any other law, if Longview Fibre Company (referred to in this section as ''Longview'') offers and conveys title that is acceptable to the United States to the land described in subsection (b), the Secretary of the Interior (referred to in this section as the ''Secretary'') shall convey to Longview title to some or all of the land described in subsection (c), as necessary to satisfy the requirements of subsection (d).

(b) LAND TO BE OFFERED BY LONGVIEW.—The land referred to in subsection (a) as the land to be offered by Longview is the land described as follows:

(1) T. 2 S., R. 6 E., sec. 13—E½SW¼, W½SE¼, containing 160 record acres, more or less;

(2) T. 2 S., R. 6 E., sec. 14—All, containing 640 record acres, more or less;

(3) T. 2 S., R. 6 E., sec. 16—N½, SW¼, N½SE¼, SW¼SE¼, containing 600 record acres, more or less;

(4) T. 2 S., R. 6 E., sec. 26—NW¼, N½SW¼, SW¼SW¼, NW¼SE¼; (and a strip of land to be used for right-of-way purposes in sec. 23), containing 320 record acres, more or less;

(5) T. 2 S., R. 6 E., sec. 27—S½NE¼NE¼, NW¼NE¼, SE¼NE¼, NW¼NW¼, containing 140 record acres, more or less;

(6) T. 2 S., R. 6 E., sec. 28—N½, Except a tract of land 100 feet square bordering and lying west of Wild Cat Creek and bordering on the north line of Sec. 28, described as follows: Beginning at a point on the west bank of Wild Cat Creek and the north boundary of sec. 28, running thence W. 100 feet, thence S. 100 feet parallel with the west bank of Wild Cat Creek, thence E. to the west bank of Wild Cat Creek, thence N. along said bank of Wild Cat Creek to the point of beginning, containing 319.77 record acres, more or less;

(7) T. 2 S., R. 7 E., sec. 19—E½SW¼, SW¼SE¼, Except a tract of land described in deed recorded on August 6, 1991, as Recorder's Fee No. 91–39007, and except the portion lying within public roads, containing 117.50 record acres, more or less;

(8) T. 2 S., R. 7 E., sec. 20—S½SW¼SW¼, containing 20 record acres, more or less;

(9) T. 2 S., R. 7 E., sec. 27—W½SW¼, containing 80 record acres, more or less;

(10) T. 2 S., R. 7 E., sec. 28—S½, containing 320 record acres, more or less;

(11) T. 2 S., R. 7 E., sec. 29—SW¼NE¼, W½SE¼NE¼, NW¼, SE¼, containing 380 record acres, more or less;

(12) T. 2 S., R. 7 E., sec. 30—E½NE¼, NW¼NE¼, Except the portion lying within Timberline Rim Division 4, and except the portion lying within the county road, containing 115 record acres, more or less;

(13) T. 2 S., R. 7 E., sec. 33—N½NE¼, E½NW¼NW¼, NE¼SW¼NW¼, containing 110 record acres, more or less;

(14) T. 3 S., R. 5 E., sec. 13—NE¼SE¼, containing 40 record acres, more or less;

(15) T. 3 S., R. 5 E., sec. 25—The portion of the E½NE¼ lying southerly of Eagle Creek and northeasterly of South Fork Eagle Creek, containing 14 record acres, more or less;

(16) T. 3 S., R. 5 E., sec. 26—The portion of the N½SW¼ lying northeasterly of South Fork Eagle Creek, containing 36 record acres, more or less; and

(17) T. 6 S., R. 2 E., sec. 4—SW¼, containing 160.00 record acres, more or less.

(c) LAND TO BE CONVEYED BY THE SECRETARY.—The land referred to in subsection (a) as the land to be conveyed by the Secretary is the land described as follows:

(1) T. 1 S., R. 5 E., sec. 9—SE¼NE¼, SE¼SE¼, containing 80 record acres, more or less;

(2) T. 2 S., R. 5 E., sec. 33—NE¼NE¼, containing 40 record acres, more or less;

(3) T. 2½ S., R. 6 E., sec. 31—Lots 1–4, incl. containing 50.65 record acres, more or less;

(4) T. 2½ S., R. 6 E., sec. 32—Lots 1–4, incl. containing 60.25 record acres, more or less;

(5) T. 3 S., R. 5 E., sec. 1—NE¼SW¼, SE¼, containing 200 record acres, more or less;

(6) T. 3 S., R. 5 E., sec. 9—S½SE¼, containing 80 record acres, more or less;

(7) T. 3 S., R. 5 E., sec. 17—N½NE¼, containing 80 record acres, more or less;

(8) T. 3 S., R. 5 E., sec. 23—W½NW¼, NW¼SW¼, containing 120 record acres, more or less;

(9) T. 3 S., R. 5 E., sec. 25—The portion of the S½S½ lying southwesterly of South Fork Eagle Creek, containing 125 record acres, more or less;

(10) T. 3 S., R. 5 E., sec. 31—Unnumbered lot (SW¼SW¼), containing 40.33 record acres, more or less;

(11) T. 7 S., R. 1 E., sec. 23—SE¼SE¼, containing 40 record acres, more or less;

(12) T. 10 S., R. 2 E., sec. 34—SW¼SW¼, containing 40 record acres, more or less;

(13) T. 10 S., R. 4 E., sec. 9—NW¼NW¼, containing 40 record acres, more or less;

(14) T. 10 S., R. 4 E., sec. 21—E½SW¼, containing 80 record acres, more or less;

(15) T. 4 N., R. 3 W., sec. 35—W½SW¼, containing 80 record acres, more or less;

(16) T. 3 N., R. 3 W., sec. 7—E½NE¼, containing 80 record acres, more or less;

(17) T. 3 N., R. 3 W., sec. 9—NE¼NE¼, containing 40 record acres, more or less;

(18) T. 3 N., R. 3 W., sec. 17—S½NE¼, containing 80 record acres, more or less; and

(19) T. 3 N., R. 3 W., sec. 21—Lot 1, N½NW¼, SW¼NW¼, containing 157.99 record acres, more or less.

(d) EQUAL VALUE.—The land and interests in land exchanged under this section—

(1) shall be of equal market value; or

(2) shall be equalized using nationally recognized appraisal standards, including, to the extent appropriate, the Uniform Standards for Federal Land Acquisition, the Uniform Standards of Professional Appraisal Practice, the provisions of section 206(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(d)), and other applicable law.

(e) REDESIGNATION OF LAND TO MAINTAIN REVENUE FLOW.—So as to maintain the current flow of revenue from land subject to the Act entitled ''An Act relating to the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant land situated in the state of Oregon'', approved August 28, 1937 (43 U.S.C. 1181a et seq.), the Secretary may redesignate public domain land located in and west of Range 9 East, Willamette Meridian, Oregon, as land subject to that Act.

(f) TIMETABLE.—The exchange directed by this section shall be consummated not later than 2 years after the date of enactment of this Act.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

TITLE IV—COQUILLE FOREST ECOSYSTEM MANAGEMENT PLAN

[*To be supplied.*]

By Mr. HATFIELD (for himself and Mr. HARKIN):

S. 1663. A bill to amend the Internal Revenue Code of 1986 to improve revenue collection and to provide that a taxpayer conscientiously opposed to participation in war may elect to have such taxpayer's income, estate, or gift tax payments spent for nomilitary purposes, to create the U.S. Peace Tax Fund to receive such tax payments, and for other purposes; to the Committee on Finance.

THE U.S. PEACE TAX FUND ACT OF 1996

Mr. HATFIELD. Madam President, As tax day approaches, I once again come before the Senate to introduce the United States Peace Tax Fund. I am joined in this effort by the Senator from Iowa, Senator HARKIN, who has been a longtime original cosponsor of this bill.

I first introduced the Peace Tax Fund during the 95th Congress, nearly 20 years ago. I have reintroduced the Peace Tax Fund in every Congress since then because I believe it is important legislation.

Since 1945 eligible conscientious objectors have been excused from combat. Although our Nation long has recognized moral and religious opposition to war, it has failed to address the depth and scope of such objections. Our tax laws do not recognize that conscience not only prohibits participation on the battlefield, but also in the preparation for war through payments to the military. CO's may withhold their bodies but not their money.

The Peace Tax Fund Act, if enacted, would allow complete participation in our Federal Government by all citizens without many being forced to compromise deeply held beliefs of any citizen.

Over the years I have received many letters from constituents describing their disapproval of military taxes and their desire to have the Federal Government respect such objections. Some citizens write of their decision to set aside their beliefs and pay their taxes in full, despite the anguish such payment causes. Others, perhaps following Albert Einstein's advice, ''Never do anything against conscience even if the State demands it,'' refuse to pay a portion of their taxes. Some Americans purposefully keep their income below the taxable level, so that they can avoid the decision altogether.

It is important to point out what the Peace Tax Fund legislation is not. The Peace tax Fund is not a method by which a citizen may lodge protest over wasteful defense programs. Nor is it a tool to circumvent foreign policy initiatives. Tax liabilities cannot be reduced through participation in the Peace Tax Fund. The Peace Tax Fund Act was developed not for those individuals seeking to alter national policy, but rather to allow certain individuals to fully uphold Federal law without violating their consciences.

The Peace Tax Fund would allow these sincere conscientious objectors the opportunity to pay their Federal taxes in full. Those who qualify may choose to have that portion of their taxes which would go to military activities instead be diverted to a special trust fund—the Peace Tax Fund—and then disbursed to two Federal programs: Head Start and WIC. The bill would not reduce the amount of funding for military activities. Nor would it result in any significant loss of revenue, according to the Joint Committee on Taxation.

As defined by the Peace Tax Fund Act, an eligible conscientious objector is anyone who has obtained this status under the Military Selective Service Act. Others may submit a questionnaire to the Secretary of the Treasury certifying his or her beliefs and how those beliefs affect that individual's life.

In the 20-plus years that this issue has been debated, only two hearings have been held. The last hearing was held by the House Ways and Means Committee in 1992. The Senate has never held hearings on the Peace Tax Fund. It is my hope that before I leave the Senate the Finance Committee will hold a hearing on this issue.

The Peace Tax Fund has had the support of many committed religious and peace organizations throughout the years. I ask unanimous consent that a partial listing of the organizations endorsing the Peace Tax Fund be included in the RECORD.

I urge my colleagues to join me in support of this legislation so important to the protection of personal and religious beliefs of many citizens who find themselves each tax season torn between the law and conscience.

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

PARTIAL LISTING OF ORGANIZATIONS ENDORSING THE PEACE TAX FUND

1. American Arab Anti-Discrimination Committee.
2. American Friends Service Committee.
3. Baptist Peace Fellowship of North America.
4. Buddhist Peace Fellowship.
5. Catholic Committee of Appalachia.
6. Central Committee for Conscientious Objectors.
7. Church of the Brethren.
8. Consortium on Peace Research Education and Development.
9. Episcopal Peace Fellowship.
10. Evangelicals for Social Action.
11. Fellowship of Reconciliation.
12. Franciscan Federation of Brothers and Sisters.
13. Franciscans Sisters of the Poor.
14. Friends Committee on National Legislation.
15. Friends United Meeting.
16. Fund For Peace.
17. General Conference of the Mennonite Church.
18. Grandmothers for Peace.
19. Jewish Peace Fellowship.
20. Leadership Conference of Women Religious—Peace/Disarmament Task Force.
21. Lutheran Campus Ministry.
22. Lutheran Peace Fellowship.
23. Mennonite Central Committee.
24. Mennonite Church General Board.
25. Mercian Orthodox Catholic Church.
26. National Assembly of Religious Women.
27. National Council of Churches Ecumenical Witness Conference.
28. National Federation of Priests' Councils.
29. National Interreligious Service Board for Conscientious Objectors.
30. National Jobs with Peace Campaign.
31. NETWORK—A National Catholic Social Justice Lobby.
32. New Call to Peacemaking.
33. Nonviolence International.
34. Nuclear Free America.
35. Pax Christi USA.
36. Presbyterian Church USA.
37. Presbyterian Peace Fellowship.
38. Project for Conversion of Johns Hopkins Applied Physicis Laboratory.
39. School Sisters of St. Francis.
40. Society of the Sacred heart—US Province Provincial Team.
41. Sojourners.
42. Unitarian Universalist Association.
43. United Church of Christ.
44. United Methodist Church.
45. US Province Office of the US Provincials.
46. Veterans for Peace.
47. War Resisters' League.
48. Women Strike for Peace.
49. Women's International League for Peace and Freedom.
50. World Peacemakers.

ADDITIONAL COSPONSORS

S. 491

At the request of Mr. BREAUX, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 491, a bill to amend title XVIII of the Social Security Act to provide coverage of outpatient self-management training services under part B of the Medicare program for individuals with diabetes.

S. 605

At the request of Mr. DOLE, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 605, a bill to establish a uniform and more efficient Federal process for protecting property owners' rights guaranteed by the fifth amendment.

S. 864

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 864, a bill to amend title XVIII of the Social Security Act to provide