liability settlement; to the Committee on Finance.

By Mr. LOTT (for himself, Mr. LIEBERMAN, Mr. MURKOWSKI, Mr. HELMS, Mr. COVERDELL, Mr. MCCONNELL, Mr. ROBB, Mr. THURMOND, Mr. MCCAIN, Mr. NICKLES, Mr. ROTH, Mrs. FEINSTEIN, and Mr. CRAIG):

S. Res. 105. Resolution expressing the sense of the Senate that the people of the United States wish the people of Hong Kong good fortune as they embark on their historic transition of sovereignty from Great Britain to the People's Republic of China; considered and agreed to.

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

S. Con. Res. 35. Concurrent resolution urging the United States Postal Service to issue a commemorative postage stamp to celebrate the 150th anniversary of the First Women's Rights Convention held in Seneca Falls, NY; to the Committee on Governmental Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BOND:

S. 975. A bill to amend title 23, United States Code, to extend the bridge discretionary program, and for other purposes; to the Committee on Environment and Public Works.

THE SAFE BRIDGES ACT OF 1997

Mr. BOND. Mr. President, this bill I am introducing today is a bridge discretionary bill. We cannot forget in our reauthorization of the Nation's transportation policy the importance of maintaining our bridges.

Missouri has approximately 23,000 bridges in total.

Unfortunately, the State of Missouri, according to Department of Transportation statistics ranks sixth from the bottom on conditions of bridges in this country. This is a deplorable place for the State of Missouri to be.

We must start taking better care of our roads and bridges and begin building roads for the 21st century—with new technologies, new materials, and better designs.

According to the American Association of State Highway and Transportation Officials America must address the deficiencies of over 11,000 bridges per year just to maintain current levels of condition.

According to the Department of Transportation, the cost to improve bridge conditions would require an annual investment of $8.9 billion.

Let us not lose the hard-won gains in our transportation infrastructure. Let's not squander our investment.

Postponing taking care of our bridge needs only means that our investment declines and to make repairs later will cost more. The cliche does say ''Pay now or pay More later.''

Taking care of our transportation infrastructure can be compared to taking care of your home. If you fail to fix the leaky roof, fail to re-paint, fail to adequately insulate, your costs increase and the value of your home declines.

If we fail to maintain and reinvest in our Nation's bridges not only does the value of our investment decline, but lives are lost and our economic prosperity is jeopardized.

I am pleased to work with my dear friend and House colleague, Congresswoman EMERSON to introduce this bill in both Houses—the Safe Bridges Act of 1997.

The Safe Bridges Act of 1997 is our marker to stress to our colleagues from around the country that bridges are an important and necessary component to this country's transportation system.

Properly maintained and constructed bridges help save lives and provide for the efficient movement of people and goods in this country.

If we want to secure our foundation—we must renew our investment.

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. 975

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 ''Safe Bridges Act of 1997''.

SEC. 2. FINDINGS.

Congress finds that—

(1) bridges are important and necessary components of the surface transportation system of the United States;

(2) bridges are an important factor in the efficient movement of people and goods;

(3) properly maintained and constructed bridges help save lives;

(4) more than 25 percent of the bridges on the Interstate System are classified as deficient or in poor condition; and

(5) an investment of more than $5,000,000,000 annually is needed to maintain the bridges that are in existence as of the date of enactment of this Act.

SEC. 3. BRIDGE DISCRETIONARY PROGRAM.

(a) EXTENSION OF PROGRAM.—Section 144(g) of title 23, United States Code, is amended by striking paragraph (1) and inserting the following:

''(1) DISCRETIONARY BRIDGE PROGRAM.—

''(A) SET ASIDE.—For each fiscal year, before any apportionment is made under subsection (e), the Secretary shall set aside $500,000,000 from the funds authorized to carry out this section.

''(B) USE OF SET ASIDE.—The amount set aside under subparagraph (A) shall be available for obligation in the same manner and to the same extent as the sums apportioned under subsection (e), except that—

''(i) the amount shall be available for obligation at the discretion of the Secretary;

''(ii) for each fiscal year, $8,500,000 of the amount shall be available to carry out section 144A;

''(iii) for each fiscal year, $12,500,000 of the amount shall be available to carry out section 144B;

''(iv) for each fiscal year, $15,000,000 of the amount shall be available to carry out section 144C; and

''(v) the remainder of the amount shall be available in accordance with paragraph (2).

''(C) OTHER STATE FUNDS.—Funds made available to a State under subparagraph (B) shall not be considered in determining the apportionments and allocations that the State shall be entitled to receive, under the other provisions of this title and other law, of amounts in the Highway Trust Fund.''.

(b) HIGHWAY TIMBER BRIDGE RESEARCH AND CONSTRUCTION PROGRAM.—

(1) TRANSFER TO TITLE 23.—Section 1039 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 144 note; 105 Stat. 1990) is—

(A) transferred to title 23, United States Code;

(B) redesignated as section 144A of that title; and

(C) inserted after section 144 of that title.

(2) CONFORMING AMENDMENTS.—

(A) Section 144A of title 23, United States Code (as added by paragraph (1)), is amended—

(i) by striking the section heading and inserting the following:

''§ 144A. Highway timber bridge research and construction program'';

(ii) in subsection (e)—

(I) by striking ''of title 23, United States Code, for each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997'' and inserting ''for each of fiscal years 1998 through 2003''; and

(II) in paragraph (2), by striking ''($7,000,000 in the case of fiscal year 1992)''; and

(iii) by striking subsection (f).

(B) The analysis for chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 144 the following:

''144A. Highway timber bridge research and construction program.''.

SEC. 4. INNOVATIVE HIGHWAY STEEL BRIDGE RESEARCH AND CONSTRUCTION PROGRAM.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by inserting after section 144A (as added by section 3(b)(1)) the following:

''§ 144B. Innovative highway steel bridge research and construction program

''(a) RESEARCH GRANTS.—The Secretary shall make grants to other Federal agencies, universities, private businesses, nonprofit organizations, and research or engineering entities to carry out research concerning—

''(1) the development of new, cost-effective highway steel bridge applications;

''(2) the development of engineering design criteria for steel products and materials for use in highway bridges and structures to improve steel design properties;

''(3) the development of highway steel bridges and structures that will withstand natural disasters;

''(4) the development of products, materials, and systems for use in highway steel bridges that demonstrate new alternatives to current processes and procedures with respect to performance in various environments; and

''(5) rehabilitation measures that demonstrate effective, safe, and reliable methods for the use of steel in rehabilitating highway bridges and structures.

''(b) TECHNOLOGY AND INFORMATION TRANSFER.—The Secretary shall take such action as is necessary to ensure that the information and technology resulting from research conducted under subsection (a) is made available to State and local transportation departments and other interests as specified by the Secretary.

''(c) CONSTRUCTION GRANTS.—

''(1) AUTHORITY.—The Secretary shall make grants to States for projects for the construction of steel bridges and structures on Federal-aid highways.

''(2) APPLICATIONS.—

''(A) SUBMISSION.—A State that desires to receive a grant under this subsection shall submit an application to the Secretary.

''(B) CONTENTS.—The application shall be in such form and contain such information as the Secretary may require by regulation.

''(3) APPROVAL CRITERIA.—The Secretary shall select and approve applications for grants under this subsection based on whether the project that is the subject of the grant—

''(A) has a design that has both initial and long-term structural integrity;

''(B) has an innovative design, product, material, or system that has the potential for increasing knowledge, cost effectiveness, durability, and future use of the innovation; and

''(C) uses practices and construction techniques that comply with all environmental regulations.

''(d) FEDERAL SHARE.—The Federal share of the cost of a research or construction project under this section shall be 80 percent.

''(e) FUNDING.—

''(1) IN GENERAL.—From the funds reserved from apportionment under section 144(g)(1) for each of fiscal years 1998 through 2003—

''(A) $2,500,000 shall be available to the Secretary to carry out subsections (a) and (b); and

''(B) $10,000,000 shall be available to the Secretary to carry out subsection (c).

''(2) AVAILABILITY.—Sums made available under paragraph (1) shall remain available until expended.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 144A (as added by section 3(b)(2)(B)) the following:

''144B. Innovative highway steel bridge research and construction program.''.

SEC. 5. CARBON COMPOSITE BRIDGE RETROFIT RESEARCH AND DEMONSTRATION PROGRAM.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by inserting after section 144B (as added by section 4(a)) the following:

''§ 144C. Carbon composite bridge retrofit research and demonstration program

''(a) RESEARCH GRANTS.—The Secretary shall make grants to other Federal agencies and to universities, private businesses, nonprofit organizations, and research or engineering entities, in the United States, to carry out research concerning—

''(1) the development of new, economical carbon composite highway bridge retrofit systems;

''(2) the development of engineering design criteria for carbon composite products for use in highway bridges in order to improve methods for characterizing carbon composite design properties;

''(3) deployment systems for the incorporation of carbon composites that demonstrate alternative processes for the seismic retrofit of bridges and the rehabilitation of structurally deficient bridge structures;

''(4) alternative carbon composite transportation system structures that demonstrate the development of applications for lighting support, sound barriers, culverts, and retaining walls in highway infrastructure; and

''(5) additional rehabilitation measures that demonstrate effective, safe, and reliable methods for rehabilitating highway infrastructure with carbon composites.

''(b) TECHNOLOGY AND INFORMATION TRANSFER.—The Secretary shall take such action as is necessary to ensure that the information and technology resulting from research conducted under subsection (a) is made available to State and local transportation departments and other interests as specified by the Secretary.

''(c) CONSTRUCTION GRANTS.—

''(1) AUTHORITY.—The Secretary shall make grants to States for projects for the reconstruction or seismic retrofit of bridges on the National Highway System.

''(2) APPLICATIONS.—

''(A) SUBMISSION.—A State that desires to receive a grant under this subsection shall submit an application to the Secretary.

''(B) CONTENTS.—The application shall be in such form and contain such information as the Secretary may require by regulation.

''(3) APPROVAL CRITERIA.—The Secretary shall select and approve applications for grants under this subsection based on whether the project that is the subject of the grant—

''(A) has a design that has both initial and long-term structural and environmental integrity;

''(B) has a design that uses carbon composite materials;

''(C) has an innovative design that has the potential for increasing knowledge, cost effectiveness, and future use of the design;

''(D) will ensure the structural integrity of a major river crossing in the New Madrid region during a seismic event;

''(E) will extend the service life of a structurally deficient bridge by at least 15 years; and

''(F) uses bridge retrofit technology and material that are produced in the United States.

''(d) FEDERAL SHARE.—The Federal share of the cost of a research or construction project under this section shall be 80 percent.

''(e) FUNDING.—

''(1) IN GENERAL.—From the funds reserved from apportionment under section 144(g)(1) for each of fiscal years 1998 through 2003—

''(A) $1,000,000 shall be available to the Secretary to carry out subsections (a) and (b); and

''(B) $14,000,000 shall be available to the Secretary to carry out subsection (c).

''(2) AVAILABILITY.—Sums made available under paragraph (1) shall remain available until expended.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 144B (as added by section 4(b)) the following:

''144C. Carbon composite bridge retrofit research and demonstration program.''.

By Mr. TORRICELLI (for himself and Mr. KERRY):

S. 977. A bill to amend the Forest and Rangeland Renewable Resources Planning Act of 1974 and related laws to strengthen the protection of native biodiversity and ban clearcutting on Federal lands, and to designate certain Federal lands as Ancient Forests, Roadless Areas, Watershed Protection Areas, Special Areas, and Federal Boundary Areas where logging and other intrusive activities are prohibited; to the Committee on Energy and Natural Resources.

THE SAVE AMERICA'S FORESTS ACT

Mr. TORRICELLI. Mr. President, today, Senator KERRY and I are introducing the Save America's Forests Act. I rise to draw this country's attention to the management practices that threaten the health of our Nation's forest lands. When this country was founded over 200 years ago, it is estimated that there was 1 billion acres of forest land across this Nation. Today, 95 percent of those original virgin forests have been cut down.

Forests are unique and valuable public assets. Large, unfragmented forest watersheds provide high-quality water supplies for drinking, agriculture, industry, as well as habitat for recreational and commercial fisheries and other wildlife. The large-scale destruction of natural forests threatens other industries such as tourism and fishing with job loss. As a legacy for the enjoyment, knowledge, and well-being of future generations, provisions must be made for the protection and perpetuation of America's forests. We must also set an example to poorer developing countries to preserve their vast forests so they do not make the same mistakes we did. We cannot call upon these countries to preserve large portions of their rain forests when we do not preserve the last fraction of our own ancient forests.

Clear cutting, even aged logging practices, and timber road construction have been the preferred management practices used on our Federal forests in recent years. These practices have caused widespread forest ecosystem fragmentation and degradation. The result is species extinction, soil erosion, flooding, declining water quality, diminishing commercial and sport fisheries—that is, salmon—and mudslides. Mudslides in Western forest regions during recent winter flooding have caused millions of dollars of environmental and property damage, and resulted in several deaths. An environmentally sustainable alternative to these practices is selection management: the selection system involves the removal of trees of different ages either singly or in small groups in order to preserve the biodiversity of the forest.

Destructive forestry practices such as clearcutting on Federal lands was legalized by the passage of the National Forest Management Act of 1976. From 1984 to 1991, an average of 243,000 acres were clearcut annually on Federal lands. During the same time period an average of only 33,000 acres were harvested using the protective selection management practices. Interpretations of forestry laws have also been used by Federal managers to include the promotion of even age logging and road construction. In addition, the laws are not effective in preserving our forests because in many cases judges do not allow citizens standing in court to ensure that the Forest Service or other agencies follow the environmental protections of the law.

I am introducing this legislation to halt and reverse the effects of deforestation on Federal lands by ending the practice of clearcutting, while promoting environmentally compatible and economically sustainable selection management logging. It is important to note this legislation would only apply to Federal forests which constitute 20 percent of the country's harvestable timber supply, the vast majority of the 490 million acres of harvestable timber are privately owned and unaffected by the bill. This legislation

puts forward positive alternatives that will achieve two principle policies for our Federal forests. First, the act would ban logging and road building in remaining core areas of biodiversity throughout the Federal forest system including roadless areas, specially designated areas and 13 million acres of Ancient Forests. Second, in noncore areas it would abolish environmentally dangerous forms of logging such as clearcutting and even aged logging.

The act requires selection management logging practices to be used whereby timber companies would only be allowed to log a certain percentage of the forests over specified periods of time. Further it takes extra steps to protect watersheds and fisheries by prohibiting logging in buffer areas along streams, lakes, and wetlands. The act would also call for an independent panel of scientists to develop a plan to restore and rejuvenate those forests and their ecosystems that are damaged from decades of these logging practices. And finally, the legislation would empower citizen involvement in insuring compliance with environmental protections of forest management laws by making certain that all citizens have standing to pursue actions in court.

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. 977

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Act to Save America's Forests''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. PURPOSES AND FINDINGS.

(a) PURPOSES.—The purposes of this Act are, on all Federal public lands, to conserve native biodiversity and to protect all native ecosystems against losses that result from—

(1) clearcutting and other forms of even-age logging; and

(2) logging in Ancient Forests, Roadless Areas, Watershed Protection Areas, Special Areas, and Federal Boundary Areas.

(b) FINDINGS.—Congress finds the following:

(1) Federal agencies of the United States that engage in even-age logging practices include the Forest Service of the Department of Agriculture, the United States Fish and Wildlife Service, Bureau of Land Management, and Bureau of Indian Affairs of the Department of the Interior, and the Army, Navy, and Air Force of the Department of Defense.

(2) Even-age logging causes substantial alterations in native biodiversity by emphasizing the production of a limited number of commercial species of trees on each site, generally only one; by manipulating the vegetation toward greater relative density of such commercial species, by suppressing competing species, and by planting, on numerous sites, a commercial strain that was developed to reduce the relative diversity of genetic strains that previously occurred within the species on the same sites.

(3) Even-age logging kills immobile species and the very young of mobile species of wildlife and depletes the habitat of deep-forest species of animals, including endangered species.

(4) Even-age logging exposes the soil to direct sunlight and the impact of rains, disrupts the surface, and compacts organic layers. It disrupts the run-off restraining capabilities of roots and low-lying vegetation, which results in soil erosion, the leaching our of nutrients, a reduction in the biological content of the soil, and the impoverishment of the soil. All these consequences have a long-range deleterious effect on all land resources, including timber production.

(5) Even-age logging decreases the capability of the soil to retain carbon and, during the critical periods of felling and site preparation, reduces the capacity of the biomass to process and to store carbon, with a resultant of loss of such carbon to the atmosphere, thereby aggravating global warming.

(6) Even-age logging renders the soil increasingly sensitive to acid deposits by causing a decline of soil wood and coarse woody debris, thereby reducing the capacity of the soil to retain water and nutrients, which increases soil heat and impairs the soil's ability to maintain protective carbon compounds on its surface.

(7) Even-age logging results in increased stream sedimentation, the silting of stream bottoms, a decline in water quality, and the impairment of life cycles and spawning processes of aquatic life from benthic organisms to large fish, thereby depleting the sports and commercial fisheries of the United States.

(8) Even-age logging increases harmful edge effects, including blowdowns, invasions by weed species, and heavier losses to predators and competitors.

(9) Even-age logging decreases the land's recreational values, reducing deep, canopied, variegated, permanent forests, thereby limiting areas where the public can fulfill an expending need for recreation. Even-age logging replaces such forests with a surplus of clearings that grow into relatively impenetrable thickets of saplings, and then into monoculture tree plantations.

(10) Human beings depend on native biological resources, including plants, animals, and micro-organisms, for food, medicine, shelter, and other important products, and as a source of intellectual and scientific knowledge, recreation, and aesthetic pleasure.

(11) Alteration of native biodiversity has serious consequences for human welfare as America irretrievably loses resources for research and agricultural, medicinal, and industrial development.

(12) Alteration of biodiversity in Federal forests adversely affects the functions of ecosystems and critical ecosystem processes that moderate climate, govern nutrient cycles and soil conservation and production, control pests and diseases, and degrade wastes and pollutants.

(13) The harm of even-age logging to the natural resources of this Nation and the quality of life of its people are substantial, severe, and avoidable.

(14) By substituting selection management, as prescribed in this Act, for the even-age system, the Federal agencies now engaged in even-age logging would substantially reduce devastation to the environment and would improve the quality of life of the American people.

(15) By protecting native biodiversity, as prescribed in this Act, Federal agencies would maintain vital native ecosystems and would improve the quality of life of the American people.

(16) Selection logging is more job intensive, and therefore provides more employment than even-age logging to manage the same amount of timber production, and produces higher quality sawlogs.

(17) The court remedies now available to enforce Federal forest laws are inadequate, and should be strengthened by providing for injunctions, declaratory judgments, statutory damages, and reasonable costs of suit.

SEC. 3. EFFECTIVE DATE.

(1) IN GENERAL.—This Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) EFFECT ON EXISTING CONTRACTS.—The amendments made by this Act shall not apply with respect to any contract to sell timber which was awarded on or before the date of the enactment of this Act.

TITLE I—AMENDMENTS TO EXISTING LAND MANAGEMENT LAWS

SEC. 101. AMENDMENT OF FOREST AND RANGELAND RENEWABLE RESOURCES PLANNING ACT OF 1974 RELATING TO NATIONAL FOREST SYSTEM LANDS.

(a) CONSERVATION OF NATIVE BIODIVERSITY.—Section 6(g)(3)(B) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(g)(3)(B)) is amended to read as follows:

''(B) In each stand and each watershed throughout each forested area, the Secretary shall provide for the conservation or restoration of native biodiversity except during the extraction stage of authorized mineral development or during authorized construction projects, in which events the Secretary shall conserve native biodiversity to the extent possible;''.

(b) COMMITTEE OF SCIENTISTS.—Section 6(h)(1) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(h)(1)) is amended to read as follows:

''(h) COMMITTEE OF SCIENTISTS.—(1) In carrying out the purposes of subsection (g) of this section, the Secretary shall appoint a committee of scientists who are not officers or employees of the Forest Service nor of any other public entity, nor of any entity engaged in whole or in part in the production of wood or wood products, and have not contracted with or represented any such entities within a period of 5 years prior to serving on

such committee. The committee shall provide scientific and technical advice and counsel on proposed guidelines and procedures and all other issues involving forestry and native biodiversity to assure that an effective interdisciplinary approach is proposed and adopted. The committee shall terminate after the expiration of 10 years from the date of the enactment of this paragraph.''.

(c) RESTRICTION ON USE OF CERTAIN LOGGING PRACTICES.—Section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604) is amended by adding at the end the following:

''(n) RESTRICTION ON USE OF CERTAIN LOGGING PRACTICES.—(1) In each stand and watershed throughout each forested area, the Secretary shall prohibit any even-age logging and any even-age management after the date of the enactment of this subsection.

''(2) On each stand already under even-age management, the Secretary shall (A) prescribe a shift to selection management, or (B) cease managing for timber purposes and actively restore the native biodiversity, or permit each stand to regain its native biodiversity.

''(3) For the purposes of this Act:

''(A) The term 'native biodiversity' means the full range of variety and variability within and among living organisms and the ecological complexes in which they would have occurred in the absence of significant human impact, and encompasses diversity within a species (genetic diversity, species diversity, or age diversity), within a community of species (within-community diversity), between communities of species (between-communities), within a total area such as a watershed (total area), along a plane from ground to sky (vertical), and along the plane of the earth-surface (horizontal). Vertical and horizontal diversity apply to all the other aspects of diversity.

''(B) The terms 'conserve' and 'conservation' refer to protective measures for maintaining existing native biodiversity and active and passive measures for restoring diversity through management efforts, in order to protect, restore, and enhance as much of the variety of species and communities as possible in abundances and distributions that provide for their continued existence and normal functioning, including the viability of populations throughout their natural geographic distributions.

''(C) The term 'within-community diversity' means the distinctive assemblages of species and ecological processes that occur in different physical settings of the biosphere and distinct parts of the world.

''(D) The term 'genetic diversity' means the differences in genetic composition within and among populations of a given species.

''(E) The term 'species diversity' means the richness and variety of native species in a particular location of the world.

''(F) The term 'age diversity' means the naturally occurring range and distribution of age classes within a given species.

''(G) SELECTION MANAGEMENT.—(i) The term 'selection management' means a method of logging that emphasizes the periodic removal of trees, including mature, undesirable, and cull trees in a manner that insures:

''(a) the maintenance of continuous high forest cover where such cover naturally occurs,

''(b) the maintenance or natural regeneration of all native species in a stand, and

''(c) the growth and development of trees through a range of diameter or age classes to provide a sustained yield of forest products.

''(ii) Cutting methods that develop and maintain selection stands are:

''(a) Individual-tree selection, in which individual trees of varying size and age classes are selected and logged in a generally uniform pattern throughout a stand, and

''(b) Group selection, in which small groups of trees are selected and logged.

''(iii) The application of individual-tree selection, group selection, or any other method consistent with selection management shall under no event:

''(a) create a clearing or opening that exceeds in width in any direction the height of the tallest tree standing within 10 feet outside the edge of the clearing or opening, or

''(b) create a stand where the majority of trees are within 10 years of the same age, or

''(c) cut or remove more than 10 percent of the basal area of a stand within 15 years. The foregoing limitation shall not be deemed to establish a 150-year projected felling age as the standard at which individual trees in a stand are to be cut, nor shall native biodiversity be limited to that which occurs within the context of a 150-year projected felling age.

''(H) The term 'stand' means a biological community with enough identity by location, topography, or dominant species to be managed as a unit, not to exceed 100 acres.

''(I) EVEN-AGE LOGGING AND EVEN-AGE MANAGEMENT.—(i) The terms 'even-age logging' and 'even-age management' mean any logging activity which:

''(a) creates a clearing or opening that exceeds in width in any direction the height of the tallest tree standing within 10 feet outside the edge of the clearing or opening, or

''(b) creates a stand where the majority of trees are within 10 years of the same age, or

''(c) cuts or removes more than 10 percent of the basal area of a stand within 15 years.

''(ii) Even-age logging and even-age management include the application of clearcutting, seed-tree cutting, shelterwood cutting, or any other logging method in a manner inconsistent with selection management.

''(J) The term 'clearcutting' means an even-age logging operation that removes all of the trees over a considerable area of a stand at one time.

''(K) The term 'seed-tree' means an even-age logging operation that leaves a small minority of seed trees in a stand for any period of time.

''(L) The term 'shelterwood cut' means an even-age logging operation that leaves a minority (larger than in a seed-tree cut) of the stand as a seed source or protection cover remaining standing for any period of time.

''(M) The term 'timber purposes' shall include the use, sale, lease, or distribution of trees, or the felling of trees or portions of trees except to create land space for a structure or other use.

''(N) The term 'basal area' means the area of the cross section of a tree stem, including the bark, at 4.5 feet above the ground.

''(4)(A)(i) The purpose of this paragraph is to foster the widest possible enforcement of subsection (g)(3)(B) and this subsection.

''(ii) Congress finds that all people of the United States are injured by actions on lands to which subsection (g)(3)(B) and this subsection apply.

''(B) The provisions of subsection (g)(3)(B) and this subsection shall be enforced by the Secretary of Agriculture and the Attorney General of the United States against any person who violates either of them.

''(C)(i) Any citizen harmed by a violation of this Act may enforce any provision of subsection (g)(3)(B) and this subsection by bringing an action for declaratory judgment, temporary restraining order, injunction, statutory damages, and other remedies against any alleged violator including the United States, in any district court of the United States.

''(ii) The court, after determining a violation of either of such subsections, shall impose a damage award of not less than $5,000, shall issue one or more injunctions and other equitable relief, and shall award to the plaintiffs reasonable costs of litigation including attorney's fees, witness fees and other necessary expenses.

''(iii) The standard of proof in all actions brought under this subparagraph shall be the preponderance of the evidence and the trial shall be de novo.

''(D) The damage award authorized by subparagraph (C)(ii) shall be paid by the violator or violators designated by the court to the U.S. Treasury.

''(E) The damage award shall be paid from the U.S. Treasury, as provided by Congress under section 1304 of title 31, United States Code, within 40 days after judgment to the person or persons designated to receive it, to be applied in protecting or restoring native biodiversity in or adjoining Federal land. Any award of costs of litigation and any award of attorney fees shall be paid within 40 days after judgment.

''(F) The United States, including its agents and employees waives its sovereign immunity in all respects in all actions under subsection (g)(3)(B) and this subsection. No notice is required to enforce this subsection.''.

(d) REPEAL.—Section 6(g)(3)(F) of the Forest and Rangeland Renewable Resource Planning Act of 1974 (16 U.S.C. 1604(g)(3)(F)) is hereby repealed.

SEC. 102. AMENDMENT OF FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976 RELATING TO THE PUBLIC LANDS.

(a) CONSERVATION OF NATIVE BIODIVERSITY.—Section 202(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712(c)) is amended—

(1) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively; and

(2) by inserting after paragraph (7) the following new paragraph (8):

''(8) In each stand and each watershed throughout each forested area, the Secretary shall provide for the conservation or restoration of native biodiversity except during the extraction stage of authorized mineral development or during authorized construction projects, in which events the Secretary shall conserve native biodiversity to the extent possible;''.

(b) RESTRICTION ON USE OF CERTAIN LOGGING PRACTICES.—Section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) is amended by adding at the end the following:

''(g) RESTRICTION ON USE OF CERTAIN LOGGING PRACTICES.—(1) In each stand and watershed throughout each forested area, the Secretary shall prohibit any even-age logging and any even-age management after the date of the enactment of this subsection.

''(2) On each stand already under even-age management, the Secretary shall (A) prescribe a shift to selection management, or (B) cease managing for timber purposes and actively restore the native biodiversity, or permit each stand to regain its native biodiversity.

''(3) For the purposes of this Act:

''(A) The term 'native biodiversity' means the full range of variety and variability within and among living organisms and the ecological complexes in which they would have occurred in the absence of significant human impact, and encompasses diversity within a species (genetic diversity, species diversity, or age diversity), within a community of species (within-community diversity), between communities of species (between-communities), within a total area such as a watershed (total area), along a plane from ground to sky (vertical), and along the plane of the earth-surface (horizontal). Vertical and horizontal diversity apply to all the other aspects of diversity.

''(B) The terms 'conserve' and 'conservation' refer to protective measures for maintaining existing native biodiversity and active and passive measures for restoring diversity through management efforts, in order to protect, restore, and enhance as much of the variety of species and communities as possible in abundances and distributions that provide for their continued existence and normal functioning, including the viability of populations throughout their natural geographic distributions.

''(C) The term 'within-community diversity' means the distinctive assemblages of species and ecological processes that occur in different physical settings of the biosphere and distinct parts of the world.

''(D) The term 'genetic diversity' means the differences in genetic composition within and among populations of a given species.

''(E) The term 'species diversity' means the richness and variety of native species in a particular location of the world.

''(F) The term 'age diversity' means the naturally occurring range and distribution of age classes within a given species.

''(G) SELECTION MANAGEMENT.—(i) The term 'selection management' means a method of logging that emphasizes the periodic removal of trees, including mature, undesirable, and cull trees in a manner that insures:

''(a) the maintenance of continuous high forest cover where such cover naturally occurs,

''(b) the maintenance or natural regeneration of all native species in a stand, and

''(c) the growth and development of trees through a range of diameter or age classes to provide a sustained yield of forest products.

''(ii) Cutting methods that develop and maintain selection stands are:

''(a) Individual-tree selection, in which individual trees of varying size and age classes are selected and logged in a generally uniform pattern throughout a stand, and

''(b) Group selection, in which small groups of trees are selected and logged.

''(iii) The application of individual-tree selection, group selection, or any other method consistent with selection management shall under no event:

''(a) create a clearing or opening that exceeds in width in any direction the height of the tallest tree standing within 10 feet outside the edge of the clearing or opening, or

''(b) create a stand where the majority of trees are within 10 years of the same age, or

''(c) cut or remove more than 10 percent of the basal area of a stand within 15 years. The foregoing imitation shall not be deemed to establish a 150-year projected felling age as the standard at which individual trees in a stand are to be cut, nor shall native biodiversity be limited to that which occurs within the context of a 150-year projected felling age.

''(H) The term, 'stand' means a biological community with enough identify by location, topography, or dominant species to be managed as a unit, not to exceed 100 acres.

''(I) EVEN-AGE LOGGING AND EVEN-AGE MANAGEMENT.—(i) The term 'even-age logging' and 'even-age management' mean any logging activity which:

''(a) creates a clearing or opening that exceeds in width in any direction the height of the tallest tree standing within 10 feet outside the edge of the clearing or opening, or

''(b) creates a stand where the majority of trees are within 10 years of the same age, or

''(c) cuts or removes more than 10 percent of the basal area of a stand within 15 years.

''(ii) Even-age logging and even-age management include the application of clearcutting, seed-tree cutting, shelterwood cutting, or any other logging method in a manner inconsistent with selection management.

''(J) The term 'clearcutting' means an even-age logging operation that removes all of the trees over a considerable area of a stand at one time.

''(K) The term 'seed-tree cut' means an even-age logging operation that leaves a small minority of seed trees in a stand for any period of time.

''(L) The term 'shelterwood cut' means an even-age logging operation that leaves a minority (larger than in a seed-tree cut) of the stand as a seed source or protection cover remaining standing for any period of time.

''(M) The term 'timber purposes' shall include the use, sale, or lease, or distribution of trees, or the felling of trees or portions of trees except to create land space for a structure or other use.

''(N) The term 'basal area' means the area of the cross section of a tree stem, including the bark, at 4.5 feet above the ground.

''(4)(A)(i) The purpose of this paragraph is to foster the widest possible enforcement of subsection (c)(8) and this subsection.

''(ii) Congress finds that all people of the United States are injured by actions on lands to which subsection (c)(8) and this subsection apply.

''(B) The provisions of subsection (c)(8) and this subsection shall be enforced by the Secretary of the Interior and the Attorney General of the United States against any person who violates either of them.

''(C)(i) Any citizen harmed by a violation of this Act may enforce any provision of subsection (c)(8) and this subsection by bringing an action for declaratory judgment, temporary restraining order, injunction, statutory damages, and other remedies against any alleged violator including the United States, in any district court of the United States.

''(ii) The court, after determining a violation of either of such subsections, shall impose a damage award of not less than $5,000, shall issue one or more injunctions and other equitable relief, and shall award to the plaintiffs reasonable costs of litigation including attorney's fees, witness fees and other necessary expenses.

''(iii) The standard of proof in all actions brought under this subparagraph shall be the preponderance of the evidence and the trial shall be de novo.

''(D) The damage award authorized by subparagraph (C)(ii) shall be paid by the violator or violators designated by the court to the U.S. Treasury.

''(E) The damage award shall be paid from the U.S. Treasury, as provided by Congress under section 1304 of title 31, United States Code, within 40 days after judgment to the person or persons designated to receive it, to be applied in protecting or restoring native biodiversity in or adjoining Federal land. Any award of costs of litigation and any award of attorney fees shall be paid within 40 days after judgment.

''(F) The United States, including its agents and employees waives its sovereign immunity in all respects in all actions under subsection (c)(8) and this subsection. No notice is required to enforce this subsection.''.

''(c) REPEAL.—Subsection (b) of section 701 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 note) is hereby repealed.

SEC. 103. AMENDMENT OF NATIONAL WILDLIFE REFUGE SYSTEM ADMINISTRATION ACT OF 1966 RELATING TO THE NATIONAL WILDLIFE REFUGE SYSTEM.

Section 4 of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd) is amended by adding at the end the following:

''(j) CONSERVATION OF NATIVE BIODIVERSITY.—In each stand and each watershed throughout each forested area within the System, the Secretary shall provide for the conservation or restoration of native biodiversity, except during the extraction stage of authorized mineral development or during authorized construction projects, in which events the Secretary shall conserve native biodiversity to the extent possible.

''(k) RESTRICTION ON USE OF CERTAIN LOGGING PRACTICES.—(1) In each stand and watershed throughout each forested area, the Secretary shall prohibit any even-age logging and any even-age management after the date of the enactment of this subsection.

''(2) On each stand already under even-age management, the Secretary shall (A) prescribe a shift to selection management, or (B) cease managing for timber purposes and actively restore the native biodiversity, or permit each stand to regain its native biodiversity.

''(3) For the purposes of this subsection:

''(A) The term 'native biodiversity' means the full range of variety and variability within and among living organisms and the ecological complexes in which they would have occurred in the absence of significant human impact, and encompasses diversity within a species (genetic diversity, species diversity, or age diversity), within a community of species (within-community diversity), between communities of species (between-communities), within a total area such as a watershed (total area), along a plane from ground to sky (vertical), and along the plane of the earth-surface (horizontal). Vertical and horizontal diversity apply to all the other aspects of diversity.

''(B) The term 'conserve' and 'conservation' refer to protective measures for maintaining existing native biodiversity and active and passive measures for restoring diversity through management efforts, in order to protect, restore, and enhance as much of the variety of species and communities as possible in abundances and distributions that provide for their continued existence and normal functioning, including the viability of populations throughout their natural geographic distributions.

''(C) The term 'within-community diversity' means the distinctive assemblages of species and ecological processes that occur in different physical settings of the biosphere and distinct parts of the world.

''(D) The term genetic diversity means the differences in genetic composition within and among populations of a given species.

''(E) The term 'species diversity' means the richness and variety of native species in a particular location of the world.

''(F) The term 'age diversity' means the naturally occurring range and distribution of age classes within a given species.

''(G) SELECTION MANAGEMENT.—(i) The term ''selection management'' means a method of logging that emphasizes the periodic removal of trees, including mature, undesirable, and cull trees in a manner that insures:

(a) the maintenance of continuous high forest cover where such cover naturally occurs,

(b) the maintenance or natural regeneration of all native species in a stand, and

(c) the growth and development of trees through a range of diameter or age classes to provide a sustained yield of forest products.

(ii) Cutting methods that develop and maintain selection stands are:

(a) Individual-tree selection, in which individual trees of varying size and age classes are selected and logged in a generally uniform pattern throughout a stand, and

(b) Group selection, in which small groups of trees are selected and logged.

(iii) The application of individual-tree selection, group selection, or any other method consistent with selection management shall under no event:

(a) create a clearing or opening that exceeds in width in any direction the height of the tallest tree standing within 10 feet outside the edge of the clearing or opening, or

(b) create a stand where the majority of trees are within 10 years of the same age, or

(c) cut or remove more than 10 percent of the basal area of a stand within 15 years. The foregoing limitation shall not be deemed to establish a 150-year projected felling age as the standard at which individual trees in a stand are to be cut, nor shall native biodiversity be limited to that which occurs within the context of a 150-year projected felling age.

''(H) The term ''stand'' means a biological community with enough identity by location, topography, or dominant species to be managed as a unit, not to exceed 100 acres.

''(I) EVEN-AGE LOGGING AND EVEN-AGE MANAGEMENT.—(i) The terms ''even-age logging'' and ''even-age management'' mean any logging activity which:

(a) creates a clearing or opening that exceeds in width in any direction the height of the tallest tree standing within 10 feet outside the edge of the clearing or opening, or

(b) creates a stand where the majority of trees are within 10 years of the same age, or

(c) cuts or removes more than 10 percent of the basal area of a stand within 15 years.

(ii) Even-age logging and even-age management include the application of clearcutting, seed-tree cutting, shelterwood cutting, or any other logging method in a manner inconsistent with selection management.

''(J) The term ''clearcutting'' means an even-age logging operation that removes all of the trees over a considerable area of a stand at one time.

''(K) The term ''seed-tree cut'' means an even-age logging operation that leaves a small minority of seed trees in a stand for any period of time.

''(L) The term ''shelterwood cut'' means an even-age logging operation that leaves a minority (larger than in a seed-tree cut) of the stand as a source or protection cover remaining standing for any period of time.

''(M) The term ''timber purposes'' shall include the use, sale, lease, or distribution of trees, or the felling of trees or portions of trees except to create land space for a structure or other use.

''(N) The term ''basal area'' means the area of the cross section of a tree stem, including the bark, at 4.5 feet above the ground.

''(4)(A)(i) The purpose of this paragraph is to foster the widest possible enforcement of subsection (j) and this subsection.

''(ii) Congress finds that all people of the United States are injured by actions on lands to which subsection (j) and this subsection apply.

''(B) The provisions of subsection (j) and this subsection shall be enforced by the Secretary of the Interior and the Attorney General of the United States against any person who violates either of them.

''(C)(i) Any citizen harmed by a violation of this Act may enforce any provisions of this subsection by bringing an action for declaratory judgment, temporary restraining order, injunction, statutory damages, and other remedies against any alleged violator including the United States, in any district court of the United States.

''(ii) The court, after determining a violation of either of such subsections, shall impose a damage award of not less than $5,000, shall issue one or more injunctions and other equitable relief, and shall award to the plaintiffs reasonable costs of litigation including attorney's fees, witness fees and other necessary expenses.

''(iii) The standard of proof in all actions brought under this subparagraph shall be the preponderance of the evidence and the trial shall be de novo.

''(D) The damage award authorized by subparagraph (C)(ii) shall be paid by the violator or violators designed by the court to the U.S. Treasury.

''(E) The damage award shall be paid from the U.S. Treasury, as provided by Congress under section 1304 of title 31, United States Code, within 40 days after judgment to the person or persons designated to receive it, to be applied in protecting or restoring native biodiversity in or adjoining Federal land. Any award of costs of litigation and any award of attorney fees shall be paid within 40 days after judgment.

''(F) The United States, including its agents and employees waives its sovereign immunity in all respects in all actions under subsection (j) and this subsection. No notice is required to enforce this subsection.''.

SEC. 104. AMENDMENT OF NATIONAL INDIAN FOREST RESOURCES MANAGEMENT ACT RELATING TO INDIAN LANDS.

Section 305 of the National Indian Forest Resources Management Act (25 U.S.C. 4535) is amended by adding at the end the following new subsections:

''(c) CONSERVATION OF NATIVE BIODIVERSITY.—In each stand and each watershed throughout each forested area on Indian lands, the Secretary shall provide for the conservation or restoration of native biodiversity except during the extraction stage of authorized mineral development or during authorized construction projects, in which events the Secretary shall conserve native biodiversity to the extent possible;''.

''(d) RESTRICTION ON USE OF CERTAIN LOGGING PRACTICES.—(1) In each stand and watershed throughout each forested area, the Secretary shall prohibit any even-age logging and any even-age management after the date of the enactment of this subsection.

''(2) On each stand already under even-age management, the Secretary shall (A) prescribe a shift to selection management, or (B) cease managing for timber purposes and actively restore the native biodiversity, or permit each stand to regain its native biodiversity.

''(3) For the purposes of this section:.

''(A) The term ''native biodiversity'' means the full range of variety and variability within and among living organisms and the ecological complexes in which they would have occurred in the absence of significant human impact, and encompasses diversity within a specie (genetic diversity, species diversity, or age diversity), within a community of species (within-community diversity), between communities of species (between-communities), within a total area such as a watershed (total area), along a plane from ground to sky (vertical), and along the plane of the earth-surface (horizontal). Vertical and horizontal diversity apply to all the other aspects of diversity.

''(B) The terms ''conserve'' and ''conservation'' refer to protective measures for maintaining existing native biodiversity and active and passive measures for restoring diversity through management efforts, in order to protect, restore, and enhance as much of the variety of species and communities as possible in abundances and distributions that provide for their continued existence and normal functioning, including the viability of populations throughout their natural geographic distributions.

''(C) The term ''within-community diversity'' means the distinctive assemblages of species and ecological processes that occur in different physical settings of the biosphere and distinct parts of the world.

''(D) The term ''genetic diversity'' means the differences in genetic composition within and among populations of a given species.

''(E) The term ''species diversity'' means the richness and variety of native species in a particular location of the world.

''(F) The term ''age diversity'' means the naturally occurring range and distribution of age classes within a given species.

''(G) SELECTION MANAGEMENT.—(i) The term ''selection management'' means a method of logging that emphasizes the periodic removal of trees, including mature, undesirable, and cull trees in a manner that insures:

''(a) the maintenance of continuous high forest cover where such cover naturally occurs.

''(b) the maintenance or natural regeneration of all native species in a stand, and

''(c) the growth and development of trees through a range of diameter or age classes to provide a sustained yield of forest products.

''(ii) Cutting methods that develop and maintain selection stands are:.

''(a) Individual-tree selection, in which individual trees of varying size and age classes are selected and logged in a generally uniform pattern throughout a stand, and

''(b) Group selection, in which small groups of trees are selected and logged.

''(iii) The application of individual-tree selection, group selection, or any other method consistent with selection management shall under no event:

''(a) create a clearing or opening that exceeds in width in any direction the height of the tallest tree standing within 10 feet outside the edge of the clearing or opening, or

''(b) create a stand where the majority of trees are within 10 years of the same age, or

''(c) cut or remove more than 10 percent of the basal area or a stand within 15 years. The foregoing limitation shall not be. deemed to establish a 150-year projected felling age as the standard at which individual tress in a stand are to be cut, nor shall native biodiversity be limited to that which occurs within the context of a 150-year projected felling age.

''(H) The term ''stand'' means a biological community with enough identity by location, topography, or dominant species to be managed as a unit, not to exceed 100 acres

''(I) EVEN-AGE LOGGING AND EVEN-AGE MANAGEMENT.—(i) The terms ''even-age logging'' and ''even-age management'' mean any logging activity which:

(a) creates a clearing or opening that exceeds in width in any direction the height of the tallest tree standing within 10 feet outside the edge of the clearing or opening, or

(b) creates a stand where the majority of trees are within 10 years of the same age, or

(c) cuts or removes more than 10 percent of the basal area of a stand within 15 years.

''Even-age logging and even-age management include the application of clearcutting, seed-tree cutting, shelterwood cutting, or any other logging method in a manner inconsistent with selection management.

''(J) The term ''clearcutting'' means an even-age logging operation that removes all of the trees over a considerable area of a stand at one time.

''(K) The term ''seed-tree cut'' means an even-age logging operation that leaves a small minority of seed trees in a stand for any period of time.

''(L) The term ''shelterwood cut'' means an even-age logging operation that leaves a minority (larger than in a seed-tree cut) of the stand as a seed source or protection cover remaining standing for any period of time.

''(M) The term ''timber purposes'' shall include the use, sale, lease, or distribution of trees, or the felling of trees or portions of trees except to create land space for a structure or other use.

''(N) The term ''basal area'' means the area of the cross section of a tree stem, including the bark, at 4.5 beet above the ground.

''(4)(A)(i) The purpose of this paragraph is to foster the widest possible enforcement of subsection (c) and this subsection.

''(ii) Congress finds that all people of the United States are injured by actions on lands to which subsection (c) and this subsection apply.

''(B) The provisions of subsection (c) and this subsection shall be enforced by the Secretary of the Interior and the Attorney General of the United States against any person who violates either of them.

''(C)(i) Any citizen harmed by a violation of this Act may enforce any provision of subsection (c) and this subsection by bringing an action for declaratory judgment, temporary restraining order, injunction, statutory damages, and other remedies against any alleged violator including the United States, in any district court of the United States.

''(ii) The court, after determining a violation of either of such subsections shall impose a damage award of not less than $5,000, shall issue one or more injunctions and other equitable relief, and shall award to the plaintiffs reasonable costs of litigation including attorney's fees, witness fees and other necessary expenses.

''(iii) The standard of proof in all actions brought under this subparagraph shall be the preponderance of the evidence and the trial shall be de novo.

''(D) The damage award authorized by subparagraph (C)(ii) shall be paid by the violator or violators designated by the court to the U.S. Treasury.

''(E) The damage award shall be paid from the U.S. Treasury, as provided by Congress under section 1304 of title 31, United States Code, within 40 days after judgment to the person or persons designated to receive it, to be applied in protecting or restoring native biodiversity in or adjoining Federal land. Any award of costs of litigation and any award of attorney fees shall be paid within 40 days after judgment.

''(F) The United States, including its agents and employees waives it sovereign immunity in all respects in all actions under subsection (c) and this subsection. No notice is required to enforce this subsection.''.

SEC. 105. AMENDMENT OF TITLE 10, UNITED STATES CODE, RELATING TO FOREST MANAGEMENT ON MILITARY LANDS.

(a) IN GENERAL.—chapter 159 of title 10, United States Code, is amended by adding at the end the following new section:

''SEC. 2694. CONSERVATION OF NATIVE BIODIVERSITY.

''(a) CONSERVATION OF NATIVE BIODIVERSITY.—In each stand and each watershed throughout each forested area on a military installation or projects administered by the Army Corps of Engineers, the Secretary shall provide for the conservation or restoration of native biodiversity, except during authorized construction projects in which events the Secretary shall conserve native biodiversity to the extent possible.

''(b) RESTRICTION ON USE OF CERTAIN LOGGING PRACTICES.—(1) In each stand and watershed throughout each forested area, the Secretary shall prohibit any even-age logging and any even-age management after the date of the enactment of this subsection.

''(2) On each stand already under even-age management, the Secretary shall (A) prescribe a shift to selection management, or (B) cease managing for timber purposes and actively restore the native biodiversity, or permit each stand to regain its native biodiversity.

''(3) In this section:

''(A) The term ''native biodiversity'' means the full range of variety and variability within and among living organisms and the ecological complexes in which they would have occurred in the absence of significant human impact, and encompasses diversity within a species (genetic diversity, species diversity, or age diversity), within a community of species (within-community diversity), between communities of species (between-communities), within a total area such as a watershed (total area), along a plane from ground to sky (vertical), and along the plane of the earth-surface (horizontal). Vertical and horizontal diversity apply to all the other aspects of diversity.

''(B) The terms ''conserve'' and ''conservation'' refer to protective measures for maintaining existing native biodiversity and active and passive measures for restoring diversity through management efforts, in order to protect, restore, and enhance as much of the variety of species and communities as possible in abundances and distributions that provide for their continued existence and normal functioning, including the viability of populations throughout their natural geographic distributions.

''(C) The term ''within-community diversity'' means the distinctive assemblages of species and ecological processes that occur in different physical settings of the biosphere and distinct parts of the world.

''(D) The term ''genetic diversity'' means the differences in genetic composition within and among populations of a given species.

''(E) The term ''species diversity'' means the richness and variety of native species in a particular location of the world.

(F) The term ''age diversity'' means the naturally occurring range and distribution of age classes within a given ''species.''

(G) SELECTION MANAGEMENT.—(i) The term ''selection management'' means a method of logging that emphasizes the periodic removal of trees, including mature, undesirable, and cull trees in a manner that insures:

(a) the maintenance of continuous high forest cover where such cover naturally occurs.

(b) the maintenance or natural regeneration of all native species in a stand, and

(c) the growth and development of trees through a range of diameter or age classes to provide a sustained yield of forest products.

(ii) Cutting methods that develop and maintain selection stands are:

(a) Individual-tree selection, in which individual trees of varying size and age classes are selected and logged in a generally uniform pattern throughout a stand, and

(b) Group selection, in which small groups of trees are selected and logged.

(iii) The application of individual-tree selection, group selection, or any other method consistent with selection management shall under no event:

(a) create a clearing or opening that exceeds in width in any direction the height of the tallest tree standing within 10 feet outside the edge of the clearing or opening, or

(b) create a stand where the majority of trees are within 10 years of the same age, or

(c) cut or remove more than 10 percent of the basal area of a stand within 15 years. The foregoing limitation shall not be deemed to establish a 150-year projected felling age as the standard at which individual trees in a stand are to be cut, nor shall native biodiversity be limited to that which occurs within the context of a 150-year projected felling age.

''(H) The term ''stand'' means a biological community with enough identity by location, topography, or dominant species to be managed as a unit, not to exceed 100 acres.

''(I) EVEN-AGE, LOGGING, AND EVEN-AGE MANAGEMENT.—(i) The terms ''even-age logging'' and ''even-age management'' mean any logging activity which:

(a) creates a clearing or opening that exceeds in width in any direction the height of the tallest tree standing within 10 feet outside the edge of the clearing or opening, or

(b) create a stand where the majority of trees are within 10 years of the same age, or

(c) cuts or removes more than 10 percent of the basal area of a stand within 15 years.

(ii) Even-age logging and even-age management include the application of clearcutting, seed-tree cutting, shelterwood cutting, or any other logging method in a manner inconsistent with selection management.

''(J) The term ''clearcutting'' means an even-age logging operation that removes all of the trees over a considerable area of a stand at one time.

''(K) The term ''seed-tree cut'' means an even-age logging operation that leaves a small minority of seed trees in a stand for any period of time.

''(L) The term ''shelterwood cut'' means an even-age logging operation that leaves a minority (larger than in a seed-tree cut) of the stand as a seed source or protection cover remaining standing for any period of time.

''(M) The term ''timber purposes'' shall include the use, sale, lease, or distribution of trees, or the felling of trees or portions of trees except to create land space for a structure or other use.

''(N) The term ''basal area'' means the area of the cross section of a tree stem, including the bark, at 4.5 feet above the ground.

''(4)(A)(i) The purpose of this paragraph is to foster the widest possible enforcement of this section.

''(ii) Congress finds that all people of the United States are injured by actions on lands to which this section applies.

''(B) The provisions of this section shall be enforced by the Secretary of Defense and the Attorney General of the United States against any person who violates this section.

''(C)(i) Any citizen harmed by a violation of this Act may enforce any provision of this section by bringing an action for declaratory judgment, temporary restraining order, injunction, statutory damages, and other remedies against any alleged violator including the United States, in any district court of the United States.

''(ii) The court, after determining a violation of this section, shall impose a damage award of not less than $5,000, shall issue one or more injunctions and other equitable relief, and shall award to the plaintiffs reasonable costs of litigation including attorney's fees, witness fees and other necessary expenses.

''(iii) The standard of proof in all actions brought under this subparagraph shall be the preponderance of the evidence and the trial shall be de novo.

''(D) The damage award authorized by subparagraph (C)(ii) shall be paid by the violator or violators designated by the court to the U.S. Treasury.

''(E) The damage award shall be paid from the U.S. Treasury, as provided by Congress under section 1304 of title 31, United States Code, within 40 days after judgment to the person or persons designated to receive it, to be applied in protecting or restoring native biodiversity in or adjoining Federal land. Any award of costs of litigation and any award of attorney fees shall be paid within 40 days after judgment.

''(F) The United States, including its agents and employees waives its sovereign immunity in all respects in all actions under this section. No notice is required to enforce this section.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 159 of title 10, United States Code, is amended by adding at the end the following new item: ''2694. Conservation of native biodiversity.''.

TITLE II—PROTECTION FOR ANCIENT FORESTS, ROADLESS AREAS, WATERSHED PROTECTION AREAS, SPECIAL AREAS, AND FEDERAL BOUNDARY AREAS

SEC. 201. DEFINITIONS AND FINDINGS.

(a) DEFINITIONS.—For purposes of this title:

(1) EXTRACTIVE LOGGING.—The term ''extractive logging'' means the cutting or removal of any trees from Federal forest lands for any purpose.

(2) ANCIENT FORESTS.—The term ''Ancient Forests'' refers to ''Northwest Ancient Forests'', ''East Side Cascade Ancient Forests'', and ''Sierra Nevada Ancient Forests'' as defined below:

(A) The term ''Northwest Ancient Forests'' refers to—

(i) Federal lands identified as Late-Successional Reserves, Riparian Reserves, and Key Watersheds under the heading ''Alternative 1'' of the report ''Final Supplemental Environmental Impact Statement on Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl, Vol. I.'', dated February 1994; and

(ii) Federal lands identified by the term ''Medium and Large Conifer Multi-Storied, Canopied Forests'' as defined in ''Final Supplemental Environmental Impact Statement on Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl, Vol. I.'', dated February 1994.

(B) The term ''Eastside Cascade Ancient Forests'' refers to—

(i) Federal lands identified as ''Late-Succession/Old-growth Forest (LS/OG)'' depicted on maps for the Colville, Fremont, Malheur, Ochoco, Umatilla, Wallowa-Whitman and Winema National Forests in the document entitled ''Interim Protection for Late-Successional Forests, Fisheries, and Watersheds: National Forests East of the Cascade Crest, Oregon, and Washington'', prepared by the Eastside Forests Scientific Society Panel (The Wildlife Society, Technical Review 94–2, August 1994);

(ii) Federal lands, east of the Cascade crest in Oregon and Washington defined as ''late successional and old-growth forests'' in the general definition on page 28 of the report entitled ''Interim Protection for Late-Successional Forests, Fisheries, and Watersheds: National Forests East of the Cascade Crest, Oregon, and Washington''; and

(iii) Federal lands classified as ''Oregon Aquatic Diversity Areas'' as defined in the report entitled ''Interim Protection for Late-Successional Forests, Fisheries, and Watersheds: National Forests East of the Cascade Crest, Oregon, and Washington''.

(C) The term ''Sierra Nevada Ancient forests'' refers to

(i) Federal lands identified as ''Areas of Late-Successional Emphasis (ALSE)'' in the document entitled ''Final Report to Congress: Status of the Sierra Nevada'', prepared by the Sierra Nevada Ecosystem Project (Wildland Resources Center Report #40, University of California, David, 1996/97);

(ii) Federal lands identified as ''Late-Successional/Old-Growth Forests Rank, 3, 4 or 5'' in the document entitled ''Final Report to Congress: Status of the Sierra Nevada''; and

(iii) Federal lands identified as ''Potential Aquatic Diversity Management Areas'' in the map on page 1497 of the document entitled ''Final Report to Congress: Status of the Sierra Nevada, Volume II''.

(3) IMPROVED ROADS.—The term ''improved roads'' means any roads maintained for travel by standard passenger type vehicles.

(4) ROADLESS AREAS.—The term ''Roadless Areas'' means those contiguous parcels of Federal land that are devoid of improved roads, except as permitted by subparagraph (B), and—

(A) are greater than or equal to 5,000 acres west of the 100th meridian; or

(B) are greater than or equal to 1,500 acres east of the 100th meridian, but possibly containing up to ½ mile of improved roads per 1,000 acres; or

(C) are less than 5,000 acres, but share a border that is not an improved road with an existing Wilderness Area, Primitive Area, or Wilderness Study Area.

(5) WATERSHED PROTECTION AREAS.—The term ''Watershed Protection Areas'' refers to Federal lands

(A) extending 300 feet from both sides of the active stream channel of any permanently flowing stream or river, or

(B) extending 100 feet from both sides of the active channel of any intermittent, ephemeral or seasonal stream, or any other non-permanently flowing drainage feature having a definable channel and evidence of annual scour or deposition of flow-related debris, or

(C) extending 300 feet from the edge of the maximum level of any natural lake or pond, or

(D) extending 150 feet from the edge of the maximum level of constructed lakes, ponds, or reservoirs and natural or constructed wetlands including.

(6) SPECIAL AREAS.—The term ''Special Areas'' means certain area of Federal land designated in section 202.

(7) FEDERAL BOUNDARY AREAS.—The term ''Federal Boundary Areas'' means lands managed by the Forest Service, Bureau of Land Management, or Fish & Wildlife Service, within 200 feet of a property line.

(8) SECRETARY CONCERNED.—The term ''Secretary concerned'' means the head of the Federal agency having jurisdiction over Federal lands included within an Ancient Forest, Roadless Area, Watershed Protection Area, Special Area, or Federal Boundary Area.

(b) FINDINGS.—Congress finds the following:

(1) Unfragmented forests on Federal lands are unique an valuable assets to the general public which are damaged by extractive logging.

(2) Less than 10 percent of the original unlogged forests of the Untied States remain. The vast majority of the remnants of America's original forests are located on Federal lands.

(3) Large, unfragmented forest watersheds provide high-quality water supplies for drinking, agriculture, industry, and fisheries across the United States.

(4) The most recent scientific studies indicate that several thousand species of plants and animals are dependent on large, unfragmented forest areas.

(5) Many neotropical migratory songbird species are currently experiencing documented broad-scale population declines and require large, unfragmented forests to ensure their survival.

(6) Destruction of large-scale natural forests has resulted in a tremendous loss of jobs in the fishing, hunting, tourism, recreation, and guiding industries, and has adversely affected sustainable nontimber forest products industries such as the collection of mushrooms and herbs.

(7) Extractive logging programs on Federal lands are carried out at enormous financial costs to the United States Treasury and American taxpayers.

(8) The Ancient Forests continue to be threatened by logging and deforestation and are rapidly disappearing.

(9) Ancient Forests help regulate atmospheric balance, maintain biodiversity, and provide valuable scientific opportunity for monitoring the health of the planet.

(10) Prohibiting extractive logging in the Ancient Forests would create the best conditions for ensuring stable, well distributed, and viable populations of the northern spotted owl, marbled murrelet, American marten, and other vertebrates, invertebrates, vascular plants, and nonvascular plants associated with those forests.

(11) Prohibiting extractive logging in the Ancient Forests would create the best conditions for ensuring stable, well distributed, and viable populations of anadromous salmonids, resident salmonids, and bull trout.

(12) Roadless areas are de facto wilderness that provide wildlife habitat and recreation.

(13) Roadless areas contain many of the largest unfragmented forests on Federal lands. Large unfragmented forests are among the last refuges for native animal and plant biodiversity, and are vital to maintaining viable populations of threatened, endangers, sensitive, and rare species.

(14) Roads cause soil erosion, disrupt wildlife migration, and allow nonnative species of plants and animals to invade native forests.

(15) The morality and reproduction patterns of forest dwelling animal populations are adversely affected by traffic-related fatalities that accompany roads.

(16) The exceptional recreational, biological, scientific, or economic assets of certain special forested areas on Federal lands are valuable to the American public and are damaged by extractive logging in these areas.

(17) In order to gauge the effectiveness and appropriateness of current and future resource management activities, and to continue to broaden and develop our understanding of silvicultural practices, many special forested areas need to remain in a natural, unmanaged state to serve as scientifically established baseline control forests.

(18) Certain special forested areas provide habitat for the survival and recovery of endangered and threatened plant and wildlife species such as grizzly bears, spotted owls, Pacific salmon, and Pacific yew that are harmed by extractive logging.

(19) Many special forested areas on Federal lands are considered sacred sites by native peoples.

(20) Ecological, economic, and aesthetic values on private property are damaged by logging and roadbuilding in Federal Boundary Areas.

(21) As a legacy for the enjoyment, knowledge, and well-being of future generations, provisions must be made for the protection and perpetuation of America's Ancient Forests, Roadless Areas, Watershed Protection Areas, Special Areas, and Federal Boundary Areas.

SEC. 202. DESIGNATION OF SPECIAL AREAS.

(a) DESCRIPTION OF SPECIAL AREAS.—

(1) IN GENERAL.—Special areas are parcels of Federal forest land that posses outstanding biological, scenic, recreational, or cultural values, exemplary on a regional, national, or international level, yet may not meet the definitions of Ancient Forests, Roadless Areas, Watershed Protection Areas, or Federal Boundary Areas.

(2) BIOLOGICAL VALUES.—Biological values include—

(A) the presence of threatened or endangered species of plants or animals;

(B) rare or endangered ecosystems;

(C) key habitats necessary for the recovery of endangered or threatened species;

(D) recovery or restoration areas of rare or underrepresented forest ecosystems;

(E) migration corridors;

(F) areas of outstanding biodiversity;

(G) old growth forests;
(H) commercial fisheries; and
(I) sources of clean water such as key watersheds.

(3) SCENIC VALUES.—Scenic values include—
(A) unusual geological formations;
(B) designated wild and scenic rivers;
(C) unique biota; and
(D) vistas.

(4) RECREATIONAL VALUES.—Recreational values include—
(A) designated National Recreational Trails or Recreational Areas;
(B) popular areas for recreation and sports including—
(i) hunting;
(ii) fishing;
(iii) camping;
(iv) hiking;
(v) aquatic recreation; and
(vi) winter recreation;
(C) Federal lands in regions that are underserved in terms of recreation;
(D) lands adjacent to designated Wilderness Areas; and
(E) solitude.

(5) CULTURAL VALUES.—Cultural values include—
(A) sites with Native American religious significance; and
(B) historic or prehistoric archaeological sites eligible for national historic register.

(b) SIZE VARIATION.—Special areas may vary in size to encompass the outstanding biological, scenic, recreational, or cultural value or values to be protected.

(c) DESIGNATION OF SPECIAL AREAS.—For purposes of this title, there are hereby designated the following Special Areas, which shall be subject to the management restrictions specified in section 203(c):

(1) ALABAMA: SIPSEY WILDERNESS.—Certain lands in the Bankhead National Forest in Alabama, which comprise approximately 20,000 acres, located directly west of Highway 33 and directly north of County Road 60, including all of the Sipsey River Watershed north of Cranal Road, known as the ''Sipsey Wilderness''.

(2) ALASKA.—
(A) TURNAGAIN ARM.—Certain lands in the Chugach National Forest, Kenai Peninsula, Alaska, which comprise approximately 100,000 acres, known as ''Turnagain Arm'', extending from sea level to ridgetop surrounding the inlet of Turnagain Arm.
(B) HONKER DIVIDE.—Certain lands in the Tongass National Forest in Alaska, which comprise approximately 75,000 acres, located on north central Prince of Wales Island, comprising the Thorne River and Hatchery Creek watersheds, stretching approximately 40 miles northwest from the vicinity of the town of Thorne Bay to the vicinity of the town of Coffman Cove, generally known as the ''Honker Divide''.

(3) ARIZONA: NORTH RIM OF THE GRAND CANYON.—Certain lands in the Kaibab National Forest, Arizona, included in the Grand Canyon Game Preserve, which comprise approximately 500,000 acres, abutting the northern side of the Grand Canyon in the area generally known as the ''North Rim of the Grand Canyon''.

(4) ARKANSAS.—
(A) COW CREEK DRAINAGE, ARKANSAS.—Certain lands in the Ouachita National Forest, Mena Ranger District, Polk County, Arkansas, comprising approximately 7,000 acres, bounded approximately by the following landmarks: on the north by County Road 95; on the south by County Road 157; on the east by County Road 48 and on the west by the Arkansas-Oklahoma border, known as ''Cow Creek Drainage, Arkansas''.
(B) LEADER AND BRUSH MOUNTAINS.—Certain lands in the Ouachita National Forest of Montgomery and Polk Counties, Arkansas, known as ''Leader and Brush Mountains'', which comprise approximately 120,000 acres located in the vicinity of the Blaylock Creek Watershed between Long Creek and the South Fork of the Saline River.
(C) POLK CREEK AREA.—Certain lands in the Ouachita National Forest, Mena Ranger District, Arkansas, comprising approximately 20,000 acres bounded by Arkansas Highway 4 and Forest Roads 73 and 43 known as the ''Polk Creek Area''.
(D) LOWER BUFFALO RIVER WATERSHED.—Certain lands in the Ozark National Forest, Sylamore Ranger District, totaling approximately 60,000 acres, known as ''The Lower Buffalo River Watershed''. The area is comprised of those Forest Service lands, not already designated as Wilderness, located in the watershed of Big Creek, southwest of the Leatherwood Wilderness Area in Searcy and Marion Counties, Arkansas.
(E) UPPER BUFFALO RIVER WATERSHED.—Certain lands in the Ozark National Forest, Buffalo Ranger District, totaling approximately 220,000 acres known as the ''Upper Buffalo River Watershed''. This area is located approximately 35 miles from the town of Harrison, in Madison, Newton and Searcy Counties, Arkansas. The Upper Buffalo River Watershed is comprised of those Forest Service lands, not already designated as Wilderness Areas, upstream of the confluence of the Buffalo River and Richland Creek and located in the following watersheds: Buffalo River, the various streams comprising the Headwaters of the Buffalo River, Richland Creek, Little Buffalo Headwaters, Edgmon Creek, Big Creek and Cane Creek.

(5) CALIFORNIA: GIANT SEQUOIA PRESERVE.—Certain lands in the Sequoia and Sierra National Forests in California comprised of 3 discontinuous parcels, totaling approximately 442,425 acres known as the ''Giant Sequoia Preserve'' located in Fresno, Tulare, and Kern Counties. All 3 parcels are located in the Southern Sierra Nevada mountain range; the Kings River Unit (145,600 acres) and nearby Redwood Mountain Unit (11,730 acres) are located approximately 25 miles east of the city of Fresno. The South Unit (285,095 acres) is approximately 15 miles east of the city of Porterville.

(6) COLORADO: COCHETOPA HILLS.—Certain lands in the Gunnison Basin area administered by the Gunnison, Grand Mesa, Uncompahgre, and Rio Grand National forests, comprising approximately 500,000 acres, known as the ''Cochetopa Hills''. This area spans the continental divide south and east of Gunnison in Saguache County, Colorado and includes the Elk and West Elk Mountains, Grand Mesa, the Uncompahgre Plateau, the northern San Juan Mountains, the La Garitas Mountains and the Cochetopa Hills.

(7) GEORGIA.—
(A) ARMUCHEE CLUSTER.—Certain lands in the Chattahoochee National Forest, Armuchee Ranger District, totaling approximately 19,700 acres, known as the ''Armuchee Cluster''. The cluster is comprised of three parcels known as Rocky Face, Johns Mountain and Hidden Creek. The cluster is located approximately 10 miles southwest of Dalton and 14 miles north of Rome, Whitfield, Walker, Chattooga, Floyd, and Gordon Counties, Georgia.
(B) BLUE RIDGE CORRIDOR CLUSTER, GEORGIA AREAS.—Certain lands in the Chattahoochee National Forest, Chestatee Ranger District, totaling approximately 15,000 acres, known as the ''Blue Ridge Corridor Cluster, Georgia Areas''. The cluster is comprised of the following 5 parcels: Horse Gap, Hogback Mountain, Blackwell Creek, Little Cedar Mountain, and Black Mountain. The cluster is located approximately 15 to 20 miles north of the town of Dahlonega, Union and Lumpkin Counties, Georgia.
(C) CHATTOOGA WATERSHED CLUSTER, GEORGIA AREAS.—Certain lands in the Chattahoochee National Forest, Tallulah Ranger District, comprising 63,500 acres known as the ''Chattooga Watershed Cluster, Georgia Areas''. This cluster is comprised of 7 areas, located in Rabun County, Georgia, known as the following: Rabun Bald, Three Forks, Ellicott Rock Extension, Rock Gorge, Big Shoals, Thrift's Ferry, and Five Falls. The towns of Clayton, Georgia, and Dillard, South Carolina are situated nearby.
(D) COHUTTA CLUSTER.—Certain lands in the Chattahoochee National Forest, Cohutta Ranger District, totaling approximately 28,000 acres, known as the ''Cohutta Cluster''. The cluster is comprised of four parcels known as Cohutta Extensions, Grassy Mountain, Emery Creek, and Mountaintown. The cluster is located near the towns of Chatsworth and Ellijay, Murray, Fannin, and Gilmer Counties, Georgia.
(E) DUNCAN RIDGE CLUSTER.—Certain lands in the Chattahoochee National Forest, Brasstown and Toccoa Ranger Districts, comprising approximately 17,000 acres known as the ''Duncan Ridge Cluster''. The cluster is comprised of the following four parcels: Licklog Mountain, Duncan Ridge, Board Camp, and Cooper Creek Scenic Area Extension. The cluster is located approximately 10 to 15 miles south of the town of Blairsville in Union and Fannin Counties, Georgia.
(F) ED JENKINS NATIONAL RECREATION AREA CLUSTER.—Certain lands in the Chattahoochee National Forest, Toccoa and Chestatee Ranger Districts, totaling approximately 19,300 acres, known as the ''Ed Jenkins National Recreation Area Cluster''. The cluster is comprised of the Springer Mountain, Mill Creek, and Toonowee parcels. The cluster is located 30 miles north of the town of Dahlonega, Fannin, Dawson, and Lumpkin Counties, Georgia.
(G) GAINESVILLE RIDGES CLUSTER.—Certain lands in the Chattahoochee National Forest, Chattooga Ranger District, totaling approximately 14,200 acres, known as the ''Gainesville Ridges Cluster''. The cluster is comprised of the following three parcels: Panther Creek, Tugaloo Uplands, and Middle Fork Broad River. The cluster is located approximately 10 miles from the town of Toccoa, Habersham and Stephens Counties, Georgia.
(H) NORTHERN BLUE RIDGE CLUSTER, GEORGIA AREAS.—Certain lands in the Chattahoochee National Forest, Brasstown and Tallulah Ranger Districts, totaling approximately 46,000 acres, known as the ''Northern Blue Ridge Cluster, Georgia Areas''. The cluster is comprised of the following eight areas: Andrews Cove, Anna Ruby Falls Scenic Area Extension, High Shoals, Tray Mountain Extension, Kelly Ridge-Moccasin Creek, Buzzard Knob, Southern Nantahala Extension, and Patterson Gap. The cluster is located approximately 5 to 15 miles north of Helen, 5 to 15 miles southeast of Hiawassee, north of Clayton and west of Dillard, White, Towns and Rabun Counties, Georgia.
(I) RICH MOUNTAIN CLUSTER.—Certain lands in the Chattahoochee National Forest, Toccoa Ranger District, totaling approximately 9,500 acres known as the ''Rich Mountain Cluster''. The cluster is comprised of the parcels known as Rich Mountain Extension and Rocky Mountain. The cluster is located 10 to 15 miles northeast of the town of Ellijay, Gilmer and Fannin Counties, Georgia.
(J) WILDERNESS HEARTLANDS CLUSTER, GEORGIA AREAS.—Certain lands in the Chattahoochee National Forest, Chestatee, Brasstown and Chattooga Ranger Districts, comprising approximately 16,500 acres, known as the ''Wilderness Heartlands Cluster, Georgia Areas''. The cluster is comprised

of four parcels known as the following: Blood Mountain Extensions, Raven Cliffs Extensions, Mark Trail Extensions, and Brasstown Extensions. The cluster is located near the towns of Dahlonega, Cleveland, Helen, and Blairsville, Lumpkin, Union, White, and Towns Counties, Georgia.

(8) IDAHO.—

(A) COVE/MALLARD.—Certain lands in the Nez Perce National Forest in Idaho, which comprise approximately 94,000 acres, located approximately 30 miles southwest of the town of Elk City, west of the town of Dixie, in the area generally known as ''Cove/Mallard''.

(B) MEADOW CREEK.—Certain lands in the Nez Perce National Forest in Idaho, which comprise approximately 180,000 acres, located approximately 8 miles east of the town of Elk City in the area generally known as ''Meadow Creek''.

(C) FRENCH CREEK/PATRICK BUTTE.—Certain lands in the Payette National Forest in Idaho, which comprise approximately 141,000 acres, located approximately 20 miles north of the town of McCall in the area generally known as ''French Creek/Patrick Butte''.

(9) ILLINOIS.—

(A) CRIPPS BEND.—Certain lands in the Shawnee National Forest in Illinois, which comprise approximately 39 acres in Jackson County in the Big Muddy River watershed, in the area generally known as ''Cripps Bend''.

(B) OPPORTUNITY AREA 6.—Certain lands in the Shawnee National Forest in Illinois, which comprise approximately 50,000 acres located in northern Pope County, surrounding Bell Smith Springs Natural Area, in the area generally known as ''Opportunity Area 6''.

(C) QUARREL CREEK.—Certain lands in the Shawnee National Forest in Illinois, which comprise approximately 490 acres located in northern Pope County, in the Quarrel Creek watershed, in the area generally known as ''Quarrel Creek''.

(10) MICHIGAN: TRAP HILLS.—Certain lands in the Ottawa National Forest, Bergland Ranger District, totaling approximately 37,120 acres, known as the ''Trap Hills'', located approximately 5 miles from the town of Bergland, Ontonagon County, Michigan.

(11) MINNESOTA.—

(A) TROUT LAKE AND SUOMI HILLS.—Certain lands in the Chippewa National Forest, comprising approximately 12,000 acres, known as ''Trout Lake/Suomi Hills'' in Itasca County, Minnesota.

(B) LULLABY WHITE PINE RESERVE.—Certain lands in the Superior National Forest in Minnesota, Gunflint Ranger District, which comprise approximately 2,518 acres, in the South Brule Opportunity Area, northwest of Grand Marais in Cook County, Minnesota, known as the ''Lullaby White Pine Reserve''.

(12) MISSOURI: ELEVEN POINT-BIG SPRINGS AREA.—Certain lands in the Mark Twain National Forest in Missouri, Eleven Point Ranger District, totaling approximately 200,000 acres, comprised of the administrative area of the Eleven Point Ranger District, known as the ''Eleven Point-Big Springs Area''.

(13) MONTANA: MOUNT BUSHNELL.—Certain lands in the Lolo National Forest in Montana, which comprise approximately 41,000 acres located approximately 5 miles southwest of the town of Thompson Falls in the area generally known as ''Mount Bushnell''.

(14) NEW MEXICO.—

(A) ANGOSTURA.—Certain lands in the east half of the Carson National Forest in New Mexico, Camino Real Ranger District, totaling approximately 10,000 acres located in Township 21, Ranges 12 and 13, known as ''Angostura''. The area's approximate boundaries are as follows: the northeast boundary is formed by Highway 518, the southeast boundary consists of the Angostura Creek watershed boundary, the southern boundary is Trail 19 and the Pecos Wilderness, and on the west, the boundary is formed by the Agua Piedra Creek watershed.

(B) LA MANGA.—Certain lands in the western half of the Carson National Forest, El Rito Ranger District, New Mexico, Vallecitos Sustained Yield Unit, comprising approximately 5,400 acres, known as ''La Manga''. The parcel is in Township 27, Range 6 and bounded on the north by the Tierra Amarilla Land Grant, on the south by Canada Escondida, on the west by the Sustained Yield Unit boundary and the Tierra Amarilla Land Grant, and on the east by the Rio Vallecitos.

(C) ELK MOUNTAIN.—Certain lands in the Santa Fe National Forest, New Mexico, comprising approximately 7,220 acres, known as ''Elk Mountain'' and located in Townships 17 and 18 and Ranges 12 and 13. The area is bounded on the north by the Pecos Wilderness, the Cow Creek Watershed forms the eastern boundary and the Cow Creek, itself, forms the western boundary. The southern boundary is formed by Rito de la Osha.

(D) JEMEZ HIGHLANDS.—Certain lands in the Jemez Ranger District of the Santa Fe National Forest, totaling approximately 54,400 acres, known as the ''Jemez Highlands'', located primarily in Sandoval County, New Mexico.

(15) NORTH CAROLINA.—

(A) CENTRAL NANTAHALA CLUSTER, NORTH CAROLINA AREAS.—Certain lands in the Nantahala National Forest, Tusquitee, Cheoah, and Wayah Ranger Districts, totaling approximately 107,000 acres, known as the ''Central Nantahala Cluster, North Carolina Areas''. The cluster is comprised of the following nine parcels: Tusquitee Bald, Shooting Creek Bald, Cheoah Bald, Piercy Bald, Wesser Bald, Tellico Bald, Split White Oak, Siler Bald, and Southern Nantahala Extensions. The cluster is located near the towns of Murphy, Franklin, Bryson City, Andrews, and Beechertown, Cherokee, Macon, Clay and Swain Counties, North Carolina.

(B) CHATTOOGA WATERSHED CLUSTER, NORTH CAROLINA AREAS.—Certain lands in the Nantahala National Forest, Highlands Ranger District, totaling approximately 8,000 acres, known as the ''Chattooga Watershed Cluster, North Carolina Areas''. The cluster is comprised of the Overflow (Blue Valley) and Terrapin Mountain parcels. The cluster is located five miles from the town of Highlands, Macon and Jackson Counties, North Carolina.

(C) TENNESSEE BORDER CLUSTER, NORTH CAROLINA AREAS.—Certain lands in the Nantahala National Forest, Tusquitee and Cheoah Ranger Districts, totaling approximately 28,000 acres, known as the ''Tennessee Border Cluster, North Carolina Areas''. The cluster is comprised of the four following parcels: Unicoi Mountains, Deaden Tree, Snowbird, and Joyce Kilmer-Slickrock Extension. The cluster is located near the towns of Murphy and Robbinsville, Cherokee and Graham Counties, North Carolina.

(D) BALD MOUNTAINS.—Certain lands in the Pisgah National Forest, French Broad Ranger District, totaling approximately 13,000 acres known as the ''Bald Mountains'', located 12 miles northeast of Hot Springs, Madison County, North Carolina.

(E) BIG IVY TRACT.—Certain lands in the Pisgah National Forest in North Carolina, which comprise approximately 14,000 acres, located approximately 15 miles west of Mount Mitchell in the area generally known as the ''Big Ivy Tract''.

(F) BLACK MOUNTAINS CLUSTER, NORTH CAROLINA AREAS.—Certain lands in the Pisgah National Forest, Toecane and Grandfather Ranger Districts, totaling approximately 62,000 acres, known as the ''Black Mountains Cluster, North Carolina Areas''. The cluster is comprised of the following five parcels: Craggy Mountains, Black Mountains, Jarrett Creek, Mackey Mountain, and Woods Mountain. The cluster is located near the towns of Burnsville, Montreat and Marion, Buncombe, Yancey and McDowell Counties, North Carolina.

(G) LINVILLE CLUSTER.—Certain lands in the Pisgah National Forest, Grandfather Ranger District, totaling approximately 42,000 acres known as the ''Linville Cluster''. The cluster is comprised of the following seven parcels: Dobson Knob, Linville Gorge Extension, Steels Creek, Sugar Knob, Harper Creek, Lost Cove and Upper Wilson Creek. The cluster is located near the towns of Marion, Morgantown, Spruce Pine, Linville, and Blowing Rock, Burke, McDowell, Avery and Caldwell Counties, North Carolina.

H) NOLICHUCKY, NORTH CAROLINA AREA.—Certain lands in the Pisgah National Forest, Toecane Ranger District, totaling approximately 4,000 acres, known as the ''Nolichucky, North Carolina Area'', located 25 miles northwest of Burnsville, Mitchell and Yancy Counties, North Carolina.

(I) PISGAH CLUSTER, NORTH CAROLINA AREAS.—Certain lands in the Pisgah National Forest, Pisgah Ranger District, totaling approximately 52,000 areas, known as the ''Pisgah Cluster, North Carolina Areas''. The cluster is comprised of the following 5 parcels: Shining rock and Middle Prong Extensions, Daniel Ridge, Cedar Rock Mountain, South Mills River, and Laurel Mountain. The cluster is located 5 to 12 miles north of the town of Brevard and southwest of the city of Asheville, Haywood, Transylvania, and Henderson Counties, North Carolina.

(J) WILDCAT.—Certain lands in the Pisgah National Forest, French Broad Ranger District, totaling approximately 6,500 acres, known as ''Wildcat'', located 20 miles northwest of the town of Canton, Haywood County, North Carolina.

(16) OHIO.—

(A) ARCHERS FORK COMPLEX.—Certain lands in the Marietta Unit of the Athens Ranger District, in the Wayne National Forest, Washington County, Ohio, known as ''Archers Fork Complex'', comprising approximately 18,350 acres, located northeast of Newport and bounded by State Highway 26 to the northwest, State Highway 260 to the northeast, the Ohio River to the southeast and Bear Run and Danas Creek to the southwest.

(B) BLUEGRASS RIDGE.—Certain lands in the Ironton Ranger District of the Wayne National Forest, Lawrence County, Ohio, known as ''Bluegrass Ridge'', comprising approximately 4,000 acres, located three miles east of Etna in Township 4 North, Range 17 West, sections 19–23, 27–30.

(C) BUFFALO CREEK.—Certain lands in the Ironton Ranger District of the Wayne National Forest, Lawrence County, Ohio, known as ''Buffalo Creek'', comprising approximately 6,500 acres, located four miles northwest of Waterloo in Township 5 North, Range 17 West, sections 3–10, 15–18.

(D) LAKE VESUVIUS.—Certain lands in the Ironton Ranger District of the Wayne National Forest, Lawrence County, Ohio, comprising approximately 4,900 acres, generally known as ''Lake Vesuvius'', located to the east of Etna and bounded by State Highway 93 to the southwest and State Highway 4 to the northwest in Township 2 North, Range 18 West.

(E) MORGAN SISTERS.—Certain lands in the Ironton Ranger District of the Wayne National Forest, Lawrence County, Ohio, known as ''Morgan Sisters'', comprising approximately 2,500 acres, located one mile east of Gallia and bounded by State Highway

233 in Township 6 North, Range 17 West, sections 13, 14, 23, 24 and Township 5 North, Range 16 West, sections 18, 19.

(F) UTAH RIDGE.—Certain lands in the Athens Ranger District of the Wayne National Forest, Athens County, Ohio, known as ''Utah Ridge'', comprising approximately 9,000 acres, located one mile northwest of Chauncey and bounded by State Highway 682 and State Highway 13 to the southeast, US Highway 33 to the southwest and State Highway 216 and State Highway 665 to the north.

(G) WILDCAT HOLLOW.—Certain lands in the Athens Ranger District of the Wayne National Forest, Perry and Morgan Counties, Ohio, known as ''Wildcat Hollow'', comprising approximately 4,500 acres, located one mile east of Corning in Township 12 North, Range 14 West, sections 1, 2, 11–14, 23, 24, and Township 8 North, Range 13 West, sections 7, 18, 19.

(17) OKLAHOMA: COW CREEK DRAINAGE, OKLAHOMA.—Certain lands in the Ouachita National Forest, Mena Ranger District, Le Flore County, Oklahoma, comprising approximately 3,000 acres, bounded approximately by the Beech Creek National Scenic Area on the west, State Highway 63 on the north and the Arkansas-Oklahoma border on the east, and County Road 9038 on the south, known as ''Cow Creek Drainage, Oklahoma''.

(18) OREGON: APPLEGATE WILDERNESS.—Certain lands in the Siskiyou National Forest and Rouge River National Forest in Oregon, which comprise approximately 20,000 acres, located approximately 20 miles southwest of the town of Grants Pass and 10 miles south of Williams, in the area generally known as the ''Applegate Wilderness''.

(19) SOUTH CAROLINA.—

(A) BIG SHOALS, SOUTH CAROLINA AREA.—Certain lands in the Sumter National Forest, Andrew Pickens Ranger District, Oconee County, South Carolina, comprising approximately 2,000 acres known as ''Big Shoals, South Carolina Area''. This area is located 15 miles south of Highlands, North Carolina.

(B) BRASSTOWN CREEK, SOUTH CAROLINA AREA.—Certain lands in the Sumter National Forest, Andrew Pickens Ranger District, Oconee County, South Carolina, comprising approximately 3,500 acres known as ''Brasstown Creek, South Carolina Area''. This area is located approximately 15 miles west of Westminster, South Carolina.

(C) CHAUGA.—Certain lands in the Sumter National Forest, Andrew Pickens Ranger District, Oconee County, South Carolina, comprising approximately 16,000 acres known as ''Chauga''. This area is located approximately 10 miles west of Walhalla, South Carolina.

(D) DARK BOTTOMS.—Certain lands in the Sumter National Forest, Andrew Pickens Ranger District, Oconee County, South Carolina, comprising approximately 4,000 acres known as ''Dark Bottoms''. This area is located approximately 10 miles northwest of Westminister, South Carolina.

(E) ELLICOTT ROCK EXTENSION, SOUTH CAROLINA AREA.—Certain lands in the Sumter National Forest, Andrew Pickens Ranger District, Oconee County, South Carolina, comprising approximately 2,000 acres known as ''Ellioctt Rock Extension, South Carolina Area''. This area is located approximately 10 miles south of Cashiers, North Carolina.

(F) FIVE FALLS, SOUTH CAROLINA AREA.—Certain lands in the Sumter National Forest, Andrew Pickens Ranger District, Oconee County, South Carolina, comprising approximately 3,500 acres known as ''Five Falls, South Carolina Area''. This area is located approximately 10 miles southeast of Clayton, Georgia.

(G) PERSIMMON MOUNTAIN.—Certain lands in the Sumter National Forest, Andrew Pickens Ranger District, Oconee County, South Carolina, comprising approximately 7,000 acres known as ''Persimmon Mountain''. This area is located approximately 12 miles south of Cashiers, North Carolina.

(H) ROCK GORGE, SOUTH CAROLINA AREA.—Certain lands in the Sumter National Forest, Andrew Pickens Ranger District, Oconee County, South Carolina, comprising approximately 2,000 acres known as ''Rock Gorge, South Carolina Area''. This area is located 12 miles southeast of Highlands, North Carolina.

(I) TAMASSEE.—Certain lands in the Sumter National Forest, Andrew Pickens Ranger District, Oconee County, South Carolina, comprising approximately 5,500 acres known as ''Tamassee''. This area is located 10 miles north of Walhalla, South Carolina.

(J) THRIFT'S FERRY, SOUTH CAROLINA AREA.—Certain lands in the Sumter National Forest, Andrew Pickens Ranger District, Oconee County, South Carolina, comprising approximately 5,000 acres known as ''Thrift's Ferry, South Carolina Area''. This area is located 10 miles east of Clayton, Georgia.

(20) SOUTH DAKOTA.—

(A) BLACK FOX AREA.—Certain lands in the Black Hills National Forest of South Dakota, totaling approximately 12,400 acres, located in the upper reaches of the Rapid Creek watershed known as the ''Black Fox Area''. The area is roughly bounded by FDR 206 in the north, the steep slopes north of Forest Road 231 form the southern boundary and a fork of Rapid Creek forms the western boundary.

(B) BREAKNECK AREA.—Certain lands in the Black Hills National Forest, South Dakota, totaling 6,700 acres along the northeast edge of the Black Hills in the vicinity of the Black Hills National Cemetery and the Bureau of Land Management's Fort Meade Recreation Area known as the ''Breakneck Area''. The area is generally bounded by Forest Roads 139 and 169 on the north, west and south. The eastern and western boundaries are also demarcated by the ridge-crests dividing the watershed.

(C) NORBECK PRESERVE.—Certain lands in the Black Hills National Forest of South Dakota, totaling approximately 27,766 acres known as the ''Norbeck Preserve'' encompassed approximately by the following traverse. Starting at the southeast corner, the area boundary runs north along FDR 753 and U.S. Highway Alt. 16, then along SD 244 to the junction of Palmer Creek Road, which serves generally as a northwest limit. It then heads south from the junction of Highways 87–89, southeast along Highway 87, and east back to FDR 753. A corridor of private land along FDR 345 is excluded.

(D) PIGER MOUNTAIN AREA.—Certain lands in the Black Hills National Forest of South Dakota, comprising approximately 12,600 acres, known as the ''Pilger Mountain Area'' and located in the Elk Mountains on the southwest edge of the Black Hills. This area is roughly bounded by Forest Roads 318 and 319 on the east and northeast, Road 312 on the north and northwest, and private land to the southwest.

(E) STAGEBARN CANYONS.—Certain lands in the Black Hills National Forest, South Dakota, known as ''Stagebarn Canyons'', which comprise approximately 7,300 acres located approximately 10 miles west of Rapid City, South Dakota.

(21) TENNESSEE.—

(A) BALD MOUNTAINS CLUSTER, TENNESSEE AREAS.—Certain lands in the Nolichucky and Unaka Ranger Districts of the Cherokee National Forest, Cooke, Green, Washington and Unicoi Counties, Tennessee, comprising approximately 46,133 acres known as the ''Bald Mountains Cluster, Tennessee Areas''. This Cluster is comprised of the following parcels known as: Laurel Hollow Mountain, Devil's Backbone, Laurel Mountain, Walnut Mountain, Wolf Creek, Meadow Creek Mountain, Brush Creek Mountain, Paint Creek, Bald Mountain and Sampson Mountain Extension. These parcels are located near the towns of Newport, Hot Springs, Greeneville and Erwin, Tennessee.

(B) BIG FROG/COHUTTA CLUSTER.—Certain lands in the Cherokee National Forest, Polk County, Tennessee, Ocoee, Hiwassee, and Tennessee Ranger Districts, comprising approximately 28,800 acres known as the ''Big Frog/Cohutta Cluster''. This Cluster is comprised of the following parcels: Big Frog Extensions, Little Frog Extensions, Smith Mountain and Rock Creek. These parcels are located near the towns of Copperhill, Ducktown, Turtletown and Benton, Tennessee.

(C) CITICO CREEK WATERSHED CLUSTER TENNESSEE AREAS.—Certain lands in the Tellico Ranger District of the Cherokee National Forest, Monroe County, Tennessee, comprising approximately 14,256 acres known as the ''Citico Creek Watershed Cluster, Tennessee Areas''. This Cluster is comprised of the following parcels known as: Flats Mountain, Miller Ridge, Cowcamp Ridge and Joyce Kilmer-Slickrock Extension. These parcels are located near the town of Tellico Plains, Tennessee.

(D) IRON MOUNTAINS CLUSTER.—Certain lands in the Cherokee National Forest, Watauga Ranger District, totaling approximately 58,090 acres known as the ''Iron Mountains Cluster''. The cluster is comprised of the following 8 parcels: Big Laurel Branch Addition, Hickory Flat Branch, Flint Mill, Lower Iron Mountain, Upper Iron Mountain, London Bridge, Beaverdam Creek, and Rodgers Ridge. The cluster is located near the towns of Briston and Elizabethton, Sullivan and Johnson Counties, Tennessee.

(E) NORTHERN UNICOI MOUNTAINS CLUSTER.—Certain lands in the Tellico Ranger District of the Cherokee National Forest, Monroe County, Tennessee, comprising approximately 30,453 acres known as the ''Northern Unicoi Mountains Cluster''. This Cluster is comprised of the following parcels known as: Bald River Gorge Extension, Upper Bald River, Sycamore Creek and Brushy Ridge. These parcels are located near the town of Tellico Plains, Tennessee.

(F) ROAN MOUNTAINS CLUSTER.—Certain lands in the Cherokee National Forest, Unaka and Watauga Ranger Districts, totaling approximately 23,725 acres known as the ''Roan Mountain Cluster''. The cluster is comprised of the following seven parcels: Strawberry Mountain, Highlands of Roan, Ripshin Ridge, Doe River Gorge Scenic Area, White Rocks Mountain, Slide Hollow and Watauga Reserve. The cluster is located approximately eight to twenty miles south of the town of Elizabethton, Unicoi, Carter and Johnson Counties, Tennessee.

(G) SOUTHERN UNICOI MOUNTAINS CLUSTER.—Certain lands in the Hiwassee Ranger District of the Cherokee National Forest, Polk, Monroe and McMinn Counties, Tennessee, comprising approximately 11,251 acres known as the ''Southern Unicoi Mountains Cluster''. This Cluster is comprised of the following parcels known as: Gee Creek Extension, Coker Creek and Buck Bald. These parcels are located near the towns Etowah, Benton and Turtletown, Tennessee.

(H) UNAKA MOUNTAINS CLUSTER, TENNESSEE AREAS.—Certain lands in the Cherokee National Forest, Unaka Ranger District, totaling approximately 15,669 acres known as the ''Unaka Mountains Cluster, Tennessee areas''. The cluster is comprised of the Nolichucky, Unaka Mountain Extension and Stone Mountain parcels. The cluster is located approximately eight miles from Erwin, Unicoi and Carter Counties, Tennessee.

(22) TEXAS: LONGLEAF RIDGE.—Certain lands in the Angelina National Forest, Jasper and Angelina Counties, Texas, comprising approximately 30,000 acres bounded on the west by Upland Island Wilderness Area, on the south by the Neches River, and on the northeast by Sam Rayburn Reservoir, generally known as ''Longleaf Ridge''.

(23) VERMONT.—

(A) GLASTENBURY AREA.—Certain lands in the Green Mountain National Forest in Vermont, which comprise approximately 35,000 acres, located 3 miles northeast of Bennington, bounded by Kelly Stand Road to the North, Forest Road 71 to the east, Route 9 to the south and Route 7 to the west, generally known as the ''Glastenbury Area''.

(B) LAMB BROOK.—Certain lands in the Green Mountain National Forest in Vermont, which comprise approximately 5,500 acres, located 3 miles southwest of Wilmington, bounded on the west and south by Routes 8 and 100, on the north by Route 9, and on the east by New England Power Company lands, generally known as ''Lamb Brook''.

(C) ROBERT FROST MOUNTAIN AREA.—Certain lands in the Green Mountain National Forest, Vermont, comprising approximately 8,500 acres, known as ''Robert Frost Mountain Area'', northeast by Middlebury, consisting of the Forest Service lands bounded on the west by Route 116, on the north by Bristol Notch Road, on the east by Lincoln/Ripton Road and on the south by Route 125.

(24) VIRGINIA.—

(A) BEAR CREEK.—Certain lands known as ''Bear Creek'', in the Jefferson National Forest, Wythe Ranger District, north of Rural Retreat, Smyth and Wythe Counties, Virginia.

(B) CAVE SPRINGS.—Certain lands known as ''Cave Springs'', in the Jefferson National Forest, Clinch Ranger District, comprising approximately 3,000 acres located between State Route 621 and the North Fork of the Powell River, Lee County, Virginia.

(C) DISMAL CREEK.—Certain lands known as ''Dismal Creek'' totaling approximately 6,000 acres in the Jefferson National Forest, Blacksburg Ranger District, north of State Route 42, Giles and Bland Counties, Virginia.

(D) STONE COAL CREEK.—Certain lands known as ''Stone Coal Creek'', totaling approximately 2,000 acres in the Jefferson National Forest, New Castle Ranger District, Craig and Botentourt Counties, Virginia.

(E) WHITE OAK RIDGE: TERRAPIN MOUNTAIN.—Certain lands known as ''White Oak Ridge—Terrapin Mountain'', totaling approximately 8,000 acres, Glenwood Ranger District of the Jefferson National Forest, east of the Blue Ridge Parkway, Botetourt and Rockbridge Counties, Virginia.

(F) WHITETOP MOUNTAIN.—Certain lands in the Jefferson National Forest, Mt. Rodgers Recreation Area, comprising 3,500 acres in Washington, Smyth and Grayson Counties, Virginia, known as ''Whitetop Mountain''.

(G) WILSON MOUNTAIN.—Certain lands known as ''Wilson Mountain,'' comprising approximately 5,100 acres in the Jefferson National Forest, Glenwood Ranger District, east of Interstate 81, Botetourt and Rockbridge Counties, Virginia.

(H) FEATHERCAMP.—Certain lands located in the Mt. Rodgers Recreation Area of the Jefferson National Forest, comprising 4,974 acres, known as ''Feathercamp,'' in Washington County, Virginia, located northeast of the town of Damascus and north of State Route 58 on the Feathercamp ridge.

(25) WISCONSIN.—

(A) FLYNN LAKE.—Certain lands in the Chequamegon National Forest, Washburn Ranger District, totaling approximately 5,700 acres within the Flynn Lake Semi-primitive Non-motorized Area, known as ''Flynn Lake.'' The site is located in Bayfield County, Wisconsin.

(B) GHOST LAKE CLUSTER.—Certain lands in the Chequamegon National Forest, Great Divide Ranger District, totaling approximately 6,000 acres, known as ''Ghost Lake Cluster'' and including parcels known as Chost Lake, Perch Lake, Lower Teal River, Foo Lake, and Bulldog Springs. The cluster is located in Sawyer County, Wisconsin.

(C) LAKE OWENS CLUSTER.—Certain lands in the Chequamegon National Forest, Great Divide and Washburn Ranger Districts, totaling approximately 3,600 acres, known as ''Lake Owens Cluster'' and including parcels known as or near Lake Owens, Sage, Hidden, and Deer Lick Lakes, Eighteenmile Creek, and Northeast and Sugarbush Lakes. The cluster is in Bayfield County, Wisconsin.

(D) MEDFORD CLUSTER.—Certain lands in the Chequamegon National Forest, Medford-Park Falls Ranger District, totaling approximately 23,000 acres, known as the ''Medford Cluster,'' and including parcels known as County E. Hardwoods, Silver Creek/Mondeaux River Bottoms, Lost Lake Esker, North and South Fork Yellow Rivers, Bear Creek, Brush Creek, Chequamegon Waters, John's and Joseph Creeks, Hay Creek Pine-Flatwoods, 558 Hardwoods, Richter Lake, and Lower Yellow River. The cluster is located in Taylor County, Wisconsin.

(E) PARK FALLS CLUSTER.—Certain lands in the Chequamegon National Forest, Medford-Park Falls Ranger District, totaling approximately 23,000 acres, known as ''Park Falls Cluster,'' and including parcels known as Sixteen Lakes, Chippewa Trail, Tucker and Amik Lakes, Lower Rice Creek, Doering Tract, Foulds Creek, Bootjack Conifers, Pond, Mud and Riley Lake Peatlands, Little Willow Drumlin, and Elk River. The cluster is located in Price and Vilas Counties, Wisconsin.

(F) PENOKEE MOUNTAIN CLUSTER.—Certain lands in the Chequamegon National Forest, Great Divide Ranger District, totaling approximately 23,000 acres, known as ''Penokee Mountain Cluster'', and including parcels known as or near St. Peters Dome, Brunsweiler River Gorge, Lake Three, Marengo River and Brunsweiler River Semi-primitive Non-motorized Areas, Hell Hole Creek, and the North County Trail Hardwoods. The cluster is located in Ashland and Bayfield Counties, Wisconsin.

(G) SOUTHEAST GREAT DIVIDE CLUSTER.—Certain lands in the Chequamegon National Forest, Medford Park Falls Ranger District, totaling approximately 25,000 acres, known as the ''Southeast Great Divide Cluster'', and including parcels known as or near Snoose Lake, Cub Lake, Springbrook Hardwoods, upper Moose River, East Fork Chippewa River, upper Torch River, Venison Creek, upper Brunet River, Bear Lake Slough, and No-name Lake. The Cluster is located in Ashland and Sawyer Counties, Wisconsin.

(H) DIAMOND ROOF CLUSTER.—Certain lands in the Nicolet National Forest, Lakewood-Laona Ranger District, totaling approximately 6,000 acres, known as ''Diamond Roof Cluster'', including parcels known as McCaslin Creek, Ada Lake, Section 10 Lake, and Diamond Roof. The cluster is located in Forest, Langlade, and Oconto Counties, Wisconsin.

(I) ARGONNE FOREST CLUSTER.—Certain lands in the Nicolet National Forest, Eagle River-Florence Ranger District, totaling approximately 12,000 acres, known as ''Argonne Forest Cluster'' and including parcels known as Argonne Experimental Forest, Scott Creek, Atkins Lake, and Island Swamp. The cluster is located in Forest County, Wisconsin.

(J) BONITA GRADE.—Certain lands in the Nicolet National Forest, Lakewood-Laona Ranger District, totaling approximately 1,200 acres, known as ''Bonita Grade'', and including parcels near Mountain Lakes, Temple Lake, and Second South Branch, First South Branch, and South Branch Oconto River. The cluster is located in Langlade County, Wisconsin.

(K) FRANKLIN AND BUTTERNUT LAKES CLUSTER.—Certain lands in the Nicolet National Forest, Eagle River-Florence Ranger District, totaling approximately 12,000 acres, known as ''Franklin and Butternut Lakes Cluster'', and including parcels known as Bose Lake Hemlocks, Luna White Deer, Echo Lake, Franklin and Butternut Lakes, Wolf Lake, Upper Ninemile, Meadow, and Bailey Creeks. The cluster is located in Forest and Onieda Counties, Wisconsin.

(L) LAUTERMAN LAKE AND KIEPER CREEK.—Certain lands in the Nicolet National Forest, Eagle River-Florence Ranger District, totaling approximately 2,500 acres, known as ''Lauterman Lake and Kieper Creek'', located in Florence County, Wisconsin.

(26) WYOMING: SAND CREEK AREA.—Certain lands in the Black Hills National Forest, totaling approximately 8,300 acres known as the ''Sand Creek Area'', located in Crook County, Wyoming. This area is situated in the far northwest corner of the Black Hills. Beginning in the northwest corner and proceeding counterclockwise, the boundary for the Sand Creek Area roughly follows Forest Road 863, 866, 866.1B, a line linking 866.1B to 802.1B, 802.1B, 802.1, an unnamed road, Spotted Tail Creek (excluding all private lands), 8219.1, a line connecting 829.1 with 864, 852.1 and a line connecting 852.1 with 863.

(d) COMMITTEE OF SCIENTISTS.—

(1) ESTABLISHMENT.—The Secretaries concerned shall appoint a committee consisting of scientists who—

(A) are not officers or employees of the Federal Government;

(B) are not officers or employees of any entity engaged in whole or in part in the production of wood or wood products; and

(C) have not contracted with or represented any such entities within a 5-year period prior to serving on the committee.

(2) RECOMMENDATIONS FOR ADDITIONAL SPECIAL AREAS.—Within 2 years of the date of the enactment of this Act, the committee shall provide Congress with recommendations for additional Special Areas.

(3) CANDIDATE AREAS.—Candidate areas for recommendation as additional Special Area shall have outstanding biological values that are exemplary on a regional, national, or international level. Biological values include—

(A) the presence of threatened or endangered species of plants or animals;

(B) rare or endangered ecosystems;

(C) key habitats necessary for the recovery or endangered or threatened species;

(D) recovery or restoration areas of rare or underrepresented forest ecosystems;

(E) migration corridors;

(F) areas of outstanding biodiversity;

(G) old growth forests;

(H) commercial fisheries; and

(I) sources of clean water such as key watersheds.

(4) GOVERNING PRINCIPLE.—The committee shall adhere to the principles of conservation biology in identifying Special Areas based on biological values.

SEC. 203. RESTRICTIONS ON MANAGEMENT ACTIVITIES IN ANCIENT FORESTS, ROADLESS AREAS, WATERSHED PROTECTION AREAS, SPECIAL AREAS, AND FEDERAL BOUNDARY AREAS.

(a) RESTRICTION OF MANAGEMENT ACTIVITIES IN ANCIENT FORESTS.—With respect to Ancient Forests on Federal lands, the following prohibitions shall apply:

(1) No roads shall be constructed or reconstructed.

(2) No extractive logging shall be permitted.

(3) No improvements for the purpose of extractive logging shall be permitted.

(b) RESTRICTION OF MANAGEMENT ACTIVITIES IN ROADLESS AREAS.—With respect to Roadless Areas on Federal lands except military installations, the following prohibitions shall apply:

(1) No roads shall be constructed or reconstructed.

(2) No extractive logging shall be permitted.

(3) No improvements for the purpose of extractive logging shall be permitted.

(c) RESTRICTION OF MANAGEMENT ACTIVITIES IN WATERSHED PROTECTION AREAS.—With respect to Watershed Protection Areas on Federal lands except military installations, the following prohibitions shall apply:

(1) No roads shall be constructed or reconstructed.

(2) No extractive logging shall be permitted.

(3) No improvements for the purpose of extractive logging shall be permitted.

(d) RESTRICTION OF MANAGEMENT ACTIVITIES IN SPECIAL AREAS.—With respect to Special Areas on Federal lands, the following prohibitions shall apply:

(1) No roads shall be constructed or reconstructed.

(2) No extractive logging shall be permitted, and

(3) No improvements for the purpose of extractive logging shall be permitted.

(e) RESTRICTION OF MANAGEMENT ACTIVITIES IN FEDERAL BOUNDARY AREAS.—With respect to Federal Boundary Areas on Federal lands, the following prohibitions shall apply:

(1) No roads shall be constructed or reconstructed.

(2) No extractive logging shall be permitted, and

(3) No improvements for the purpose of extractive logging shall be permitted.

(f) MAINTENANCE OF EXISTING ROADS.—The above restrictions on the reconstruction of roads on Federal lands in Ancient Forests, Roadless, Areas, Watershed Protection Areas, Special Areas, and Federal Boundary Areas does not prohibit the maintenance of an improved road, or any road accessing private inholdings, with the exception that any roads which the Secretary concerned determines to have been abandoned before the enactment of this act shall not be maintained or reconstructed.

(g) ENFORCEMENT.—

(1) PURPOSE AND FINDING.—The purpose of this subsection is to foster the widest possible enforcement of this section. Congress finds that all people of the United States are injured by actions on lands to which this section applies.

(2) FEDERAL ENFORCEMENT.—The provisions of this section shall be enforced by the Secretary concerned and the Attorney General of the United States against any person who violates this section.

(3) CITIZEN SUITS.—Any citizen harmed by a violation of this Act may enforce any provision of this section by bringing an action for declaratory judgment, temporary restraining order, injunction, statutory damages, and other remedies against any alleged violator including the United States, in any district court of the United States.

(4) STANDARD OF PROOF.—The standard of proof in all actions brought under this subsection shall be the preponderance of the evidence and the trial shall be de novo.

(5) DAMAGE AWARD.—The court, after determining a violation of this section, shall impose a damage award of not less than $5,000, shall issue one or more injunctions and other equitable relief, and shall award to the plaintiffs reasonable costs of litigation including attorney's fees, witness fees and other necessary expenses. The damage award shall be paid by the violator of violators designated by the court to the U.S. Treasury. The damage award shall be paid from the U.S. Treasury, as provided by Congress under section 1304 of title 31, United States Code, within 40 days after judgment to the person or persons designated to receive it, to be applied in protecting or restoring native biodiversity in or adjoining Federal land. Any award of costs of litigation and any award of attorney fees shall be paid within 40 days after judgment.

(6) WAIVER.—The United States, including its agents and employees waives its sovereign immunity in all respects in all actions under this subsection. No notice is required to enforce this subsection.

By Mr. SPECTER:

S. 978. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit for a portion of the expenses of providing dependent care services to employees, and for other purposes; to the Committee on Finance.

THE AFFORDABLE CHILD CARE ACT

Mr. SPECTER. Mr. President, I have sought recognition to introduce the Affordable Child Care Act, which will ease the financial burden of child care for working families by reducing the cost of day care. I would like to commend Congressman JON FOX from Pennsylvania's 13th District, who has sponsored this legislation in the House. Our bill would provide a tax credit for employers who provide on-site or site-adjacent child care to their employees in order to reduce the child care expenses of the employee.

Many employees have expressed support for on-site day care facilities, which allow parents to spend more time with their children during the day, such as over the lunch hour. On-site child care may not be the best option for all families. Many families rely on relatives, centers operated by churches and other religious organizations, or make other arrangements to provide care for their children while they work. However, it is my view that this bill represents a good start toward reducing the cost of child care for many Americans.

The need for affordable and accessible day care is critical given the increasing numbers of working parents and dual-income families in the United States. According to the Bureau of the Census, in 1975, 31 percent of married mothers with a child younger than age 1 participated in the labor force. By 1995, that figure had risen to 59 percent. Almost 64 percent of married mothers and 53 percent of single mothers with children younger than age six participated in the labor force in 1995.

Yet, as reported by the Pittsburgh Post-Gazette on June 5, 1996, only 13 percent of all major U.S. companies provide some form of on-site day care. Further, it costs at least $1 million to start up such a day care center. About 70 percent of working parents missed at least 1 work day in the past year because of child-related problems, according to Work Family Directions of Boston, a company that advises firms on how to improve work and family programs. A 1991 estimate by the Child Care Action Committee, a national child care advocacy group, found that U.S. businesses lose $3 billion a year because of child care related absences.

The cost of child care for families is also significant. A 1995 report by the Census Bureau showed that in 1993, the average weekly child care cost per arrangement paid by families with employed mothers was $57. Parents using organized child care facilities paid the most per arrangement at around $65 per week. Child care is even more expensive in metropolitan areas than nonmetropolitan areas, averaging $80 per week versus $55 per week. I know that licensed day care centers in some urban areas cost as much as $200 per week, which is quite a burden on families which need the second income. These figures serve to underscore the need for action on the part of the Federal Government to provide the necessary assistance to our Nation's working families.

Accordingly, the legislation I am proposing today would provide a tax credit to businesses that provide licensed, on-site or site-adjacent child care for their employees. Employers would be eligible for a tax credit equal to 50 percent of the net cost of providing dependent care services at a child day care facility for employees. This bill also provides, however, that no credit shall be allocated unless the employer certifies that the amount of such a credit is passed on to the employees using the provider day care in the form of reduced child care costs.

The Affordable Child Care Act complements my recent efforts to assist working families in a number of areas. When Congress debated welfare reform in 1995 and 1996, I worked to ensure that adequate funds were provided for child care, a critical component for welfare mothers who would be required to work to receive new limited welfare benefits. I am pleased that the welfare reform bill that became law provides $20 billion in child care funding over a 6-year period.

Providing health insurance for children is also a top priority of mine, and I have sponsored legislation to establish a discretionary pilot program to cover the 4.2 million children of the working poor, who are not eligible for Medicaid but whose parents cannot afford private insurance. I am also a cosponsor of legislation introduced by my colleagues, Senators CHAFEE and ROCKEFELLER, to expand the Medicaid Program to cover children whose families earn up to 150 percent of the Federal poverty level.

To encourage the adoption of children into healthy and stable families, last April I introduced the Adoption Promotion Act of 1996 (S. 1715) with 13 other Senators to provide tax credits for families that adopt. Subsequently, a broader piece of tax legislation, the Small Business Job Protection Act of

1996, was passed by Congress and signed into law on August 20, 1996. This act included a $5,000 adoption tax credit for qualified adoption expenses and a $6,000 tax credit for special needs adoptions, and was much like our legislation. I recently reintroduced legislation to increase the tax credit for special needs adoptions for $7,500, and permit penalty-free withdrawals from Individual Retirement Accounts up to $2,000 for adoption expenses.

In conclusion, Mr. President, encouraging businesses to provide affordable child care for their employees will help provide peace of mind to those in our Nation struggling to balance career and family. I urge my colleagues to join me in cosponsoring this important legislation, and I urge its swift adoption.

By Mr. SPECTER:

S. 979. A bill to provide a tax credit to families with elderly family members living in the family home; to the Committee on Finance.

TAX CREDIT LEGISLATION

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation that would provide a $2,500 tax credit for individuals or families with elderly family members living in the family home. As we all know, our Nation's population is living longer. With advances in medical treatment, improvements in the Nation's nutrition, and the development of drugs to combat infectious diseases, our Nation's elderly population is expected to more than double by the year 2050. This demographic change presents a unique challenge to America, and it is our duty to work together to ensure that our Nation's elderly and every generation of American families maintain a high quality of life.

Since the Great Depression, our Government has instituted several extremely successful social insurance programs to protect the elderly. The Social Security Program has provided an income security net, and the Medicare Program has insured that senior citizens are afforded access to medical care. Many families, however, are faced with difficult decisions when elderly family members are no longer able to live alone. Many of these seniors are brought into the family home. Others are placed in institutional nursing facilities.

While multigenerational families are not a new phenomenon in America, a new survey released by the National Alliance for Caregiving illustrates how contemporary multigenerational families are faced with extraordinary pressures. Nearly two of three individuals who provide care to elderly family members are employed full or part time, and about half have reported that their caretaking duties have made them late for work, forced them to come home early or to take time off. These caregivers spend an average of 18 hours a week taking care of loved ones, grocery shopping, managing their medications, and helping with transportation and personal care. Many people needing care are chronically ill. More than one in five caregivers, or about 5 million households nationwide, take care of someone with Alzheimer's disease, confusion, dementia or forgetfulness.

Today, millions of American families face a no-win situation when an elderly family member is no longer able to live independently. Taking a loved one into the family home may be much desired instead of having to see a person impoverished by the Medicaid eligibility rules and left a ward of the State, living in a nursing home. Obviously, on the other hand, very few families can afford to pay for private nursing home care themselves. But, bringing an elderly relative into the family home is costly. Our public policy should recognize this dilemma and support those loving families seeking to care for the elderly with their own resources in their own homes.

Currently, there are more than 33.5 million Americans who are 65 years of age and older. In my own State of Pennsylvania, there are 2 million individuals 65 years of age and older. Many of these seniors live independent lives. However, nationwide approximately 3.9 million of our elderly citizens live with relatives other than their spouse and an additional 1.7 million seniors live in nursing homes. My amendment would provide a $2,500 tax credit to individuals or families who care for an elderly family member in the family home. In order to qualify for this tax credit, the elderly family member would have to be at least 65 years old, would have to reside with their family at least half of the taxable year, and must have been eligible under current law to be claimed as a dependent on the family's tax return.

With this amendment, families will be given the vital assistance necessary to provide care to seniors in their homes. It will also provide flexibility to families who would like to provide care to family members in their home rather than place these seniors in institutionalized care facilities, but are otherwise unable to afford this financial commitment. In Congress, we have made many speeches about strengthening the American family and about providing support for our Nations senior citizens. This bill would accomplish both of these important goals. I urge my colleagues to join with me in support of this bill to find real solutions to the real problems faced by the growing numbers of caregivers and senior citizens in America.

By Mr. DURBIN (for himself, Mr. KERRY, Mr. FEINGOLD, Mrs. FEINSTEIN, and Mr. WELLSTONE):

S. 980. A bill to require the Secretary of the Army to close the U.S. Army School of the Americas; to the Committee on Armed Services.

THE SCHOOL OF THE AMERICAS CLOSURE ACT OF 1997

Mr. DURBIN. Mr. President, I rise today to call upon my colleagues to support a bill to close the School of the Americas.

The School of the Americas is an institute that has outlived its usefulness and its purpose. SOA was established over 50 years ago. Its mission is to provide military education and training to military personnel of Central America, South America, and Caribbean countries. The training provided at the school in tactical intelligence, infantry tactics, combat skills, and battle planning was designed in accordance with U.S. strategy of a bygone era: to create a Latin and South American staging area to thwart the Communist threat. But times have changed and there is no longer a Soviet bloc threatening to attack the United States. Unfortunately, SOA has not successfully adapted to the great changes in the world since the 1992 breakup of the Soviet Union. Despite attempts made over the past couple of years to update the curriculum and improve the selection process for students and the quality of the teaching staff, SOA remains an anachronism.

In the post-cold-war era, we need to strengthen civilian institutions in Latin America and help these countries continue to reform their militaries. This region contains some of the most fragile democracies which need our support in encouraging democratically elected governments, the role of civilian institutions and economic stability. Our focus should be on supporting these nascent civilian governments and helping them shift authority away from their militaries.

I also believe the school should be closed because of its past links to numerous military personnel who have committed some of the most heinous crimes of recent memory. SOA graduates include: Panamanian dictator and drug dealer, Manuel Noriega; 19 Salvadoran soldiers linked to the 1989 murder of 6 Jesuit priests, their housekeeper and her daughter; El Salvador death squad leader, Roberto D'Aubuisson; Argentinian dictator, Leopoldo Galtieri; three of the five officers involved in the 1980 rape and murder of four United States churchwomen in El Salvador; and 10 of the 12 officers responsible for the murder of 900 civilians in the El Salvadoran village, El Mozote. These criminals, multiple murderers, and rapists are former students and graduates of the School of the Americas where they received their military and counterinsurgency training.

The U.S. military has readily admitted that these SOA graduates were guilty of these atrocities. These admissions are an embarrassment to the United States and to our reputation as a leader in promoting human rights throughout the world.

In addition, recently the Pentagon released the training manuals used at

SOA from 1982 to 1991. These manuals contained instruction in torture and extortion techniques. These manuals are inconsistent with U.S. policy and democratic ideals. I am concerned that there might be other former students, trained with these manuals and guilty of human rights abuses but who have not as yet come to public attention.

Some have suggested that if SOA is revamped and reorganized that it could still serve a useful purpose. I disagree. SOA cannot be salvaged. Its reputation is too tarnished and its name is too closely linked to the assassins and rapists who were trained there. The United States cannot deny the human rights violations inflicted by the graduates of SOA. But, we still need to find a resolution for these terrible events. I believe that closing SOA is the only way to finally break with this chapter in U.S. history.

Our South American neighbors need to know that human rights and democratic values are held in high esteem in the United States. We are hampered in making this claim as long as the School of the Americas remains open. The continued funding of SOA does not fit into the United States long-term strategy for the Latin American region and undermines our credibility on human rights issues in this hemisphere. I call upon my colleagues to cosponsor this legislation and support the closure of the School of the Americas.

Mr. FEINGOLD. Mr. President, I am pleased to rise as an original cosponsor of the legislation being introduced today by the Senator from Illinois [Mr. DURBIN] to close the U.S. Army School of the Americas [SOA] located at Fort Benning, GA.

SOA was created in 1946 to train Latin American military officers in combat and counterinsurgency skills, with the goal of professionalizing Latin American armies and strengthening democracies. Originally located in Panama, the SOA moved to Fort Benning in 1948. There has been a great deal of controversy surrounding the types of leaders that have graduated from the SOA, leading it to be called the School for Dictators. Some of SOA's graduates include Manuel Noriega, at least 19 Salvadorean officers implicated by El Salvador's Truth Commission in the murder of 6 Jesuit priests, and officers who participated in the coup against former Haitian president Jean-Bertrand Aristide.

In 1991, following an internal investigation, the Pentagon removed certain SOA training manuals from circulation. On September 22, 1996, the Pentagon released the full text of those training manuals and acknowledged that some of those manuals provided instruction in techniques that, in the Pentagon's words, were ''clearly objectionable and possibly illegal.'' The techniques in question included torture, extortion, false arrest, and execution. I and other Senators have written the Department of Defense several times to request additional disclosure of SOA policies, curriculums, training manuals and other materials so that the history of the school can be fully understood.

The horrendous record of the SOA has inspired hundreds of Wisconsin residents to contact my office to express their support for closing this school. Numerous organizations, including Public Citizen, the Washington Office on Latin America and Human Rights Watch also support the elimination of SOA.

As a member of the Senate Committee on Foreign Relations, I am committed to promoting human rights throughout the world. In my view, our Government cannot continue to support the existence of a school that counts so many murderers among its alumni. While I do not doubt that it can be in our national interest to conduct military training with our friends and partners, it is unexcusable that such military training should take place at an institution with the reputation of the School of the Americas. This bill gives Members of the Senate an opportunity to separate the legitimate training exercises conducted by the U.S. military from the sordid acts of many individuals who have been trained at SOA. We must lift the cloud of suspicion that has fallen on these programs by closing SOA once and for all.

Not only are the human costs of this training program unjustifiable, but so are its monetary costs. With a national debt in excess of $5 trillion, every Federal program needs to be carefully scrutinized to ensure that Federal tax dollars are wisely spent. Given the end of the cold war, and in light of documents indicating the SOA training program provided instruction in techniques which violate human rights standards, I feel that the School of Americas is an unwise expenditure, and I support eliminating it as soon as possible.

By Mr. LEVIN (for himself, Mr. THOMPSON, Mr. GLENN, Mr. ABRAHAM, Mr. ROBB, Mr. ROTH, Mr. ROCKEFELLER and Mr. STEVENS):

S. 981. A bill to provide for analysis of major rules; to the Committee on Governmental Affairs.

THE REGULATORY IMPROVEMENT ACT OF 1997

Mr. LEVIN. Mr. President, today Senator THOMPSON and I are joined by Senators GLENN, ABRAHAM, ROBB, ROCKEFELLER, ROTH, and STEVENS in introducing the Regulatory Improvement Act of 1997. The bill would put into law—first, basic requirements for cost-benefit analysis and risk assessment of major rules; second, a process for the review of existing rules where there is a possibility of achieving significantly greater net benefits; and third, executive oversight of the rulemaking process. It builds on the bipartisan Roth-Glenn bill that was unanimously reported out of the Governmental Affairs Committee in 1995.

This bill would require agencies, when issuing rules that have a major impact on the economy or a sector of the economy, to do a cost-benefit analysis to determine whether the benefits of the rule justify its costs and to determine whether the regulatory option chosen by the agency is more cost effective or provides greater net benefits than other regulatory options considered by the agency. If the rule involves a risk to health, safety or the environment, the bill requires the agency to do a risk assessment as part of the analysis of the benefits of the rule.

The bill also requires agencies that issue major rules to establish advisory committees to identify existing rules that the agency should consider for review because they have the potential, if modified, to achieve significantly greater net benefits. It would also codify the review procedure now conducted by the Office of Information and Regulatory Affairs [OIRA] and require public disclosure of OIRA's review process.

The bill is significantly different from S. 343, the Dole-Johnston bill which I strongly opposed and which was rejected by the Senate in the 104th Congress.

It does not create a supermandate that would amend existing laws nor does it contain mandatory decisional criteria that would establish new standards for an agency to meet. It does require agencies to conduct cost-benefit analyses for major rules and explain whether the benefits of the rules justify the costs and whether the rule is cost-effective than the other alternatives considered by the agency. It does not mandate the outcome of the process, only the process itself.

It does not provide for judicial review of the process for, or the contents of, the cost-benefit analysis or risk assessment. The cost-benefit analysis and risk assessment are made part of the rulemaking record for judicial review of whether the final rule is reasonable.

It does not provide for a petition process for challenging existing rules. It provides for advisory committees to identify rules for possible review, gives the agency head the discretion to select rules for review especially taking into account the resources of the agency, and requires the agency to review the rules scheduled for review in 5 years.

Mr. President, many people think that when many of us fought hard against the Dole-Johnston bill that we didn't really want to reform the regulatory process. Well they are wrong. Many of us were disappointed that we were unable to pass a comprehensive regulatory reform bill in the last Congress. We weren't going to support bad reform, but that doesn't mean we didn't want to see good reform. Those of us who believe in the benefits of regulation to protect health and safety have a particular responsibility to make sure that regulations are sensible and cost-effective. When they aren't, the regulatory process—which is so

vital to our health and well being —comes under constant attack . By providing a common sense, moderate and open regulatory process, we are contributing to the well being of that process and immunizing it from the attacks on excesses.

Mr. President, I've fought for regulatory reform since 1979, the year I came to the Senate. I even had as part of my platform back in 1978, the legislative veto—which would give Congress the chance to block excessively costly and burdensome regulations before they take effect. That was my battle cry for years. I worked with former Senator Boren, for instance, trying to get an across-the-board legislative veto bill enacted into law. Last Congress we were finally able to get a version of that adopted.

I was also the author of the Regulatory Negotiation Act which was passed in 1990 and reauthorized in 1995 to encourage agencies to use the collegial process of negotiation in developing certain rules in order to avoid the delays and costs inherent in the otherwise adversarial process.

As for an overall regulatory reform bill, I've supported such legislation since 1980, when the Senate first passed S. 1080, the Laxalt-Leahy bill only to have it die later that year in the House.

At the same time, I took a strong stand against several damaging regulatory reform proposals from the House including an overall moratorium of regulations and against the Dole-Johnston bill in the Senate. I will not support any regulatory reform proposal that I believe would roll back important environmental, public health and safety protections. Nor will I support any regulatory reform proposal that I believe will lead to gridlock in the agencies or the courts. We certainly don't need that.

We do need—better cost-benefit analysis and risk assessment, more flexibility for the regulated industries to reach legislative goals in a variety of ways, more cooperative efforts between government and industry and less ''us versus them'' attitudes.

Based on these common principles, Senator THOMPSON and I have been working for months on this legislative proposal that I hope will yield a more rational and fair regulatory process and better, more flexible, more cost-effective and more enforceable regulations.

Let me highlight some important features of this legislation.

First, we say right from the beginning, in the section on findings, that cost-benefit analysis and risk assessment are useful tools to help agencies issue reasonable regulations. But they are only tools; they are not the sole basis upon which regulations should be developed or issued. They do not, we explicitly state, they do not replace the need for good judgment and the agencies' consideration of social values in deciding when and how to regulate.

We define benefits very broadly—expressly taking into account nonquantifiable benefits. There is nothing in this bill that suggests that the assessment of benefits by an agency should be only quantifiable. On the contrary, this bill explicitly recognizes that many important benefits may be nonquantifiable, and that agencies have the right and authority to fully consider such benefits when doing the cost-benefit analysis and when determining whether the benefits justify the costs. We emphatically do not intend for the benefits part of the equation in the cost-benefit analysis to be limited to merely those benefits that are quantifiable.

We direct the agencies to consider regulatory options that provide flexibility, where possible, to the regulated parties. I have been a longtime proponent of performance standards in regulations and not the so-called command and control approach. This bill urges the agencies to include in its identification of possible regulatory approaches that permit flexibility in achieving the required goal, either through performance standards or market type mechanisms.

The definition of major rule, to which the provisions of this bill apply, is limited to those with a $100 million impact on the economy and those otherwise designated by the Administrator of the Office of Information and Regulatory Affairs [OIRA].

The bill requires an agency issuing a major rule to evaluate the benefits and costs of a ''reasonable number of reasonable alternatives reflecting the range of regulatory options that would achieve the objective of the statute as addressed by the rulemaking.'' I am quoting these words, because they are significant. The bill doesn't require an agency to look at all the possible alternatives, just a reasonable number; but it does require the agency to pick a selection of options that are available to it within the range of the rulemaking objective.

This cost-benefit analysis, of which any risk assessment would be a part, is intended to be transparent to the public; that is, those of us outside the agency—Congress, the regulated community, the beneficiaries of the regulation, the general public—should be able to see and understand the thinking the agency used to select the regulatory option it did, as well as the underlying scientific and/or economic data. Agencies should not hide the important information that forms the basis of their regulatory actions.

Another important provision of this bill is the one that requires the agency to make a reasonable determination whether the benefits of the rule justify the costs and whether the regulatory option selected by the agency is substantially likely to achieve the objective of the rulemaking in a more cost effective manner or with greater net benefits than the other regulatory options considered by the agency. This is not in any way a decisional criteria that the agency must meet. This only requires the agency to make its assessment. And, if, as the agency is free to do, it chooses a regulatory option where the benefits do not justify the costs or that is not more cost effective or does not provide greater net benefits than the other options, the agency is required to explain why it did what it did and list the factors that caused it to so. Those factors could be a statute, a policy judgment, uncertainties in the data and the like. There is no added judicial scrutiny of a rule provided for or intended by this section. The final rule must still stand or fall based on whether the court finds that the rule is arbitrary or capricious in light of the whole rulemaking record. That is the current standard of judicial review.

The bill says that if an agency cannot make the determinations required by the bill, it has to say why it can't. Use of the word cannot does not mean that an agency rule can be overturned by a court for its failure to pick an option that would permit the agency to make the determinations required by the bill. The agency is free to use its discretion to regulate under the substantive statute, and there is no implication that such rule must meet the standards described in the determinations subsection. It does mean, though, that the agency is required to make such determinations and let the public know why it picked the regulatory option that it did, and if it can't say, or determine, that the regulatory option it chose is the most cost effective or provides greatest net benefits, it must say why it chose it. This legislation requires only that the agency be up front with the public as to just how cost beneficial and cost effective its regulatory proposal is.

The risk assessment requirement in this bill, unlike previous bills, is not unduly proscriptive. It establishes basic elements for performing risk assessments, many of which, again, will provide transparency for an agency's development of a rule, and it requires guidelines for such assessments to be issued by OIRA in consultation with the Office of Science and Technology Policy.

Peer review, Mr. President, is required by this bill for both cost-benefit analyses and risk assessments, but only once per rule. Peer review is not required at both the proposed and final rule stages. There is great concern in the public interest community, that there will not be sufficient personnel available with appropriate expertise and independence to serve on each of these peer review bodies. I am hoping to pursue that issue at greater length during our committee hearings.

There is a similar concern by the public interest sector as to the availability of a balanced cross-section of individuals to serve on the advisory committees required for the review of rules. Service on such bodies obviously takes time and expertise and both of

those cost money. I hope we can also address the concerns about the possibility of inadequate levels of participation by groups and interests which have fiscal constraints that could preclude their full participation.

Mr. President, the review of rules provision in this bill is also a reasonable approach. Unlike past proposals, it does not provide for an automatic sunset of a rule that is not reviewed pursuant to the schedule. Rather it provides for the agency to determine during the review period of rules it chooses to review whether it is going to continue, modify, or repeal the rule under review. If it fails to make that determination and take the appropriate action, the agency can be sued under the existing provision of the Administrative Procedure Act to force agency action unlawfully withheld.

Rules would be scheduled for review under the provisions of this bill, only at the discretion of the agency head. However, the public would know the list of rules recommended for review by the advisory committee. The advisory committee would recommend those rules for review that, if modified, could result in substantially greater net benefits to society. That is the standard the committees are supposed to apply. The agency must review the recommendations of the advisory committee and develop a schedule for review of rules taking into account the resources available to the agency to conduct such reviews.

Judicial review has been of great concern to those of us who want real regulatory reform without bottling up important regulations in the courts. There is no judicial review permitted of the cost-benefit analysis or risk assessment required by this bill outside of judicial review of the final rule. The analysis and assessment are included in the rulemaking record, but there is no judicial review of the content of those items or the procedural steps followed or not followed by the agency in the development of the analysis or assessment. Only the total failure to actually do the cost-benefit analysis or risk assessment would allow the court to remand the rule to the agency.

Finally, Mr. President, the bill puts into law the requirement that the President establish a process for reviewing rules and coordinating Federal agency regulatory actions. Despite over 15 years of Executive orders that impose such a requirement, Congress has yet to put such a responsibility of the President into law. This bill would do that. And with that responsibility goes the obligation of the President, acting through OIRA, to make public the process and results of its review of agency rules. This is an important element of accountability, and such disclosure should not depend upon the whim of the President but rather on the requirements imposed by permanent law.

So those are some highlights. Senator THOMPSON has committed to hearings on the bill. Everybody will be given an opportunity to comment and identify potential problems and possible improvements.

I believe this bill will improve the regulatory process, will build confidence in the regulatory programs that are so important to this society's well-being, and will result in a better—and I believe—a less contentious regulatory process.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

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

S. 981

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 ''Regulatory Improvement Act of 1997''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Current regulatory programs can be improved by being more firmly rooted in sound economic and scientific analysis.

(2) Cost-benefit analysis and risk assessment are useful tools to better inform agencies in developing regulations, although they do not replace the need for good judgment and consideration of values.

(3) Cost and risk need to be considered in evaluating regulatory proposals which address health, safety, or the environment. Other factors such as social values, distributional effects, and equity, must also be considered.

(4) Cost-benefit analysis and risk assessment should be presented with a clear statement of the analytical assumptions and uncertainties including an explanation of what is known and not known and what the implications of alternative assumptions might be.

(5) The public has a right to know about the costs and benefits of regulations, the risks addressed, the amount of risk reduced, and the quality of scientific and economic analysis used to support decisions. Such knowledge will promote the quality, integrity and responsiveness of agency actions.

(6) The Administrator of the Office of Information and Regulatory Affairs should oversee regulatory activities to ensure consistent and valid use of cost-benefit analysis and risk assessment among all agencies.

(7) The Federal Government should develop a better understanding of the strengths, weaknesses, and uncertainties of cost-benefit analysis and risk assessment and conduct the research needed to improve these analytical tools.

SEC. 3. REGULATORY ANALYSIS.

(a) IN GENERAL.—Chapter 6 of title 5, United States Code, is amended by adding at the end the following:

''SUBCHAPTER II—REGULATORY ANALYSIS

''§ 621. Definitions

''For purposes of this subchapter the definitions under section 551 shall apply and—

''(1) the term 'benefit' means the reasonably identifiable significant favorable effects, quantifiable and nonquantifiable, including social, health, safety, environmental, economic, and distributional effects, that are expected to result directly or indirectly from implementation of, or compliance with, a rule;

''(2) the term 'cost' means the reasonably identifiable significant adverse effects, quantifiable and nonquantifiable, including social, health, safety, environmental, economic, and distributional effects that are expected to result directly or indirectly from implementation of, or compliance with, a rule;

''(3) the term 'cost-benefit analysis' means an evaluation of the costs and benefits of a rule, quantified to the extent feasible and appropriate and otherwise qualitatively described, that is prepared in accordance with the requirements of this subchapter at the level of detail appropriate and practicable for reasoned decisionmaking on the matter involved, taking into consideration uncertainties, the significance and complexity of the decision, and the need to adequately inform the public;

''(4) the term 'Director' means the Director of the Office of Management and Budget, acting through the Administrator of the Office of Information and Regulatory Affairs;

''(5) the term 'flexible regulatory options' means regulatory options that permit flexibility to regulated persons in achieving the objective of the statute as addressed by the rule making, including regulatory options that use market-based mechanisms, outcome oriented performance-based standards, or other options that promote flexibility;

(6) the term 'major rule' means a rule or a group of closely related rules that—

''(A) the agency proposing the rule or the Director reasonably determines is likely to have an annual effect on the economy of $100,000,000 or more in reasonably quantifiable costs; or

''(B) is otherwise designated a major rule by the Director on the ground that the rule is likely to adversely affect, in a material way, the economy, a sector of the economy, including small business, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments, or communities;

''(7) the term 'reasonable alternative' means a reasonable regulatory option that would achieve the objective of the statute as addressed by the rule making and that the agency has authority to adopt under the statute granting rule making authority, including flexible regulatory options;

''(8) the term 'risk assessment' means the systematic process of organizing hazard and exposure assessments to estimate the potential for specific harm to exposed individuals, populations, or natural resources;

''(9) the term 'risk characterization' means the presentation of risk assessment results including, to the extent feasible, a characterization of the distribution of risk as well as an analysis of uncertainties, variabilities, conflicting information, and inferences and assumptions in the assessment;

''(10) the term 'rule' has the same meaning as in section 551(4), and shall not include—

''(A) a rule exempt from notice and public comment procedure under section 553;

''(B) a rule that involves the internal revenue laws of the United States, or the assessment and collection of taxes, duties, or other revenue or receipts;

''(C) a rule of particular applicability that approves or prescribes for the future rates, wages, prices, services, corporate or financial structures, reorganizations, mergers, acquisitions, accounting practices, or disclosures bearing on any of the foregoing;

''(D) a rule relating to monetary policy proposed or promulgated by the Board of Governors of the Federal Reserve System or by the Federal Open Market Committee;

''(E) a rule relating to the safety or soundness of federally insured depository institutions or any affiliate of such an institution (as defined in section 2(k) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(k)); credit unions; the Federal Home Loan

Banks; government-sponsored housing enterprises; a Farm Credit System Institution; foreign banks, and their branches, agencies, commercial lending companies or representative offices that operate in the United States and any affiliate of such foreign banks (as those terms are defined in the International Banking Act of 1978 (12 U.S.C. 3101)); or a rule relating to the payments system or the protection of deposit insurance funds or Farm Credit Insurance Fund;

''(F) a rule or order relating to the financial responsibility, recordkeeping, or reporting of brokers and dealers (including Government securities brokers and dealers) or futures commission merchants, the safeguarding of investor securities and funds or commodity future or options customer securities and funds, the clearance and settlement of securities, futures, or options transactions, or the suspension of trading under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) or emergency action taken under the Commodity Exchange Act (7 U.S.C. 1 et seq.), or a rule relating to the protection of the Securities Investor Protection Corporation, that is promulgated under the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.), or a rule relating to the custody of Government securities by depository institutions under section 3121 or 9110 of title 31;

''(G) a rule issued by the Federal Election Commission or a rule issued by the Federal Communications Commission under sections 312(a)(7) and 315 of the Communications Act of 1934 (47 U.S.C. 312(a)(7) and 315);

''(H) a rule required to be promulgated at least annually pursuant to statute; or

''(I) a rule or agency action relating to the public debt;

''(11) the term 'screening analysis' means an analysis using simple assumptions to arrive at an estimate of upper and lower bounds of risk as appropriate; and

''(12) the term 'substitution risk' means an increased risk to health, safety, or the environment reasonably likely to result from a regulatory option.

''§ 622. Applicability

''Except as provided in section 623(e), this subchapter shall apply to all proposed and final major rules.

''§ 623. Regulatory analysis

''(a)(1) Before publishing a notice of a proposed rule making for any rule, each agency shall determine whether the rule is or is not a major rule covered by this subchapter.

''(2) The Director may designate any rule to be a major rule under section 621(6)(B), if the Director—

''(A) makes such designation no later than 30 days after the close of the comment period for the rule; and

''(B) publishes such determination in the Federal Register together with a succinct statement of the basis for the determination within 30 days after such determination.

''(b)(1)(A) When an agency publishes a notice of proposed rule making for a major rule, the agency shall prepare and place in the rule making file an initial regulatory analysis, and shall include a summary of such analysis consistent with subsection (d) in the notice of proposed rule making.

''(B)(i) When the Director has published a determination that a rule is a major rule after the publication of the notice of proposed rule making for the rule, the agency shall promptly prepare and place in the rule making file an initial regulatory analysis for the rule and shall publish in the Federal Register a summary of such analysis consistent with subsection (d).

''(ii) Following the issuance of an initial regulatory analysis under clause (i), the agency shall give interested persons an opportunity to comment under section 553 in the same manner as if the initial regulatory analysis had been issued with the notice of proposed rule making.

''(2) Each initial regulatory analysis shall contain—

''(A) a cost-benefit analysis of the proposed rule that shall contain—

''(i) an analysis of the benefits of the proposed rule, including any benefits that cannot be quantified, and an explanation of how the agency anticipates that such benefits will be achieved by the proposed rule, including a description of the persons or classes of persons likely to receive such benefits;

''(ii) an analysis of the costs of the proposed rule, including any costs that cannot be quantified, and an explanation of how the agency anticipates that such costs will result from the proposed rule, including a description of the persons or classes of persons likely to bear such costs; and

''(iii) an evaluation of the relationship of the benefits of the proposed rule to its costs, including the determinations required under subsection (c)(3), taking into account the results of any risk assessment;

''(iv) an evaluation of the benefits and costs of a reasonable number of reasonable alternatives reflecting the range of regulatory options that would achieve the objective of the statute as addressed by the rule making, including, where feasible, alternatives that—

''(I) require no government action;

''(II) accommodate differences among geographic regions and among persons with differing levels of resources with which to comply; or

''(III) employ flexible regulatory options;

''(v) a description of the scientific or economic evaluations or information upon which the agency substantially relied in the cost-benefit analysis and risk assessment required under this subchapter, and an explanation of how the agency reached the determinations under subsection (c)(3); and

''(B) if required, the risk assessment in accordance with section 624.

''(c)(1) When the agency publishes a final major rule, the agency shall also prepare and place in the rule making file a final regulatory analysis, and shall prepare a summary of the analysis consistent with subsection (d).

''(2) Each final regulatory analysis shall address each of the requirements for the initial regulatory analysis under subsection (b)(2), revised to reflect—

''(A) any material changes made to the proposed rule by the agency after publication of the notice of proposed rule making;

''(B) any material changes made to the cost-benefit analysis or risk assessment; and

''(C) agency consideration of significant comments received regarding the proposed rule and the initial regulatory analysis, including regulatory review communications under subchapter IV.

''(3)(A) The agency shall include in the statement of basis and purpose for the rule a reasonable determination, based upon the rule making record considered as a whole—

''(i) whether the rule is likely to provide benefits that justify the costs of the rule; and

''(ii) whether the rule is likely to substantially achieve the rule making objective in a more cost-effective manner, or with greater net benefits, than the other reasonable alternatives considered by the agency.

''(B) If the agency head cannot reasonably determine that the final rule is likely to provide benefits that justify the costs of the rule and substantially achieve the rule making objective in a more cost-effective manner or with greater net benefits than the other reasonable alternatives considered by the agency, the agency head shall—

''(i) explain why such determinations cannot be made;

''(ii) identify any statutory provision or other factor that prevents such determinations; and

''(iii) describe a reasonable alternative considered by the agency, if feasible, that would allow the agency to determine that the benefits justify the costs and that the rule making objective would be achieved in a more cost-effective manner or with greater net benefits than the other reasonable alternatives considered by the agency.

''(d) Each agency shall include an executive summary of the regulatory analysis, including any risk assessment, in the regulatory analysis and in the statement of basis and purpose for the rule. Such executive summary shall include a succinct presentation of—

''(1) the benefits and costs expected to result from the rule and any determinations required under subsection (c)(3);

''(2) if applicable, the risk addressed by the rule, including the most plausible estimate of the risk and the results of any risk assessment;

''(3) the benefits and costs of reasonable alternatives considered by the agency; and

''(4) the key assumptions and scientific or economic information upon which the agency relied.

''(e)(1) A major rule may be adopted without prior compliance with this subchapter if—

''(A) the agency for good cause finds that conducting the regulatory analysis under this subchapter is contrary to the public interest due to an emergency, or an imminent threat to health or safety that is likely to result in significant harm to the public or the environment; and

''(B) the agency publishes in the Federal Register, together with such finding, a succinct statement of the basis for the finding.

''(2) If a major rule is adopted under paragraph (1), the agency shall comply with this subchapter as promptly as possible unless compliance would be unreasonable because the rule is, or soon will be, no longer in effect.

''§ 624. Principles for risk assessments

''(a)(1) Subject to paragraph (2), each agency shall design and conduct risk assessments in accordance with this subchapter for each proposed and final major rule the primary purpose of which is to address health, safety, or environmental risk, or which results in a significant substitution risk, in a manner that promotes rational and informed risk management decisions and informed public input into and understanding of the process of making agency decisions.

''(2) If a risk assessment under this subchapter is otherwise required by this section, but the agency determines that—

''(A) a final rule subject to this subchapter is substantially similar to the proposed rule with respect to the risk being addressed;

''(B) a risk assessment for the proposed rule has been carried out in a manner consistent with this subchapter; and

''(C) a new risk assessment for the final rule is not required in order to respond to comments received during the period for comment on the proposed rule,

the agency may publish such determination along with the final rule in lieu of preparing a new risk assessment for the final rule.

''(b) Each agency shall consider in each risk assessment reliable and reasonably available scientific information and shall describe the basis for selecting such scientific information.

''(c)(1) Each agency may use reasonable assumptions to the extent that relevant and reliable scientific information, including

site-specific or substance-specific information, is not reasonably available.

''(2) When a risk assessment involves a choice of assumptions, the agency shall—

''(A) identify the assumption and its scientific or policy basis, including the extent to which the assumption has been validated by, or conflicts with, empirical data;

''(B) explain the basis for any choices among assumptions and, where applicable, the basis for combining multiple assumptions; and

''(C) describe reasonable alternative assumptions that were considered but not selected by the agency for use in the risk assessment, how such alternative assumptions would have changed the conclusions of the risk assessment, and the rationale for not using such alternatives.

''(d) Each agency shall provide appropriate opportunity for public comment and participation during the development of a risk assessment.

''(e) Each risk assessment supporting a major rule under this subchapter shall include, as appropriate, each of the following:

''(1) A description of the hazard of concern.

''(2) A description of the populations or natural resources that are the subject of the risk assessment.

''(3) An explanation of the exposure scenarios used in the risk assessment, including an estimate of the corresponding population at risk and the likelihood of such exposure scenarios.

''(4) A description of the nature and severity of the harm that could reasonably occur as a result of exposure to the hazard.

''(5) A description of the major uncertainties in each component of the risk assessment and their influence on the results of the assessment.

''(f) To the extent scientifically appropriate, each agency shall—

''(1) express the overall estimate of risk as a reasonable range or probability distribution that reflects variabilities, uncertainties, and lack of data in the analysis;

''(2) provide the range and distribution of risks and the corresponding exposure scenarios, identifying the range and distribution and likelihood of risk to the general population and, as appropriate, to more highly exposed or sensitive subpopulations, including the most plausible estimates of the risks; and

''(3) where quantitative estimates are not available, describe the qualitative factors influencing the range, distribution, and likelihood of possible risks.

''(g) When scientific information that permits relevant comparisons of risk is reasonably available, each agency shall use the information to place the nature and magnitude of a risk to health, safety, or the environment being analyzed in relationship to other reasonably comparable risks familiar to and routinely encountered by the general public. Such comparisons should consider relevant distinctions among risks, such as the voluntary or involuntary nature of risks.

''(h) When scientifically appropriate information on significant substitution risks to health, safety, or the environment is reasonably available to the agency, the agency shall describe such risks in the risk assessment.

''§ 625. Peer review

''(a) Each agency shall provide for peer review in accordance with this section of any cost benefit analysis and risk assessment required by this subchapter that forms the basis of any major rule covered by this subchapter.

''(b)(1) Peer review required under subsection (a) shall—

''(A) provide for the creation or utilization of peer review panels, expert bodies, or other formal or informal devices that are broadly representative and balanced and that consist of panel members or participants with expertise relevant to the sciences involved in the regulatory decisions and who are independent of the agency program;

''(B) exclude any person as a panel member or participant if such person has a financial interest in the outcome, unless such person fully discloses such interest to the agency and the public;

''(C) provide for the timely completion of the peer review including meeting agency deadlines;

''(D) contain a balanced presentation of all considerations, including minority reports and an agency response to all significant peer review comments; and

''(E) provide adequate protections for confidential business information and trade secrets, including requiring panel members or participants to enter into confidentiality agreements.

''(2) All peer review written comments or conclusions and the agency's written responses to significant peer review comments shall be made available to the public and shall be made part of the rule making record for purposes of judicial review of any final agency action.

''(3) If the head of an agency, with the concurrence of the Director, publishes a determination that a cost-benefit analysis or risk assessment, or any component thereof, has been previously subjected to adequate peer review, no further peer review shall be required under this section for such analysis, assessment, or component.

''§ 626. Deadlines for rule making

''(a) All deadlines in statutes or imposed by a court of the United States, that require an agency to propose or promulgate any major rule during the 2-year period beginning on the effective date of this section shall be suspended until the earlier of—

''(1) the date on which the requirements of this subchapter are satisfied; or

''(2) the date occurring 6 months after the date of the applicable deadline.

''(b) In any case in which the failure to promulgate a major rule by a deadline occurring during the 2-year period beginning on the effective date of this section would create an obligation to regulate through individual adjudications, the deadline shall be suspended until the earlier of—

''(1) the date on which the requirements of this subchapter are satisfied; or

''(2) the date occurring 6 months after the date of the applicable deadline.

''§ 627. Judicial review

''(a) Compliance or noncompliance by an agency with the provisions of this subchapter shall only be subject to judicial review in accordance with this section.

''(b) Any determination of an agency whether a rule is or is not a major rule under section 621(6)(A) shall be set aside by a reviewing court only upon a clear and convincing showing that the determination is erroneous in light of the information available to the agency at the time the agency made the determination.

''(c) Any determination by the Director that a rule is a major rule under section 621(6), or any failure to make such determination, shall not be subject to judicial review in any manner.

''(d) The cost-benefit analysis and any risk assessment required under this subchapter shall not be subject to judicial review separate from review of the final rule to which they apply. The cost-benefit analysis, cost-benefit determination under section 623(c)(3), and any risk assessment shall be part of the whole rule making record for purposes of judicial review of the rule and shall be considered by a court in determining whether the final rule is arbitrary or capricious unless the agency can demonstrate that the analysis or assessment would not be material to the outcome of the rule.

''(e) If an agency fails to perform the cost-benefit analysis, cost-benefit determination, or risk assessment, a court shall remand or invalidate the rule.

''§ 628. Guidelines, interagency coordination, and research

''(a)(1) No later than 9 months after the date of enactment of this section, the Director, in consultation with the Director of the Office of Science and Technology Policy and the relevant agency heads, shall develop guidelines for cost-benefit analyses and risk assessments required by this subchapter or with significant implications for public policy. To the extent feasible such guidelines shall apply the principles of sections 623 and 624. The Director shall oversee and periodically revise such guidelines as appropriate.

''(2) As soon as practicable and no later than 18 months after the date of enactment of this section, each relevant agency shall adopt detailed guidelines for risk assessments required by this subchapter or with significant implications for public policy. Such guidelines shall be consistent with the guidance issued under paragraph (1). Each agency shall periodically revise such agency guidelines as appropriate.

''(3) The guidelines under this subsection shall be developed following notice and public comment. The development and issuance of the guidelines shall not be subject to judicial review, except in accordance with section 706(1) of this title.

''(b) To promote the use of cost-benefit analysis and assessment in a consistent manner and to identify agency research and training needs, the Director, in consultation with the Director of the Office of Science and Technology Policy, shall—

''(1) oversee periodic evaluations of Federal agency cost-benefit analysis and risk assessment;

''(2) provide advice and recommendations to the President and Congress to improve agency use of cost-benefit analysis and risk assessment;

''(3) establish appropriate interagency mechanisms to improve the consistency and quality of cost-benefit analysis and risk assessment among Federal agencies; and

''(4) establish appropriate mechanisms between Federal and State agencies to improve cooperation in the development and application of cost-benefit analysis and risk assessment.

''(c)(1) The head of each agency, in consultation with the Director and the Director of the Office of Science and Technology Policy, shall regularly evaluate and develop a strategy to meet agency needs for research and training in cost-benefit analysis and risk assessment, including research on modelling, the development of generic data, use of assumptions and the identification and quantification of uncertainty and variability.

''(2)(A) No later than 6 months from the date of enactment of this section, the Director, in consultation with the Director of the Office of Science and Technology Policy, shall enter into appropriate arrangements with an accredited scientific institution to conduct research to—

''(i) identify and evaluate a common basis to assist comparative risk analysis and risk communication related to both carcinogens and noncarcinogens; and

''(ii) appropriately incorporate risk assessments into related cost-benefit analyses.

''(B) The results of the research conducted under this paragraph shall be submitted to the Director and Congress no later than 18

months after the date of enactment of this section.

"§ 629. Comparative risk analysis study

''(a) No later than 180 days after the effective date of this section, the Director, in consultation with the Director of the Office of Science and Technology Policy, shall enter into a contract with an accredited scientific institution to conduct a study that provides—

''(1) a systematic comparison of the extent and severity of significant risks to human health, safety, or the environment (hereafter referred to as a comparative risk analysis);

''(2) a study of methodologies for using comparative risk analysis to compare dissimilar risks to human health, safety, or the environment; and

''(3) technical guidance and recommendations on the use of comparative risk analysis to assist in allocating resources within and across agencies to set priorities for the reduction of risks to human health, safety, or the environment.

''(b) The Director shall ensure that the study required under subsection (a) is—

''(1) conducted through an open process providing peer review consistent with section 625 and opportunities for public comment and participation; and

''(2) completed and submitted to Congress and the President no later than 3 years after the effective date of this section.

''(c) No later than 5 years after the effective date of this section, and periodically thereafter, the President shall submit a report to Congress recommending legislative changes to assist in setting priorities to more effectively and efficiently reduce risks to human health, safety, or the environment.

''SUBCHAPTER III—REVIEW OF RULES

"§ 631. Definitions

''For purposes of this subchapter the definitions under sections 551 and 621 shall apply.

"§ 632. Advisory committee on regulations

''(a)(1)(A) No later than 90 days after the date of enactment of this section and every 5 years thereafter, the head of each agency described under subparagraph (B) shall establish an advisory committee for the review of rules.

''(B) An agency referred to under subparagraph (A) is any agency that has promulgated a major rule during the 10-year period preceding the date of the establishment of an advisory committee under subparagraph (A).

''(2) The head of an agency described under paragraph (1) may establish panels under its advisory committee.

''(b)(1) Each such agency head shall appoint a reasonable number of members to serve on the agency's advisory committee and shall designate a chairman from the members of the committee. Membership on the committee shall represent a balanced cross-section of public and private interests affected by the regulations of the agency, including small businesses, small governments, and public interest groups. No employee of the agency establishing the committee shall serve as a member of such agency's committee under this section.

''(2) Each member shall be appointed for the life of the advisory committee. The advisory committee shall terminate 1 year after the date on which the committee is established.

''(3) A vacancy on a committee shall be filled in the same manner as the original appointment.

''(4) Each committee shall solicit public comments and may solicit public participation through appropriate means including hearings, written comments, public meetings, and electronic mail.

''(5) Members of each committee shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703.

''(6) Each committee shall be subject to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).

"§ 633. Agency regulatory review

''(a) Each advisory committee appointed under section 632 shall develop a list of rules promulgated by the agency that the committee serves, which the committee determines should be reviewed by the agency and can reasonably be reviewed by the agency within a 5-year period. In selecting rules for review, each committee shall consider the extent to which—

''(1) a rule could be revised to substantially increase net benefits, including through flexible regulatory options;

''(2) the rule is important relative to other rules being considered for review; and

''(3) the agency has discretion under the statute authorizing the rule to modify or repeal the rule.

''(b) In developing the list required under subsection (a), each advisory committee shall obtain comments and suggestions from the public.

''(c) No later than 1 year after an advisory committee is established, such committee shall deliver to the agency the committee's recommended list of rules to be reviewed in order of priority. The agency shall immediately publish the list in the Federal Register and forward a copy of the list to the appropriate committees of jurisdiction in the House of Representatives and the Senate.

''(d)(1) No later than 60 days after receiving and reviewing the list of rules from its committee, the agency shall publish in the Federal Register a preliminary schedule for review of rules based on such list.

''(2) The agency shall provide in the Federal Register at the time the preliminary schedule is published an explanation of each modification to the list provided by the advisory committee and shall invite public comment on the preliminary schedule for a period of no less than 60 days.

''(e) The preliminary schedule under this section shall propose deadlines for review of each rule listed thereon, and such deadlines shall occur no later than 5 years from the date of publication of the final schedule.

''(f)(1) No later than 60 days after the close of the comment period, the agency shall publish a final schedule of rules to be reviewed by the agency under this section.

''(2) The schedule shall establish a deadline for completion of the review of each rule listed on the schedule. Each deadline shall occur no later than 5 years from the date of publication of the final schedule.

''(g) In preparing the preliminary and final schedule, the agency shall give deference to the recommendations of its advisory committee but may modify the list of rules to be reviewed, taking into account the factors contained in subsection (a) and the resource constraints of the agency.

''(h)(1) For each rule on the schedule under subsection (e), the agency shall—

''(A) no later than 2 years before the deadline in such schedule, publish in the Federal Register a notice that solicits public comment regarding whether the rule should be continued, amended, or repealed;

''(B) no later than 1 year before the deadline in such schedule, publish in the Federal Register a notice that—

''(i) addresses public comments generated by the notice in subparagraph (A);

''(ii) contains a preliminary analysis by the agency with respect to subsection (a) (1), (2), and (3);

''(iii) contains a preliminary determination whether the rule should be continued, amended, or repealed; and

''(iv) solicits public comment on the preliminary determination for the rule; and

''(C) no later than 60 days before the deadline in such schedule, publish in the Federal Register a final notice on the rule that—

''(i) addresses public comments generated by the notice in subsection (c);

''(ii) contains a determination to continue, amend, or repeal the rule and an explanation of such determination with respect to subsection (a) (1), (2), and (3); and

''(iii) if the agency determines to amend or repeal the rule, contains, if required, a notice of proposed rule making under section 553.

''(2) If the final determination of the agency is to continue the rule, such determination shall constitute final agency action 60 days after the publication in the Federal Register of the notice in paragraph (1)(C).

''(i) If an agency makes a determination to amend or repeal a rule under subsection (h)(1)(C), the agency shall complete final agency action with regard to such rule no later than 2 years after the deadline established for such rule under subsection (f)(2).

''(j) Nothing in this section shall limit the discretion of an agency to decide, after having proposed to modify or repeal a rule, not to promulgate such modification or repeal. Such decision shall constitute final agency action for the purposes of judicial review.

''(k) Agency failure to take the actions required by this section shall be subject to judicial review only under section 706(1). There shall be no judicial review of the preliminary or final schedule.

''(l) A court may remand a determination under subsection (h)(2) only upon a clear and convincing showing that the agency could have adopted a reasonable alternative that would substantially increase net benefits, including through flexible regulatory options, while meeting the objectives of the statute as addressed by the rule making.

''SUBCHAPTER IV—EXECUTIVE OVERSIGHT

"§ 641. Definitions

''For purposes of this subchapter—

''(1) the definitions under sections 551 and 621 shall apply; and

''(2) the term 'regulatory action' means any one of the following:

''(A) An agenda or schedule for rule makings.

''(B) Advance notice of proposed rule making.

''(C) Notice of proposed rule making.

''(D) Final rule making, including interim final rule making.

"§ 642. Presidential regulatory review

''(a) The President shall establish a process for the review and coordination of Federal agency regulatory actions. Such process shall be the responsibility of the Director.

''(b) For the purpose of carrying out the review established under subsection (a), the Director shall—

''(1) develop and oversee uniform regulatory policies and procedures, including those by which each agency shall comply with the requirements of this chapter;

''(2) develop policies and procedures for the review of regulatory actions by the Director; and

''(3) develop and oversee an annual governmentwide regulatory planning process that shall include review of planned agency major rules and other significant regulatory actions and publication of—

''(A) a summary of and schedule for promulgation of planned agency major rules;

''(B) agency specific schedules for review of existing rules under subchapter III;

''(C) a summary of regulatory review actions undertaken in the prior year;

''(D) a list of major rules promulgated in the prior year for which an agency could not make the determinations that the benefits of a rule justify the costs under section 623(c)(3);

''(E) identification of significant agency noncompliance with this chapter in the prior year; and

''(F) recommendations for improving compliance with this chapter and increasing the efficiency and effectiveness of the regulatory process.

''(c) The review established under subsection (a) shall be conducted as expeditiously as practicable and the Director's review of any regulatory action shall be limited to no more than 90 days, unless extended for an additional 30 days at the written request of the rule making agency or the Director.

''§ 643. Public disclosure of information

''(a) The Director, in carrying out the provisions of section 642, shall establish procedures to provide public and agency access to information concerning regulatory review actions, including—

''(1) disclosure to the public on an ongoing basis of information regarding the status of regulatory actions undergoing review;

''(2) disclosure to the public, no later than publication of a regulatory action, of—

''(A) all written communications relating to the substance of a regulatory action including drafts of all proposals and associated analyses, between the Director or employees of the Director and the regulatory agency;

''(B) all written communications relating to the substance of a regulatory action between the Director or employees of the Director and any person not employed by the executive branch of the Federal Government;

''(C) a list identifying the dates, names of individuals involved, and subject matter discussed in substantive meetings and telephone conversations relating to the substance of a regulatory action between the Director or employees of the Director and any person not employed by the executive branch of the Federal Government; and

''(D) a written explanation of any review action and the date of such action; and

''(3) disclosure to the regulatory agency, on a timely basis, of—

''(A) all written communications relating to the substance of a regulatory action between the Director or employees of the Director and any person who is not employed by the executive branch of the Federal Government;

''(B) a list identifying the dates, names of individuals involved, and subject matter discussed in substantive meetings and telephone conversations, and an invitation to participate in meetings, relating to the substance of a regulatory action between the Director or employees of the Director and any person not employed by the executive branch of the Federal Government; and

''(C) a written explanation of any review action taken concerning an agency regulatory action.

''(b) Prior to the publication of any proposed or final rule, the agency shall include in the rule making record—

''(1) a document identifying in a complete, clear, and simple manner, the substantive changes between the draft submitted to the Director for review and the rule subsequently announced;

''(2) a document identifying those changes in the rule that were made at the suggestion or recommendation of the Director; and

''(3) all written communications exchanged between the Director and the agency during the review of the rule, including drafts of all proposals and associated analyses.

''§ 644. Judicial review

''The exercise of the authority granted under this subchapter by the Director or the President shall not be subject to judicial review in any manner.''.

(b) PRESIDENTIAL AUTHORITY.—Nothing in this Act shall limit the exercise by the President of the authority and responsibility that the President otherwise possesses under the Constitution and other laws of the United States with respect to regulatory policies, procedures, and programs of departments, agencies, and offices.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Part I of title 5, United States Code, is amended by striking the chapter heading and table of sections for chapter 6 and inserting the following:

''CHAPTER 6—THE ANALYSIS OF REGULATORY FUNCTIONS

''SUBCHAPTER I—ANALYSIS OF REGULATORY FLEXIBILITY

''SUBCHAPTER II—REGULATORY ANALYSIS

''SUBCHAPTER III—REVIEW OF RULES

''SUBCHAPTER IV—EXECUTIVE OVERSIGHT

(2) Chapter 6 of title 5, United States Code, is amended by inserting immediately before section 601, the following subchapter heading:

''SUBCHAPTER I—ANALYSIS OF REGULATORY FLEXIBILITY''.

SEC. 4. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act shall take effect 180 days after the date of enactment of this Act, but shall not apply to any agency rule for which a notice of proposed rulemaking is published on or before August 1, 1997.

SUMMARY OF THE REGULATORY IMPROVEMENT ACT OF 1997

1. Regulatory Analysis (§623). When issuing major rules (costing over $100 million or deemed by OMB to have a significant impact on the economy), Federal agencies must conduct a regulatory analysis, including a cost-benefit analysis and, if relevant, a risk assessment.

a. Cost-benefit analysis. The cost-benefit analysis shall consider: The expected benefits of the rule (quantifiable and nonquantifiable); the expected costs of the rule (quantifiable and nonquantifiable); reasonable alternatives, including flexible regulatory options—such as market-based mechanisms or outcome-oriented performance-based standards;

b. Cost-benefit determination. The agency shall include in the statement of basis and purpose for the rule a reasonable determination: (1) whether the rule is likely to provide benefits that justify the costs of the rule; and (2) whether the rule is likely to substantially achieve the rule making objective in a more cost-effective manner, or with greater net benefits, than the other reasonable alternatives considered by the agency.

If the agency cannot make those determinations, it shall: (1) explain why such determinations cannot be made; (2) identify any statutory provision or other factor that prevents such determinations; and (3) describe a reasonable alternative considered by the agency, if feasible, that would allow the agency to make such determinations.

The agency shall include an executive summary in the regulatory analysis and in the statement of basis and purpose for the rule.

There is an exception from the regulatory analysis requirements when an agency must act expeditiously to address an imminent threat to health, safety or the environment.

2. Risk assessment principles (§624). If the major rule has the primary purpose of addressing health, safety, or environmental risks, or results in a significant substitution risk, the regulatory analysis must also include a risk assessment following general statutory criteria to ensure that the assessment is scientifically sound and transparent, including: Identify and explain assumptions made when measuring risks; provide appropriate opportunities for public comment and participation during the development of the risk assessment; disclose relevant information about the risk, including the range and distribution of risks and corresponding exposure scenarios, identifying the range and distribution and likehood of risk to the general population and any sensitive subpopulations, including the most plausible estimates of the risks; when scientific information permits, compare the risk being analyzed with other reasonably comparable risks familiar to and routinely encountered by the general public.

3. Peer review (§625). Agencies shall conduct independent peer review for risk assessments and cost-benefit analyses related to major rules. Peer review is not required where the agency and OMB certify that an assessment or analysis has previously been subjected to adequate peer review.

4. Deadlines for rule making (§626). For two years after the Act becomes effective, agencies are provided with a 6-month time extension from a regulatory deadline if needed to satisfy the requirements of the Act.

5. Judicial Review (§627). Judicial review is limited to making sure that agencies perform the cost-benefit analyses and risk assessments for major rules. (The process for and content of such analysis is not subject to separate judicial review.) The cost-benefit analysis and risk assessment are to be included in the rule making record for purposes of judicial review of the final rule under the deferential arbitrary and capricious standard.

6. Guidelines, interagency coordination, and research (§628). Within 9 months, OMB is required to consult with OSTP and relevant agencies to develop broad guidelines for risk assessments and cost-benefit analyses consistent with the Act.

Within 18 months, each relevant agency shall develop more detailed guidelines for risk assessments tailored to agency programs consistent with the OMB/OSTP guidelines.

OMB shall consult with OSTP to coordinate and improve agency cost-benefit analysis and risk assessment practices and to develop a strategy to agency research and training needs.

Within 6 months, OMB shall consult with OSTP to arrange for research to identify and evaluate a common basis to assist comparative risk analysis and risk communication related to both carcinogens and noncarcinogens; and to appropriately incorporate risk assessments into cost-benefit analyses.

7. Comparative risk analysis study (§629). OMB, in consultation with OSTP, shall enter into a contract with an accredited scientific institution to conduct a study that provides a comparison of significant health, safety and environmental risks, the methodologies for such comparisons, and technical guidance and recommendations on the use of comparative risk analysis to set priorities within and across agencies.

Within 5 years, the President shall submit a report to Congress recommending legislative changes to assist in setting priorities to more effectively and efficiently reduce risks to health, safety and the environment.

8. Review of Rules (§§631–633). Each agency that has issued a major rule within the last 10 years shall establish a balanced advisory committee to recommend a list of rules that the agency should review to increase net benefits. Membership of the committee shall include a balanced cross-section of the public and private interests affected by agency regulations, including small business, small governments, and public interest groups.

After reviewing the recommendations of the advisory group, the agency shall develop and issue a schedule of rules to be reviewed every 5 years, taking into account the extent of the agencies resources to review such rules. The agency may continue, modify or repeal the reviewed rule pursuant to notice and comment rule making.

9. Executive Oversight (§§641–644). The bill codifies the regulatory review process and sets out responsibilities and authority of the Office of Information and Regulatory Affairs (OIRA) to develop policies and procedures to review regulatory actions and to develop and oversee an annual government-wide regulatory planning process that includes the review of major rules and other significant regulatory actions.

OIRA shall establish procedures to provide public and agency access to information concerning regulatory review actions.

Information to be disclosed to the public includes: the status of regulatory actions; written communications between OIRA and the agency on the regulatory action; written communications between OIRA and persons outside the Executive Branch; and a list identifying the dates, names of individuals involved, and subject matter discussed in meetings and telephone conversations relating to the regulatory action between OIRA and persons not employed by the Executive Branch.

Information to be disclosed to the regulatory agency includes: written communications between OIRA and persons outside the Executive Branch on a regulatory action; a list identifying the dates, names of individuals involved, and subject matter discussed in meetings and telephone conversations relating to the regulatory action between OIRA and persons not employed by the Executive Branch; and a written explanation of any review action taken.

The agency shall include in the rule making record: a document identifying the substantive changes between the draft submitted to the Director for review and the rule subsequently announced; a document identifying those changes in the rule that were made at the suggestion or recommendation of the Director; and all written communications exchanged between the Director and the agency during the review of the rule, including drafts of all proposals and associated analyses.

10. Effective Date (Section 4). The Act shall take effect 180 days after the date of enactment, but shall not apply to any agency rule for which a notice of proposed rule making is published on or before August 1, 1997.

Mr. THOMPSON. Mr. President, I am pleased to be able to join with Senator LEVIN and several of our colleagues in introducing legislation to improve how the federal government regulates. This legislation is an effort by some of us to devise a common solution to the problems of our regulatory system. We have some real political differences among us, but we all share the same goals: clean air and water, injury free workplaces, safe transportation systems, to name a few of the good things that can come from regulation. We also all share the goal of avoiding regulation which unnecessarily interferes in people's lives and businesses, which costs more than it benefits, or which—inadvertently—causes actual harm.

I am pleased we are introducing this bill with Senators GLENN, ABRAHAM, ROBB, ROTH, ROCKEFELLER and STEVENS. They have all toiled in the fields to improve regulation.

It was in this spirit that the legislation we are introducing today was drafted. The Regulatory Improvement Act will promote the public's right to know how and why agencies regulate, improve the quality of government decisionmaking, and increase Government accountability and responsiveness to the people it serves.

The problem is that agencies sometimes lose sight of common sense as they create regulations. Then even well-intentioned rules can produce disappointing results.

Consider the airbag issue that has been in the news lately. The National Highway Transportation Safety Administration required high-force airbags to maximize the odds of survival for adult males in highway crashes. But the deployment force from these airbags can be so severe that they can injure children, women, and the elderly. Senator KEMPTHORNE has spoken about the tragic death of a young girl from Idaho who was decapitated when an airbag deployed during a low-impact collision. The agency is now considering the use of an airbag cut-off switch to avoid these tragedies. But Mr. President, tragedies like this never should have occurred. We could have avoided needless deaths and injuries if the agency had carefully considered the risks that high-impact airbags pose to certain populations. I hope today's proposal will correct mistakes like this before they occur.

A second example is the removal of asbestos from our schools and other public buildings. Early in the 1980s, government scientists argued that asbestos exposure could cause thousands of deaths. Congress responded by passing a sweeping law that led cities and states to spend nearly $20 billion to remove asbestos from public buildings. After further research, EPA officials eventually concluded that ripping out the asbestos had been an expensive mistake. Ironically, removing the asbestos actually raised the risk to the public—because asbestos fibers become airborne during removal. This mistake never would have occurred if these increased risks had been considered in the first place. I hope that would change under the Regulatory Improvement Act.

Finally, let me mention our Superfund requirements. Superfund was passed with the good intention of cleaning up America's toxic wastesites. Unfortunately, things are not working as well as intended. Superfund has become a legal and regulatory maze where a good 90 percent of insurers' costs and 20 percent of liable parties' costs are spent on lawyers and consultants—not on cleaning up the environment. We also have to ask if we are focusing on the most important priorities. For example, Superfund imposes extremely stringent standards for cleaning up lead in groundwater. Now, this is a good rule in many cases, because lead can be very toxic to children. The problem is that we may be overlooking more direct threats to children from lead. For example, lead paint in old houses can be a greater threat to children's health than lead that may be under some industrial site where there are no children. Last congress, our committee heard testimony about how the Superfund law requires groundwater in a Newark railyard to be cleaner than drinking water—at enormous cost. Now, if land is going to be used for industrial purposes, and no children will be there, does this make sense? The answer may be no—those requirements may not improve the environment much, but they may drive businesses out of Newark. Nobody wants to open a business near a Superfund site and risk being sued. No wonder our inner cities are starved for jobs. In the end, we may be hurting the very people we should be concerned about—the inner-city poor, those who already have to live with many risks in their daily lives, those who do not have clout here in Washington.

Virtually every serious student of the regulatory process agrees we can do better. One study by the Harvard Center for Risk Analysis found that if agencies simply set their priorities in a smarter way, we could save an additional 60,000 lives per year at no additional cost. Mr. President, we don't have a moment to lose when we could save more lives. We can set aside partisan politics, and we all can agree this is the right thing to do.

Since I became chairman of the Governmental Affairs Committee, I have been working closely with Senator LEVIN to forge bipartisan legislation with three major purposes:

First, to promote the public's right to know how and why agencies make

regulatory decisions. This legislation helps the public to understand agency decisions by directing agencies to—

Allow the public to comment and participate as rules are developed; disclose the benefits and burdens of major rules; disclose any environmental, health and safety risks a rule is designed to reduce, and make those risks understandable by comparing them with other risks familiar to the public; and identify major assumptions and uncertainties considered in creating rules.

Second, to improve the quality of government decisionmaking. Careful thought, grounded in science, will help us to target problems and to find better solutions. We must carefully craft new rules to be effective and efficient. Agencies will carefully consider the benefits and burdens of rules and use good scientific and technical information. Agencies will seek out smarter ways to regulate, including flexible approaches such as outcome-oriented performance standards and market mechanisms. We must modernize and improve rules already on the books. Independent committees will advise agencies how to revise rules to substantially increase the benefits to the public.

And finally, to increase Government accountability to the people it serves. The Act will require agencies to—

Clearly present regulatory proposals so the public, the Congress, and the President can understand the problem at hand and help find a solution; explain any legal impediment or other factor hindering the agency from issuing cost-effective and sensible regulations, and describe any superior alternatives; disclose realistic estimates of any risks addressed; document changes made to proposed rules when the rules are reviewed by the Office of Management and Budget [OMB]; disclose contacts from persons outside the executive branch with OMB when it is reviewing proposed rules, since such contacts may represent outside influence.

Mr. President, while it is important to review what this legislation will accomplish, it also is important to note that this proposal avoids the contentious issues that thwarted agreement on legislation last Congress.

First, this legislation does not contain a supermandate. That is, while we believe that cost-benefit analysis is an important tool to inform agency decisionmaking, the results of the cost-benefit analysis do not trump existing law. The bill explicitly recognizes that sometimes an agency will issue a rule that would not pass a cost-benefit test. We only ask the agency to explain why it selected such a rule, including any legal impediment that hindered the agency from issuing a cost-justified rule.

Second, this bill does not contain a petition process that would allow outside parties to sue agencies in court to change particular rules that the litigant does not like. While we believe there are fruitful opportunities to update and improve old rules, we do not want to set up a review process that could create a litigation morass. Instead of a petition process, agencies will use independent advisory committees that would recommend a list of rules that could be improved to substantially increase net benefits to the public. The agency would defer to the recommendations of the advisory committee, but they could not be dragged into court if someone wanted a different rule to be reviewed.

Finally, this bill strikes a balanced approach to judicial review. We allow limited judicial review under the deferential arbitrary and capricious standard to ensure that agencies issue reasonable regulations using the tools of cost-benefit analysis and risk assessment. But this legislation does not provide a series of trip wires that could hinder agencies from performing their missions. In other words, we realize the agencies may not be perfect in complying with this law. They may make mistakes from time to time. We won't imperil important regulations because the agency made honest mistakes. We just ask the agency to make reasonable and honest decisions, and the public deserves no less.

Mr. President, we are devoting vast resources to achieve our regulatory goals. By some estimates, the annual regulatory burden is nearly $700 billion per year—almost $7,000 for the average American household. Our regulatory goals are too important, and our resources are too precious, to spend this money unwisely.

The Regulatory Improvement Act will ensure that agencies conduct better economic and scientific analysis before they issue regulations. Government will be more open to the public, will better explain the problem, and will consider the best available information to solve the problem. Agencies will consider the benefits and burdens of different regulatory alternatives so we can reach the most sensible solutions. And agencies will modernize old rules on the books to increase the benefits to the public. In the process, we won't sacrifice our important national goals and values. We can make our Government more effective, more open, and more accountable than ever.

Mr. GLENN. Mr. President, I am very pleased today to cosponsor the Regulatory Improvement Act of 1997. This legislation, introduced today by my colleagues Senator CARL LEVIN and Senator FRED THOMPSON, reflects a bipartisan effort to establish a balanced, comprehensive governmentwide standard for Federal rulemaking.

As former chairman and current ranking member of the Committee on Governmental Affairs, I have worked for over a decade to improve the Federal regulatory process. I must note that with me at every step has been my good friend and colleague, Senator CARL LEVIN. Now, we are joined by our new Committee Chairman, Senator FRED THOMPSON. I am very happy to take part in this bipartisan effort.

Regulatory reform has seen many forms in Congress over the years, from S. 1080 over 15 years ago, to several bipartisan bills in the 104th Congress—S. 291, our unanimous Governmental Affairs Committee bill introduced by Senator ROTH and me, the Dole-Johnston S. 343, and the Glenn-Chafee S. 1001. While these bills differed in many ways, they all had one thing in common, a bipartisan resolve to reform the Federal regulatory process.

The regulatory process is important because in our system of government, Congress relies on agency regulations to ensure the effective implementation of the laws we enact. Improved public health and safety and environmental protection are some of the successes provided by this process.

Unfortunately, despite these successes, congressional oversight has shown there are too many instances where agencies have regulated without sufficiently analyzing the costs and benefits of regulation. Individuals, businesses, and State and local governments pay too high a price for such thoughtless rules. They also are often burdened by statutory requirements that force agencies to impose overly prescriptive requirements, unnecessary unfunded mandates, or unjustified costs.

So, while I have supported many programs to improve health and safety and the environment, I have also worked to improve the regulatory process. This has involved legislation and oversight in several different areas. For example, the Paperwork Reduction Act, which we strengthened in 1995, requires Federal agencies to reduce burdensome information collection activities, such as forms and regulatory reporting requirements. The Unfunded Mandates Act of 1994, which I introduced with Senator DIRK KEMPTHORNE, requires Congress and Federal agencies to account for unfunded legislative and regulatory requirements imposed on State and local governments. Most recently, I supported enactment of the Congressional Review Act, which provides for expedited congressional review of new regulations, so that we, as politically accountable public representatives, can take responsibility for implementation of the laws we enact.

These initiatives addressed several parts of the administrative process. Still lacking is a comprehensive statutory framework for regulatory analysis. The search for the right mix of these regulatory analysis requirements was at the heart of the regulatory reform debate in the early 1980's, in the last Congress, and now again, in the legislation introduced today.

I believe that this legislation would establish the needed reforms in a balanced and fair manner. It would require cost/benefit analysis and risk assessment of major rules, and require periodic review of existing rules. These basic requirements will improve regulatory decisionmaking and ensure that

Congress and the public are better informed about regulatory impacts.

I believe that such regulatory reform can improve our Government and reduce regulatory burdens without harming important public protections. As I said many times during the debate in the last Congress, true regulatory reform must strike a balance between the public's concern over too much government and the public's strong support for regulations to protect the environment, public health and safety. The legislation developed by Senator LEVIN and Senator THOMPSON strikes this balance. It requires:

Cost-benefit analysis and risk assessment of major rules; An agency cost justification statement to explain whether a rule's benefits justify its costs and whether it is more cost-effective or has more net benefits than other alternatives. If the agency cannot make that determination, it must explain why not, and if feasible describe an alternative that would, if permitted, be cost justified; peer review of cost-benefit analyses and risk assessments; OMB regulatory review, with sunshine protections for fairness and accountability; judicial review of relevant regulatory analyses, but only in the context of review of the final rule and the rulemaking record; and periodic review of existing rules.

All in all, I believe these are the necessary core elements of an effective regulatory reform bill. Nonetheless, past debates have shown that the devil is in the details. This legislation will be no exception. There are several areas, in fact, that I believe should be examined closely in committee hearings to ensure that the regulatory process is improved and not impeded by this reform effort.

First, the legislation's most fundamental provision is the requirement that all agency major rules must have a cost-benefit analysis. I believe that given 16 years experience with regulatory review under Presidential Executive order, it is appropriate to establish a statutory bottom line that all major rules must be accompanied by a cost-benefit analysis. While a cost-benefit analysis should not control decisionmaking, it is a very useful tool for decision-making, and should be used to the extent both practical and permitted.

We need to be sure, however, that this requirement is not used to undermine program-specific statutory requirements that may, for example, preclude consideration of certain costs or alternatives. While I believe that a cost-benefit analysis should be done to inform every major rulemaking decision, if a statute requires a certain approach to decisionmaking, the agency has to be bound by that requirement.

I think it will be very important to discuss this issue during committee hearings and decide whether the bill's formulation is sufficient. A more explicit savings clause may be needed. While we want to improve decisionmaking, we do not want paralysis by analysis. And we do not want to create new avenues for litigation to undermine statutory requirements. If there is a problem with a statute, Congress should be informed and Congress should correct the problem.

The bill's second basic requirement is for evaluating the risks that would be addressed by a major rule. This is also a fundamental provision, but here too, I believe it will be very important to explore the bill's specific risk assessment language in more detail during committee hearings. For example, while science can provide critical data with which to inform a rulemaking decision, often times general observations cannot be reliably reduced to single point conclusions. Thus, I am concerned that the bill's use of the phrase ''most plausible estimate of risk'' could lead to the arbitrary selection of a single risk figure, when a range of risks is all that the scientific evidence would support. I agree that agencies should not be led by speculation, but we must not lose sight of the fact that caution is always in order when it comes to protecting public health and safety, and the environment.

Finally, committee hearings will also be needed to explore the practical impact of the legislation's requirements for agency advisory panels, both for peer review of regulatory analyses and identifying current rules for review. These panels can provide a fair and effective means of providing important information to agencies. But they can also be used to unfairly sway decisionmakers and obscure behind-the-scenes lobbying. Care must be taken to ensure that such panels are broadly representative and do not introduce undue delay or waste agency resources. Again, our committee hearings will be important to discuss these issues.

Senator LEVIN and Senator THOMPSON are to be commended for the work they have done to sift through the contentious regulatory reform record and draw out the core requirements and many of the needed details for effective regulatory analysis. I believe we are very close to having a bill that should pass the Senate unanimously. I support this legislation and urge my colleagues to support it.

Mr. ROBB. Mr. President, I rise today in support of comprehensive, responsible reform of our regulatory process. It has been a long and tortuous journey. Many thought it could not be done. But I'm pleased that it has been done, and I'm pleased to join Senators LEVIN and THOMPSON as an original sponsor of the Regulatory Improvements Act of 1997.

Efforts to reform the regulatory process began long before this Congress, and the legislation we're introducing today is a testament to the tenacity of Senator LEVIN, who has worked untiringly for responsible changes in the regulatory process for a long time. Senator BUMPERS, as well as our former colleagues Senators Johnston, Nunn and Heflin, toiled in these vineyards for many years.

The reason for this continued effort is clear. Regulations produce enormous benefits for society, protecting workers, conserving our environment, and promoting public health. But regulations also impose a tremendous cost on society. The purpose of regulatory reform is to make sure the benefits of the regulations warrant the costs.

According to the GAO, expenditures relating to pollution abatement alone exceeded $110 billion in 1992. While this represents only a portion of the costs of regulation, it provides some guidance regarding the magnitude of regulation. If we can maintain the level of pollution abatement, but increase the efficiency in how we attain it, consumers will ultimately reap the benefits. And of course every dollar that a business spends beyond what is necessary to protect us and our resources is one less dollar that could otherwise be used to hire an employee, or fund a pay raise, or pay for a plant expansion. Not only will consumers benefit, but so will the economy.

Regulating in a cost-effective fashion simply makes sense. If we can achieve the same environmental benefit for less money, or even better, achieve more environmental benefit for the same money, then it makes sense to do so.

While the debate over regulatory reform has in the past been presented as a choice between the economy and the environment, there is a responsible middle ground. If done wrong, regulatory reform could harm the environment, but if done right, both the economy and the environment benefit.

As noted by Vice President GORE in November 1995, in announcing one of the administration's regulatory reform initiatives:

> For decades, the American political system pitted the economy against the environment in a false conflict. America's business leaders were pitted against America's environmentalists. It seemed that too often for one side to get its way, the other side had to lose ground, and you had to decide which side you were on, business or the environment. Most people didn't like that choice, because most people, in their hearts, really are on both sides and don't see them as being in conflict.

I share the Vice President's view that we can protect both the environment and the economy. The benefits of regulatory reform will come primarily from relieving consumers from unnecessary costs and strengthening people's respect for government. In addition, by developing a responsible approach to regulatory reform, we will be able to prove what most of us having been saying for years—that we can be true to our principles to protect people and preserve our natural resources without being antibusiness and antigrowth.

At the same event in 1995, President Clinton reiterated that growing the economy and preserving our health and environment are compatible goals. The President stated that ''protecting the

health and safety of our citizens doesn't have to come at the expense of the bottom line,'' and that ''strengthening the economy doesn't have to come at the expense of the air we breathe, the food we eat, the water we drink.''

During the last Congress, we witnessed a massive effort to pass an extremely broad regulatory reform bill, offered by former Senator Dole.

Whether intentional or not, that bill could have lowered the standards regulating our health, our safety and our national resources.

In addition, that bill was too reliant on litigation to challenge the enforcement process. For example, the process for reviewing existing rules was driven largely by individual petitions each of which were subject to review by a court. That bill also raised the specter that agency rules could be overturned in court for minor procedural errors that were unlikely to have affected the outcome of the decisionmaking process.

The amount of litigation which would have been created by the original bill, coupled with excessive paperwork requirements, would have led to agency overload. Rather than focusing on producing and enforcing regulations to benefit society, the agencies would have been tied up in court or processing paper. And this problem would only have been exacerbated by deep cuts proposed for many of the affected agencies.

After the original bill failed cloture for the third time, former Senator Johnston, Senator LEVIN and I and our staffs spent a great deal of time and energy trying to find common ground. Many Senators from both sides of the aisle were committed to reforming the regulatory process, and we tried to use the synergy of the expertise of Senators LEVIN and Johnston to develop an acceptable package. Ideas and drafts were frankly exchanged during the many hours of meetings we held. In between meetings, we talked to interested parties, including labor groups, environmental groups, business groups and the administration. The purpose of this excercise of listening and drafting was to determine whether we could craft a responsible middle ground on regulatory reform.

The three of us came very close to settling on a middle ground, but eventually the Presidential campaign made it impossible to complete action. But what evolved from that process last year laid the groundwork for the efforts which began this Congress. With Presidential politics safely behind us, and with a substantially lowered decibel level, Senators THOMPSON and LEVIN were able to focus on the critical elements and develop responsible reform. The scope of the legislation has been narrowed to address only those issues which are essential to improving our regulatory process.

By focusing on the essential requirements of reform, we've avoided many of the pitfalls found in the Dole bill. By narrowing the scope, we've also been able to concentrate our attention on those elements which belong in a regulatory reform bill but which were not resolved satisfactorily in the earlier bill.

For example, we improved the ''look-back process'' which provides for the review of existing rules. The Dole bill allowed rules to be placed on the schedule for review either through agency action or a petitioning process reviewable by the courts. The petition process was for those who could show that a rule would fail to meet the decisional criteria. Each petition denied would have been separately reviewed by a court.

The bill we're introducing today eliminates the courts from the agency review process altogether. The question of which rules should be reviewed will not be the subject of litigation. In my view, this is one of the major improvements in this new version. Rather than having courts decide, through an adversary process, which rules should be reviewed, the bill takes a more rational approach. Under the new bill, an advisory committee made up of a cross-section of public and private interests affected by an agency's regulations will recommend to the agency which rules to review. Agencies are required to give deference to the committee's list, and undertake a review of the rules selected. This will allow agencies to spend more of their time reviewing rules and less of their time in court.

The most important aspect of a regulatory reform bill is how it will change agency behavior prospectively. We want to encourage agencies to choose the most cost-effective method for achieving the regulatory goal and to select a rule where the benefits justify its costs whenever possible.

Under current law, agencies are not directed to take those factors into account. In fact, agencies are given broad discretion under current law when developing rules to implement statutes. The only guide an agency must use to develop rules is the language of the statute upon which the rule is based. That is the standard against which an agency's action will be judged if challenged in court. The agency must be able to demonstrate that the rule satisfies the statutory requirement.

This legislation requires agencies to consider additional criteria in developing major rules. The rule would not only have to meet the standard contained in the statute upon which the rule is based, as required under current law, but would also have to consider whether the rule is the most cost-effective approach and meets a cost-benefit test. If the agency adopts a rule which is not the most cost-effective, or where the benefits do not justify the costs, the agency must explain why it chose that approach. We think consumers, taxpayers, and those subject to regulation have a right to know what benefits a proposed rule is likely to provide, and what the costs will be to achieve those benefits. We also think people have a right to know why an agency would select a rule other than the most cost-effective for meeting the objective of the statute.

The bill broadly defines ''benefits'' and ''costs,'' which provides agencies with vast discretion. ''Benefits'' are defined as ''the reasonably identifiable significant favorable effects, quantifiable and nonquantifiable, including social, health, environmental, economic and distributional effects, that are expected to result directly or indirectly from implementation of, or compliance with, a rule.'' The term ''costs'' is similarly defined.

As I stated at the beginning of my comments, this has been a long, evolutionary process. But I think this legislation we are introducing today represents a responsible approach to improving the regulatory process. And I think it demonstrates what we can accomplish when we set aside partisan wrangling and rely on reason rather than rhetoric to solve complex problems such as this. Once again, I've been pleased to be involved in this process, and I commend both Senators LEVIN and THOMPSON for their determination to see this through to conclusion. I look forward to working with my colleagues to improving the product and moving this legislation through the process.

By Mr. DODD (for himself and Mr. BIDEN):

S. 983. A bill to prohibit the sale or other transfer of highly advanced weapons to any country in Latin America; to the Committee on Foreign Relations.

THE LATIN AMERICAN ARMS CONTROL ACT OF 1997

Mr. DODD. Mr. President, today, I come to the Senate floor to introduce legislation designed to send a signal to the Clinton administration that the current United States policy of banning the sale or transfer of sophisticated fighter aircraft and other armaments to Latin American countries—which has by and large been United States policy for some 20 years—should not be altered.

The bill I am introducing today would call upon the President to respect the requests of a number of Latin American leaders and prominent political figures to maintain a moratorium on the export of United States advanced weapons to that region. It would also prohibit the issuances of the necessary licenses for such exports unless the President first certificated that such sale was in the national security interest of the United States and the Congress concurred with that finding.

The Clinton administration is currently in the process of reviewing that policy predominantly as a result of heavy lobbying by those who are seeking to open up a new front for high dollar sales of state-of-the-art defense

technology to countries in the Western Hemisphere—particularly those in South America.

Mr. President, President Clinton has a record he can be proud of with respect to the Western Hemisphere. The 1994 Summit of the Americas, hosted by the United States, to which all but one head of state in the hemisphere was invited, was hugely successful.

Since that time, the President, together with his colleagues throughout the region, has endeavored to pursue the hemispheric agenda that the region's leaders agreed to during the course of that summit—namely to strengthen democracy, increase trade, bolster national security and combat drug trafficking.

I would respectfully assert that were the United States to alter our policy of arms restraint with respect to the region, we would be undermining efforts to implement those important hemispheric objectives. Heretofore, the President had been on the record in support of arms restraint, particularly with respect to sales to developing countries.

Last year, President Clinton joined with other members of the so called G–7 countries at the Lyon Summit to underscore the importance of developing and transition countries giving priority to avoiding unproductive expenditures, in particular excessive military spending.

The International Monetary Fund (IMF), which is responsible for monitoring economic policies and balance of payments throughout the world, has also given high priority to warning against the dangers of arms purchases.

Most recently, on June 19, during the Article IV consultations with the United States, where the performance of the United States economy was reviewed, the IMF staff, ''urged the United States, together with other major countries, to administer their policies on military sales to developing and transition economy countries in a way that avoids encouraging unproductive expenditures and heightening security tensions.''

It would be the ultimate irony, after all the time and effort that the President and his administration has expended in helping to plant the seeds of democracy in our own hemisphere, and in so carefully nurturing those seeds as they have germinated and bloomed, if he were to make a decision that would undermine all of those efforts.

I believe that a decision to alter our current policy to permit the export of highly advanced weaponry to the region would do just that. Over the medium term it could only serve to disturb the delicate regional military balance and thereby pose a serious threat to regional peace and economic prosperity.

Mr. President, if you were to listen to American defense contractors you would think that our current policy has prevented them from earning even 1 dollar on arms sales to Latin America. Nothing could be further from the truth. Between 1992–1995 the United States was the single largest supplier of weapons to Latin America, capturing more than 25 percent of that market. According to the Congressional Research Service during fiscal years 1993–1996, U.S. arms sales to Latin American nations averaged nearly $200 million annually.

No one is suggesting that Latin American countries, or that Latin American militaries do not have legitimate defense and national security requirements that can only be met from foreign sources. I would strongly argue that our current policy is absolutely compatible with those countries being able to fulfill their legitimate requirements.

Sales of appropriate U.S. defense articles and equipment have and should continue.

But, collective arms restraint should also be a part of any effort by regional leaders to prepare their armed forces for their role in the 21st century.

In that regard, I believe that the Governments of Argentina and Brazil deserve special recognition for the very significant progress they have made in this area.

Mr. President, the region is at peace. Democracy is the order of the day. The demands on governments throughout the region to meet pressing economic and social needs have never been greater while government resources are severely constrained. Now would seem a perfect opportunity to make real progress in reaching a regional arms control agreement to deter future arms races, and thereby better marshal scarce resources.

The entire region has just recently recovered from a decade of negative growth. And, while growth is now on the upswing in many countries, more than half of them currently have per-capita income levels below those achieved by them 10 years ago. The educational systems throughout the region need major infusions of resources to prepare the children of the Americas for the next decade. Currently, less than half of those children who enter the first grade remain in school through the fifth grade. This is a staggering statistic and one that needs to be changed. However, that isn't going to happen unless government resources are devoted to this objective.

Perhaps that is why there has been no drumbeat from governments throughout the hemisphere that President Clinton abandon our policy of arms restraint. In fact, heads of state from Argentina, Brazil, Uruguay, and Paraguay have publicly expressed their concerns about our altering the current United States policy.

They know better than we do, the kinds of pressures that they will confront from their own militaries once this proverbial cat is out of the bag.

One military instititution after another will seek to justify demands for more and more costly defense expenditures in order to maintain parity with neighboring militaries—in some cases militaries that they have been in conflict within the last 20 years—Peru and Ecuador as recently as 1995.

I am strongly supportive of efforts designed to improve U.S. export performance. Certainly we all want to see U.S. exports continue to grow—exports are critical to the health of our own economy and are a primary source of jobs for hard working American men and women.

However, I would argue that it is shortsighted on our part to push countries in the hemisphere to divert scarce resources for nonproductive, one-time, arms purchases.

These resources could be more wisely spent repairing badly eroded infrastructures and on other productive investments that will reduce unemployment in these countries and generate domestic purchasing power that will provide for a more stable and sustainable market for U.S. nondefense exports.

Mr. President, it is my hope that the legislation I am introducing today will call attention to the issues and concerns I have raised today, and hopefully will provoke a serious debate on the wisdom of altering a policy that has worked so well to promote U.S. interests in this hemisphere.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from former President Jimmy Carter in support of this legislation, along with the text of the bill.

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

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 ''Latin American Arms Control Act of 1997''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) It has been United States policy since the Presidential directive of May 19, 1977, to refrain from making sales or other transfers to governments of Latin American countries of highly advanced weapons systems that could undermine regional military balances or stimulate an arms race.

(2) There has only been one exception to that policy, the sale of F–16 fighter aircraft to Venezuela in 1982, in response to a perceived Cuban military buildup, including the acquisition by Cuba of Soviet-made MIG–23 fighters.

(3) While United States defense companies have not been able to sell highly advanced weapons to Latin America, they are a major supplier of military equipment to the region and hold the largest share of that market.

(4) From fiscal year 1993 through fiscal year 1996 the United States Government sold $789,000,000 in arms to Latin America.

(5) In August 1996, Secretary of State Warren Christopher stated that his ''strong conviction is that we should be very careful about raising the level of competition between countries with respect to arms sales''.

(6) There are historic hostilities and mistrust in Latin America that can flare into serious conflict, as evidenced most recently

by the 1995 border war between Peru and Ecuador that required international efforts to resolve.

(7) For the first time in modern history, all but one country in the Western Hemisphere is governed by democratically elected leaders.

(8) Latin America has just recovered from a decade of negative growth, as measured on a real per capita basis, and 18 of the countries in the Western Hemisphere currently have per capita income levels below those achieved by them ten years ago.

(9) Poverty and insufficient educational opportunities continue to be a major challenge to democratic governments in the Western Hemisphere, with less than one-half of the children entering first grade remaining in school until grade five, and with more than 100,000 street children in cities throughout Latin American countries.

(10) At the meeting of the Council of Freely Elected Heads of Government on April 29, 1997, representatives of Latin American governments on the Council discussed the issue of arms sales to Latin American countries, pledged to accept a two-year moratorium on the purchase of highly advanced weapons, called upon countries in the Western Hemisphere to explore ideas to restrain future purchases, and called upon the United States and other governments that sell arms to affirm their support for such a moratorium.

SEC. 3. SENSE OF THE SENATE.

It is the sense of the Senate that the President should respect the request of Latin American heads of government for a two-year moratorium on the sale or other transfer of highly advanced weapons to Latin American countries while proposals for regional arms restraint are studied.

SEC. 4. PROHIBITION.

(a) IN GENERAL.—Notwithstanding any other provision of law, under the Arms Export Control Act or any other Act—

(1) no sale or other transfer may be made of any highly advanced weapon to any Latin American country,

(2) no license may be issued for the export of any highly advanced weapon to any Latin American country, and

(3) no financing may be extended with respect to a sale or export of any highly advanced weapon to a Latin American country,

unless the requirements of subsection (b) are satisfied and except as provided in subsection (c).

(b) REQUIREMENTS.—The requirements of this subsection are satisfied if—

(1) the President determines and certifies to Congress in advance that the sale, transfer, or financing, as the case may be, is necessary to further the national security interests of the United States; and

(2) Congress has enacted a joint resolution approving the Presidential determination.

(c) EXCEPTION.—Subsection (a) does not apply to any sale, sales, financing, or license permitted by an international agreement that provides for restraint—

(1) in the purchase of highly advanced weapons by countries in Latin America; or

(2) in the sale or other transfer of highly advanced weapons to countries in Latin America.

SEC. 5. DEFINITION OF HIGHLY ADVANCED WEAPONS

In this Act, the term ''highly advanced weapons'' includes advanced combat fighter aircraft and attack helicopters but does not include transport helicopters.

THE CARTER CENTER,
Atlanta, GA, June 25, 1997.

Hon. CHRISTOPHER DODD,
U.S. Senate, Committee on Foreign Relations, Washington, DC.

TO SENATOR CHRISTOPHER DODD: I have read the draft, Latin American Arms Control Act, that you plan to introduce in the Senate. It is a far-sighted statement, which I hope your colleagues will endorse. Regrettably, the momentum for an arms race in South America seems to be increasing at the very moment that the Cold War is over and democracy has taken root. Your bill offers an alternative to an arms race in a way that respects Latin America.

I sincerely hope your colleagues join you in this important endeavor at discouraging an arms race in Latin America. I commend you for your leadership in Congress on this issue. Let me know if there is anything else I can do to further our shared goal.

Sincerely,

JIMMY CARTER.

Mr. BIDEN. Mr. President, I am pleased to join the Senator from Connecticut in sponsoring legislation aimed at preventing the commencement of an arms race in Latin America.

For the past two decades, the United States has prohibited the sale or transfer of advanced military equipment to the region. The ban, instituted by President Carter, has been generally maintained since the late 1970's, including during the administrations of Presidents Reagan and Bush. The lone exception occurred in 1982, in response to a perceived Cuban military buildup, when the United States sold F–16 fighter aircraft to the Government of Venezuela.

The ban was instituted during a different era, when many nations of the region were under the rule of military dictators. To be sure, the nations of Latin America have made important advances since that period. Politically, dictatorship has given way to democracy. Every nation of the hemisphere—with the glaring exception of Cuba—is now governed by a democratically chosen leader. Additionally, after the lost decade of the 1980's—a period of negative economic growth in many nations of the region—the region is beginning to recover economically. Indeed, the nations of the region have made tremendous progress in the past few years, shedding the statist policies of past decades and embracing free markets and free trade.

Although the times have changed, the need for restraint in the sale of arms has not. First, although the region is advancing economically, it is abundantly clear that few nations of the region can afford the high costs that an arms race would impose. Second, an arms race in the region would be destabilizing—not only among nations of Latin America, but within those nations where civilian control of the military is not yet fully consolidated. The Armed Forces remain important institutional actors in many nations of the region; the increased emphasis on arms procurement and arms budgets could undermine the priorities and powers of the civilian leadership.

In the past year, there has been considerable discussion within the Clinton administration, and among the nations of the region, about the wisdom of lifting the U.S. ban on the sale of advanced weapons. In this respect, it is important to note that many senior figures in Latin America have come down on the side of restraint. In April of this year, for example, the Council of Freely Elected Heads of Government—an organization consisting of current and former hemispheric leaders from leading countries in the region—called on Latin American governments to ''accept a moratorium of two years before purchasing any sophisticated weapons.'' In the interim, the Council urged governments of the region to ''explore ideas to restrain such arms,'' and urged governments that sell arms, including the United States, ''to affirm their support for such a moratorium.''

This legislation that Senator DODD and I introduce today would heed that request by expressing support for such a moratorium, and banning the transfer to the region of highly advanced weapons by the United States, unless such transfer conforms to an international agreement governing sales to, or purchases by, nations of the region. In other words, if a regional arms control agreement is negotiated permitting some sales but prohibiting others, arms transfers by the United States would be allowed, provided such transfers conform to the arms control agreement then in place.

It should be emphasized that this bill would not ban all sales of military equipment to Latin America. Rather, it would merely continue, in law, the policy and practice adhered to by the executive branch for the past two decades: to not sell sophisticated military equipment such as advanced combat aircraft and attack helicopters to the nations of Latin America. It would permit U.S. firms to continue to sell other military equipment to Latin America—a market in which the United States now holds the largest share, and in which U.S. firms have sold a total of nearly $800 million over the past 4 fiscal years.

Mr. President, it is the policy of the United States to promote greater hemispheric integration—an objective pursued in the process initiated at the Summit of the Americas, which was hosted by President Clinton in 1994. The policy set forth in this bill advances that objective by honoring the request of several Latin American nations that they pursue a regional arms control approach before advanced weapons are introduced into the region. I urge my colleagues and the administration to support this legislation.

By Mr. GRAHAM (for himself, Mr. DEWINE, Mr. MACK, Mr. MCCAIN, and Ms. MOSELEY-BRAUN) (by request):

S. 984. A bill to promote the growth of free enterprise and economic opportunity in the Caribbean Basin region, increase trade and investment between the Caribbean Basin region and the United States, and encourage the adoption by Caribbean Basin countries of

policies necessary for participation in the free trade area of the Americas; to the Committee on Finance.

THE UNITED STATES-CARIBBEAN BASIN TRADE ENHANCEMENT ACT

Mr. GRAHAM. Mr. President, I rise this afternoon to introduce the United States-Caribbean Basin Trade Enhancement Act, and I am proud to be joined by my colleagues Senators DEWINE, MACK, MCCAIN, and MOSELEY-BRAUN.

This bill will enhance both our economic and national security, while at the same time strengthening that of some of our closest and most loyal neighbors and allies—the nations of the Caribbean Basin.

Over the last decade, the United States has played a vital role in the spread of democracy and the growth of free enterprise throughout the Western Hemisphere.

Today, every nation in the Western Hemisphere—with the notable, lamentable exception of Cuba, where despotism and communism are taking their last gasps of life—has a democratic government and is opening its economy in unprecedented ways.

Democratic elections have become the norm rather than the exception, and hemispheric trade integration is a common goal.

But we in the United States must not allow success to breed neglect.

Now is not the time to turn away from Latin America and Caribbean or to turn our back on our backyard, something, unfortunately, that we have done all too often in the past.

Continued attention is required to consolidate and institutionalize these democratic and economic gains.

As we have seen recently in Haiti, economic and political instability in the Caribbean region can have tragic consequences and impose enormous costs to the United States.

We must remain vigilant and engaged to ensure that other nations of the Caribbean Basin do not experience similar turmoil and tragedy.

The United States-Carribean Basin Trade Enhancement Act is part of our effort to consolidate democracy and economic stability in the region.

This act will bring tremendous benefits to the United States as well.

It is in both our economic and our national security interests to enact this legislation.

It will enhance our economic security both by opening new markets for American goods, and by strengthening the economies of our closest neighbors.

Increased economic growth among the nations of the region will provide growing markets for U.S. products.

The United States enjoys a trade surplus with the Caribbean Basin.

Historically, our economy has been the chief beneficiary of a lowering of trade barriers between the Caribbean Basin and the United States.

The United States' trade position relative to the Caribbean Basin countries improved dramatically following the implementation of the 1983 Caribbean Basin Initiative, from a deficit of $700 million in 1985 to a surplus of $2.0 billion in 1993.

On a per capita basis, our surplus with the Caribbean has consistently outplaced our surplus with any other region of the world.

In the past 3 years alone, U.S. exports to the Caribbean Basin countries have increased by 22.8 percent.

This act also provides incentives for continued legal and regulatory reform that will make it easier for U.S. products to compete in the markets of the Caribbean Basin.

By conditioning full benefits on the progress of economic reform, this act will benefit Americans as well as the people of the Caribbean.

It will open Caribbean markets to U.S. goods and services, and expand opportunities for U.S. businesses to enjoy the fruits of economic expansion that is occurring in the region.

Let me give a couple of examples of ways that the incentives in this legislation will help increase U.S. exports to the Caribbean.

First, in order to receive any benefits, a country must demonstrate its commitment to undertake its World Trade Organization obligations on or ahead of schedule, and it must participate in negotiations toward the completion of a hemispheric free-trade agreement. Those are requirements for initial participation in this program.

Second, Caribbean nations must meet certain economic requirements to receive the full benefits of our legislation, which are only available after the initial 3-year period.

These full benefits include equitable and reasonable market access to U.S. companies, protection of intellectual property rights, protection to investors and investments, aggressive action against corruption, transparent and competitive procedures in government procurement, and the adoption of internationally established rules on customs valuation.

This legislation also encourages our trading partners to enhance U.S.-Caribbean cooperation in fighting drug trafficking.

Mr. President, this legislation is not a free ride. It is a two-way street.

We are providing these nations with economic benefits, while at the same time expecting them to take steps that will be good for American economic interests.

This act will strengthen Caribbean economies while providing incentives to implement reforms that will open new markets, and reduce risk, for U.S. companies who wish to compete in the Caribbean market.

It will protect U.S. trademarks from piracy, permit U.S. companies to compete fairly for government procurement contracts, and help to eliminate corruption.

This is a good deal for both the United States the countries of the Caribbean Basin.

Our security interests are also at stake here. We have seen time and again how economic instability can foment political turmoil, which in turn can require American political or military involvement.

In the past, as the citizens of my home State of Florida know all too well, economic and political instability has also resulted in massive refugee flows to the United States, which place an unfair burden on U.S. taxpayers.

Second, the Caribbean has been one of the principal transit regions for drug traffickers moving their poisonous cargo from the source countries of South America.

Several years ago, our efforts at reducing drug trafficking in the Caribbean were so successful that we diverted the traffickers to the Southwest border.

Unfortunately, recent law enforcement efforts along the Southwest border have resulted in intensified relocated, re-energized narcotics trafficking in the Caribbean.

It is critical that the people of the Caribbean Basin have real opportunities in the legal economy so they are not forced to turn to drug trafficking to feed their families.

In addition, the recent World Trade Organization decision on bananas could have a devastating effect on the economies of several countries in the region, thereby exacerbating the potential for people to turn to illegal activities.

Strengthening Caribbean economies through enhanced trade and economic activity will help keep drugs off the streets of America, and out of the hands of America's children.

Mr. President, trade integration will occur in this hemisphere, whether we choose to be part of it or not.

It is in our interest to bring more countries into bilateral and multilateral trade agreements with the United States.

If we fail to seize this opportunity, others will take our place of leadership, and our economy will be the loser.

This legislation gives us an opportunity to set the parameters of trade agreements, so that we can ensure that United States' interests are secured, and that truly fair trading relationships are established.

There is no region in the world in which the United States has a stronger and more mutually beneficial relationship than the Caribbean Basin.

This bill will enhance our trading relationship with our neighbors and have tremendous benefits for the United States.

I urge my colleagues to consider and support the United States-Caribbean Trade Enhancement Act as a demonstration of our commitment to encouraging economic and political stability and to furthering the democratic progress that has been made in our hemisphere, and around the world.

Mr. President, I send the bill to the desk and ask for its appropriate referral, and 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. 984

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 ''United States-Caribbean Basin Trade Enhancement Act''.

SEC. 2. FINDINGS AND POLICY.

(a) FINDINGS.—Congress makes the following findings:

(1) The Caribbean Basin Economic Recovery Act (referred to in this Act as ''CBERA'') represents a permanent commitment by the United States to encourage the development of strong democratic governments and revitalized economies in neighboring countries in the Caribbean Basin.

(2) Thirty-four democratically elected leaders agreed at the 1994 Summit of the Americas to conclude negotiation of a Free Trade Area of the Americas (referred to in this Act as ''FTAA'') by the year 2005.

(3) The economic security of the countries in the Caribbean Basin will be enhanced by the completion of the FTAA.

(4) Offering temporary benefits to Caribbean Basin countries will enhance trade between the United States and the Caribbean Basin, encourage development of trade and investment policies that will facilitate participation of Caribbean Basin countries in the FTAA, preserve the United States commitment to Caribbean Basin beneficiary countries, help further economic development in the Caribbean Basin region, and accelerate the trend toward more open economies in the region.

(5) Promotion of the growth of free enterprise and economic opportunity in the Caribbean Basin will enhance the national security interests of the United States.

(6) Increased trade and economic activity between the United States and Caribbean Basin beneficiary countries will create expanding export opportunities for United States businesses and workers.

(b) POLICY.—It is the policy of the United States to—

(1) offer Caribbean Basin beneficiary countries willing to prepare to become a party to the FTAA or a comparable trade agreement, tariff treatment essentially equivalent to that accorded to products of NAFTA countries for products not currently eligible for duty-free treatment under the CBERA; and

(2) seek the participation of Caribbean Basin beneficiary countries in the FTAA or a trade agreement comparable to the FTAA at the earliest possible date, with the goal of achieving full participation in such agreement not later than 2005.

SEC. 3. DEFINITIONS.

In this Act:

(1) BENEFICIARY COUNTRY.—The term ''beneficiary country'' has the meaning given the term in section 212(a)(1)(A) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(a)(1)(A)).

(2) CBTEA.—The term ''CBTEA'' means the United States-Caribbean Basin Trade Enhancement Act.

(3) NAFTA.—The term ''NAFTA'' means the North American Free Trade Agreement entered into between the United States, Mexico, and Canada on December 17, 1992.

(4) NAFTA COUNTRY.—The term ''NAFTA country'' means any country with respect to which the NAFTA is in force.

(5) WTO AND WTO MEMBER.—The terms ''WTO'' and ''WTO member'' have the meanings given those terms in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501).

SEC. 4. TEMPORARY PROVISIONS TO PROVIDE ADDITIONAL TRADE BENEFITS TO CERTAIN BENEFICIARY COUNTRIES.

(a) TEMPORARY PROVISIONS.—Section 213(b) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(b)) is amended to read as follows:

''(b) IMPORT-SENSITIVE ARTICLES.—

''(1) IN GENERAL.—Subject to paragraphs (2) through (5), the duty-free treatment provided under this title does not apply to—

''(A) textile and apparel articles which were not eligible articles for purposes of this title on January 1, 1994, as this title was in effect on that date;

''(B) footwear not designated at the time of the effective date of this title as eligible articles for the purpose of the generalized system of preferences under title V of the Trade Act of 1974;

''(C) tuna, prepared or preserved in any manner, in airtight containers;

''(D) petroleum, or any product derived from petroleum, provided for in headings 2709 and 2710 of the HTS;

''(E) watches and watch parts (including cases, bracelets, and straps), of whatever type including, but not limited to, mechanical, quartz digital or quartz analog, if such watches or watch parts contain any material which is the product of any country with respect to which HTS column 2 rates of duty apply; or

''(F) articles to which reduced rates of duty apply under subsection (h).

''(2) TRANSITION PERIOD TREATMENT OF CERTAIN TEXTILE AND APPAREL ARTICLES.—

''(A) PREFERENTIAL TARIFF AND QUOTA TREATMENT.—During the transition period—

''(i) GOODS ORIGINATING IN BENEFICIARY COUNTRY.—Clause (iii) applies with respect to a textile or apparel article that is a CBTEA originating good.

''(ii) CERTAIN OTHER GOODS.—Clause (iii) applies with respect to a textile or apparel article that is imported into the United States from a CBTEA beneficiary country and that—

''(I) is assembled in a CBTEA beneficiary country from fabrics wholly formed and cut in the United States from yarns formed in the United States, and is imported into the United States—

''(aa) under subheading 9802.00.80 of the HTS; or

''(bb) under chapter 61, 62, or 63 of the HTS, if after such assembly the article would have qualified for entry under subheading 9802.00.80 of the HTS but for the fact the article was subjected to stone-washing, enzyme-washing, acid-washing, perma-pressing, oven-baking, bleaching, embroidery, or garment-dyeing; or

''(II) is identified under subparagraph (C) as a handloomed, handmade, or folklore article of such country and is certified as such by the competent authority of such country.

''(iii) TARIFF TREATMENT.—

''(I) IN GENERAL.—The President shall proclaim—

''(aa) with respect to an article described in clause (i) imported into the United States from a CBTEA beneficiary country, a rate of duty equal to the lesser of 'x' or the amount determined by using the formula '.5(x-y) + y', in which the terms 'x' and 'y' have the meanings given such terms in subclause (IV); and

''(bb) with respect to an article described in clause (ii), imported into the United States from a CBTEA beneficiary country, a rate of duty equal to 50 percent of the amount of duty that otherwise would apply to such article.

''(II) ADDITIONAL REDUCTIONS.—On or after the date on which the President submits to Congress the first report required under section 212(f), the President may proclaim further reductions in duty for an article described in clause (i) or (ii) that is a product of a CBTEA beneficiary country if the President determines that the performance of the country is satisfactory under the criteria listed in paragraph (5)(C)(ii). The rate of duty proclaimed by the President shall be no less than—

''(aa) with respect to an article described in clause (i), the amount determined under subclause (III); and

''(bb) with respect to an article described in clause (ii), zero.

''(III) RATE OF DUTY FOR ARTICLES DESCRIBED IN CLAUSE (i).—For purposes of subclause (II)(aa), the amount of duty that the President may proclaim under such subclause with respect to an article described in clause (i) shall be the lesser of—

''(aa) the rate of duty that would apply to an article at the time of importation from a CBTEA beneficiary country but for the enactment of the CBTEA, or

''(bb) the tariff treatment that is accorded to a like article of Mexico under section 2 of the Annex as implemented pursuant to United States law.

''(IV) CERTAIN DEFINITIONS.—For purposes of this clause, the term 'x' means the rate of duty described in subclause (III)(aa) and the term 'y' means the tariff treatment described in subclause (III)(bb).

''(iv) NO QUANTITATIVE RESTRICTIONS.—Except as provided in subparagraph (E), no quantitative restriction or consultation level may be applied to the importation into the United States of any textile or apparel article that—

''(I) is a CBTEA originating good, or

''(II) qualifies for preferential tariff treatment under clause (ii)(I) or (II).

''(B) TRANSITION PERIOD TREATMENT OF CERTAIN NONORIGINATING TEXTILE AND APPAREL ARTICLES.—

''(i) REQUEST FOR PREFERENTIAL TARIFF TREATMENT.—At any time during the transition period, an interested United States person may submit in writing to the President a request that the President proclaim preferential tariff treatment described in clauses (iii) and (iv) with respect to any eligible textile or apparel article described in clause (ii). Upon receiving the request, the President shall determine promptly whether the article is eligible for preferential tariff treatment. If the President determines that the article is eligible for preferential treatment, the President shall proclaim such treatment with respect to the article. If the President does not make a determination within 120 days after the date a request is received, the request shall be treated as approved and all articles listed in the request that are described in clause (ii) shall be accorded the preferential treatment described in clauses (iii) and (iv).

''(ii) ELIGIBLE ARTICLES.—An article is described in this clause if it is an apparel article provided for in chapter 61 or 62 of the HTS and if—

''(I) it is a product of a CBTEA beneficiary country but does not qualify as a CBTEA originating good;

''(II) it is an article described in the same 8-digit subheading of the HTS as an article that would be eligible for the preferential tariff treatment under Appendix 6.B of the Annex, as implemented pursuant to United States law, if the article were imported from Mexico in quantities that are less than or equal to the quantities specified in Schedule 6.B.1; and

''(III) the President determines that—

''(aa) the fabric from which the article is made is not commercially available from producers in the United States, or

''(bb) if the article is knit-to-shape in a CBTEA beneficiary country, the yarn from which it is knit is not commercially available from producers in the United States.

''(iii) PREFERENTIAL TARIFF TREATMENT.—The amount of duty imposed during the transition period on an article receiving preferential tariff treatment under this subparagraph shall be identical to the tariff treatment that would apply to the article under subparagraph (A)(iii) if the article were a CBTEA originating good.

''(iv) QUANTITY OF ELIGIBLE ARTICLES RECEIVING PREFERENTIAL TREATMENT.—In any 12-month period, the quantity of eligible articles in any category imported from a CBTEA beneficiary country that may receive the preferential tariff treatment described in clause (iii) may not exceed ten percent of the quantity of articles in such category imported from such country under subheading 9802.00.80 of the HTS, excluding articles that qualified for preferential tariff treatment under subparagraph (A)(ii) (or would have qualified for such treatment if that paragraph had been in effect with respect to imports of such articles from such country), in the preceding 12-month period.

''(C) HANDLOOMED, HANDMADE, AND FOLKLORE ARTICLES.—For purposes of subparagraph (A), the President, after consultation with the CBTEA beneficiary country concerned, shall determine which, if any, particular textile and apparel goods of the country shall be treated as being handloomed, handmade, or folklore goods of a kind described in section 2.3 (a), (b), or (c) or Appendix 3.1.B.11 of the Annex.

''(D) TRANSITION PERIOD ADJUSTMENT OF EXISTING QUANTITATIVE RESTRICTIONS.—

''(i) IN GENERAL.—During the transition period, the President, after negotiating with the CBTEA beneficiary country concerned, may reduce the quantities of textile and apparel articles that can be imported into the United States from that country under existing quantitative restrictions to reflect the quantities of textile and apparel articles from such country that are exempt from quota restrictions pursuant to subparagraph (A)(iv).

''(ii) TRANSSHIPMENTS.—Whenever the President finds, based on sufficient evidence, that transshipment within the meaning of clause (iii) has occurred, the President, after consultations with the CBTEA beneficiary countries through whose territories the President finds transshipment to have occurred, may reduce the quantities of textile and apparel articles that can be imported into the United States from each such country by such amount as the President determines.

''(iii) TRANSSHIPMENT DESCRIBED.—Transshipment within the meaning of this clause has occurred when preferential tariff treatment for a textile or apparel article under subparagraph (A) or (B) has been claimed on the basis of material false information concerning the country of origin, manufacture, processing, or assembly of the article or any of its components. For purposes of this clause, false information is material if disclosure of the true information would mean or would have meant that the article is or was ineligible for preferential tariff treatment under subparagraph (A) or (B).

''(E) BILATERAL EMERGENCY ACTIONS.—

''(i) IN GENERAL.—The President may take—

''(I) bilateral emergency tariff actions of a kind described in section 4 of the Annex with respect to any textile or apparel article imported from a CBTEA beneficiary country if the application of tariff treatment under subparagraph (A) to such article results in conditions that would be cause for the taking of such actions under such section 4 with respect to a like article described in the same 8-digit subheading of the HTS that is imported from Mexico; or

''(II) bilateral emergency quantitative restriction actions of a kind described in section 5 of the Annex with respect to imports of any textile or apparel article of a CBTEA beneficiary country, including articles eligible for preferential tariff treatment under subparagraph (A), if the importation of such an article into the United States results in conditions that would be cause for the taking of such actions under such section 5 with respect to a like article described in the same 8-digit subheading of the HTS that is imported from Mexico.

''(ii) RULES RELATING TO BILATERAL EMERGENCY ACTION.—For purposes of applying bilateral emergency action under this subparagraph—

''(I) the requirements of paragraph (5) of section 4 of the Annex (relating to providing compensation) shall not apply;

''(II) the term 'transition period' in sections 4 and 5 of the Annex shall have the meaning given that term in paragraph (5)(G) of this subsection;

''(III) the requirements to consult specified in section 4 or 5 of the Annex shall be treated as satisfied if the President requests consultations with the beneficiary country in question and the country does not agree to consult within the time period specified under section 4 or 5, whichever is applicable;

''(IV) during the first 14 months after imports commence from a CBTEA beneficiary country under paragraph (2)(A) (or recommence because of a redesignation of such country), the minimum quantity of any textile or apparel article from such country subject to quantitative restrictions may be determined under paragraph 7 of section 5 of the Annex based on a reasonable estimate (using available data where possible) of the quantity of such articles imported from such country during the relevant period (as defined in such paragraph 7) that did not qualify or would not have qualified as originating goods; and

''(V) after the 14-month period described in subclause (IV), the minimum quantity of articles subject to such quantitative restrictions shall be determined under paragraph 7 of section 5 of the Annex based on the most recently available Bureau of the Census import statistics.

''(3) PREFERENTIAL TARIFF TREATMENT OF CERTAIN OTHER ARTICLES ORIGINATING IN CBTEA BENEFICIARY COUNTRIES.—

''(A) IN GENERAL.—During the transition period, the President shall proclaim a rate of duty, with respect to any article referred to in any of subparagraphs (B) through (F) of paragraph (1) that is a CBTEA originating good, equal to the lesser of—

''(i) 'x', or

''(ii) the amount determined by using the formula '.5(x-y) + y'.

For purposes of the preceding sentence, the terms 'x' and 'y' have the meanings given such terms in subparagraph (C).

''(B) ADDITIONAL REDUCTIONS.—

''(i) IN GENERAL.—On or after the date on which the President submits to Congress the first report required under section 212(f), the President may proclaim further reductions in the rate of duty for any article described in subparagraph (A) in accordance with this subparagraph if the President determines that the performance of the country is satisfactory under the criteria listed in paragraph (5)(C)(ii).

''(ii) RATE OF DUTY.—The rate of duty proclaimed by the President under this subparagraph shall be no less than the lesser of—

''(I) the rate of duty that would apply to the article at the time of importation from the country but for the enactment of the CBTEA, or

''(II) the tariff treatment that is accorded a like article of Mexico under Annex 302.2 of NAFTA as implemented pursuant to United States law.

''(C) CERTAIN DEFINITIONS.—For purposes of subparagraph (A), the term 'x' means the rate of duty described in subparagraph (B)(ii)(I) and the term 'y' means the tariff treatment described in subparagraph (B)(ii)(II).

''(D) EXCEPTION.—Paragraphs (A) and (B) do not apply to any article accorded duty-free treatment under U.S. Note 2(b) to subchapter II of chapter 98 of the HTS.

''(E) RELATIONSHIP TO DUTY REDUCTIONS UNDER SUBSECTION (h).—If at any time during the transition period the rate of duty that would (but for action taken under subparagraph (A) or (B)) apply with respect to any article under subsection (h) is a rate of duty that is lower than the rate of duty resulting from such action, then such lower rate of duty shall be applied.

''(4) CUSTOMS PROCEDURES.—

''(A) IN GENERAL.—

''(i) REGULATIONS.—Any importer that claims preferential tariff treatment under paragraph (2) or (3) shall comply with customs procedures similar in all material respects to the requirements of Article 502(1) of the NAFTA as implemented pursuant to United States law, in accordance with regulations promulgated by the Secretary of the Treasury.

''(ii) DETERMINATION.—In order to qualify for such preferential tariff treatment and for a Certificate of Origin to be valid with respect to any article for which such treatment is claimed, there shall be in effect a determination by the President that—

''(I) the CBTEA beneficiary country from which the article is exported, and

''(II) each CBTEA beneficiary country in which materials used in the production of the article originate or undergo production that contributes to a claim that the article is a CBTEA originating good, has implemented and follows, or is making substantial progress toward implementing and following, procedures and requirements similar in all material respects to the relevant procedures and requirements under chapter 5 of the NAFTA.

''(B) CERTIFICATE OF ORIGIN.—The Certificate of Origin that otherwise would be required pursuant to the provisions of subparagraph (A) shall not be required in the case of an article imported under paragraph (2) or (3) if such Certificate of Origin would not be required under Article 503 of the NAFTA (as implemented pursuant to United States law), if the article were imported from Mexico.

''(5) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

''(A) ANNEX.—The term 'the Annex' means Annex 300–B of the NAFTA.

''(B) CATEGORY.—For purposes of paragraph (2)(B)(iv), 'category' means a category that is described in the most current edition of the Correlation: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States, prepared by the Department of Commerce.

''(C) CBTEA BENEFICIARY COUNTRY.—

''(i) IN GENERAL.—The term 'CBTEA beneficiary country' means any 'beneficiary country', as defined by section 212(a)(1)(A) of this title, which the President determines has demonstrated a commitment to—

''(I) undertake its obligations under the WTO on or ahead of schedule;

''(II) participate in negotiations toward the completion of the FTAA or a comparable trade agreement; and

''(III) undertake other steps necessary for that country to become a party to the FTAA or a comparable trade agreement.

''(ii) CRITERIA FOR DETERMINATION.—In making the determination under clause (i), the President may consider the criteria in sections 212(b) and (c) and other appropriate criteria, including—

''(I) the extent to which the country follows accepted rules of international trade provided for under the agreements listed in section 101(d) of the Uruguay Round Agreements Act;

''(II) the extent to which the country provides protection of intellectual property rights—

''(aa) in accordance with standards established in the Agreement on Trade-Related Aspects of Intellectual Property Rights described in section 101(d)(15) of the Uruguay Round Agreements Act;

''(bb) in accordance with standards established in chapter 17 of the NAFTA; and

''(cc) by granting the holders of copyrights the ability to control the importation and sale of products that embody copyrighted works, extending the period set forth in Article 1711(6) of NAFTA for protecting test data for agricultural chemicals to 10 years, protecting trademarks regardless of their subsequent designation as geographic indications, and providing enforcement against the importation of infringing products at the border;

''(III) the extent to which the country provides protections to investors and investments of the United States substantially equivalent to those set forth in chapter 11 of the NAFTA;

''(IV) the extent to which the country provides the United States and other WTO members nondiscriminatory, equitable, and reasonable market access with respect to the products for which benefits are provided under paragraphs (2) and (3), and in other relevant product sectors as determined by the President;

''(V) the extent to which the country provides internationally recognized worker rights, including—

''(aa) the right of association,

''(bb) the right to organize and bargain collectively,

''(cc) prohibition on the use of any form of coerced or compulsory labor,

''(dd) a minimum age for the employment of children, and

''(ee) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health;

''(VI) the extent to which the country adopts, maintains, and effectively enforces laws providing for high levels of environmental protection;

''(VII) whether the country has met the counter-narcotics certification criteria set forth in section 490 of the Foreign Assistance Act of 1961 for eligibility for United States assistance;

''(VIII) the extent to which the country becomes a party to and implements the Inter-American Convention Against Corruption, and becomes party to a convention regarding the extradition of its nationals.

''(IX) the extent to which the country enters into and implements an agreement with the United States for the exchange of tax information, as described in section 274(h)(6)(C) of the Internal Revenue Code;

''(X) the extent to which the country—

''(aa) supports the multilateral and regional objectives of the United States with respect to government procurement, including the negotiation of government procurement provisions as part of the FTAA and conclusion of a WTO transparency agreement as provided in the declaration of the WTO Ministerial Conference held in Singapore on December 9–13, 1996, and

''(bb) applies transparent and competitive procedures in government procurement equivalent to those contained in the WTO Agreement on Government Procurement (described in section 101(d)(17) of the Uruguay Round Agreements Act);

''(XI) the extent to which the country follows the rules on customs valuation set forth in the WTO Agreement on Implementation of Article VII of the GATT 1994 (described in section 101(d)(8) of the Uruguay Round Agreements Act);

''(XII) the extent to which the country affords to products of the United States which the President determines to be of commercial importance to the United States with respect to such country, and on a nondiscriminatory basis to like products of other WTO members, tariff treatment that is no less favorable than the most favorable tariff treatment provided by the country to any other country pursuant to any free trade agreement to which such country is a party, other than the Central American Common Market or the Caribbean Community and Common Market.

''(D) CBTEA ORIGINATING GOOD.—

''(i) IN GENERAL.—The term 'CBTEA originating good' means a good that meets the rules of origin for a good set forth in chapter 4 of the NAFTA as implemented pursuant to United States law, and, in the case of a good described in Appendix 6.A of the Annex, the requirements stated in Appendix 6.A as implemented pursuant to United States law.

''(ii) APPLICATION OF CHAPTER 4 AND ANNEX 6.A.—In applying chapter 4 and Appendix 6.A with respect to a CBTEA beneficiary country for purposes of this subsection—

''(I) no country other than the United States and a CBTEA beneficiary country may be treated as being a party to the NAFTA;

''(II) any reference to trade between the United States and Mexico shall be deemed to refer to trade between the United States and a CBTEA beneficiary country;

''(III) any reference to a party shall be deemed to refer to a CBTEA beneficiary country or the United States; and

''(IV) any reference to parties shall be deemed to refer to any combination of CBTEA beneficiary countries or to the United States and a CBTEA beneficiary country (or any combination thereof).

''(E) INTERESTED UNITED STATES PERSON.—For purposes of paragraph (2)(B)(i), the term 'interested United States person' means—

''(i) a person doing business in the United States as—

''(I) an importer of wearing apparel or fabric piece goods, or

''(II) a producer of wearing apparel, or

''(ii) a labor union representing workers employed in the United States in the production of wearing apparel.

''(F) TEXTILE OR APPAREL ARTICLE.—The term 'textile or apparel article' means any article referred to in paragraph (1)(A) that is a good listed in Appendix 1.1 of the Annex.

''(G) TRANSITION PERIOD.—The term 'transition period' means, with respect to a CBTEA beneficiary country, the period that begins on the date of enactment of the CBTEA and ends on the earlier of—

''(i) September 30, 2005, or

''(ii) the date on which the FTAA or a comparable trade agreement enters into force with respect to the United States and the CBTEA beneficiary country.

''(H) CBTEA.—The term 'CBTEA' means the United States-Caribbean Basin Trade Enhancement Act.

''(I) FTAA.—The term 'FTAA' means the Free Trade Area of the Americas.''.

(b) DETERMINATION REGARDING RETENTION OF DESIGNATION.—Section 212(e) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(e)) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(B) by inserting ''(A)'' after ''(1)'';

(C) by striking ''would be barred'' and all that follows through the end period and inserting: ''no longer satisfies one or more of the conditions for designation as a beneficiary country set forth in subsection (b) or such country fails adequately to meet one or more of the criteria set forth in subsection (c).''; and

(D) by adding at the end the following:

''(B) The President may, after the requirements of subsection (a)(2) and paragraph (2) have been met—

''(i) withdraw or suspend the designation of any country as a CBTEA beneficiary country, or

''(ii) withdraw, suspend, or limit the application of preferential tariff treatment under section 213(b)(2) and (3) to any article of any country, if, after such designation, the President determines that as a result of changed circumstances, the performance of such country is not satisfactory under the criteria set forth in section 213(b)(5)(C).''; and

(2) by adding after paragraph (2) the following new paragraph:

''(3) If preferential treatment under section 213(b)(2) and (3) is withdrawn, suspended, or limited with respect to a CBTEA beneficiary country, such country shall not be deemed to be a 'party' for the purposes of applying section 213(b)(5)(D) to imports of articles for which preferential treatment has been withdrawn, suspended, or limited with respect to such country.''.

(c) REPORTING REQUIREMENTS.—Section 212(f) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(f)) is amended to read as follows:

''(f) REPORTING REQUIREMENTS.—Not later than December 15, 2000, and at the end of each 3-year period thereafter, the President shall submit to Congress a report regarding the operation of this title, including—

''(1) with respect to subsections (b) and (c), the results of a general review of beneficiary countries based on the considerations described in such subsections; and

''(2) the performance of each CBTEA beneficiary country with respect to the criteria set forth in section 213(b)(5)(C)(ii).''.

(d) INTERNATIONAL TRADE COMMISSION REPORTS.—

(1) Section 215(a) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2704(a)) is amended to read as follows:

''(a) REPORTING REQUIREMENT.—

''(1) IN GENERAL.—The United States International Trade Commission (in this section referred to as the 'Commission') shall submit to Congress and the President, biennial reports regarding the economic impact of this title on United States industries and consumers.

''(2) FIRST REPORT.—The first report shall be submitted not later than September 30 of the year following the year in which the Caribbean Basin Trade Enhancement Act is enacted. No report shall be required under this section after September 30, 2005.

''(3) TREATMENT OF PUERTO RICO, ETC.—For purposes of this section, industries in the Commonwealth of Puerto Rico and the insular possessions of the United States are considered to be United States industries.''.

(2) Section 206(a) of the Andean Trade Preference Act (19 U.S.C. 3204(a)) is amended to read as follows:

''(a) REPORTING REQUIREMENTS.—

''(1) IN GENERAL.—The United States International Trade Commission (in this section

referred to as the 'Commission') shall submit to Congress and the President, biennial reports regarding the economic impact of this title on United States industries and consumers, and, in conjunction with other agencies, the effectiveness of this title in promoting drug-related crop eradication and crop substitution efforts of the beneficiary countries.

''(2) SUBMISSION.—During the period that this title is in effect, the report required by paragraph (1) shall be submitted on September 30 of each year that the report required by section 215 of the Caribbean Basin Economic Recovery Act is not submitted.

''(3) TREATMENT OF PUERTO RICO, ETC.— For purposes of this section, industries in the Commonwealth of Puerto Rico and the insular possessions of the United States are considered to be United States industries.''.

(e) CONFORMING AMENDMENTS.—Section 213(a)(1) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(a)(1)) is amended by inserting ''and except as provided in subsection (b) (2) and (3)'' after ''Tax Reform Act of 1986,''.

SEC. 5. ADEQUATE AND EFFECTIVE PROTECTION FOR INTELLECTUAL PROPERTY RIGHTS.

Section 212(c) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(c)) is amended by adding at the end the following flush sentence:

''Notwithstanding any other law, the President may determine that a country is not providing adequate and effective protection of intellectual property rights under paragraph (9), even if the country is in compliance with the country's obligations under the Agreement on Trade-Related Aspects of Intellectual Property Rights described in section 101(d)(15) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(15)).''.

SEC. 6. DEFINITIONS.

Section 212(a)(1) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(a)(1)) is amended by adding at the end the following new subparagraph:

''(D) The term 'NAFTA' means the North American Free Trade Agreement entered into between the United States, Mexico, and Canada on December 17, 1992.

''(E) The terms 'WTO' and 'WTO member' have the meanings given those terms in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501).''.

By Mr. TORRICELLI (for himself, Mr. LAUTENBERG, and Mr. HOLLINGS):

S. 985. A bill to designate the post office located at 194 Ward Street in Paterson, NJ, as the ''Larry Doby Post Office''; to the Committee on Governmental Affairs.

LARRY DOBY POST OFFICE LEGISLATION

Mr. TORRICELLI. Mr. President, I rise today with Senator LAUTENBERG to jointly recognize Larry Doby, the first African-American player in the American League. Mr. Doby's lifelong dedication to major league baseball, his community, and his country is truly remarkable and must be recognized. As an ambassador for baseball, Mr. Doby has served the league for nearly 20 years as a player, as a coach, and currently as a special assistant to the president of the American League.

Mr. Doby, born in Camden, SC, later moved to Paterson, NJ, where he starred in four sports and ultimately garnered numerous offers for athletic scholarships toward his higher education. Although Larry Doby accepted an offer to play basketball for Long Island University, his collegiate athletic career was shortened as he enlisted in the U.S. Navy to serve our country in World War II. Following World War II, Doby played for the Negro League Newark Eagles, where he led the league with a batting average of .458 and 13 home runs.

Some of Larry Doby's major league baseball accomplishments include being the first African-American player in the American League, the first African-American player on a world series team, and the second African-American to manage in the major leagues. Mr. Doby will be recognized by major league baseball at the all-star game in Cleveland. The naming of this post office in Larry Doby's honor in his hometown of Paterson would be a fitting tribute to this great American.

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. 985

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

SECTION 1. FINDINGS.

Congress finds the following:

(1) Larry Eugene Doby was born in Camden, South Carolina, on December 12, 1923, and moved to Paterson, New Jersey, in 1938.

(2) After playing the 1946 season in the Negro League for the Newark Eagles, Larry Doby's contract was purchased by the Cleveland Indians of the American League on July 3, 1947.

(3) On July 5, 1957, Larry Doby became the first African-American to play in the American League.

(4) Larry Doby played in the American League for 13 years, appearing in 1,533 games and batting .283, with 253 home runs and 969 runs batted in.

(5) Larry Doby was voted to 7 all-star teams, led the American League in home runs twice, and played in 2 World Series. He was the first African-American to play in the World Series and to hit a home run in a World Series game, both in 1948.

(6) Larry Doby was recognized for his remarkable achievements in baseball with his induction into the Baseball Hall of Fame in 1987.

(7) After his stellar playing career ended, Larry Doby continued to make a significant contribution to his community. He has been a pioneer in the cause of civil rights and has received honorary doctorate degrees from Long Island University, Princeton University, and Fairfield University.

SEC. 2. DESIGNATION OF LARRY DOBY POST OFFICE.

(A) IN GENERAL.—The post office located at 194 Ward Street in Paterson, New Jersey, shall be known and designated as the ''Larry Doby Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the post office referred to in subsection (a) shall be deemed to be a reference to the ''Larry Doby Post Office''.

Mr. LAUTENBERG. Mr. President, I rise to join with my friend and colleague, Senator BOB TORRICELLI, in introducing a bill to name a U.S. post office in my hometown of Paterson, NJ after a true American hero, Larry Eugene Doby.

Mr. President, 1997 marks the 50th anniversary of the breaking of major league baseball's color barrier. In April 1947, Jackie Robinson played his first game with the National League's Brooklyn Dodgers and ended segregation in our national pastime; simultaneously, he entered America's pantheon of heroes.

While we rightfully honor Mr. Robinson, we cannot forget that heroes rarely fight their battles alone. Larry Doby is one of those heroes. Only 11 weeks after Jackie Robinson first graced a major league diamond, Larry Doby of Paterson, NJ took the field with the Cleveland Indians, becoming the first African-American player in the American League. Once on the team, he brought an ability and level of consistency to the game that few could match. He was the first African-American player to hit a home run in the world series, and he was named to six straight American League all-star teams. During his 13 year career, he attained a .283 lifetime batting average and hit 253 home runs.

Mr. President, the day Larry Doby first took the field was definitely a great day for baseball enthusiasts. Millions of fans were able to enjoy the excitement he brought to the plate and the skill he brought to the field.

But it was also a great day for every American. Along with Robinson's earlier integration of the National League, Doby's joining the American League was a double play against racism and inequality. And in the early years it wasn't easy. Doby had to meet the challenges of the game, while also facing sometimes angry opponents. But whether he was faced with a curve ball hurled by an opposing pitcher, or a foul remark hurled by a bigoted fan, he handled it with dignity, grace, and skill.

Because of the manner in which he handled such adversity, he not only tore down the walls of exclusion, he also opened the windows of opportunity for many other African-American players, who followed him into the major leagues. Thanks to his example, we all learned that, in the words of Martin Luther King, ''We must judge a person on the content of his character, and not the color of his skin.''

Mr. President, Larry Doby is rightfully called a legend for his consistency on the field and a hero for his character off the field. But I have the privilege of also calling him a friend. We grew up together on the working class streets of Paterson. As a baseball fan, an American and a friend, I admire the contributions that Larry made to both the game of baseball and to the struggle for equality.

When it comes to Larry, others may have filled his uniform, but no one will ever be able to fill his shoes. Above all, Larry Doby proves that good and great can exist in the same individual.

Mr. President, I urge all my colleagues to join with Senator TORRICELLI and me in celebrating Larry Doby by gracing the post office located at 194 Ward Street in Paterson, NJ with his name.

By Mr. DODD (for himself and Mr. MCCAIN):

S.J. Res. 34. A joint resolution suspending the certification procedures under section 490(b) of the Foreign Assistance Act of 1991 in order to foster greater multilateral cooperation in international counternarcotics programs; to the Committee on Foreign Relations.

Mr. DODD. Mr. President, today I send to the desk a joint resolution on behalf of myself and Senator JOHN MCCAIN which we believe will lead to more cooperative and effective efforts to meet the international threat posed by international drug trafficking.

The resolution that we are introducing today calls upon the President to establish a high level, interdisciplinary task force under the direction of Gen. Barry R. McCaffrey, Director of the Office of National Drug Control Policy, to develop a comprehensive strategy for dealing with the supply and demand side of the drug problem.

It also urges the President to encourage other drug producing and transit countries to undertake similar efforts. Within a year's time it calls for an international summit to be held, at which time, the efforts of all the parties would be merged into a multilateral battle plan to engage the illegal drug trade on every front.

In order to create the kind of international cooperation and mutual respect that must be present if this effort is to produce results, the resolution would also suspend the annual drug certification procedure for a period of 2 years, while efforts are ongoing to develop and implement a new strategy.

As you know, Mr. President, the issue of how best to construct and implement an effective counter narcotics policy has been the subject of much debate in this Chamber, and I would add much disagreement.

My intention in introducing this resolution today is to try to see if there is some way to end what has become a stale annual event that has not brought us any closer to mounting a credible effort to eliminate or even contain the international drug mafia.

We all can agree that drugs are a problem—a big problem. We can agree as well that the international drug trade poses a direct threat to the United States and to international efforts to promote democracy, economic stability, human rights, and the rule of law throughout the world, but most especially in our own hemisphere.

While the international impact is serious and of great concern, of even greater concern to me personally are effects it is having here at home. Today, approximately 12,800,000 Americans use illegal drugs, including 1,500,000 cocaine users, 600,000 heroin addicts, and 9,800,000 smokers of marijuana. This menace isn't just confined to inner cities or the poor. Illegal drug use occurs among members of every ethnic and socioeconomic group in the United States.

The human and economic costs are enormous: Drug related illness, death, and crime cost the United States approximately $67 billion in 1996, including costs for lost productivity, premature death, and incarceration.

This is an enormously lucrative business—drug trafficking generates estimated revenues of $400 billion annually.

The United States has spent more than $25 billion for foreign interdictions and source country counter narcotics programs since 1981, and despite impressive seizures at the border, on the high seas, and in other countries, foreign drugs are cheaper and more readily available in the United States today than two decades ago.

So, despite the fact that we have had this drug certification procedure in place since 1986—more than 10 years—drugs continue to pour into this country and to wreak havoc on our families and communities.

I think it is time to be honest and admit our international drug strategy isn't working and that means the entire certification process. Nor are efforts to revise the certification process to make it easier, politically, for the U.S. Congress to stick a finger in the eye of other governments by unilaterally grading them, likely to materially improve the situation—especially when we are not prepared to subject ourselves to similar unilateral grading by others.

Rather, I believe that we need to reach out to other governments who share our concerns about the threat that drugs pose to the very fabric of their societies and our own. It is arrogant to assume we are the only Nation that cares about such matters. We need to sit down and figure out what each of us can do better to make it harder for drug traffickers to ply their trade. It is in that spirit that I commend the resolution that Senator MCCAIN and I are introducing today to our colleagues.

Together, working collectively we can defeat the traffickers. But if we expend our energies playing the blame game, we are certainly not going to effectively address this threat.

We aren't going to stop one additional teenager from becoming hooked on drugs, or one more citizen from being mugged outside his home by some drug crazed thief.

I would urge my colleagues to give some thought and attention to our legislative initiative. We believe it is worthy of support.

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

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

S.J. RES. 34

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SUSPENSION OF DRUG CERTIFICATION PROCEDURES.

(a) FINDINGS.—Congress makes the following findings:

(1) The international drug trade poses a direct threat to the United States and to international efforts to promote democracy, economic stability, human rights, and the rule of law.

(2) The United States has a vital national interest in combating the financial and other resources of the multinational drug cartels, which resources threaten the integrity of political and financial institutions both in the United States and abroad.

(3) Approximately 12,800,000 Americans use illegal drugs, including 1,500,000 cocaine users, 600,000 heroin addicts, and 9,800,000 marijuana users.

(4) Illegal drug use occurs among members of every ethnic and socioeconomic group in the United States.

(5) Drug-related illness, death, and crime cost the United States approximately $67,000,000,000 in 1996, including costs for lost productivity, premature death, and incarceration.

(6) Worldwide drug trafficking generates revenues estimated at $400,000,000,000 annually.

(7) The United States has spent more than $25,000,000,000 for drug interdiction and source country counternarcotics programs since 1981, and despite impressive seizures at the border, on the high seas, and in other countries, illegal drugs from foreign sources are cheaper and more readily available in the United States today than 20 years ago.

(8) The 1961 Single Convention on Narcotic Drugs, the 1971 Convention on Psychotropic Substances, and the 1988 Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances form the legal framework for international drug control cooperation.

(9) The United Nations International Drug Control Program, the International Narcotics Control Board, and the Organization of American States can play important roles in facilitating the development and implementation of more effective multilateral programs to combat both domestic and international drug trafficking and consumption.

(10) The annual certification process required by section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j), which has been in effect since 1986, has failed to foster bilateral or multilateral cooperation with United States counternarcotics programs because its provisions are vague and inconsistently applied and fail to acknowledge that United States narcotics programs have not been fully effective in combating consumption or trafficking in illegal drugs, and related crimes, in the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) existing United States domestic and international counternarcotics program have not reduced the supply of illegal drugs or significantly reduced domestic consumption of such drugs;

(2) The President should appoint a high level task force of foreign policy experts, law enforcement officials, and drug specialists to develop a comprehensive program for addressing domestic and international drug trafficking and drug consumption and related crimes, with particular attention to fashioning a multilateral framework for improving international cooperation in combating illegal drug trafficking, and should designate the Director of the Office of National Drug Policy to chair the task force;

(3) the President should call upon the heads of state of major illicit drug producing countries, major drug transit countries, and major money laundering countries to establish similar high level task forces to work in coordination with the United States; and

(4) not later than one year after the date of enactment of this Act, the President should call for the convening of an international summit of all interested governments to be hosted by the Organization of American States or another international organization mutually agreed to by the parties, for the purpose of reviewing the findings and recommendations of the task forces referred to in paragraphs (1) and (2) and adopting a counternarcotics plan of action for each country.

(c) SUSPENSION OF DRUG CERTIFICATION PROCESS.—(1) Section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j), relating to annual certification procedures for assistance for certain drug-producing and drug-transit countries, shall not apply in 1998 and 1999.

(2) The President may waive the applicability of that section in 2000 if the President determines that the waiver would facilitate the enhancement of the United States international narcotics control programs.

Mr. MCCAIN. Mr. President, I join with my colleague and friend, Senator DODD, in introducing a joint resolution calling on the President to take concrete steps to increase the level of international cooperation in combating the flow of narcotics into this country, and to lead America toward coming to grips with the domestic demand that is tearing this country apart while enriching the drug cartels of Latin America and our own organized crime groups.

This legislation acknowledges the problems endemic in waging the war on drugs while domestic demand continues to remain high. It further recognizes the failure of numerous previous efforts at stemming the flow of illegal narcotics. It consequently expresses the sense of Congress that the President should appoint a high level task force, to be chaired by the Director of the Office of National Drug Policy, to establish a framework for improving international cooperation in these efforts. Finally, and of particular importance, it suspends for 2 years the process by which countries are certified as cooperating in the war on drug.

The drug problem in this country dates at least as far back as the Civil War, when wounded soldiers were turned into morphine addicts as the only way to deaden the horrific pain caused from battle and disease. The problem grew to such an extent that President Nixon felt compelled to establish the Drug Enforcement Administration in order to better coordinate the antidrug effort. President Reagan assigned Vice President Bush to oversee a major escalation in the war on drugs, a war carried on at considerable monetary cost throughout the Bush administration. President Clinton, to his credit, appointed perhaps our finest ''drug czar'' in Gen. Barry McCaffrey, who has waged the drug war as valiantly as he led troops in combat during Desert Storm.

And still, the flow of illegal narcotics continues virtually unimpeded. Record-breaking seizures serve mainly to remind us of how much more is getting through our porous borders undetected. Street prices alert us to the failure of our best efforts at putting a dent in the problem of drug trafficking. To the extent that one area, for example, cocaine, is tackled with any degree of success, another bigger problem—the resurgence of heroin abuse comes to mind—rises up in its place. Clearly, it is time to step back again and look more critically at every facet of the problem.

I do not believe ''chicken-and-egg'' debates about which problem, supply or demand, should take higher priority serve any useful purpose. The bill we are offering today addresses both problems. Nor I believe the certification process has accomplished its intended goal any more than such processes ever really do irrespective of the subject matter. In fact, the decision by the White House to decertify Colombia, which has waged a valiant and costly—in both lives and treasure—struggle against extremely powerful and ruthless cartels while recertifying Mexico, whose law enforcement agencies are so rife with corruption that that country's equivalent of General McCaffrey was arrested for drug-related crimes, illuminates all too well the impracticality of the current process.

It is easy to argue that the drug problem has been studied to death. It has not, however, been examined from the perspective, and at the level, recommended in this resolution. If I believed for a second that this resolution represented just another attempt at studying the problem of drugs, I would not have attached my name to it. The recommended steps, however, combined with the suspension of the drug certification process, constitute a real and meaningful effort at focusing the Nation's attention on one of our most serious problems. Drugs are, in every sense of the word, a scourge upon our society. We must take a comprehensive, sober look at the scale of the problem and what realistically can be done about it. We must do this domestically and internationally. We must, once and for all, wage the war on drugs as though we intend to prevail. I hope that my colleagues in the Senate and the House of Representatives will support this legislation.

ADDITIONAL COSPONSORS

S. 61

At the request of Mr. LOTT, the names of the Senator from Hawaii [Mr. INOUYE] and the Senator from Washington [Mr. GORTON] were added as cosponsors of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 224

At the request of Mr. WARNER, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 224, a bill to amend title 10, United States Code, to permit covered beneficiaries under the military health care system who are also entitled to Medicare to enroll in the Federal Employees Health Benefits Program, and for other purposes.

S. 260

At the request of Mr. ABRAHAM, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 260, a bill to amend the Controlled Substances Act with respect to penalties for crimes involving cocaine, and for other purposes.

S. 358

At the request of Mr. DEWINE, the name of the Senator from New Jersey [Mr. TORRICELLI] was added as a cosponsor of S. 358, a bill to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products, and for other purposes.

S. 387

At the request of Mr. HATCH, the name of the Senator from Ohio [Mr. DEWINE] was added as a cosponsor of S. 387, a bill to amend the Internal Revenue Code of 1986 to provide equity to exports of software.

S. 683

At the request of Mr. STEVENS, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 683, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Library of Congress.

S. 751

At the request of Mr. SHELBY, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 751, a bill to protect and enhance sportsmen's opportunities and conservation of wildlife, and for other purposes.

S. 863

At the request of Mr. MOYNIHAN, the names of the Senator from Ohio [Mr. DEWINE], the Senator from California [Mrs. FEINSTEIN], and the Senator from Florida [Mr. MACK] were added as cosponsors of S. 863, a bill to authorize the Government of India to establish a memorial to honor Mahatma Gandhi in the District of Columbia.

S. 927

At the request of Ms. SNOWE, the names of the Senator from Alaska [Mr. STEVENS], the Senator from Washington [Mr. GORTON], the Senator from Michigan [Mr. ABRAHAM], the Senator from Hawaii [Mr. INOUYE], the Senator from New York [Mr. MOYNIHAN], the Senator from Maine [Ms. COLLINS], the Senator from Florida [Mr. GRAHAM], the Senator from Virginia [Mr. WARNER], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors