

resource management, ecosystem restoration, and decisionmaking.

At every stage of this lengthy appropriations process, I have tried to improve the Columbia basin provisions, since I knew I did not have the votes to strike the section. I was successful in two areas. First, we have allowed the agencies to spend up to \$4 million to finish this important project. This is a dramatic improvement over the original House bill, which prohibited any money from being spent for implementation of the project and which allowed only \$600,000 to be spent to complete the project.

The second important change I fought for was the removal of shackles from the scientists. The bill had limited the scientific assessment to such things as forest land management and had prohibited study of anything else. The omnibus appropriations bill now allows a scientific assessment of the entire ecosystem, not just that portion of the system primarily affecting commodity production.

So, the Columbia basin project provisions have improved somewhat from what the House originally proposed. However, serious, serious problems remain. The most wrongheaded provision is that shielding many timber sales, mining operations, and other projects from Endangered Species Act consultation. Any national forest or BLM district may, at its discretion, amend the plans in place for protecting threatened fish and wildlife, namely PACFISH and INFISH, and thereby avoid later consultation on potentially harmful activities.

This provision is made worse by another limitation imposed in the appropriations bill: The agencies may not select preferred management alternatives in the draft environmental impact statements or publish a record of decision. These restrictions on implementation of the National Environmental Policy Act thwart decisionmaking about management decisions that affect diverse and wide-ranging species, such as salmon and bull trout. It allows individual forests to alter existing fish and wildlife protections in any manner they desire and then escape ESA consultation scrutiny on individual projects and timber sales.

Mr. President, sufficiency language regarding the ESA and NEPA is very popular with this Congress. I believe that limiting consultation, restricting public review, and piecemeal management of public lands is a bad way to manage our Nation's resources. I urge the conferees to strip the entire Columbia basin project section. In the alternative, the conferees should delete the ESA and NEPA sufficiency language and allow the agencies to select a preferred alternative and publish a record of decision providing direction regarding the best management alternative.

TIMBER SALVAGE

Last month I offered an amendment to repeal the timber salvage rider and replace it with a long-term timber sal-

vage program. Unfortunately, the majority voted against my amendment, deciding the agencies should not be required to comply with environmental laws and should be protected from public challenge of their decisions. After the defeat of my amendment, the omnibus appropriations bill went forward with language contained in the chairman's mark designed to solve a few of the problems associated with the timber salvage rider, by only a few.

Let me be clear. I appreciate the efforts of Chairman HATFIELD to get these modest changes included in the timber salvage rider. They move in the right direction, but simply do not go far enough.

The major flaws with the salvage provisions in the omnibus appropriations bill are: First, they do not give the agencies sufficient authority to withhold sales and/or suspend harvesting where there is serious environmental damage; second, they extend the sufficiency granted these controversial old growth sales indefinitely; third, they provide language in the report that attempts to influence ongoing marbled murrelet litigation; fourth, they give too much power to timber sale contract holders in negotiations; fifth, they restrict the timeliness for buy-one provisions and alternative volume; and sixth, they provide no money to fund buyouts.

I urge the conferees to work with the administration to improve these provisions because they could provide needed flexibility on these highly controversial and damaging old growth sales. We need to provide timber purchasers with fair replacement volume or buy out their contracts as quickly as possible and ease growing tensions in the Pacific Northwest.

The anger and frustration of many citizens concerned about ecosystem health and protection of our forests is increasing. We must act quickly to avoid harming key watersheds and important old growth ecosystems. The time is now.

THE LUMMI NATION

Another provision I continue to oppose is that preventing the Lummi Nation, and potentially other tribes, from exercising their water rights on tribal lands. The Lummis and other parties, including non-Indian landholders, are engaged in negotiations that appear to be going very well. I appreciate the willingness of Senator GORTON to remove language that would likely have derailed these negotiations. However, the language still existing in the omnibus appropriations bill is counterproductive and simply ignores the history of the dispute. In addition, that language represents a threat to tribal sovereignty and sets an extremely poor precedent for government-to-government relations.

From the day I first became aware of this language I have been trying to remove or modify it because I respect tribal and local efforts to resolve the issue. Unfortunately, despite repeated

efforts to develop compromise language that would serve all parties' interests; despite repeated opposition from leading tribal policy experts in Congress; despite veto threats, as evidenced in the statement of administration policy; and despite the continued progress of negotiations, the provision remains virtually unchanged.

There is only one purpose for this provision: to threaten and coerce the Lummi people. This is the wrong way to encourage negotiated settlement of a controversial, far-reaching, and complicated dispute over tribal water rights. I urge the conferees to remove the punitive language and allow the affected people and governments to solve this problem.

Mr. President, some of my colleagues have argued that the concerns expressed by the administration have been sufficiently addressed. While I agree that progress has been made and appreciated the many concessions both sides have made in the omnibus appropriations bill, I want to state clearly that serious concerns, expressed in writing by the administration, myself and others, remain unaddressed.

Mr. President, we are already more than halfway through fiscal year 1996. We need to rid this bill of these three controversial riders, other antienvironmental riders, and others, such as those addressing individual transferable quotas for our fisheries and HIV-positive military personnel.

We need to govern. We need to fund our Government through the appropriations process and set policy through the authorizations process. Let us strip these riders and send a clean spending bill to the President—and get on with governing. It would be the right message for Earth Day.

UNANIMOUS-CONSENT AGREEMENT

Mrs. MURRAY. Mr. President, I ask unanimous consent that 15 minutes of the Democratic leader's time be reserved for Senator KENNEDY.

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

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to be recognized for the purposes of morning business for such time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator may proceed.

Mrs. FEINSTEIN. Thank you very much, Mr. President.

EARTH DAY

Mrs. FEINSTEIN. Mr. President, today marks Earth Day. It is a day to

celebrate our past achievements in protecting the environment. It is also a day, I hope, to rededicate ourselves to environmental protection.

I think, without question, over the last 26 years since the first Earth Day in 1970, we have made enormous environmental gains. We have taken steps to clean up our air and our water, cut toxic emissions from factories by 50 percent—that is in half—and we have taken steps to prevent pollution that threatens our children's health.

I remember when my own city, San Francisco, used to pollute the bay and the ocean through 40 different outlets all around the city. The water in the San Francisco Bay has been cleaned up. Dungeness crab has come back to the bay. And I know that this is appreciated by all our citizens: Lead levels in children's blood has been cut by 70 percent. We have worked to protect our remaining wild places and to wisely manage irreplaceable natural resources. But in spite of these accomplishments, much, much work remains to be done.

According to the Environmental Protection Agency, 50 million Americans every year drink tap water which fails to meet at least one Federal health standard. About 1 million people each year become ill from drinking unsafe tap water, the Centers for Disease Control reports.

Toxic air pollutants need to be regulated to protect public health. According to the Environmental Protection Agency, exposure to particulate matter may result in as many as 70,000 premature deaths each year. In my own State, in Los Angeles County, children actually grow up in Los Angeles with reduced lung capacity because of pollution.

There are 1,290 toxic sites on the Superfund national cleanup priority list, and they include 96 in my own State of California. One in four Americans lives within 4 miles of a Superfund site. These sites must be cleaned up. So we need to move forward. Instead, our past environmental achievements are being threatened often by this very Congress, by efforts to roll back existing environmental laws.

Of immediate concern is the omnibus appropriations bill which contains more than a dozen riders, riders which would roll back existing environmental protection. Many have proposed cuts in funds that assist States in providing clean, safe drinking water to Americans. They have proposed cuts that would affect the Environmental Protection Agency's ability to enforce the Clean Air Act and to issue new standards for toxic air pollutants. They have proposed cuts in the Superfund Program, which would jeopardize cleanup of over 400 of the worst toxic waste sites around the country.

One of them is Iron Mountain mine in Redding, CA. This is an old vacant chemical mine with a huge hole in it. The hole is as big as a 30-story office building, and when it rains the water

and the air interact with the metals within the mountain, and it throws off sulfuric acid, which then drains into the river and metallizes the river banks. This is one of California's urgent priority Superfund sites that needs cleanup.

Also of particular interest to me and to the people of California is the rider on the Mojave National Preserve, the newest unit of our National Park Service System. The conferees on the omnibus appropriations bill have agreed to a revised rider for the National Mojave Preserve that, like the earlier versions, is intended to overturn provisions of the California Desert Protection Act and strip national park protection for the Mojave National Preserve. The new rider reinstates multiple-use management of the east Mojave, management which allowed open pit mining, cross-country motorcycle racers, and other destructive activities to occur in the area.

In 1994, Congress overwhelmingly approved the California Desert Protection Act, which I authored, and which established the Mojave National Preserve. That national preserve was already a compromise. I would have had it a national park, but Congress agreed that the Mojave qualified as a national park and should be managed by the National Park Service under park, not multiple-use, regulations. The Desert Protection Act transferred management of the Mojave from the Bureau of Land Management to the National Park Service so the area would receive the protection and the care that it deserves.

The National Park Service opened a new visitor center and improved law enforcement. It actually made arrests and shut down a methamphetamine lab, and it improved resource protection. Visitation to the area increased substantially and motels, restaurants, and other businesses in the nearby communities flourished as a result.

Now the Mojave rider on the omnibus appropriations bill seeks to reverse that decision. The omnibus appropriations bill appropriates funding for the National Park Service to manage the Mojave National Preserve, but it requires the agency to administer the area as a multiple-use area before passage of the California Desert Protection Act. In other words, it pretends that the Desert Protection Act, overwhelmingly passed by both Houses and signed by the President, does not really exist.

This multiple-use management permits a wide variety of development activities which degrades the area's outstanding natural and cultural resources. Specifically, the new rider requires the National Park Service to manage the Mojave under the historic management practices of the Bureau of Land Management rather than under the policies and regulations of the National Park Service.

This establishes a dangerous precedent.

While early language that attempted to transfer control of the Mojave to the Bureau of Land Management has been dropped, the new rider could be interpreted to require the National Park Service to approve resource-damaging activities that were previously allowed within the Mojave before its designation. That would include off-road vehicle races, open pit mining, garbage dumps, and uncontrolled use of firearms.

Many are particularly concerned that one of the reasons for this rider is to permit this kind of open pit mining in the New York mountains.

In my legislation, we very carefully maintain that existing mining uses, those with existing permits, would be able to continue, so that no jobs would be lost. But apparently there are those who even want to go in and open pit mine some of the more fragile areas of this preserve.

This new rider could be interpreted to allow unlimited use of motorized vehicles in wilderness areas. The new rider sets the stage for litigation over its interpretation, and the new rider limits funding for the Mojave to less than one-half what the Park Service estimated would be required in FY 1996.

The statement of managers accompanying the rider requires the Appropriations Committees to approve the preserve's general management plan. This gives authority to committee members to dictate provisions of a park management plan for the first time in the history of this kind of legislation. In sum, it leaves the east Mojave a national preserve in name only, and no one is fooled by that.

The Mojave has been discussed and debated in the House and Senate for 8 years now. The California Desert Protection Act, which passed in the last Congress and was signed by the President, as I have already stated, was a substantial compromise. Rather than carrying out the intent of the legislation, which was to have a national preserve under National Park Service management, we see in the omnibus appropriations bill further efforts to erode and destroy the Desert Protection Act. This, frankly, is unconscionable. It is absolutely contrary to the wishes of the people of the State of California.

A Field Institute poll, an objective poll, conducted in December of last year, shows continuing, overwhelming support; 85 percent of Californians support keeping east Mojave a national park—85 percent. In every region of the State, people overwhelmingly support keeping the Mojave as a national park.

As we celebrate Earth Day, Congress, I believe, should strip all environmental riders, including the Mojave rider, from the omnibus appropriations bill. That is what Congress can do right now to continue our commitment to environmental protection.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). Who seeks recognition?

Does the Senator note the absence of a quorum?

Mrs. FEINSTEIN. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been noted. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from South Dakota is recognized.

EARTH DAY LEGACY

Mr. DASCHLE. Mr. President, Teddy Roosevelt said that, "Conservation is a great moral issue, for it involves the patriotic duty of ensuring the safety and continuance of the nation."

As a result of the translation of that ethic into the legislative process, and the foresight of our political predecessors, the United States today leads the world in efforts to protect the environment.

Our laws have become models for other nations' efforts to grapple with their own air and water pollution and wildlife conservation challenges. And, as a result of this commitment to a healthier environment, the United States has succeeded in reversing the course of environmental degradation that we followed for too long.

Today, on Earth Day, rivers and lakes are cleaner, waste is being disposed in a more secure and responsible manner, and the air most of us breathe contains fewer dangerous pollutants, such as lead. We can rejoice at the progress made.

Congress and a number of Republican and Democratic Presidents can and should take credit for this accomplishment.

The tangible environmental success this Nation has experienced over the last three decades is one of the reasons I have been so disappointed by the direction of the debate over the environment in the 104th Congress.

It is as though too many of us have forgotten the environmental challenges we have faced and overcome since President Nixon created the Environmental Protection Agency and Congress began its legislative journey that produced: The Safe Drinking Water Act, the Clean Water Act, Superfund, the Resource Conservation and Recovery Act, and the rest of the laws that make up the canon known as American environmental law.

Collectively, that body of law represents one of the most important legacies we will leave our children and grandchildren.

I hope the fabric created by those laws will not be stretched and torn. I hope the quality of our environment that results from implementation of those laws will not be sacrificed to short-term political considerations.

We need to embrace opportunities to improve and refine the impressive body of environmental law that has been developed over the last three decades.

In the spirit of that bipartisan legacy, today—Earth Day—I urge my colleagues on both sides of the aisle to embrace their legislative heritage and work to protect and strengthen it. The contribution of this generation of lawmakers to that impressive body of law should be one of thoughtful improvement, drawing upon the lessons learned from past implementation of those very laws.

We should continue to search the fabric of our laws and seek to repair the rips and the frayed ends.

We should seek commonsense solutions to our remaining environmental problems.

In doing so, we should work to find consensus, as we have even in this partisan year with the passage in the Senate, unanimously, of the Safe Drinking Water Act and the recently enacted small business regulatory reform bill.

As we stand here on Earth Day and survey the few months remaining in this legislative session, let us resolve to keep the fabric of American environmental law whole. Let us not turn back the clock on the accomplishments of a generation.

In that regard, just on Friday, 41 of our colleagues here in the Senate joined with me in sending a letter to our majority leader and the Speaker, to indicate our strong determination not to roll back the standards affecting clean air; not to weaken the regulations relating to safe drinking water or industrial polluters; not to slow down or stop the cleanup of hazardous waste sites; not to weaken the community right-to-know laws, such as the toxic release inventory; not to abolish protections for endangered species and all the other efforts that are underway.

It is our view that we have a sufficient number of votes to extend debate for whatever length of time, if that is required to protect the laws that we have steadfastly supported over the last generation. It is our strong desire, our sincere hope, that extended debate on any of these efforts will not be necessary, that we can work together to resolve our differences and to continue to build upon the impressive record that we have now generated over the last three decades.

So, as we stand here on Earth Day, let us again renew our commitment to work together to eliminate those threats to the environment that we see yet today. Let us eliminate the antienvironmental riders from the appropriations bill this week, to demonstrate our commitment to Earth Day, to demonstrate our resolve, continuing to build on the impressive record that we have achieved. On the major environmental laws that are being reauthorized, let us work to find ways in which to strengthen those laws, enact new ones where we identify new ones are needed, and leave future

generations with a clean and healthy environment.

As Teddy Roosevelt stated nearly a century ago, that is truly our patriotic duty. It is one I believe every Member of this body can and should embrace on this day, on all days.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. COVERDELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from Georgia has the floor.

Mr. COVERDELL. Mr. President, parliamentary inquiry. It is my understanding that the time from 12:30 to 2 o'clock has been designated to myself or management; is that correct?

The PRESIDING OFFICER. The Senator is correct.

EARTH DAY AND THE ENVIRONMENT

Mr. COVERDELL. Mr. President, as we all know now, today is Earth Day, a day dedicated to remembering our commitment to the environment, to the future, a commitment on the part of every generation of Americans to assure that those who come behind us will not be jeopardized by contemporary actions and, better, that those who follow us will have the opportunities to enjoy a healthy environment—an environment in which recreation can be pursued, an environment in which future generations will not be troubled by the water they drink, by the air they breathe, by the environment in which they live.

There has been a lot of rhetoric in this 104th Congress, finger pointing about who is for the environment and who is not for the environment. I do not know anybody who is not for an improved environment; at least I have not met them.

In all the discussion, though, a little-told story is that this Congress has passed one of the most historic pieces of environmental legislation in the history of our country. I will quote from F. Graham Liles, Jr., who is executive director of the Georgia Soil and Water Conservation Commission. It is a letter addressed to me dated April 11, 1996. He says:

With regard to the new Farm Bill, I feel this is probably the strongest conservation legislation to have been signed in decades.

I do not believe that, when we were considering the farm bill, it was generally acknowledged that that legislation is monumental environmental legislation that this Congress can take credit for, that it will be a legacy of the 104th Congress. Yes, the farm bill