

Mitigation is usually accomplished by restoring or creating other wetlands. Isolated, on-site mitigation projects, however, are expensive and costly to maintain. Wetlands mitigation banks are typically large tracts of land that have been restored as wetlands.

A State department of transportation building a highway project which impacts wetlands merely buys credits generated in the bank based on the acreage and quality of the restored wetlands in order to satisfy its obligation to mitigate the harm to the impacted wetlands by the construction of the highway. The bank sponsor assumes full responsibility for maintaining the restored wetlands site, and the State department of transportation has thus fulfilled its mitigation requirement.

The amendment does not change in any way the mitigation required. It provides simply that mitigation banking will be the preferred alternative once mitigation requirements are determined.

Last year, the Committee on Environment and Public Works held a hearing where witnesses from the administration, the private sector, the environmental community, and the scientific community spoke to the promise of mitigation banking as being an important instrument to protect wetlands and to do so with less red tape and, most importantly, at less expense to our highway and transportation programs.

Now, this proposal is strongly supported by the Missouri and the Ohio Departments of Transportation and by the nationwide association AASHTO. A September letter from the Ohio Director of Transportation notes that "the Ohio department's costs for on-site mitigation have ranged as high as \$150,000 an acre when the cost of design, real estate, construction and mitigation monitoring were combined. These costs are not out of line with the high end costs experienced by many other departments of transportation around the country. Our lowest costs for on-site mitigation have generally exceeded \$35,000 per acre. The cost of banking, in our experience, has ranged from around \$10,000 to \$12,000 per acre and includes all of the above-cited cost factors. This equates to about one-quarter the cost of our average on-site mitigation."

In Florida, the department of transportation pays its department of environmental protection \$75,000 for every acre it impacts for mitigation. By contrast, the Florida wetlands bank acres in Broward County are sold for a reported \$50,000 to \$55,000. The State of Illinois in the Chicago area has had a similar experience.

The savings can be significant and they can be achieved because of specialization and economies of scale. As a result, less Federal highway money is spent on mitigating impacts to wetlands. More Federal highway money is

made available for highway construction. And the wetlands, wildlife and conservation benefits are achieved in the most efficient manner possible. The Vice President and others have said we should pursue ways in which we can make environmental protection a profitable enterprise while actually reducing the permit process times for citizens weaving their way through the burdensome wetlands permitting process.

This does just that. Many agree that mitigation banks, which must be approved, will have a greater long-term rate of success in protecting wetlands because, one, the people who sell the credits are in the business of wetlands protection; two, the banks are easy to regulate and be held accountable; three, there is more time and flexibility for a bank to procure and identify high-quality wetlands.

Again, this is a good amendment. It is good for the environment. It is good for the efficiencies. It will save highway dollars and make sure we deliver the wetlands protection with the wildlife, environmental and conservation benefits that go along with it in the most efficient use possible of our precious highway dollars.

I hope that all of my colleagues will support the bipartisan amendment when we are enabled to present it in the Chamber in the consideration of the highway transportation reauthorization bill, ISTEA.

Mr. President, I see others in the Chamber so I will yield the floor at this time. I thank the Chair.

#### MITIGATION BANKING

Mr. BREAUX. Mr. President, I'm pleased to cosponsor with Senator BOND the mitigation banking amendment to the highway bill. I thank Senator BOND for his leadership and am pleased to continue working with him on wetlands-related issues.

The Bond-Breaux amendment is direct and straightforward. It simply says that mitigation banking shall be the preferred means, to the maximum extent practicable, to mitigate for wetlands or natural habitat which are affected as part of a Federal-aid highway project and whose mitigation is paid for with Federal-aid funds.

In addition, the amendment identifies three factors that are to be met in order to use a mitigation bank: first, the affected wetlands or natural habitat are to be in a bank's service area; second, the bank has to have enough credits available to offset the impact; and third, the bank has to meet federally approved standards.

So, Senator BOND and I, through this amendment, are simply trying to establish a reasonable, responsible wetlands and natural habitat mitigation policy as part of the Federal-aid highway program.

Our proposal has two key components: First, we say give mitigation banking a preference, to the maximum extent practicable, which is reasonable. Second, we say a bank should meet cer-

tain conditions to ensure its effectiveness and viability, which is being responsible.

Let me emphasize that our amendment does not mandate the use of mitigation banks. Nor does the amendment require their use nor does it say they shall be the sole means or the only method used to mitigate affected wetlands or natural habitat.

The Bond-Breaux amendment simply says mitigation banks shall be the preferred means, to the maximum extent practicable, and they must meet certain responsible conditions before they can be used.

Louisiana's transportation department officials have said that the State already uses mitigation banks and areas as an option for some of its highway projects.

Mitigation banks can offer several advantages when constructed and operated responsibly. They can achieve economies of scale. They can provide larger, higher quality and diverse habitat and they can make mitigation costs less expensive when compared to costs for some isolated mitigation sites which are not part of a bank.

The Bond-Breaux amendment certainly is in line with the environmental provisions and direction of the proposed highway bill we have before the Senate, S. 1173.

For these reasons, I urge the Senate's adoption of the amendment when it comes up for consideration.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. 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.

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

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

#### MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent the Senate proceed to a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes until the hour of 6:30 p.m.

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

#### THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, October 22, 1997, the Federal debt stood at \$5,421,844,508,272.92. (Five trillion, four hundred twenty-one billion, eight hundred forty-four million, five hundred eight thousand, two hundred seventy-two dollars and ninety-two cents)

One year ago, October 22, 1996, the Federal debt stood at \$5,228,756,000,000. (Five trillion, two hundred twenty-

eight billion, seven hundred fifty-six million)

Five years ago, October 22, 1992, the Federal debt stood at \$4,062,097,000,000. (Four trillion, sixty-two billion, ninety-seven million)

Ten years ago, October 22, 1987, the Federal debt stood at \$2,384,316,000,000. (Two trillion, three hundred eighty-four billion, three hundred sixteen million)

Fifteen years ago, October 22, 1982, the Federal debt stood at \$1,140,017,000,000 (One trillion, one hundred forty billion, seventeen million) which reflects a debt increase of more than \$4 trillion—\$4,281,827,508,272.92 (Four trillion, two hundred eighty-one billion, eight hundred twenty-seven million, five hundred eight thousand, two hundred seventy-two dollars and ninety-two cents) during the past 15 years.

#### IMMIGRATION EXTENSION IN THE CONTINUING RESOLUTION

Mr. FAIRCLOTH. Mr. President, I would like to make several comments on the extension of the provision of section 245(I) which is in the continuing resolution we passed today.

This provision of the Immigration and Nationality Act allowed foreign nationals to adjust their status while remaining in this country after either entering the United States illegally or remaining in this country after their visa expired and they became illegal.

Either way, these individuals have entered this country without having respect for our laws or have remained here because of little or no respect for our laws.

On August 22, 1996, this body passed legislation to attempt to enforce stricter penalties against those foreign nationals that arrive in the United States illegally or remain hidden in the workforce illegally after their visas expire. The law we passed required illegal aliens to leave this country and go through the proper channels of immigration from their homeland or remain here and be subject to a 3- or 10-year bar from reentry into our country.

The Illegal Immigration Act of 1996 calls for a mandatory 3-year bar against that illegal alien from entering this country if he or she has remained illegally in this country for 180 days after April 1, 1997.

If he or she remains here for 1 year after April 1, 1997, that bar is 10 years.

It appears in just over 1 year from passing this legislation and just at the time the 180 day timeframe kicks in—now this body is attempting to provide a loophole for illegal aliens to remain in this country with little or no consequence.

I am opposed to this extension. And I will not vote for any legislation that permanently extends the cut off period. What we are doing is rewarding illegal behavior.

I sometimes wonder why we have immigration laws that we do not enforce?

Our immigration policy in this country is a mess. We don't have a policy, because if we make one we make exceptions to it almost immediately. Here we are 1 year later and we are providing extensions already. When is this kind of legislating going to stop?

For as little as \$1,000, someone can remain in this country illegally. This is a small price to pay to enable someone with little regard for our laws to remain in this great country.

Mr. President, what kind of signal does it send to hardworking, law-abiding Americans—that you can come to this country illegally and stay here illegally, for as little as \$1,000.

I think we send the signal that anybody can come to the United States at anytime and stay here for as long as they want.

Maybe I have the answer to the respect for our laws that some noncitizens have. I have also received information from the Bureau of Prisons that in the Federal prison system approximately 26.6 percent of the Federal inmates are not U.S. citizens as of June 1997. To take care of these prisoners is costing U.S. taxpayers \$687 million a year.

By the U.S. Congress extending the ability to adjust status to persons that have little regard for our laws with such little consequence, we are only condoning illegal actions and opening the door to further crime.

Illegal immigrants have put a burden on our Federal system which we cannot sustain and remain solvent. This is wrong. We as a country cannot continue to fix the errors of illegal immigrants. They should be held accountable for their actions.

Mr. President, it is a privilege to be in this great country. We must request all residents, whether citizens or noncitizens, of the United States adhere to our laws. And our message should be consistent.

For these reasons, I am strongly opposed to the extension of 245(I) that is in the continuing resolution. I am further opposed to any effort to make permanent changes to this law that would weaken our immigration policy.

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

##### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE

At 11:47 a.m., a message from the House of Representatives, delivered by

Ms. Goetz, one of its reading clerks, announced that the House has agreed to the following concurrent resolution:

S. Con. Res. 56. Concurrent resolution authorizing the use of the rotunda of the Capitol for a ceremony honoring Leslie Townes (Bob) Hope by conferring upon him the status of an honorary veteran of the Armed Forces of the United States.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1534. An act to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions where no State law claim is alleged; to permit certification of unsettled State law questions that are essential to resolving Federal claims arising under the Constitution; and to clarify when government action is sufficiently final to ripen certain Federal claims arising under the Constitution.

The message further announced that the House insists upon its amendments to the bill (S. 830) to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. BLILY, Mr. BILIRAKIS, Mr. BARTON, Mr. GREENWOOD, Mr. BURR, Mr. WHITFIELD, Mr. DINGELL, Mr. BROWN of Ohio, Mr. WAXMAN, and Mr. KLING, as the managers of the conference on the part of the House.

##### ENROLLED JOINT RESOLUTION SIGNED

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. 97. Joint resolution making further continuing appropriations for the fiscal year 1998, and for other purposes.

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

At 5:59 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 1139. An act to reauthorize the programs of the Small Business Administration, and for other purposes.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations, with an amendment:

S. 1292. A bill disapproving the cancellations transmitted by the President on October 6, 1997, regarding Public Law 105-45.