again. I heard from one of his prior performances. In that broadcast he talked about why he felt being a clown was something that he always wanted to be remembered as—being a clown. He proceeded to tell everyone there how important it was that we remain, in many respects, in our childlike status—lots of energy, trusting other people.

So today I rise to ask politicians all over America and especially in this body to pay tribute to America's favorite clown, Richard Bernard Skelton, better known to us as Red Skelton. He passed away yesterday at age 84.

He was the son of a grocer, who later became a circus clown. Mr. Skelton died 2 months before his son Red was born. His widowed mother worked as a cleaning woman and elevator operator to support her four sons.

Red Skelton started being a professional clown at age 10. So for almost 75 years—three-quarters of a century—he has been making people laugh.

He did not ask people to laugh. You had to laugh at Red Skelton. He became part of a traveling medicine show where he picked up vaudeville skills which served him so well for the rest of his life. His debut on radio was in 1937, and Broadway the same year. His first movie was in 1938 entitled ''Having a Wonderful Time.'' He became a Hollywood star appearing in almost 50 films over the course of his life.

Skeleton often said that he was a ''man whose destiny caught up with him at an early age.''

His destiny, Mr. President, was to make America laugh.

''I don't want to be called 'the greatest' or 'one of the greatest.' Let other guys claim to be the best. I just want to be known as a clown,'' Red said, ''because to me, that's the height of my profession. It means you can do everything—sing, dance, and above all, make people laugh.''

Mr. President, last March I went to Palm Springs to present Red Skelton a Presidential commendation. We had a date set that the President of the United States was going to give that to him in the White House. But his illhealth prevented him from flying, so I proceeded to Palm Springs on behalf of the President to give Red Skelton this commendation from the President.

It was a wonderful luncheon that we had. He was very weak of body but alert of mind. For example, at that time even though he was confined to a wheelchair, he wrote seven stories every week, and he would pick the best out of the seven and put it in a book, and every year he produced 52 short stories. That was Red Skelton up to the time he died.

We had a wonderful time that day in March. I will never forget it. We were able to videotape that. He cracked jokes, and we had a great time. He is somebody that I will remember, the people of Nevada will remember, and this country will remember.

Let me repeat the words of President Clinton, who honored Red Skleton with a Presidential certificate commendation, signed on April 1, 1996, in fitting tribute to America's favorite clown.

A natural-born comic who got his first laugh from an audience at the age of 10, Red Skelton has devoted a long and productive life to entertaining people of all ages. Moving from the vaudeville stage to radio, the movies and television, he became America's favorite clown, creating characters like Clem Kadiddlehopper and Freddie the Freeloader, whom generations of Americans looked forward to seeing every week. Red Skelton served his country well. From his days in World War II and Korea as a soldier and an entertainer for the troops, to his many years on the large screen and small, he has given to all those lucky enough to see him perform the gift of laughter and joy.

When I walked into the room to present Red with this certificate, he still remembered me from our days attending rodeos together in southern Nevada. He was deeply touched by this honor because more than anything, Red Skelton loved his country.

Red Skelton could have never been America's favorite clown if he wasn't already one of America's greatest patriots. Red fought for his country in World War II and Korea.

His definition of the true meaning of the Pledge of Allegiance will always remain with me. I would like to repeat it for you today:

I, me, an individual, a committee of one.

Pledge, dedicate all my worldly goods to give without self pity.

Allegiance—my love and devotion.

To the Flag—our standard, Old Glory, a symbol of freedom. Wherever she waves, there is respect because your loyalty has given her a dignity that shouts freedom is everybody's job.

of the United—that means that we have all come together.

States—individual communities that have unites into 50 great states. 50 individual communities with pride and dignity and purpose, all divided with imaginary boundaries, yet united to a common purpose, and that's love for country.

of America

and to the Republic—A state in which sovereign power is invested in representatives chosen by the people to govern. And a government is the people and it's from the people to the leaders, not from the leaders to the people.

for Which It Stands.

One Nation—Meaning, so blessed by God.

Indivisible—Incapable of being divided.

With Liberty—Which is freedom and the right of power to live one's own life without threats or fear or some sort of retaliation.

and Justice—The principle or quality of dealing fairly with others.

for All—Which means it's as much your country as it is mine.

Red Skelton always signed off every shown ''Goodnight and God Bless,'' Yesterday Milton Berle, Red's closest friend told his old friend ''Farewell and God Bless.''

Mr. President, on behalf of the citizens of Nevada, Red's wife, Lothian, Red's family and friends, I say farewell, Red, and God bless.

I am grateful that the Senate of the United States is paying tribute to America's favorite clown.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

Mr. BUMPERS. Mr. President, I ask unanimous consent that my distinguished colleague and friend from Montana, Senator BAUCUS, be recognized for 10 minutes, without my losing the right to the floor, and that I immediately be recognized following the conclusion of his remarks.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, first I want to thank my very good friend and colleague, Senator BUMPERS, for yielding the time. It is very gracious of him. He has waited a good period of time to offer his amendment.

Mr. President, I rise today to call on Congress to complete the New World Mine acquisition and protect Yellowstone National Park. Now that the administration and congressional leadership have reached a budget agreement that allows for the acquisition of the New World lands, we need to move decisively. We have belabored this matter much too long and now is the time to finish the job.

Yellowstone National Park was created 125 years ago. ''For the Benefit and Enjoyment of the People.'' Indeed, this is the entrance at mammoth Yellowstone Park. You probably cannot read the inscription over the arch but it says ''For the Benefit and Enjoyment of the People.'' And of course, immediately to my right is the Old Faithful geyser.

Every year, Mr. President, 3 million people visit the park, bringing their children and grandchildren to enjoy the unspoiled beauty that is Yellowstone—from the Roosevelt arch, which I am pointing to here on my right, at the original entrance, to the breathtaking grandeur of Old Faithful, to the spectacular wildlife which calls this unique place home.

During the month of August, I was fortunate to be present to celebrate Yellowstone's 125th anniversary with Vice President AL GORE. As I entered the park, I remembered my first trip to Yellowstone many years ago. The noble and majestic geysers, the boiling paint pots, and the vast scenery were the stuff of magic to a small child—and remain so today.

These wonders cannot be seen anywhere else in the United States or, for that matter, in the world. I guarantee you there is not one Montanan, young or old, that does not fondly remember his or her first visit to the park, or anybody in our country for that matter. Finishing the New World acquisition is critical so our children may witness the wonders of nature, much as we have over the past 125 years.

For the past 8 years, America has lived with the threat that a large gold mine could harm Yellowstone, our Nation's first national park. This mine,

on the park boundary, could irreparably damage the park by polluting rivers and devastating wildlife habitat.

In 1996, local citizens, the mining company itself, and the administration, reached a consensus agreement that would stop the proposed mine—they all agreed; the administration, the local community, and the company—and it would protect Yellowstone and surrounding communities.

This agreement provides for the Federal Government to acquire the mine property from Battle Mountain Gold in exchange for $65 million. The balanced budget agreement calls for this money to be appropriated from the Land and Water Conservation Fund.

The New World agreement, I think, is very important for two reasons. First, it protects Yellowstone National Park for future generations. What could be more important?

Second, it protects my State of Montana. It protects Montana's natural heritage, but it also protects Montana's economy.

Many of the local communities surrounding Yellowstone depend on the park for their economic well-being. If the mine had been built, Yellowstone would have been harmed, and with it the communities and the families that depend on Yellowstone for their livelihood. It is for this reason that a majority of local citizens and businesses oppose the mine and support the agreement.

In addition, the agreement obligates the mining company to spend $22.5 million to clean up historic mine pollution at the headwaters of the Yellowstone River. This will create jobs and clean up the environment, thereby benefiting the regional economy and improving locally fisheries.

As a Senator representing Montana, I will fight to ensure that Montana receives these benefits.

The bipartisan budget agreement provides an increase of $700 million in land and water conservation funding. Of this increase, $315 million has been designated as funding for priority land acquisitions.

It is my understanding in speaking with the administration and with others that the New World and Headwaters acquisition were specifically discussed as the projects that would be funded by the $315 million designation. It would be unconscionable for Congress to violate the spirit and the intent of the budget agreement by failing to appropriate the funding necessary to complete the New World acquisition.

In addition, placing further restrictions such as requiring authorization is both unnecessary and unwise. We need no additional authorization. The agreement has been agreed to already. New legal procedures, on the other hand, would just stall an already reached agreement, one that is widely supported and one that protects the park.

Every year, numerous land acquisitions that are not individually authorized take place utilizing Land and Water Conservation Funds. By attaching strings to this acquisition—it is an authorization—Congress will have done nothing but endanger Yellowstone National Park. Indeed, the President's senior advisers strongly object to attaching any strings to this funding, and if Congress insists on stalling and delaying this agreement, the President may well veto the Interior appropriations bill upon the recommendation of OMB and other agencies. Because Yellowstone is at stake, he would be right to do so.

I pledge here today to help lead the charge to uphold that veto if necessary. When Yellowstone and Montana's heritage is threatened, I will not sit idly by. We can and we must protect Yellowstone National Park.

I thank my good friend, the Senator from Arkansas, and I yield the floor.

EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 123, LINE 9

Mr. BUMPERS. Mr. President, I ask unanimous consent that the pending amendment be laid aside and that the Senate proceed to the committee amendment beginning on page 123, line 9.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1224 TO EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 123, LINE 9 THROUGH PAGE 124, LINE 20

(Purpose: To ensure that Federal taxpayers receive a fair return for the extraction of locatable minerals on public domain land and that abandoned mines are reclaimed)

Mr. BUMPERS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for himself and Mr. GREGG, proposes an amendment numbered 1224 to excepted committee amendment beginning on page 123, line 9.

Mr. BUMPERS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

Add the following at the end of the pending Committee amendment as amended:

''(c)(1) Each person producing locatable minerals (including associated minerals) from any mining claim located under the general mining laws, or mineral concentrates derived from locatable minerals produced from any mining claim located under the general mining laws, as the case may be, shall pay a royalty of 5 percent of the net smelter return from the production of such locatable minerals or concentrates, as the case may be.

''(2) Each person responsible for making royalty payments under this section shall make such payments to the Secretary of the Interior not later than 30 days after the end of the calendar month in which the mineral or mineral concentrates are produced and first place in marketable condition, consistent with prevailing practices in the industry.

''(3) All persons holding mining claims located under the general mining laws shall provide to the Secretary such information as determined necessary by the Secretary to ensure compliance with this section, including, but not limited to, quarterly reports, records, documents, and other data. Such reports may also include, but not be limited to, pertinent technical and financial data relating to the quantity, quality, and amount of all minerals extracted from the mining claim.

''(4) The Secretary is authorized to conduct such audits of all persons holding mining claims located under the general mining laws as he deems necessary for the purposes of ensuring compliance with the requirements of this subsection.

''(5) Any person holding mining claims located under the general mining laws who knowingly or willfully prepares, maintains, or submits false, inaccurate, or misleading information required by this section, or fails or refuses to submit such information, shall be subject to a penalty imposed by the Secretary.

''(6) This subsection shall take effect with respect to minerals produced from a mining claim in calendar months beginning after enactment of this Act.

''(d)(1) Any person producing hardrock minerals from a mine that was within a mining claim that has subsequently been patented under the general mining laws shall pay a reclamation fee to the Secretary under this subsection. The amount of such fee shall be equal to a percentage of the net proceeds from such mine. The percentage shall be based upon the ratio of the net proceeds to the gross proceeds related to such production in accordance with the following table:

Net proceeds as percentage of gross proceeds:	*Rate*[1]
Less than 10	2.00
10 or more but less than 18	2.50
18 or more but less than 26	3.00
26 or more but less than 34	3.50
34 or more but less than 42	4.00
42 or more but less than 50	4.50
50 or more	5.00

[1] Rate of fee as percentage of net proceeds.

''(2) Gross proceeds of less than $500,000 from minerals produced in any calendar year shall be exempt from the reclamation fee under this subsection for that year if such proceeds are from one or more mines located in a single patented claim or on two or more contiguous patented claims.

''(3) The amount of all fees payable under this subsection for any calendar year shall be paid to the Secretary within 60 days after the end of such year.

''(e) Receipts from the fees collected under subsections and (d) shall be paid into an Abandoned Minerals Mine Reclamation Fund.

''(f)(1) There is established on the books of the Treasury of the United States an interest-bearing fund to be known as the Abandoned Minerals Mine Reclamation Fund (hereinafter referred to in this section as the ''Fund''). The Fund shall be administered by the Secretary.

''(2) The Secretary shall notify the Secretary of the Treasury as to what portion of the Fund is not, in his judgement, required to meet current withdrawals. The Secretary of the Treasury shall invest such portion of the Fund in public debt securities with maturities suitable for the needs of such Fund and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketplace obligations of the United States of comparable maturities. The income on such investments shall be credited to, and form a part of, the Fund.

''(3) The Secretary is, subject to appropriations, authorized to use moneys in the Fund

for the reclamation and restoration of land and water resources adversely affected by past mineral (other than coal and fluid minerals) and mineral material mining, including but not limited to, any of the following:

''(A) Reclamation and restoration of abandoned surface mined areas.

''(B) Reclamation and restoration of abandoned milling and processing areas.

''(C) Sealing, filling, and grading abandoned deep mine entries.

''(D) Planting of land adversely affected by past mining to prevent erosion and sedimentation.

''(E) Prevention, abatement, treatment and control of water pollution created by abandoned mine drainage.

''(F) Control of surface subsidence due to abandoned deep mines.

''(G) Such expenses as may be necessary to accomplish the purposes of this section.

''(4) Land and waters eligible for reclamation expenditures under this section shall be those within the boundaries of States that have lands subject to the general mining laws—

''(A) which were mined or processed for minerals and mineral materials or which were affected by such mining or processing, and abandoned or left in an inadequate reclamation status prior to the date of enactment of this title;

''(B) for which the Secretary makes a determination that there is no continuing reclamation responsibility under State or Federal laws; and

''(C) for which it can be established that such lands do not contain minerals which could economically be extracted through the reprocessing or remining of such lands.

''(5) Sites and areas designated for remedial action pursuant to the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7901 and following) or which have been listed for remedial action pursuant to the Comprehensive Environmental Response Compensation and Liability Act of 1980 (42 U.S.C. 9601 and following) shall not be eligible for expenditures from the Fund under this section.

''(g) As used in this Section:

''(1) The term ''gross proceeds'' means the value of any extracted hardrock mineral which was:

(A) sold;

(B) exchanged for any thing or service;

(C) removed from the country in a form ready for use or sale; or

(D) initially used in a manufacturing process or in providing a service.

''(2) The term ''net proceeds'' means gross proceeds less the sum of the following deductions:

(A) The actual cost of extracting the mineral.

(B) The actual cost of transporting the mineral to the place or places of reduction, refining and sale.

(C) The actual cost of reduction, refining and sale.

(D) The actual cost of marketing and delivering the mineral and the conversion of the mineral into money.

(E) The actual cost of maintenance and repairs of:

(i) All machinery, equipment, apparatus and facilities used in the mine.

(ii) All milling, refining, smelting and reduction works, plants and facilities.

(iii) All facilities and equipment for transportation.

(F) The actual cost of fire insurance on the machinery, equipment, apparatus, works, plants and facilities mentioned in subsection (E).

(G) Depreciation of the original capitalized cost of the machinery, equipment, apparatus, works, plants and facilities mentioned in subsection (E).

(H) All money expended for premiums for industrial insurance, and the actual cost of hospital and medical attention and accident benefits and group insurance for all employees.

(I) The actual cost of developmental work in or about the mine or upon a group of mines when operated as a unit.

(J) All royalties and severance taxes paid to the Federal government or State governments.

''(3) The term ''hardrock minerals'' means any mineral other than a mineral that would be subject to disposition under any of the following if located on land subject to the general mining laws:

(A) the Mineral Leasing Act (30 U.S.C. 181 and following);

(B) the Geothermal Steam Act of 1970 (30 U.S.C. 100 and following);

(C) the Act of July 31, 1947, commonly known as the Materials Act of 1947 (30 U.S.C. 601 and following); or

(D) the Mineral Leasing for Acquired Lands Act (30 U.S.C. 351 and following).

''(4) The term ''Secretary'' means the Secretary of the Interior.

''(5) The term ''patented mining claim'' means an interest in land which has been obtained pursuant to sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36 and 37) for placer claims, or section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims.

''(6) The term ''general mining laws'' means those Acts which generally comprise Chapters 2, 12A, and 16, and sections 161 and 162 of title 30 of the United States Code.''

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I have come here today for the eighth consecutive year to debate what I feel very strongly about and have always felt strongly about. I have never succeeded. Since I am going to be leaving next year, I know all my friends from the West are going to be saddened by my departure, and so far I don't have an heir apparent to take on this issue.

First of all, I want to make an announcement to the 262 million American people who know very little or nothing about this issue. The first announcement I want to make today is that they are now saddled with a cleanup cost of all the abandoned mining sites in the United States of somewhere between $32.7 and $71.5 billion. Now, let me say to the American people while I am making that announcement, you didn't do it, you had nothing to do with it, but you are going to have to pick up the tab of between $32 to $71 billion.

The Mineral Policy Center says there are 557,000 abandoned mines in the United States. Think of that—557,000 abandoned mines, and 59 of those are on the Superfund National Priority List. Mining has also produced 12,000 miles of polluted streams. The American people didn't cause it; the mining industry did it, and 2,000 of those 557,000 sites are in our national parks.

Now, Mr. President, my amendment would establish a reclamation fund in the Treasury and it would be funded by a 5-percent net smelter return for mining operations on taxpayer-owned land. Royalties based on gross income or a net smelter return are traditionally charged for mining on private land and for mining on State-owned land.

Much of the hardrock mining going on in this country is being done on the lands that you have heard me talk a great deal about—that is, lands that have been sold by the Federal Government for $2.50 an acre. However, a significant amount of mining goes on on lands where people have a mining claim on Federal lands and they get a permit to start mining. The Federal Government continues to own the land. We don't get anything for it. We don't even get $2.50 an acre for that land. So my net smelter royalty only applies to those lands which we still own.

Now, isn't that normal and natural? If you own land that has gold under it and somebody comes by and wants to mine the gold under your land, the first thing you do is say, how much royalty are you willing to pay? Nationwide, that figure is about 5 percent. But I can tell you one thing, and this is a major point, if somebody came to you and said, I want to mine the gold, the silver, platinum, or palladium under your land, the first thing you would demand is, How much are you going to pay me for it?

The U.S. Government cannot because Congress won't let them charge a royalty for mining on public land. We say, ''Here are some of the terms under which you can mine. ''Sic 'em, Tiger.'' Have a good time. Make a lot of money. And be sure you don't send the Federal Government, namely, the taxpayer of America, any money, and if you possibly can, leave an unmitigated environmental disaster on our hands for the taxpayers to clean up.''

You know, Mr. President, I still can't believe it goes on. I have been at this for 8 years and I still cannot believe what I just said, but it is true.

The other part of my bill establishes a net-income based reclamation fee based on the profits of the mining company on lands that were Federal lands but that have been patented by the mining companies; that is, lands which we have sold for $2.50 an acre. The only way in the world we can ever recover anything from these mines is through a reclamation fee. It is altogether proper that we get something in return for the lands that we sold for $2.50 an acre and it is altogether proper that that money be used to reclaim these 557,000 abandoned mine sites.

Mr. President, here is a closer look at what I just got through saying. The royalty rate in the Bumpers/Gregg amendment is 5 percent net smelter return, which is typically what is charged for mining operations on private land. The royalty will produce $175 million over the next 5 years. The reclamation fee ranges from 2 to 5 percent of net income for operations on patented lands, the lands that we sold for $2.50 an acre. That produces $750 million. And altogether, those two provisions would, over the next 5 years,

produce $925 million—not a very big beginning on the roughly $32 to $70 billion we are going to have to cough up to clean those places up.

Mr. President, look at this chart right here. The thing that is a real enigma to me, is that we make the coal operators in this country pay us 12.5 percent of their gross income for every ton of coal they take off of Federal lands. That is for surface coal. If it's an underground mine the coal companies pay a royalty of 8 percent of their gross income to the Federal Government.

Natural gas. If you want to bid on Federal lands and produce natural gas, it is incumbent upon you to pay a minimum of 12.5 percent of your gross income. When it comes to oil, if you want to drill in the Gulf of Mexico, you must also pay a 12.5 percent gross royalty.

There are oil and gas wells all over the Western part of the United States. And for every dollar of gas or oil they produce, they send Uncle Sam 12.5 cents.

But look here. For gold, they don't send anything. For silver, they don't send anything. For platinum, they don't send anything. And since 1872, when the old mining law was signed by Ulysses Grant, the mining companies have not paid a penny to the U.S. Treasury.

Now, Mr. President, in 1986—and I use this just as an illustration to tell you why we so desperately need this reclamation fund in the U.S. Treasury—there was a mine called Summitville in Colorado. Summitville was owned by a Canadian mining company called Galactic Resources. They got a permit to mine on private land from the State of Colorado. In June of that same year, their cyanide/plastic undercoating—and I will explain that in a moment—began to leak.

Let me stop just a moment and tell people, my colleagues, how gold mining is conducted. You have these giant shovels that take the dirt and you put it on a track and you carry it to a site and you stack it up on top of a plastic pad, which you hope is leakproof. And then you begin to drip—listen to this—you begin to drip cyanide—yes, cyanide—across the top of this giant heap of dirt. The cyanide filters down through this big load of dirt and it gathers up the gold and it filters out to a trench on the side.

Now, you have to bear in mind that if that plastic pad, which I just described for you a moment ago, is not leakproof, if it springs a leak, you have cyanide dripping right into the ground, right into the water table, or going right into the nearest stream, and so it was with Summitville. The plastic coating on the ground, which was supposed to keep the cyanide controlled, began to leak. And the cyanide began to escape. And the cyanide began to run into the streams headed right for the Rio Grande River. Galactic could not do anything. They weren't close to capable of doing anything. And so the Federal Government goes to Galactic and says, ''We want you to stop this and we want you to pay us damages.'' Do you know what they did? They took bankruptcy. Smart move. They took bankruptcy. So what does that leave the U.S. Government, which is going to ultimately have the responsibility for controlling this leakage of cyanide poison? It leaves us with a $4.7 million bond. That is the bond they had put up to the State of Colorado in order to mine.

Here you have a minimum of $60 million disaster on your hands with a $4.7 million bond. And so it is today, Mr. President—35 people employed since 1986, controlling the cyanide runoff from the mine in Colorado, and the ultimate cost to the taxpayers of this country will be $60 million, minimum.

Here is one that is even better, Mr. President. This came out of the New York Times 2 days ago. It is a shame that every American citizen can't read this. It's called ''The Blame Slag Heap.''

In northern Idaho's Silver Valley, the abstractions of the Superfund program—''remediation,'' ''restoration,'' ''liability''—meet real life. For over a century, the region's silver mines provided bullets for our soldiers and fortunes for some of our richest corporations. The mines also created a toxic legacy: wastes and tailings, hundreds of billions of pounds of contaminated sediment * * *.

In 1996—13 years after the area was declared the nation's second-largest Superfund site, the Justice Department filed a $600 million lawsuit against the surviving mining companies. The estimated cost of cleanup ranges up to a billion dollars. The Government sued after rejecting the companies' laughably low settlement offer of $1 million.

A $1 billion cleanup, and the company that caused the damage offers $1 million to settle.

The companies, however, have countersued.

They are countersuing the Federal Government, and do you know what they allege? They say it happened because the U.S. Government failed to regulate the disposal of mining waters.

Can you imagine that? The company is suing the Government because the Government didn't supervise more closely. The story closes out by saying, ''Stop me before I kill again.''

Mr. President, I ask unanimous consent the article from the New York Times be printed in the RECORD.

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

THE BLAME SLAG HEAP

(By Mark Solomon)

SPOKANE, WASH.—In northern Idaho's Silver Valley, the abstractions of the Superfund program—''remediation,'' ''restoration,'' ''liability''—meet real life.

For over a century, the region's silver mines provided bullets for our soldiers and fortunes for some of our richest corporations. The mines also created a toxic legacy: wastes and tailings, hundreds of billions of pounds of contaminated sediment, leaching into a watershed that is now home to more than half a million people.

In 1996, 13 years after the area was declared the nation's second-largest Superfund site, the Justice Department filed a $600 million lawsuit against the surviving mining companies. The estimated cost of the clean-up ranges up to a billion dollars. The Government sued after rejecting the companies' laughably low settlement offer of $1 million. If the companies don't pay, the Federal taxpayers will have to pick up the tab.

The companies, however, have countersued, alleging, among other things, that the Government itself should be held responsible. Why? Because it failed to regulate the disposal of mining wastes.

Do I believe my ears? In this era of deregulation, when industry seeks to replace environmental laws with a voluntary system, are the companies really saying that if only they had been regulated more they would have stopped polluting? I've heard the Government blamed for a lot of things, but regulatory laxity was never one of them—until now.

In fact, Idaho's mining industry has long fought every attempt at reform. In 1932, for example, a Federal study called for the building of holding ponds to capture the mines' wastes. The companies fought that plan for 36 years, until the Clean Water Act forced them to comply.

Now Congress is debating the reauthorization of the Superfund, and industry wants to weaken the provision on damage to natural resources. If the effort succeeds, what will happen in 50 years? Will the polluters sue the Government, blaming it for failing to prevent environmental damage?

Quick, stop them before they kill again.

Mr. CRAIG. Will the Senator yield specifically to his last comment?

Mr. BUMPERS. I yield for a question.

Mr. CRAIG. Does the Senator know about the new science that comes out of the study of the Superfund site in Silver Valley, ID? Does he understand also that mediation on the Superfund is now tied up in the courts—conducted by the State of Idaho—that has really produced more cleanup and prevented more heavy metals from going into the water system, and the value of that? Does he also recognize that the suit filed by the Attorney General was more politics and less substance?

Mr. BUMPERS. That is a subjective judgment, is it not?

Mr. CRAIG. I believe that is a fact.

Thank you.

Mr. BUMPERS. Is it not true that the company has countersued the Federal Government saying, ''You should have stopped us long ago''? Isn't that what the countersuit says—''You should have regulated us more closely''?

Mr. CRAIG. But the countersuit says that based on today's science, if we had known it then, which we didn't—you didn't, I didn't, and no scientist understood it—then we could have done something different. But as of now this is not an issue for mining law; this is an issue of a Superfund law that doesn't work, that promotes litigation. That is why the arguments you make are really not against mining law reform, which you and I support in some form. What you are really taking is a Superfund law that is tied up in the committees of this Senate, is nonfunctional, and produces lawsuits.

Mr. BUMPERS. Can you tell me where the Superfund law says if you

were ignorant of what you were doing and caused the damage, you are excused? Do you know of any place in the Superfund where there is such language as that?

Mr. CRAIG. What I understand is we have a 100-year-old mine where we are trying to take today's science and, looking at it based on your argument, move it back 100 years. We should be intent on solving today's problems and not arguing 100 years later.

Mr. BUMPERS. Is the State of Idaho willing to take over this cleanup site and absolve the U.S. Government of any further liability?

Mr. CRAIG. My guess is that the State of Idaho with some limited assistance would champion that cause.

I have introduced legislation that would create a base of authority. We believe it would cost the Federal Government less than $100 million. The State would work with some matching moneys. They would bring in the mining companies and force them to the table to establish the liability. Guess what would happen, Senator. We would be out of the courts. Lawyers would lose hundreds of thousands of dollars in legal fees. And we would be cleaning up Superfund sites that have been in litigation for a decade, by your own admission and argument.

Mr. BUMPERS. Senator, the U.S. Government has sued this company for $600 million. The Government estimates that the cleanup cost is going to be $1 billion. The Senator comes from the great State of Idaho, and I am sure they don't enjoy ingesting cyanide any more than anybody else in any other State would.

But the Senator would have to admit that Idaho couldn't, if it wanted to, clean up this site. It doesn't have the resources. It is the taxpayers of this country that are stuck with that $1 billion debt out there with a company which brashly says, ''If you would have regulated us closer, we wouldn't have done it.'' That is like saying, ''If you had taken my pistol away from me, I wouldn't have committed that murder.''

Mr. CRAIG. If you would yield only briefly again—I do appreciate your courtesy—there is not a $1 billion price tag. That is a figment of the imagination of some of our environmental friends. There is no basis for that argument. There isn't a reasonable scientist who doesn't recognize that for a couple hundred million dollars of well-placed money, that problem goes away. But, as you know, when you involve the Federal Government, you multiply it by at least five. That is exactly what has gone on here.

I will tell you that for literally tens of millions of dollars, the State of Idaho, managing a trust fund, has shut down more abandoned mines, closed off the mouths of those mines, and stopped the leaking of heavy metal waters into the Kootenay River, and into the Coeur d'Alene, and done so much more productively, and it has not cost $1 billion. Nobody in Idaho, including our State government, puts a $1 billion price tag on this.

This is great rhetoric, but it is phony economics.

Mr. BUMPERS. Mr. President, let me just say to the Senator from Idaho that my legislation for 8 long years has been an anathema to him. I am not saying if I were a Senator from Alaska, Idaho, or Nevada I wouldn't be making the same arguments.

But I want to make this offer. It is a standing offer. If the State of Idaho will commit and put up a bond that they will clean up all those abandoned mine sites in that State, that they will take on the responsibility, and do it in good order, and as speedily as possible, I will withdraw my amendment. I don't have the slightest fear. We all know that this is a Federal problem. It is a Federal responsibility to clean up these mine sites. The only way we can do it is to get some money out of the people who got the land virtually free and who have left us with this $30 billion to $70 billion price tag.

Let me go back, Mr. President, and just state that since 1872 the U.S. Government in all of its generosity has given away 3.244 million acres of land. We have given it away for $2.50 an acre. Sometimes we got as much as $5 an acre. There are 330,000 claims still pending in this country. And the Mineral Policy Center estimates that since 1872 we have patented land containing $243 billion worth of minerals—land that used to belong to the taxpayers of this country.

We now have a moratorium on all but 235 patent applications. But the 235 applications, when they are granted, will represent the continued taxpayer giveaway of billions of dollars worth of minerals and land.

Stillwater Mining Company in Montana has a first half certificate for 2,000 acres of land in the State of Montana. What does that mean? That means they are virtually assured of getting a deed to 2,000 acres of land. It means that they are virtually assured of paying the princely sum of $10,180. Guess what is what is lying underneath the 2,000 acres: $38 billion worth of palladium and platinum. My figure? No. Stillwater's figure. Look at their prospectus. Look at their annual report. They are saying to the people who own stock, ''Have we pulled off a coup.'' We are going to get 2,000 acres of Federal land for $10,180, and it has $38 billion worth of hardrock minerals under it—palladium and platinum.

You know, one of the things that I think causes me to fail every year is that it is so gross, so egregious, that people can't believe it is factual, that it is actually happening. But it is true.

Look at what happened to Asarco. They paid the U.S. Government $1,745. What did they get? $2.9 billion worth of copper and silver.

You never heard of a company called Faxe Kalk. Do you know the reason you never heard of it? It is a foreign mining company. You don't usually hear of them. The other reason you don't hear of them is because they are a Danish company. One of the things that makes this issue so unpalatable is that many of the biggest 25 mining companies in the United States are foreign companies.

We ought to go today to Denmark and say, ''We would like some of your North Sea oil.'' What do you think they would say if we said, ''Look, we are going to start drilling here off the coast of Denmark. We will give you a dollar now and then for the privilege.'' They would say, ''You need to be submitted for a saliva test.''

But the Faxe Kalk Corporation comes here, and they say, ''You have 110 acres out here in Idaho, Uncle Sam. We would like to have it. We will pay $275 for it.''

So they go to Bruce Babbitt and they say, ''We will give you $275 for this 110 acres.''

Do you know what is underneath it? One billion dollars worth of a mineral called travertine. It is a mineral used to whiten paper. That is $275 the taxpayers get and $1 billion a Danish corporation gets.

In 1995 the Secretary of the Interior was forced to deed 1,800 acres of public land in Nevada to Barrick Gold Co., a Canadian company, for its Gold Strike Mine. Barrick paid $9,000 for that 1,800 acres.

Mr. President, there isn't a place in the Ozark Mountains of my State where you could buy land for one-tenth that price.

The law required Secretary Babbitt to give Barrick, which is the most profitable gold company in the world, land containing $11 billion worth of gold for $9,000.

I could go on. There are other cases just as egregious as that. For 8 long years, I have stood at this very desk, and I have made these arguments, as I say, which are so outrageous I can hardly believe I am saying them, let alone believing them.

Newmont Mining Co. is one of the biggest gold companies in the world. They have a large mine in Nevada which is partially on private land.

When people say that somebody is mining on private lands, if you will check, Mr. President, you will find that in most cases that land was Federal land that somebody else patented, and then somebody like Newmont comes along, and they say, ''You hold a patent on this land that you got from the Federal Government for $2.50 an acre and we want to mine on it.'' Do you know what Newmont pays to the land owner on its mine in Nevada? An 18 percent royalty.

Mr. President, as I just mentioned, most of the land being mined on, so-called private lands, are private because somebody bought it from the Federal Government years ago for $2.50 or $5 an acre.

True, it is private. They own it. They paid for it. The mining companies are willing to pay the States—they are willing to pay the States a royalty. They are willing to pay the States a severance tax. They are willing to pay the private owners of this country an average of 5 percent. But when it

comes to paying the Federal Government, it is absolutely anathema to them. There is no telling how much the National Mining Association spends every year on lobbying, on publicity, on mailers, you name it, to keep this sweetheart deal alive.

Since I started on this debate 8 years ago, the mining companies of this country have taken out billions of dollars worth of minerals from taxpayer-owned land. And do you know what the Federal Government and the taxpayers of this country got in exchange for that? One environmental disaster after another to clean up. And so that is the reason my bill, which contains a royalty and a reclamation fee, goes into a reclamation fund to at least start undoing the environmental damage these people have done because it is too late to get a royalty out of them. The gold is gone. We got the shaft. They got the gold. And it is too late to do anything about it. But you can start making them pay now to clean up those 555,000 sites.

Arizona has a 2 percent gross value royalty for mines located on State lands and a 2.5 percent net income severance tax for all mines in the State. Montana, 5 percent; fair market for raw metallic minerals; 1.6 percent of the gross value in excess of $250,000 for gold, silver, platinum group metals.

All of these States charge royalties for mining operations on State-owned land. Most of them also charge a severance tax for mining operations on all land in the State. Mr. President, what do they know that we don't? A lot. The States are collecting the money, but not Uncle Sam.

Do you know why I have lost this fight for the last 8 years? Those States that have mining on Federal lands have great representation in the U.S. Senate. I know that every single Western Senator is going to start flocking onto this floor as soon as I start talking about this amendment.

Do you see anybody else on this floor who is not from the West? Do you know why? My mother used to say, ''Everybody's business is nobody's business.'' This is everybody's business, except it just doesn't affect their States. There are no mining jobs in their States. For 8 years I have heard all these sayings, as to how many jobs you are going to lose, despite the fact the Congressional Budget Office says, ''None.''

''You are going to lose all these jobs. It is going to discommode the economies of our respective States.'' And yet the States don't hesitate. We have people in this body who are Senators from the West who have served in State legislatures, who helped pass these laws, who helped impose royalties and severance taxes against the mining companies. But somehow or other they go into gridlock when they get here. At the State level they don't mind assessing these kinds of taxes. The States need the money. We do, too. We are the ones who are tagged with this gigantic bill for reclamation.

Mr. President, I could go through a list of things I have here. Amax, for example, pays 6-percent royalty on the Fort Knox Mine in Alaska. The chairman of the Energy Committee 2 years ago passed legislation providing for a land exchange on Forest Service land in Alaska. The Kennecott Mining Co. was willing to pay the Forest Service a $1.1 million fee up front, and then a 3-percent net smelter return on the rest of it. We agreed on it, ratified it. I voted for it.

But, now, isn't it strange that here is a mine in Alaska that we had to legislatively approve—because of the ownership of the land, it involved a land exchange—and I was happy to do it because it was a fair deal and these people demonstrated an interest in paying a fair royalty for what they took.

Mr. President, I will yield the floor. I will not belabor this any further.

Mr. MURKOWSKI. I wonder if the Senator will yield for a question, because it affects my particular State?

Mr. BUMPERS. I was getting ready to yield the floor. I want to say in closing, I know a lot of people would like to get out of here as early as they can tonight. I don't intend to belabor this. I said mostly what I want to say. I may respond to a few things that are said, so I am going to turn it over to my friends from the West and let them respond for a while, and then hopefully we can get into a time agreement after four or five speakers have spoken.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I would like to respond to my friend from Arkansas on the mining issues he brings up.

Mr. BUMPERS. Will the Senator yield for just a moment? When I introduced this amendment, I failed to state that my chief cosponsor on the bill is Senator GREGG from New Hampshire.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Again, I would like to call attention to the statement that was made by the Senator from Arkansas relative to the Green Creek Mine. The thing that made that so different is the unique characteristic of that particular discovery, where all the components were known relative to the value of the minerals. The roads were in, the infrastructure was in. It was not a matter of discovery, going out in an area and wondering whether you were going to develop a sufficiency of resources to amortize the investment necessary to put in a mine. So I remind my colleagues, there is a big difference between the rhetoric that we have heard here and the practical realities of experience in the mining industry.

We have seen both the effort by Canada and Mexico to initiate royalties. What has happened to their mining industry? It simply moved offshore. We have to maintain a competitive atmosphere on a worldwide basis; otherwise the reality for United States mining will be the same as was experienced in both Mexico and Canada.

I strongly urge my colleagues to join me in opposition to Senator BUMPERS' amendment. This is not the first attempt he has made, initiating actions through the Interior appropriations process. We seem to be subjected to this every year. I know the intentions are good. But the reality is that the amendment as offered represents a profound—and I urge my colleagues to reflect on this—a profound and wide-reaching attempt to reform the Nation's mining laws in a way that prevents any real understanding of the impacts of the legislation. Because, as written, Senator BUMPERS' amendment would not only put a royalty of all mining claims—all mining claims—but would also put a fee on all minerals produced off of lands that have ever gone to patent. Those are private lands. Let me, again, cite what this amendment does. It would not only put a royalty on all mining claims, but would also put a fee on all minerals produced off lands that have ever gone to patent. Those are private lands. So, this is nothing more than a tax. It is a tax. And it is this Senator's opinion that this makes Senator BUMPERS' amendment subject to a constitutional point of order.

Let me set this aside for a moment and address the specifics of my opposition to the amendment. This approach to revenue generation is no different than placing a tax on, say, all agricultural production from lands that were at one time, say, homesteads. It is retroactive. Even though Senator BUMPERS doesn't like it, the fact remains that patent claims are exactly the same as homestead lands. They are all private lands.

I cannot even begin to imagine the genesis of this punitive and dangerous amendment. This is an unmitigated attack on all things mining. We have absolutely no idea what impact this legislation would have on our ability to maintain a dependable supply of minerals; no idea what environmental disasters would be created when this legislation shuts down the producing mines across the country. We have no idea how many workers will be put on the unemployment line. We have no idea whatsoever on the effects of this legislation.

The issue is very complex. It is not appropriate that it be dealt with in an appropriations process. There is a right way and a wrong way to go about mining reform. You can chose the right way and offer your reform in a fair and open process, giving everyone the opportunity to participate in the formation of the legislation, which is what Senator CRAIG and I, along with the cosponsors of the legislation, have attempted to do in the legislation that has been offered. Or you can, as I observe, do what Senator BUMPERS has seen fit to do and offer your legislation in a form where not one single person

outside the Senator's office has the opportunity to either understand or contribute to the process.

I think there is too much at stake in mining reform to treat this complex subject in such a dangerous and offhand manner. Senator CRAIG, along with myself, Senator REID, Senator BRYAN, Senator BENNETT, Senator BURNS, Senator HATCH, Senator THOMAS, Senator CAMPBELL, Senator STEVENS, Senator KEMPTHORNE, among a few, have introduced S. 1102, the Mining Reform Act of 1997. As such, I encourage my colleagues to recognize the time and effort that has been put into developing a package of reforms that set the stage for a meaningful, honest, and comprehensive reform. We are going to be holding a series of hearings to explore all aspects of the legislation and the effect it will have on the Nation's environment and economy.

I know many Members have indicated their interest in the formation of this legislation and the process of the hearings as they unfold and intend to participate. This is how reforms should take place. Reform should take place in an orderly manner in the hearing process, and we have lived up, I think, to the expectations of those who have indicated, ''All right, we will stand with you, but give us a bill.'' We have met that obligation and filed a piece of comprehensive mining reform legislation.

We are going to consider the amendments as part of the process of debate, and if they make a legitimate contribution to the mining reform effort—and I emphasize reform effort—we are going to adopt them. This is the appropriate method to resolve mining reform, not as a last-minute amendment to the Interior appropriations bill, which we have seen the Senator from Arkansas propose time and time again.

The reform that Senator CRAIG, I, and others have offered lays a solid foundation upon which to build mining reform. Our mining reform bill should, I think, please reasonable voices on both sides. If you seek reform that brings a fair return to the Treasury, and it is patterned after the policies of the mining law of Nevada—and it works in Nevada—and it protects the environment and preserves our ability to produce strategic minerals, I think you will find a great deal to support in this legislation. It does work.

The legislation protects some of the smaller interests, the small miners. It maintains traditional location and discovery practices.

Yes, it is time for reform, but it has to be done right. Bad decisions will harm a $5 billion industry whose products are the muscle and sinew of the Nation's industrial output. The future of as many as 120,000 American miners and their families and their communities are at stake. Any action to move on amendment is absolutely irresponsible to those individuals, because it is the wrong way to do it.

I know you have heard this before, time and time again, but we do have a bill in now and it is a responsible bill. We owe Americans a balanced and open resolution to the mining reform debate. This reform mining legislation honors the past, recognizes the present, and sets the stage, I think, for a bright future.

The legislation that we offer advances reforms in four areas: royalties, patents, operations, and reclamation.

Let me be very brief in referring to the royalties. The legislation creates the first-ever hard rock royalty. It requires that 5 percent of the profit made from mining on Federal lands be paid to the Federal Government. This legislation seeks a percentage of the profit, not the value of the mineral in place. We do this for a very specific reason. Failure to do so would cause a shutdown of many operations and prevent the opening of new mines. It would also cause other operators to cast low-ore concentrates into the spoil pile as they seek out only the very highest grade of ores.

America boasts some very profitable mines, but there is an equal number that operate on a very thin margin. The Senator from Arkansas doesn't address the reality of what happens when the price of silver or the price of gold drops and their margin squeezes. We have some mines that actually operate during those periods with substantial losses.

That is why we designed our royalty to take a percentage of the profits. Under the proposal that the Senator from Arkansas has proposed, time and time again, many of these mines would actually operate at a loss because they could not deduct their production costs prior to the sale of their finished product.

If the mine makes money, the public gets a share. That is a fair way to do it. Nobody benefits from a royalty system so intrusive that it must be paid for through the loss of jobs, the health of local communities, and the abandonment of lower grade mineral resources.

Some would want to simply drive the mining industry out of the United States because they look at it as some kind of an environmental devil that somehow can't, through advanced technology, make a contribution to the Nation. I say that they can, they will and, through this legislation, they will be able to do a better job.

In 1974, British Columbia put a royalty on minerals before cost of production was factored in. Five thousand miners lost their jobs. That is a fact. Only one new mine went into operation in 1976. The industry was devastated. The royalty was removed 2 years later in 1978.

That is the reality of the world in which we live and the international competitiveness associated with this industry. Years later, the industry in British Columbia still has not completely recovered. I happen to know what I am talking about because the Senator from Alaska is very close to our neighbors in British Columbia.

So I say to those who forget history, they are doomed to repeat it.

Patents: Patenting grants the right to take title to lands containing minerals upon demonstration that the land can support a profitable operation.

Patents have been abused, no question about it. A small number of unscrupulous individuals have located mineral operations for the sole purpose of gaining title and turning the land into a lodge or ski resort. These practices are wrong. They are not allowed under the new legislation.

The reform that we have offered cures these problems without punishing the innocent. We would continue to issue patents to people engaged in legitimate mining operations, but a patent would be revoked if the land is used for purposes other than mining.

Operations: To separate legitimate miners from mere speculators and to unburden the Government from mining claims with no real potential, we require a $25 filing fee be paid at the time the claim is filed and make the annual $100 claim maintenance fee permanent.

Environmental protection: Our revisions weave a tight environmental safety net. The reform permit process requires approval for all but the most minimal activities. The bill requires reclamation, and the bill requires full bonding to deal with abandonment.

The Senator from Arkansas doesn't acknowledge the effort relative to what this bonding will mean. It will mean that mines that are abandoned will have a reclamation bond in place to make sure the public does not have to bear the cost of cleanup. The bond is going to be there; it is going to be held. It is a performance bond, that is what it means.

As we address the responsibility for a prudent mining bill, please recognize the contributions that have been made in trying to formulate something realistic that will address the abuses that we have had in the past. That is what we do in our bill.

The bill addresses mines already abandoned by establishing a reclamation fund as well. Filing fees, maintenance fees and the royalty go into that fund. So we have addressed that in a responsible manner.

For those who seek meaningful reform to the Nation's general mining laws, then our legislation does the job. It fixes past abuses without punishing the innocent. It shares profits without putting people out of work. It assures the mining operations cause the least possible disturbance. And it makes sure we don't pay for actions of a few bad operators and provide sources of funds for reclamation.

Both sides of the mining reform debate have come a long way toward a constructive compromise. I have met with Senator BUMPERS on many occasions, and at one time actually thought we were going to reach an accord. But unfortunately we didn't. But we have gone ahead and put in the bill. The bill will help carry us, I think, the last

mile and provide the balanced reform that has, so far, eluded us.

I urge my colleagues to join with me, Senator CRAIG and others in continuing to craft this open and meaningful mining reform. With equal vigor, I ask each and every Member of this body to join us in opposing Senator BUMPERS' proposal, a reform crafted in the dark of night and offered in a forum guaranteed to confuse and shroud the real impact of the legislation.

Mr. President, I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I will not at this point speak to the merits of the amendment. Both the Senator from Arkansas and the Senator from Alaska have done so, each of them repeating points that I can remember having heard almost verbatim in several previous sessions of Congress. My remarks will be much more narrow.

Section (d)(1) of this amendment states:

> Any person producing hardrock minerals from a mine that was within a mining claim that has subsequently been patented under the general mining laws shall pay a reclamation fee to the Secretary under this subsection.

The Senator from Arkansas quite properly described that fee as a severance tax, and a severance tax it is. It applies only to minerals coming out, presumably, in the future from certain classes of lands in the United States. It is not something directed at the restoration of those lands, but is to be used as a source of money for much broader purposes.

The Senator's description of it as a tax is accurate.

Article I, section 7 of the Constitution of the United States under which we operate states—and I quote—

> All Bills for raising revenue shall originate in the House of Representatives.

No such tax appears in the similar bill that the House of Representatives has passed.

It is crystal clear to me that should this tax be added on to this bill it will be blue slipped in the House of Representatives, that is, it will not be considered on the grounds that that portion of the bill, that subject of the bill could only originate in the House.

The House of Representatives is as jealous of its prerogatives to originate tax bills as the Senate is to ratifying treaties or to confirm Presidential appointments or to engage in any of the activities that are lodged by the Constitution in this body.

POINT OF ORDER

As a consequence, although there has been some time devoted to the merits of this amendment, and because I believe that it clearly violates article I, section 7 of the Constitution, I raise a constitutional point of order against the amendment.

The PRESIDING OFFICER. The question before the Senate is debatable. Is the point of order well-taken, would be the question?

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Parliamentary inquiry. Do we ask for the yeas and nays at this time?

The PRESIDING OFFICER. It is appropriate.

Mr. REID. I do so.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate?

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I hope that we can resolve this issue. It is quite clear that it does violate the Constitution of the United States. That is by taking the Senator's own statement during the time he was debating his amendment. It is clear from his own statement that it is a violation of the Constitution.

I say to my friends who are listening to this debate, Members of the Senate, that we would vote on this issue and if this issue prevails, of course, the amendment falls. But I would also say that we should look at this on the legal aspect. If this stays in this bill, the bill is gone. There is no question that it is unconstitutional and we should vote based on the constitutionality of this amendment, not on the merits of the amendment.

I say to my friends that we have voted on some aspect of an amendment like this on other occasions. My friend from Arkansas has framed it differently this time. Therefore, we have raised this point of order. I ask that we dispose of this. It is getting late into the night. I repeat, if this constitutional point of order is upheld, the amendment falls.

Ms. LANDRIEU addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I know we will probably soon be voting on this important amendment and on this important issue.

I was sitting in my office and listening to my distinguished colleague from Arkansas, my friend and neighbor, and thought that I might come down and try to give him some help and support, not that he needs any more help in articulating the issue and speaking about it and outlining it, which he does so beautifully, but to let him know that as a new member of the Energy Committee, one that just arrived here and has not spent even a year here, and with him getting ready to retire and having announced his retirement, that I want to let him know I am going to pick up this ball wherever it may land today, I say to Senator BUMPERS.

I come from a State that has obviously some mining interests, but I come from a State that has had oil and gas development and exploration for many years.

I am from a position of understanding that when it is done correctly how much of a benefit it can be in terms of jobs and economic development and helping people and enriching the corporations and businesses as well as the average working man and woman.

But I can also see from knowing about our history in Louisiana that when the laws are not fair, when they are not written with the taxpayer in mind, that the taxpayers can be shortchanged. When taxpayers are shortchanged, families are shortchanged, and when families are shortchanged, children are shortchanged. When I think of the hundreds of millions and billions of dollars that could have been allocated differently perhaps in the history of our State as we took out oil and gas, that would have been more fair to everyone.

I have to sympathize in a great way with what the Senator from Arkansas is speaking about regarding many of our Western States.

To my great colleague and chairman of the Energy Committee, from a State very far from ours, I do not want him to think that I am meddling in other States' business. I have been in the legislature for many years in my own State. But it is an issue that should concern every taxpayer in America.

As we look for dollars to send our children to the best of schools that we can provide, when we look and scrape for dollars to provide immunization shots for them so that they can live a healthy life, when we are looking for dollars every day to try to literally make decisions about life and death, to not have these laws and rules and regulations established in such a way to just give fairness to the taxpayer is why I am here.

I am going to support this amendment. I am coauthoring this amendment. I am going to work diligently with Senator BUMPERS and other Members on both sides of this aisle to learn more about the specifics, to be a strong advocate for reform and change, to make sure that this allocation is done fairly for the taxpayers, and for somebody in these rooms to start dealing the deal for the taxpayer for a change and not specifically for a particular company or a particular entity. I know that my colleagues from these other States will keep that in mind as we move along with this amendment and this bill.

So I thank my colleague from Arkansas for his great work, for 8 years of his impassioned speeches, and hope that many Members of our Senate will become more knowledgeable about this issue because I can understand by looking at this amendment, not even having read all of the details of it, what is causing the consternation.

We are not talking about $2.50 or $1 or $15. We are talking about $750 and $550 million. When you talk about serious dollars, people wake up and get exercised about it. But it is about time maybe some of this money got into the hands of our children and families that need it that could use it for other

things that would be important, not to mention the environmental concerns which are also of great concern to everyone.

So I am proud to support the amendment. I am happy for my name to be listed as a coauthor. Since I just got here, I plan to spend a lot of time working on the Energy Committee and look forward to working with members of the Energy Committee and others.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I do not think there is a Senator in this body who is not sensitive to families, is not sensitive to the working men and women of this country.

Who do you think is employed by the mines? Do we just disregard the job opportunities? Do we deny America of a resource that is used in just about everything that we pick up, from pencils to what we tie our shoes with? Doesn't that involve families, children, and schools, and roads, and public safety? It is a resource. Families and people are involved.

There is a basic fairness here. There is a human factor. All of this just doesn't jump out of the ground into the truck and then a faceless person drives a truck and a faceless person goes home to feed his family and pay his taxes, payroll taxes, insurance, workmen's comp. All of this is created out of commercial activity.

Now, if none of that is there, then you have even taken away the opportunity for upward mobility for the greatest number of people in this country.

There is not anybody here that is not sensitive to people and to the working men and women of this country or to families or even communities and all it takes to operate the communities, because to many of them, this is a commercial opportunity.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I wanted to speak briefly on the amendment that has been offered. I recognize the Senator from Washington has raised the issue of constitutionality on this amendment. I leave that to constitutional attorneys in this body—of which he happens to be a leading one—to debate and discuss.

Let me mention quickly some of my concerns to the opposition of the underlying amendment. I believe the Senator from Arkansas has brought forward an appropriate amendment. What we are talking about here is essentially corporate welfare. This is not about family, and whose families does this or that, quite honestly. As a practical matter I believe the majority of the mining companies involved here, or a large percentage, come from other countries. We are talking about families. It would be how we benefit families from different countries. It is a classic case of corporate welfare.

The Senator from Arkansas has outlined in great detail, and very appropriately, what appears to a considerable outrage being perpetrated on the taxpayers of America in that we are selling land at $2.50 an acre which generates billions of dollars worth of revenue to corporations who pay virtually nothing in relationship to that revenue as it relates to the ore brought out of that land. In fact, the irony is they get a depletion allowance, a depletion tax allowance on the basis of this $2.50 land—not using that as a basis—which shouldn't apply to them to begin with because the land isn't purchased at a fair value. Yet they are given a tax break, a depletion allowance, in order to subsidize what is already grossly subsidized.

It is appropriate as we step forward, as the Senator from Arkansas has, and say if you are going to make this type of money off lands which are publicly owned—and the land is not publicly owned by the State, it is publicly owned by the Federal Government, and the Federal Government is the people of this country, not just the people of one State—if you are going to make money off publicly owned lands, the public should get some sort of return on it. That is only reasonable. The public should have the right to expect that it would benefit from the extraction of these valuable ores from land which they own, much as anybody who was a stockholder in a company would benefit from the profits of a company. The taxpayer is essentially the stockholder. The land is owned by the taxpayer. Therefore, there is a legitimacy to the position taken by the Senator from Arkansas that the value that is being withdrawn from this land should be returned in part, at least, to the people whose land is being used.

If you own a farm and you discover there is oil under your land, as a private citizen, and you go to an oil company and say, ''Come on to my farm and pump my oil out,'' you are not going to say, ''I will sell you my land for $2.50,'' would you? Nobody would, no. You will say, ''Come on to my land, I may lease it to you for $2.50''—I find that hard to believe for the purposes of pumping oil, ''but when you pump that oil out I will want a percentage of that profit.'' It is called a royalty payment. That is what is being proposed by the Senator from Arkansas.

It is totally reasonable in light of the staggering, staggering wealth which is generated from these mining claims in exchange for the minute amount of money that is paid for these mining claims. Estimates that have been pointed out by the Senator from Arkansas: For as little as $1,500, people purchased mining claims that generated over $3 billion; for as little as $275, people purchased mining claims worth over $1 billion; for as little as $9,000 people generated mining claims worth over $11 billion; and we have pending one where people will pay about $10,000 for benefits of approximately $38 billion.

How can anybody in good conscience go back to their taxpayers and say we just sold a piece of your land that has $38 billion worth of assets on it; we just sold it for 10,000 bucks? Who would go to their neighbor, with a straight face, and say ''They just found oil on my land. I just sold it to the oil companies for $10,000. The oil is worth $38 billion. Didn't I get a good deal, neighbor?'' You would be laughed out of town.

I think people who have the responsibility, the fiduciary responsibility of protecting the taxpayer and the taxpayers' land might also be laughed out of town, or at least be voted out of town if they continue to pursue this course.

I strongly support the underlying amendment. I will leave it to the constitutional lawyers to settle the constitutional point. But the concept of giving the taxpayers a fair break on this issue, the concept of giving the taxpayers a decent return on this very valuable asset is, I think, very appropriate, and it is time we started putting an end to this kind of corporate welfare.

I yield the floor.

Mr. GORTON. Two brief points. First, the Senator from New Hampshire describes what is an entirely reasonable point, it seems to me, if we are talking about land sold by the United States in the future.

But in effect he is saying a policy we ought to adopt is one that would be analogous to something in my own State, where 20 years ago you sold shares of stock in Microsoft for $10 a share and they are now worth $100,000 a share today, and he says, ''Gee, I made a bad bargain. I ought to get some more of that back. I want a share of that profit.'' That goes to the equities of the position.

The point before the Senate now is whether or not we can constitutionally deal with this. The Senator from Louisiana made the perfect argument on our side. She said we aren't getting enough taxes, we need to get more taxes out of these lands.

That is exactly what the Senator proposes to do—tax these lands. Tax bills must originate in the House of Representatives. This does not originate in the House of Representatives. It is not something that this body constitutionally can deal with. That is the point on which we are going to vote.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Let me say, first of all, that I would have asked for a division, incidentally, before the point of order was made if I had had the chance.

Let me make a parliamentary inquiry. Division is not in order after the point of order is made, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BUMPERS. Let me say to my colleagues that I didn't get a chance to ask for a division. So, if you want to stand on ceremony, if you want to go home and tell the folks back home why

you voted to continue giving billions of dollars worth of gold and silver away every year because of this little fine, distinguished point, you go ahead and do that. Be my guest.

If you are looking for something to hang your hat on even though you would be entirely incorrect, you can do it.

Do you know something else? The Senator from Alaska, the Senator from Nevada, the Senator from Idaho, and others who introduced this bill in this Senate, they have a royalty provision in their bill. That bill, like the bills I introduced, has been referred to the Senate Energy Committee, not the Finance Committee. Obviously my amendment does not contain a tax.

So we raise this little fine diversionary point and we hope that people will forget that, since 1872, 243 billion dollars' worth of their property has been expropriated by the biggest corporations in the world—not in America, in the world. So, candidate, when you see a 30-second spot next year saying, ''He voted to continue this foul, outrageous, egregious practice, and the landowners of this country, the taxpayers who own it, you tax them for everything.'' How many times during the budget debate did I hear the cries about the ''poor, taxed American taxpayer?'' Go home and tell that taxpayer you were just kidding. If you weren't kidding, why are you voting to continue to give billions of dollars worth of their property away every year?

The Senator from Alaska says, ''If you pass the Bumpers amendment, you are going to drive all these mining companies offshore.'' Do you know what my response to that is? If all you want to do, Stillwater Mining Co., is take 38 billion dollars' worth of platinum off of 2,000 acres of land in Montana and give us $10,000 back for your $38 billion, so long, good riddance. What on Earth are we thinking about in this body?

So, Mr. President, let me make this point one more time because I promise you there is going to be a lot of 30-second spots next year on this issue. You cannot duck this one forever. You cannot campaign back home on the finely crafted point of order made by the Senator from Washington that this doesn't belong in this bill and the House of Representatives will blue slip it. Since when did that become a big item around here? If you are looking for something to hang your hat on, you go ahead; you vote for the point of order and then go home next fall, and when you are in a debate with your opponent and he says, ''He has voted time and again to give away these billions of dollars of resources that belong to you, the American people for nothing; he is willing to make the oil companies pay 12.5 percent royalty, make the gas companies pay a 12.5 percent royalty, is willing to make the coal operators pay a 12.5 percent royalty, or an 8 percent royalty for underground mining, but when it comes to gold and silver, he gets lockjaw, just can't get it out of the chute.'' You answer that when your opponent hits you with that and tells you that the Federal Government would have received $12 billion in royalties since 1872 for patented land alone.

Mr. MURKOWSKI. Will the Senator yield for a question?

Mr. BUMPERS. No, I will not yield. Then you stand on ceremony. And when your opponent charges you with that, you say, ''Well, there is a little distinction. The Constitution says * * *.'' You see how that goes over.

Let me make one other point. Even if the point of order was valid against the reclamation fee, which it clearly is not, how can anybody argue that the royalty is unconstitutional.

So I leave it to your conscience on how you want to handle this. I will yield now to the Senator from Alaska.

Mr. MURKOWSKI. I ask my learned colleague if he thinks that the constitutional matters are strictly in the realm of technical matters and are of no consequence, which is what the Senator from Arkansas inferred? This is a constitutional point of order, is it not?

Mr. BUMPERS. It is a point of order.

Mr. MURKOWSKI. It has great significance relative to the manner in which this body conducts itself.

Mr. BUMPERS. As the Senator knows, nobody in this body has shown a deeper devotion to the Constitution of the United States than the Senator from Arkansas.

Mr. MURKOWSKI. Yet, the Senator from Arkansas says it is a ''technical'' matter and of no consequence.

Mr. BUMPERS. All I'm saying to my colleagues is that you're not going to get a chance to vote on a division, you are not going to get a chance——

Mr. MURKOWSKI. That is not the fault of the Senator from Alaska.

Mr. BUMPERS. All I am saying is that the point of order was made before I could ask for a division. I am saying that could be worked out, and it could be easily worked out.

Mr. MURKOWSKI. We both follow the rules of the Senate. My question to the Senator is, does the Senator from Arkansas regard this issue as a technical matter when it is a constitutional provision?

Mr. BUMPERS. Mr. President, I still have the floor, do I not?

The PRESIDING OFFICER. The Senator from Arkansas has the floor.

Mr. BUMPERS. Mr. President, I ask unanimous consent that I be permitted to ask for a division.

Mr. REID. Objection.

Mr. MURKOWSKI. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. BUMPERS. Somebody objected? I can't believe this.

Mr. President, like Mo Udall used to say, ''Everything that needs to be said has been said, though everybody hasn't said it.'' I have said about all I can say for the eighth year. I consider this the most egregious thing that the Senate turns its back on every year. Of all the battles I have fought, particularly on the defense budget and in the Energy Committee, none of them are of equal importance to me as this. It is an absolute enigma to me how this body continues to vote to continue this outrageous practice.

While you are telling them about that fine constitutional distinction, in answer to why you are giving the gold and silver away to the biggest mining companies in the world, also remind them that not only do we not get one farthing in return for our gold and silver, they have just left you with a $32 to $70 billion cleanup cost.

I yield the floor.

Mr. REID. Mr. President, my friend from Arkansas has stated there has been a fine distinction point raised. That fine distinction point is the Constitution of the United States. I think that is something that we should be concerned about. This country has been in existence for more than 200 years, and this body has been in existence for more than 200 years. I think if we are anything of significance, which I believe we are, we are a country that is bound by the constitutional dictates set up by our Founding Fathers. The constitutional point of order lies.

Now, I also think, prior to voting on this, that we have to understand that much of what the Senator from Arkansas says, throwing these numbers around, talking about 30-second spots, these are a figment of someone's imagination. You cannot get out of here and talk about billions of dollars in cleanup and all the problems caused by mining. The fact of the matter is that with rare, rare exception, all of the cases he has talked about are cases involving mines that have long since been depleted, old mines where we had no reclamation laws, we had no environmental laws. That is why the Superfund is attempting to go clean them up. Under modern day reclamation and mining in the Western United States, we have good laws. He talks about leach mining, where you lay down a plastic pad and what if it leaks. Well, it doesn't leak. We have stringent controls that guarantees that.

I would also say, Mr. President, that I understand the feelings of the Senator from Arkansas about mining—I believe it is a very important industry in this country—when he says—and he said this before—''If you do not like what we are doing to you in the United States, adios.'' And he waves.

Let me talk about two of the States that are small States populationwise. Let's talk about the State of North Dakota and see how important mining is to North Dakota.

The value of minerals mined in North Dakota for the year 1995 was almost $308 million; directly contribution to Federal Government revenues, $21 million is what the Federal government gains from the mining in a tiny State of North Dakota; total jobs gained directly and indirectly in North Dakota, 13,000 jobs.

Take another very small State, the State of Wyoming, the smallest State populationwise, or maybe Alaska is, but one of the smaller two States. The value of minerals in the State of Wyoming, over $2.5 billion; jobs in Wyoming, 41,000.

The point is that mining is important. We are a net exporter of gold. This has only happened during the last 10 years.

We talk about a favorable balance of trade. We have one in mining, which is very significant and important to this country. The price of gold has dropped significantly this past year. It was over $400 an ounce, and now it is barely $320 an ounce. Mining companies are having trouble making it.

So, I say also to my friend from Arkansas that every battle that he fights on the Senate floor is the most important battle that he fights. We have heard him on a number of issues that he talks strenuously and very passionately about. On every one, he tells us that it is the most important. I have great respect and admiration for his ability to debate. But the fact is, sometimes we are debating facts that are not at issue.

The issue before this body today is a constitutional issue as to whether or not the amendment of the Senator from Arkansas violates the Constitution. He has stated it does. I do not know if he wants a rollcall vote on it, or whether we should do it by voice vote.

I say through the Chair to my friend from Arkansas, I have a question for my friend from Arkansas. He has acknowledged that his amendment violates the Constitution.

Mr. BUMPERS. I didn't acknowledge that. But go ahead.

Mr. REID. My question was, do you want a rollcall vote on that, or should we do it by voice vote on a constitutional provision?

Mr. BUMPERS. The Senator does not have the option of doing that. He is going to be voting on the amendment, period. He is going to be voting on the point of order raised by the Senator from Washington.

Mr. REID. Does the Senator want a rollcall vote on that?

Mr. BUMPERS. Absolutely.

Mr. REID. I thought there was an acknowledgment here in the Senate that it did violate the Constitution.

Mr. BUMPERS. The Senator from Nevada is incorrect. My amendment does not violate the Constitution and it deserves an up or down vote. What is the Senator from Nevada and the Senator from Alaska so afraid of?

Mr. REID. So, in short, Mr. President, there has been an acknowledgment, even by the proponent of the amendment—the Record speaks for itself—that this amendment violates the Constitution.

I want everyone walking over here to vote to understand that we said—''we,'' those of us who have talked for years against the amendments offered by my friend from Arkansas; and I will not describe the amendments—we have said that we would offer mining law reform, and we have done that. We have done that. This is a good bill. It calls for a royalty, reforms the patenting process, and reclamation. It is a good bill. We have done that. We have kept faith.

I also want everyone to understand, especially on the Democratic side, this constitutional issue, or the underlying amendment, has nothing do with the regulation that we disposed of here yesterday on the Senate floor. This has nothing to do with the issue—some controversy between the Senator from Arkansas and the Senator from Nevada—within the Democratic conference. This is a separate issue dealing with a tax, a tax that has been established with not a single hearing, with no debate whatsoever prior to getting here. It was thrown upon us here, on the Senate floor, this morning.

So I say we should go forward with this constitutional point of order.

In closing, let me say that the taxpayers of this country, the hundreds of thousands of people that work in mining, do care about mining. Their jobs come from mines. They pay taxes. And they provide for one of the finest industries that we have in the Western part of the United States.

I also say that we talk about environmental laws. I invite my friend from Arkansas, and anyone else that wants to see good reclamation, come and see what mining companies do in the modern-day West. Joshua trees are not torn up in a mining process. They must be saved so that when the mining is completed they can be replanted.

The mining company not far from my hometown, Searchlight, NV—they have a mining operation that has also a farming operation. They save all of the trees that have been uprooted from the mining. When that particular part of the mine is closed, they have to replant the Joshua trees.

So mining companies have contributed a lot environmentally to this country.

I think we have to understand that the passionate arguments of my friend from Arkansas are based little on fact and much on passion.

Ms. LANDRIEU addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Thank you, Mr. President.

Mr. President, before we vote, I want to make just a couple of additional remarks for the RECORD.

Listening to my colleagues speak about the Constitution and the intricacies of whether this is appropriate or not, compels me to say that the most important thing about our Constitution in the United States is the essential component written in that document about justice and fairness. That is what our Constitution is about. That is all this issue is about. It is about fairness and justice to the taxpayers and to the families and to children in our country.

To the children who come to me now and in the future, and perhaps look a little sad, telling me they come from families that may be poor, they don't have what they need, I remind them that they are not poor, that they live in a State and in a country with bountiful resources. They actually own gold and silver that belong to them.

But for some reason that I am finding hard to understand, for over 100 years this Senate and the House of Representatives refuses to acknowledge that this is not something we own, the 100 of us sitting here; this is something that the public owns. It belongs not to us, not to a few companies, nor to many companies. It belongs to the children of America. This is their land. It is their gold. It is their silver. And it is our job to make sure they get a fair portion—not all of it—but a fair portion of it. It is clear to me that they have not for 130 years gotten their fair portion of what is theirs, what was given to them—not by us, but by God, and others.

So I want to make that point for the RECORD.

I hope we will vote soon.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, first of all, I ask unanimous consent that the Senator from Louisiana, Senator LANDRIEU, be added as a cosponsor to the amendment.

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

Mr. BUMPERS. Second, Mr. President, I want to say to my colleagues that on this point of order, if you want to vote ''no'' because of the constitutional technicality which is raised by the point of the order by the Senator from Washington, bear in mind that the point of order is clearly not valid at all against the royalty provision in this bill.

The reason I can tell you that with absolute certainty is because the bill of the Senator from Alaska, the Senator from Idaho, and the Senator from Nevada, has a royalty provision in it. The Parliamentarian of this body referred it to the Energy Committee—not the Finance Committee. There isn't any question that there is no point of order against the royalty provision in this bill.

Second, I would like to ask my distinguished friend from Nevada, if I could have the attention of the Senator from Nevada——

Mr. REID. Which one?

Mr. BUMPERS. I would like to ask the Senator from Nevada if he will tell his 99 colleagues why Newmont Mining Co.—which is the biggest mining company in Nevada—why is it that they are willing to pay 18 percent royalty for private lands they mine on, and land which is a part of the very same mine which they got a patent on from the U.S. Government for $2.50 an acre, why they are not willing to pay any royalty on that.

Mr. REID. I would be happy to respond to my friend from Arkansas.

First of all, again, with all due respect to my friend from Arkansas, it is somewhat misleading to say they get $2.50 an acre for land.

Mr. BUMPERS. They got it for $35——

Mr. REID. Let me finish my answer.

To develop that piece of land costs them tens of millions of dollars. You don't simply go out in the deserts of Nevada or any place in the West and locate a claim and start scooping out the gold. I am not saying millions of dollars. I am saying tens of millions of dollars.

In addition to that, the unique situation that the Senator has raised, they also purchased next to their mine a ranch.

And the reason they purchased the ranch originally was so their mining operations would not interfere with the ranch property. They bought that ranch so their trucks could go through the property on their roads. They found on that land some mineral value. Since they owned the ranch, and they found some gold. And the reason they were willing to do that, and pay the fee on land that they already had, is because they had an ongoing operation. They had already developed and they discovered gold there, and it was the profitable thing for them to do. They didn't do it, just to go out and then somebody said, ''You start paying us 18 percent royalty.'' They already had a huge mining operation in the immediate vicinity of the property they agreed to lease.

Mr. BUMPERS. Does the Senator realize that the land on which they are paying 18 percent royalty was formerly Federal land and was patented by a totally different person and they bought it, they bought it from somebody else who paid the Federal Government either $2.50 an acre or $5 an acre? They are paying him, not the Federal Government.

You see, if they had been smart enough to get a patent before this other fellow did, they would not have had to pay anything. Now they are paying somebody else who patented the land 18 percent, but if they had gotten the patent from the Federal Government, they wouldn't have had to pay a penny.

Indeed, Senator, I don't want to make too much light of your argument, but I don't even know what your answer is. I still do not understand why it is they are willing to pay 18 percent royalty to a guy who patented the land from the Federal Government. It is now private land because he bought it for $2.50 an acre. They are willing to pay him 18 percent royalty but the other lands—it is a part of the same lode of gold that they got a patent on from the Federal Government. They are not willing to pay one farthing, and the reason they are not willing to, I say to the Senator, you and I both know the answer, they got a bird nest on the ground.

Mr. REID. First of all, these lands started being patented a long time ago. If you look at Carson City, which was before the 1872 mining law, they had a different way of patenting claims than started in 1872. Claims in Nevada have been patented for many years as they have in the Western part of the United States. I can't give you the genealogy of the claim about which the Senator speaks, but assuming my friend from Arkansas is right, that it was originally patented by someone else and then they purchased it, I say this.

First of all, the reason that Newmont Mining Co. or any other mining company would be willing to pay extra on it is because we live in a system of free enterprise where people pay what they feel they can pay in order to make a profit. And surrounding this piece of land is land that they have spent tens of millions of dollars developing. The land that they are leasing from another individual, this company, is land that has already been patented. Newmont didn't have to spend a single penny to get the patents. That is very, very difficult. It didn't used to be very tough but now it is very difficult to patent.

Mr. BUMPERS. Does the Senator know of any mine that has ever been developed in the history of this country where a lot of money wasn't spent to develop it, on private land or Federal lands?

Mr. REID. Oh, sure.

Mr. BUMPERS. You always have to spend a lot of money developing it, don't you agree?

Mr. REID. No, I would not agree at all. For example, under the 1872 mining law, you don't have to patent land. You can go out and locate land any place you want. In the town where I was born, a guy in 1898, walking through there—the 1872 mining law was in effect—found some gold. It didn't cost anything to develop it. They started mining it.

But under modern law it is very difficult to patent a claim. That is why I talk about companies spending millions of dollars.

Around the area where I was born and raised, in Searchlight, we only have one mine, which is right over the line in the State of California, owned by the Viceroy Mining Co. That relatively small mine cost $70 million before they took an ounce of gold out of the ground, $70 million. So, I mean, we talk about $2.50 an acre and it was patented land.

Mr. BUMPERS. Were we to follow the Senator's logic to its logical conclusion, would this not be a fair summary, that it costs millions of dollars to develop land belonging to the United States but nothing to develop lands that belong to private interests?

Mr. REID. No.

Mr. BUMPERS. That's the reason they are paying royalties to private interests.

Mr. REID. Absolutely not; because as you know—maybe the Senator from Arkansas didn't understand my answer. Maybe he did not want to understand the answer. The fact is, as I have explained, the area of land where they have the lease and are paying royalties on land that was patented a long time ago. They didn't have to spend any money to develop that. It was right there. They did not have to spend money to get a patent. It was already patented.

In modern-day mining it costs a lot of money to patent a claim. It didn't use to. It does now.

Mr. BUMPERS. If that is true, why don't they just come in and say, ''Look, we bought this land that had already been developed by somebody else who patented it and it is not fair for us to take this because it originally belonged to landowners and we want to pay a royalty on it.'' Would that be fair?

Mr. REID. I say respectfully to my friend from Arkansas, I do not understand the question. The fact of the matter is the profit motive governs mining companies, ranchers, as it does those who own clothing stores, automobile dealerships, and mining companies that are trying to make money to pay the wages of people who work for them. I acknowledge that.

Mr. BUMPERS. We are prepared to vote, Mr. President.

The PRESIDING OFFICER. Is there further debate?

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, I rise today in opposition to the amendment offered by my good friend from Arkansas. I appreciate the deeply held commitment of my colleague to the issue of mining law reform. As I have told my colleague many times over the years, I agree with him that the 1872 mining law is in need of reform—our differences on this issue are one of degree.

The Bumpers amendment simply goes too far. If enacted, this amendment would severely threaten the economic viability of the hardrock mining industry in my home state of Nevada and throughout the western United States.

For the fifth year in a row, Nevada's mines have collectively topped the 6 million ounce mark in gold production. In 1996, there was a total of 7.08 million ounces of gold produced in Nevada. The state's rich landscape has made Nevada the largest gold producer in the nation with 66.5 percent of all production. In addition, it now accounts for 10 percent of all the gold in the world.

The most recent information from the State of Nevada indicates that direct mining employment in Nevada exceeds 13,000 jobs. The average annual pay for these jobs, the highest of any sector in the state, is about $46,000, compared to the average salary in Nevada of about $26,000 per year. In addition to the direct employment in mining, there are an estimated 36,000 jobs

in the state related to providing goods and services needed by the industry.

The impression left by proponents of this amendment is that the mining industry has free reign to extract mineral resources from public land. Nothing is further from the truth. In my state, Nevada mining companies must pay taxes like any other business, and they also pay an additional Nevada tax called the ''Net Proceeds of Mines Tax.'' This tax must be paid by mining companies regardless of whether they operate on private or public land. The total Net Proceeds tax paid to the state in 1995 was approximately $33 million. With the addition of sales and property tax, the industry paid approximately $141 million in state and local taxes in 1995. In addition, the Nevada mining industry paid approximately $95 million in federal taxes in 1995.

The additional taxes imposed by the Bumpers amendment would be extremely onerous for mining operators in Nevada. These new taxes would likely force many mining operations to shut down, thereby causing an overall reduction in federal and state tax revenues paid by the industry. The bottom line is that the mining industry pays taxes just like any other business, and in Nevada they pay an additional tax targeted specifically to their industry.

The issue of reclamation is also central to the mining law reform debate. The State of Nevada has one of the toughest, if not the toughest, state reclamation programs in the country. Nevada mining companies are subject to a myriad of federal and state environmental laws and regulations, including the Clean Water Act, Clean Air Act, and Endangered Species Act. Mining companies must secure literally dozens of environmental permits prior to commencing mining activities, including a reclamation permit, which must be obtained before a mineral exploration project or mining operation can be conducted. Companies must also file a surety or bond with the State or the federal land manager in an amount sufficient to ensure reclamation of the entire site prior to receiving a reclamation permit.

It is in the context of promoting the economic viability of the mining industry and of encouraging strong environmental reclamation efforts administered by the states that I view the debate over the reform of the Mining Law of 1872. As I have stated many times over the years, I feel that certain aspects of the 1872 mining law are in need of reform. Specifically, I feel strongly that the patenting provision of the current law should be changed to provide for the payment of fair market value for the surface estate. All patents should also include a reverter clause, which would ensure that patented public lands would revert to federal ownership if no longer used for mining purposes. I believe that mining law reform legislation should ensure that any land used for mining purposes must be reclaimed pursuant to applicable federal and state statues. And finally, I believe that mining law reform legislation should impose a reasonable royalty on mineral production from Federal land.

Mr. President, the Mining Law Reform Act of 1997, of which I am a cosponsor, addresses each of the concerns I have just outlined. This legislation would impose a 5% net proceeds royalty on mineral production from Federal lands. It would make permanent the $100 maintenance fee for every claim held on federal land. It calls for the payment of fair market value for patented lands and includes a reverter provision to ensure that patented lands are used only for mining purposes. Finally, the legislation directs revenues from mineral production on Federal lands to a special fund to assist state abandoned mine clean-up programs. It is my hope that this legislation will serve as the starting point for the debate over mining law reform in the 105th Congress.

I agree with the Senator from Arkansas that we have waited long enough for Congress to enact comprehensive mining law reform. The aura of uncertainty that the industry has been forced to operate under for the last decade is causing many companies to look overseas for their future operations. The number of U.S. and Canadian mining companies exploring or operating in Latin America continues to grow dramatically. I do not feel, however, that the legislation before us today provides the proper context to rewrite the general mining laws.

I hope I will have the opportunity in the near future to work with the distinguished Senator from Arkansas and other interested Members of this body to craft a piece of legislation that we can move to the floor and enact in this session of Congress.

I yield the floor.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Arkansas.

Mr. BUMPERS. First, I thank my distinguished colleague from Nevada for his very good statement. I disagree of course, but I appreciate him and consider him one of the best Senators in the Senate. He is, indeed, an honorable man, and his word is as good as his bond. I think he really would like to sit down and work out some sort of reform legislation, and I thank him for those words.

Before we vote, to my colleagues just let me say this; two things. No. 1, this point of order made, this constitutional point of order: If you are going to vote on this, you bear in mind that if we allow a point of order to be made against my amendment, what is to stop others from raising points of order against any of your amendments where the opponents want to avoid an up or down vote?

No. 2, if you are worried about what the House of Representatives is going to do, bear in mind this is a House bill we are voting on.

I yield the floor.

The PRESIDING OFFICER. Is there further debate on this amendment?

The question is, Is the point of order well taken? The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Minnesota [Mr. WELLSTONE] is necessarily absent.

I also announce that the Senator from Hawaii [Mr. AKAKA] is absent due to a death in the family.

I further announce that, if present, and voting, the Senator from Minnesota [Mr. WELLSTONE] would vote ''no.''

The result was announced, yeas 59, nays 39, as follows:

[Rollcall Vote No. 249 Leg.]

YEAS—59

Abraham	Enzi	McCain
Allard	Frist	McConnell
Ashcroft	Gorton	Mikulski
Baucus	Gramm	Murkowski
Bennett	Grams	Nickles
Bingaman	Grassley	Reid
Bond	Hagel	Roberts
Breaux	Hatch	Roth
Brownback	Helms	Santorum
Bryan	Hollings	Sessions
Burns	Hutchinson	Shelby
Campbell	Hutchison	Smith (NH)
Chafee	Inhofe	Smith (OR)
Cochran	Inouye	Specter
Coverdell	Johnson	Stevens
Craig	Kempthorne	Thomas
D'Amato	Kyl	Thompson
Daschle	Lott	Thurmond
Domenici	Lugar	Warner
Dorgan	Mack	

NAYS—39

Biden	Feinstein	Leahy
Boxer	Ford	Levin
Bumpers	Glenn	Lieberman
Byrd	Graham	Moseley-Braun
Cleland	Gregg	Moynihan
Coats	Harkin	Murray
Collins	Jeffords	Reed
Conrad	Kennedy	Robb
DeWine	Kerrey	Rockefeller
Dodd	Kerry	Sarbanes
Durbin	Kohl	Snowe
Faircloth	Landrieu	Torricelli
Feingold	Lautenberg	Wyden

NOT VOTING—2

Akaka	Wellstone

The PRESIDING OFFICER. On this vote, the yeas are 59, the nays are 39. The point of order is well taken. The amendment falls.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. BRYAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I am not able at this time to propound a unanimous-consent request, but I have been talking to the manager of the bill and to the Democratic leader about this issue, and the next issue we hope to consider, or plan to consider, is the Food and Drug Administration reform package. It is absolutely essential that we complete the Interior appropriations bill, and we must do that this week, and we will do that. If we have to stay late tonight and have votes tomorrow, up until 12 o'clock, or whatever it takes to finish it, we will do it.

I believe we are close to where we will be able to see exactly what is needed. Perhaps we can get the amendments worked out. The managers are going to be working on that. We are not ready to do that right now. We will work in the next few minutes, and we will let the Members know what the prospects are. We will be working on a UC that will allow us to complete the bill and get to final passage either tonight or first thing in the morning. We will be prepared to do something on that within, I hope, a short period of time.

I yield the floor.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call roll.

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

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

AMENDMENT NO. 1229

(Purpose: To provide an alternative source of funds for operation of, or acquisition, transportation, and injection of petroleum products into, the Strategic Petroleum Reserve)

Mr. BINGAMAN. Mr. President, I ask unanimous consent the pending committee amendment be set aside, and on behalf of myself and Senator MURKOWSKI I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the committee amendment will be set aside.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] for himself and Mr. MURKOWSKI, proposes an amendment numbered 1229.

Mr. BINGAMAN. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 80, strike line 14 and all that follows through page 81, line 6 and insert the following:

''STRATEGIC PETROLEUM RESERVE

''(INCLUDING TRANSFER OF FUNDS)

''For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $207,500,000, to remain available until expended, of which $207,500,000 shall be repaid from the ''SPR Operating Fund'' from amounts made available from sales under this heading: *Provided*, That, consistent with Public Law 104–106, proceeds in excess of $2,000,000,000 from the sale of the Naval Petroleum Reserve Numbered 1 shall be deposited into the ''SPR Operating Fund'', and are hereby appropriated, to remain available until expended, for repayments under this heading and for operations of, or acquisition, transportation, and injection of petroleum products into, the Strategic Petroleum Reserve: *Provided further*, That if the Secretary of Energy finds that the proceeds from the sale of the Naval Petroleum Reserve Numbered 1 will not be at least $2,207,500,000 in fiscal year 1998, the Secretary, notwithstanding section 161 of the Energy Policy and Conservation Act of 1975, shall draw down and sell oil from the Strategic Petroleum Reserve in fiscal year 1998, and deposit the proceeds into the ''SPR Operating Fund'', in amounts sufficient to make deposits into the fund total $207,500,000 in that fiscal year: *Provided further*, That the amount of $2,000,000,000 in the first proviso and the amount of $2,207,500,000 in the second proviso shall be adjusted by the Director of the Office of Management and Budget to amounts not to exceed $2,415,000,000 and $2,622,500,000, respectively, only to the extent that an adjustment is necessary to avoid a sequestration, or any increase in a sequestration due to this section, under the procedures prescribed in the Budget Enforcement Act of 1990, as amended: *Provided further*, That the Secretary of Energy, notwithstanding section 161 of the Energy Policy and Conservation Act of 1975, shall draw down and sell oil from the Strategic Petroleum Reserve in fiscal year 1998 sufficient to deposit $15,000,000 into the General Fund of the Treasury of the United States, and shall transfer such amount to the General Fund: *Provided further*, That proceeds deposited into the ''SPR Operating Fund'' under this heading shall, upon receipt, be transferred to the Strategic Petroleum Reserve account for operations and activities of the Strategic Petroleum Reserve and to satisfy the requirements specified under this heading.''

Mr. BINGAMAN. Mr. President, this amendment that we are offering would avoid further sales of petroleum from the Strategic Petroleum Reserve. It accomplishes this goal by providing alternative sources of funding for the Interior bill to replace the planned sale of $207.5 million that is now in the bill as reported by the Appropriations Committee.

The Strategic Petroleum Reserve was established under the Energy Policy Conservation Act of 1975. It is our Nation's primary insurance policy against market chaos if there is an international oil supply disruption. The Energy Policy and Conservation Act and Strategic Petroleum Reserve were authorized earlier this year in the Senate by unanimous consent.

For the past several years, the Interior Appropriations Act has included sales of the oil from the Strategic Petroleum Reserve as an offset to Federal spending in that bill. I recognize that such sales have been proposed in the past by the administration, that they have been undertaken reluctantly by the Appropriations Committee. But depleting the Strategic Petroleum Reserve, even to fund the worthy programs in this bill now before the Senate is an unwise policy.

In hearings before the Senate Energy Committee earlier this year, we had several distinguished experts on world oil markets and on the Middle East repeatedly emphasizing the fragility of the current political situation in the major oil-producing regions outside of the United States. We have no assurance that the near future might not bring unwelcome political changes that would result in a reduction in the world's energy security. While the United States itself does not import an overwhelming fraction from the Middle East, the world oil market is highly integrated, and shortages anywhere quickly translate into higher prices at the pump here in the United States.

In this context, annual sales of oil from the Strategic Petroleum Reserve amount to a piecemeal cancellation of our national energy insurance policy. Moreover, our sales from the Strategic Petroleum Reserve have been cited by other countries as justification for selling off their oil reserves to offset short-term spending needs that they themselves have. We saw this happen in Germany earlier this year when they sold oil from their strategic reserves to raise the extra revenue needed to bring their budgets within the guidelines contained in the Maastricht Treaty.

Sales of oil from the Strategic Petroleum Reserve have negative short-term impacts for ordinary Americans, in addition to these longer term threats to our Nation as a whole. Whenever the Federal Government dumps $200 million of oil on the market, it delivers a sucker punch to the independent oil and gas producers who are operating on the margin of profitability. Our independent producing sector is an important part of the oil supply equation in the United States. The oil and gas industry is the second largest industry in my State of New Mexico. If there is a way to avoid inflicting these economic losses on these mom-and-pop operations that characterize a good deal of our domestic industry, we need to do that. In this context, I will note that my efforts and those of my cosponsor have been strongly endorsed by the Independent Petroleum Association of America, by the National Stripper Well Association and by the American Petroleum Institute.

Fortunately, we found a way to avoid sales of the Strategic Petroleum Reserve in this bill without cutting $200 million of funding for programs that affect Indian tribes, energy conservation, national parks, research and development, the arts, and the other vital subjects covered by the bill. Pursuant to the Defense Authorization Act of 1996, the Secretary of Energy is required to sell the Elk Hills Naval Petroleum Reserve. It now appears that the Secretary will receive more for Elk Hills than is accounted for in the balanced budget agreement.

The amendment I am offering today takes these excess proceeds, uses them as a funding source in place of oil sales from the Strategic Petroleum Reserve. We will not know the exact amount of the excess proceeds until January of 1998 when the administration sends the Congress a final proposal to sell Elk Hills under the 31-day notice-and-wait provision contained in the law that authorizes that sale. The possibility exists, though, that we could capture enough funds through this amendment to obviate the need to sell oil from the Strategic Petroleum Reserve next year

and potentially beyond. This coupling will certainly be a consideration in my judgment as to whether it is a good idea for Congress to allow the sale of Elk Hills to go forward.

This amendment is intended as a positive step to meet the needs being addressed by the Interior bill by tapping an alternative source of funds instead of sales from the Strategic Petroleum Reserve.

Stopping SPR sales as a source of general revenue is a good national economic policy. It is good for our domestic oil and gas industry, and particularly for the most vulnerable independent producers of oil and gas in my State and other petroleum-producing States.

I urge adoption of the amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I join with my colleague the Senator from New Mexico with regard to the amendment that he has offered.

What this amendment would do is avoid the ultimate budget gimmick, which is selling $60 a barrel oil for $18 and calling it ''income'' for the American taxpayer. These oil sales would result in $173 million actual loss to the American taxpayer.

We have sold 28 million barrels of oil. What have we sold it for? To contribute to balancing the budget. Think of the inconsistency here. We created the Strategic Petroleum Reserve in 1975. We created it because at that time we were dependent on imported oil for about 36 or 37 percent of our oil consumption. Today we are facing a 52 percent dependence on imported oil.

In light of our current situation, selling down the SPR simply makes no sense whatever. In 1975, when we were 32 percent dependent, we formulated the SPR with the idea we had to have a reserve oil supply in case of national emergency, and suddenly when we are 52 percent dependent, we start to sell the reserve?

The oil from Elk Hills was supposed to go to the SPR, but we have waived the requirement for the last 10 years, and the oil was sold to balance the budget. Now we are selling Elk Hills, and it is only right that some of the money go to the purpose of stopping the drain on SPR.

This amendment does not cost the taxpayers any money. What we are trying to do is try to avoid a huge loss. This amendment works within the budget rules and avoids a terrible policy result—both from the energy and budgetary standpoint—buying high and selling low. But the Government seems to do it all the time. We are like the man in the old joke who was buying high and selling low and who claimed that he ''would make it up on volume.''

So, today, Senator BINGAMAN and I are introducing this amendment to provide a short-term source of funding for the Strategic Petroleum Reserve.

Soon, the Department of Energy will complete the sale of the Naval Petroleum Reserve No. 1, as directed by Congress. We are optimistic that the sale will raise more money than previously estimated. This amendment would place proceeds in excess of $2 billion from that sale in a fund that would be used to pay for the SPR.

This amendment was proposed by the DOE and should, at a minimum, avoid an oil sale in the next fiscal year. I think it is appropriate that extra proceeds from the sale of the Naval Petroleum Reserve, after contributing to deficit reduction, be used to stop the drain on our Strategic Petroleum Reserve.

The amendment will not permanently resolve the problems with providing funding for SPR, but it should temporarily stop the bleeding. In the face of our oil dependency, and the continuing drain on SPR, I can't resist noting that there are still some in this body that oppose the production of domestic oil resources.

So as it stands now, this body does not appear to support the domestic storage or production of oil. Some may not like the reality that this Nation will continue to need petroleum. Petroleum moves our transportation system. We have no other alternative, at least none in the foreseeable future. However, reality doesn't cease to be a reality because we ignore it. We are talking about people's lives, jobs, their livelihood. I certainly understand the difficult task that the Appropriations Committee faces as it attempts to fund all of the important programs under its jurisdiction.

However, I must insist that, in the future, we resist the temptation to drain the SPR to meet these priorities, if indeed the SPR has an objective at all, which is to serve as the country's energy security during a time of crisis.

I strongly urge my colleagues to support the amendment today. I also strongly urge my colleagues to join with us to permanently end the draining of oil from the Strategic Petroleum Reserve to fulfill our shortsighted, short-term desires.

Mr. President, I yield the floor.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I want to make a few points. The first point is, I did speak to Secretary of Energy, Federico Pena, in the last hour. He has authorized me to indicate to all Senators that he strongly supports the amendment that Senator MURKOWSKI and I are offering, and he believes it is a good public policy and a policy that we ought to adopt here.

I also want to indicate a particular appreciation to Bob Simon on my staff, who is the person who has done all the work in coming up with this proposal.

I also ask unanimous consent that a section-by-section explanation of the amendment be printed in the RECORD following my statement.

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

PROVISO-BY-PROVISO EXPLANATION OF THE AMENDMENT

The amendment strikes and replaces the section of the bill dealing with the Strategic Petroleum Reserve. The following are the key provisions of the new section:

The head of the section follows the existing bill by appropriating $207.5 million for operations of the Strategic Petroleum Reserve in FY 1998.

The first proviso stipulates that any proceeds from the sale of the Elk Hills Naval Petroleum Reserve (known as Naval Petroleum Reserve Number 1) that are in excess of $2 billion are to be used to support the operations of the Strategic Petroleum Reserve (and also for additional acquisition of SPR oil), until those excess funds are expended. Thus, if the sale of Elk Hills were to net $2.4 billion, under this proviso, we would have the operations of the SPR covered for the next two fiscal years. The budget offset, under CBO scoring, for this extra spending is provided in the fourth proviso, which I will address in a minute.

The second proviso takes care of the situation in which the excess proceeds from the sale of Elk Hills are not enough to fully cover the cost of operations of the SPR in fiscal year 1998. In such a case, SPR oil would have to be sold to make up the difference, similar to what the current language of this bill provides.

The third proviso addresses the fact that CBO and OMB score the sale of Elk Hills differently. While this amendment does not have Budget Act points of order against it, without this proviso, it could theoretically trigger a budget sequester at OMB, because of their scoring rules. This proviso eliminates any possibility of an OMB budget sequester, and was worked out in close cooperation with senior management at OMB, which endorses this amendment.

The fourth proviso provides for a special sale of SPR oil to offset the other spending in this amendment. CBO scores the entire amendment as not increasing the overall spending of the Interior Appropriations bill, so it is not in violation of the Budget Agreement or any provision of the Budget Act.

The final proviso of this new section transfers the funds for operating the SPR into the appropriate account in the U.S. Treasury. It is similar to the existing final proviso in the existing section that is being replaced.

Mr. GORTON. Mr. President, this amendment is constructed in a fashion that evades budget points of order. That is to say, no points of order would be appropriate. But it does take advantage of a quite conservative estimate by the Congressional Budget Office of the revenues that may accrue from the sale of Elk Hills.

I also note that the amendment could result in the Department of Energy capturing several hundreds of millions of dollars of revenue that could otherwise go into the General Treasury. As a member of the Budget Committee, this is a precedent about which I have some real concern.

On the other hand, as I said from the time that the House bill passed and we worked on our own, I am not completely comfortable with the sale of oil from the Strategic Petroleum Reserve, including the sale in the bill that is in the President's budget request and House action.

Having said all of that, balancing on both sides, I am willing to accept the amendment, as is my comanager from

Nevada. We can deal with the issue in conference, and I hope that it is either acceptable or can be put into acceptable form.

The PRESIDING OFFICER. Is there further debate on the amendment?

The question is on agreeing to the amendment.

The amendment (No. 1229) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, I ask unanimous consent that the committee amendments be set aside.

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

AMENDMENT NO. 1230

Mr. GORTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mrs. MURRAY, for herself, Mr. GORTON, and Mr. MURKOWSKI, proposes an amendment numbered 1230.

The amendment is as follows:

At the end of Title III, add the following:

SEC. . Within 90 days of enactment of this legislation, the Forest Service shall complete its export policy and procedures on the use of Alaskan Western Red Cedar. In completing this policy, the Forest Service shall evaluate the costs and benefits of a pricing policy that offers any Alaskan Western Red Cedar in excess of domestic processing needs in Alaska first to United States domestic processors.

Mrs. MURRAY. Mr. President, I want to discuss briefly my amendment to alter U.S. Forest Service rules regarding the export of Western Red Cedar logs from Alaska. Today, because there are no Alaskan sawmills that use this cedar, this National Forest timber is exported as raw logs primarily to foreign customers.

That is a real problem for our independent mills in Washington and Oregon who have traditionally been dependent on public timber. As we all know—and have discussed in the context of this bill—National Forest timber sales have plummeted since the 1980s. The independent mills that have survived are technologically advanced, with a well-trained workforce, but are always scrambling for reasonably-priced timber.

As a rule, National Forest timber must be processed before it can be exported overseas. This Congress imposed that policy nearly 20 years ago. There is almost unanimous agreement that federal timber should be processed in America to create the maximum number of American jobs.

One exception to the rule of domestic processing is that where no market for a certain species of tree exists, the Forest Service will deem that species ''surplus.'' A surplus species can be exported in as a raw log.

In Region 10, there are currently no Alaskan processors who can use the Western Red Cedar. The Forest Service has, thus, deemed it surplus. But it is definitely not surplus to the domestic needs of sawmills and workers in the Pacific Northwest. I've been approached by several mills who are desperate for this cedar, including Skookum Lumber in Shelton, WA, and Tubafor Mill, in Morton, WA.

My amendment requires the Forest Service to offer these national logs at domestic prices to mills in the lower 48 states. It requires the agency to establish a three-tiered policy giving Alaskans first priority, other American companies next priority, and only if no one wants these logs—which is highly unlikely—may they be exported internationally.

Mr. President, this is a commonsense amendment. Members of the Washington delegation, including Representative NORM DICKS and former Represemtative Jolene Unsoeld, have worked to make this policy change since 1991. Now is the time to use these Federal resources for the benefit of American working families.

Mr. GORTON. Mr. President, this amendment has been cleared on both sides.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment.

The amendment (No. 1230) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, I hope for only a very short period of time, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. GORTON. Mr. President, I ask that the pending business be temporarily laid aside.

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

AMENDMENT NO. 1231

(Purpose: To provide for the disposition of oil lease revenue received as a result of the Supreme Court's decision in United States of America v. State of Alaska)

Mr. GORTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. MCCAIN, for himself, Mr. STEVENS and Mr. MURKOWSKI, proposes an amendment numbered 1231.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 63, between lines 8 and 9, insert the following:

SEC. . DISPOSITION OF CERTAIN OIL LEASE REVENUE

(a) DEPOSIT IN FUND.—One half of the amounts awarded by the Supreme Court to the United States in the case of United States of America v. State of Alaska (117 S. Ct. 1888) shall be deposited in a fund in the Treasury of the United States to be known as the ''National Parks and Environmental Improvement Fund'' (referred to in this section as the ''Fund'').

(b) INVESTMENTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest amounts in the Fund in interest bearing obligations of the United States.

(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(4) CREDITS TO FUND.—The interest earned from investments of the Fund shall be covered into and form a part of the Fund.

(c) TRANSFER AND AVAILABILITY OF AMOUNTS EARNED.—Each year, interest earned and covered into the Fund in the previous fiscal year shall be available for appropriation, to the extent provided in subsequent appropriations bill, as follows:

(1) 40 percent of such amounts shall be available for National Park capital projects in the National Park System that comply with the criteria stated in subsection (d); and

(2) 40 percent of such amounts shall be available for the state-side matching grant under section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–8); and

(3) 20 percent of such amounts shall be made available to the Secretary of Commerce for the purpose of carrying out marine research activities in accordance with subsection (e).

(d) CAPITAL PROJECTS.—

(1) IN GENERAL.—Funds available under subsection (c)(2) may be used for the design, construction, repair or replacement of high priority National Park Service facilities directly related to enhancing the experience of park visitors, including natural, cultural, recreational and historic resources protection projects.

(2) LIMITATION.—A project referred to in paragraph (1) shall be consistent with—

(A) the laws governing the National Park System;

(B) any law governing the unit of the National Park System in which the project is undertaken; and

(C) the general management plan for the unit.

(3) NOTIFICATION OF CONGRESS.—The Secretary shall submit with the annual budget submission to Congress a list of high priority projects proposed to be funded under paragraph (1) during the fiscal year covered by such budget submission.

(e) MARINE RESEARCH ACTIVITIES.—(1) Funds available under subsection (c)(3) shall be used by the Secretary of Commerce according to this subsection to provide grants to federal, state, private or foreign organizations or individuals to conduct research activities on or relating to the fisheries or marine ecosystems in the north Pacific Ocean,

Bering Sea, and Arctic Ocean (including any lesser related bodies of water).

(2) Research priorities and grant requests shall be reviewed and recommended for Secretarial approval by a board to be known as the North Pacific Research Board (referred to in this subsection as the ''Board''). The Board shall seek to avoid duplicating other research activities, and shall place a priority on cooperative research efforts designed to address pressing fishery management or marine ecosystem information needs.

(3) The Board shall be comprised of the following representatives or their designees:

(A) the Secretary of Commerce, who shall be a co-chair of the Board;

(B) the Secretary of State;

(C) the Secretary of the Interior;

(D) the Commandant of the Coast Guard;

(E) the Director of the Office of Naval Research;

(F) the Alaska Commissioner of Fish and Game, who shall also be a co-chair of the Board;

(G) the Chairman of the North Pacific Fishery Management Council;

(H) the Chairman of the Arctic Research Commission;

(I) the Director of the Oil Spill Recovery Institute;

(J) the Director of the Alaska SeaLife Center;

(K) five members nominated by the Governor of Alaska and appointed by the Secretary of Commerce, one of whom shall represent fishing interests, one of whom shall represent Alaska Natives, one of whom shall represent environmental interests, one of whom shall represent academia, and one of whom shall represent oil and gas interests; and

(L) three members nominated by the Governor of Washington and appointed by the Secretary of Commerce; and;

(M) one member nominated by the Governor of Oregon and appointed by the Secretary of Commerce.

The members of the Board shall be individuals knowledgeable by education, training, or experience regarding fisheries or marine ecosystems in the north Pacific Ocean, Bering Sea, or Arctic Ocean. Three nominations shall be submitted for each member to be appointed under subparagraphs (K), (L), and (M). Board members appointed under subparagraphs (K), (L), and (M) shall serve for three year terms, and may be reappointed.

(4)(A) The Secretary of Commerce shall review and administer grants recommended by the Board. If the Secretary does not approve a grant recommended by the Board, the Secretary shall explain in writing the reasons for not approving such grant, and the amount recommended to be used for such grant shall be available only for other grants recommended by the Board.

(B) Grant recommendations and other decisions of the Board shall be by majority vote, with each member having one vote. The Board shall establish written criteria for the submission of grant requests through a competitive process and for deciding upon the award of grants. Grants shall be recommended by the Board on the basis of merit in accordance with the priorities established by the Board. The Secretary shall provide the Board such administrative and technical support as is necessary for the effective functioning of the Board. The Board shall be considered an advisory panel established under section 302(g) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) for the purposes of section 302(i)(1) of such Act, and the other procedural matters applicable to advisory panels under section 302(i) of such Act shall apply to the Board to the extent practicable. Members of the Board may be reimbursed for actual expenses incurred in performance of their duties for the Board. Not more than 5 percent of the funds provided to the Secretary of Commerce under paragraph (1) may be used to provide support for the Board and administer grants under this subsection.

Mr. MCCAIN. Mr. President, I offer this amendment on behalf of myself, Senator STEVENS and Senator MURKOWSKI.

The amendment would deposit $800 million into a newly created national park and environmental enhancement fund within the U.S. Treasury.

The interest from the account would be dedicated to three purposes:

First, to make critically needed capital improvements in America's national parks.

Second, assist States in their park planning and development needs.

Third, provide for research on the marine environment. This is strongly endorsed by the National Parks and the Conservation Association, Natural Resources Defense Council, National Trust for Historic Preservation, and Center for Marine Conservation.

I thank Senators STEVENS and MURKOWSKI for their assistance and leadership, as well as Senator GORTON, on this amendment.

The revenue which will finance this special account is oil lease revenue awarded to the Federal Government by the U.S. Supreme Court earlier this year. Both the United States and Alaska claimed ownership of the land from which the oil was extracted.

Mr. President, we all know that the people of Alaska were bitterly disappointed in the Court's decision to find on behalf of the Federal Government and to award the money to the Federal Treasury. Nevertheless, the Court has rendered a final judgment.

I am pleased to say that passage of this amendment will enable us to employ the money not only for the people of Alaska but for every other State.

Under this amendment, 40 percent of the yearly interest of the new account—up to $20 million annually—will be dedicated to making high-priority capital improvements in our national parks. Now is the time to act. The integrity of the national historic treasures that comprise our National Park System is at stake.

The GAO estimates that unmet capital needs throughout the system total more than $8 billion. Current funding levels are grossly insufficient to meet these requirements.

Last year, out of the $1.6 billion that Congress appropriated to operate and maintain the 314 national parks, monuments, and historical sites, two-thirds were spent on park operations, leaving $400 million available to finance capital improvements.

Let me remind you, Mr. President, that the GAO estimates that of the unmet capital needs throughout the system of more than $8 billion last year, there was $400 million available to finance capital improvements. Mr. President, it doesn't take a rocket scientist to figure out that it takes a long time to catch up.

Grand Canyon National Parks offers a historic and sobering example of the magnitude of the funding shortfalls that we face. The parks' general management plan calls for over $350 million in capital improvements. This fiscal year the parks received approximately $16 million, of which only $12 million was available for capital purposes. This scenario is repeated at parks throughout the country.

Mr. President, no one knows this better than the Senator from Washington, and the Senator from Alaska. I think it is important to stress we are not talking about luxuries. We are talking about needs. The vast majority of the capital improvements we are talking about are necessary to preserve the natural and historical resources that makes our parks so special.

Mr. President, earlier this summer, U.S. News & World Report featured a cover story, which I have here, entitled ''Parks in Peril.''

I urge my colleagues to read what is a very enlightening and compelling piece. The story was highlighted. I show it here, as follows:

> The national parks have been called the best idea America had. But their wild beauty and historical treasures are rapidly deteriorating from lack of funds, pollution, encroaching development, overcrowding, and congressional indifference.

I am not proud of that, Mr. President. None of us should be. The American people love our Nation's parks, and rightfully expect us to exercise responsible stewardship of our natural treasures.

By passing this amendment we can take a significant step to remedy the funding shortfall, and care for our parks in a responsible and timely manner.

I know that the Senate Energy Committee—in particular, Senator MURKOWSKI, Senator BUMPERS, and Senator THOMAS, and others—is working diligently on comprehensive park funding and management reform legislation. I applaud their efforts, and look forward to the fruits of their arduous labors.

But, while we await these reforms, we have an obligation to take what action we can to meet park needs. Every day we wait, the national parks—from Maine's Arcadia National Park, Yosemite in California, and Alaska's Gateway to the Arctic to the Florida Everglades—fall into further disrepair and neglect.

Mr. President, I ask unanimous consent to have printed in the RECORD letters of support from key conservation organizations who strongly support this amendment.

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

NATIONAL PARKS
AND CONSERVATION ASSOCIATION,
September 16, 1997.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: The National Parks and Conservation Association (NPCA) is delighted to support your amendment to H.R. 2107, the Department of Interior Appropriations bill, to establish a National Parks and Environmental Improvement Fund. As you know, NPCA is America's only private non-profit citizen organization dedicated solely to protecting, preserving, and enhancing the U.S. National Park System. An association of ''Citizens Protecting America's Parks,'' NPCA was founded in 1919, and today has nearly 500,000 members.

Our support for your amendment is based on our understanding that the amendment contains the following provisions:

1. Distribution of fifty percent of the interest earned by the fund to benefit the National Park System and twenty-five percent to benefit the State-side program of the Land and Water Conservation Fund. We understand that the remaining twenty-five percent would be made available for a grant program for marine research and education in and relating to the water of the North Pacific ocean.

2. The National Park Service portion of the trust fund allocation ''may be used for the design, construction, repair, or replacement of high-priority National Park Service facilities directly related to enhancing the experience of park visitors, including natural, cultural, and historic resources protection projects.''

The National Park Service faces a growing and alarming backlog of projects vital to sustaining the resources of the national parks and to ensuring the health, safety, and enjoyment of park visitors. New revenue sources to supplement regular appropriations must be found to assist the National Park Service in fulfilling its congressionally-mandated mission of passing on these precious lands unimpaired to future generations. The unique natural, cultural, and historic heritage embodied in our parks constitutes one of the greatest treasures that belong to the American people.

Your amendment, as noted above, represents a creative and welcome effort to enhance the resources available to the National Park Service to protect and preserve our parks.

Through the funds it provides, the National Park Service will be able to add meaningfully to its ability to preserve historic structures, to protect cultural sites; to clean up polluted areas; and to enhance transportation facilities, among other important projects. Your amendment will make a very worthwhile contribution, and we applaud you and all who support you for your creativity and leadership in bringing this initiative before the Senate.

Sincerely,

ALBERT C. EISENBERG,
Deputy Director for Conservation Policy.

SEPTEMBER 17, 1997.

Hon. JOHN MCCAIN,
Chairman, Senate Commerce, Science, and Transportation Committee,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCAIN: On behalf of the Center for Marine Conservation, I want to express CMC's strong support for your amendment to the Department of Interior Appropriations Bill (H.R. 2107) to provide for the disposition of oil lease revenue into the ''National Parks and Environmental Improvement Fund.'' In particular, CMC applauds your initiative to create a fund for the purpose of funding marine research activities related to the fisheries or marine ecosystems in the North Pacific, Bering Sea, and Arctic Ocean.

CMC is especially interested in the Bering Sea ecosystem and is committed to investigating new mechanisms to achieve greater coordination of scientific research, and develop more effective adaptive and ecosystem management to stem the decline of several species in that ecosystem. Additional CMC commends you, Senator McCain, for including representation by an environmental interest on the North Pacific Research Board.

CMC's only concern is that appropriations to this fund not be offset by funds otherwise appropriated from the Land and Water Conservation Fund in the Department of the Interior Appropriation Bill. The Land and Water Conservation Fund is vitally important to conservation.

CMC appreciates your continued effort to fund marine research and conservation. We look forward to working with you to conserve our marine heritage.

Sincerely,

WILLIAM R. IRVIN,
Acting Vice President for Programs.

NATIONAL TRUST FOR
HISTORIC PRESERVATION,
Washington, DC, September 17, 1997.

DEAR SENATOR MCCAIN: On behalf of the approximately 275,000 members of the National Trust for Historic Preservation, I am writing to support an amendment to the Department of the Interior Appropriations bill, H.R. 2107, to establish a National Parks and Environmental Improvement Fund (the ''Fund'').

Pursuant to this amendment, the oil lease revenues awarded by the Supreme Court to the United States in *United States v. State of Alaska,* totaling $1.6 billion, would be deposited in the Fund. The interest earned by the Fund would be allocated, subject to appropriation, as follows: 40 percent to capital projects in the National Park System that enhance the experience of park visitors, including natural, cultural and historic resource protection projects; 40 percent to the state side of the Land and Water Conservation Fund; and 20 percent for a grant program for marine research and education relating to the waters of the Northern pacific ocean.

This amendment represents a very positive and important first step in addressing the multi billion dollar backlog of deferred maintenance and necessary capital expenditures for our National Park System. A solid consensus exists in the Congress and the executive branch and the American public that we must begin to address the problems in our National Parks, to eliminate the accrued backlog with a systematic plan implemented over the next decade, and to look for new sources of funding in addition to regular appropriations. Your amendment presents a creative means and mechanism for enhancing funds available to both our National Parks and state and local park systems. The National Trust is pleased to offer our enthusiastic support for the amendment.

Sincerely,

EDWARD M. NORTON, Jr.,
Vice President for Law and Public Policy.

Mr. MCCAIN. Mr. President, again the thrust of this amendment is to help our national parks. If we abdicate our responsibilities to maintain the integrity of the National Park System we will have spoiled the most precious part of our national heritage, squandered the birthright of our children, and failed to meet one of our most basic responsibilities. Let's not allow that to happen.

I want to again thank Senator MURKOWSKI, especially Senator THOMAS and Senator BUMPERS, for the efforts they are making for an overall solution to the problems in our National Park System. That work is diligent, and needs to be rewarded. I look forward to their results. In the meantime, I think this is an important step forward.

Mr. President, I thank the sponsors and the managers of the bill for their cooperation and assistance.

I yield the floor.

Mr. STEVENS. Mr. President, this amendment provides funding to help resolve some of the most pressing concerns relating to national park and State recreation facilities, and to the ocean areas off Alaska.

The amendment would reserve $800 million that was not anticipated to be received by the Federal Treasury in a case recently decided by the Supreme Court.

That case—cited at 117 S.Ct. 1888—involved a dispute between the Federal Government and the State of Alaska over the right to mineral lease revenue on the natural formation off the coast of Alaska known as Dinkum Sands.

The Federal Government prevailed and received lease revenue plus interest totaling $1.6 billion.

The Congressional Budget Office estimated earlier this year that the Federal Treasury would receive only $800 million.

Our amendment would deposit the other $800 million in a new fund called the National Parks and Environmental Improvement Fund. Beginning with fiscal year 1999, the interest from this fund would be available for: First, capital projects in the National Park System; second, State outdoor recreation planning, development, and acquisition; and third, marine research important to the vast Federal and State waters off Alaska.

Forty percent of the annual interest would be available to design, construct, repair, and replace National Park Service facilities to enhance the experience of park visitors.

In Alaska this will go a long way toward expanding and upgrading the overcrowded visitor facilities that have become a significant problem.

As Senator MCCAIN mentioned, the need to upgrade the Park Service facilities nationally is great, and may run into the billions of dollars. Our bill would create a mechanism specifically designed to begin to address this problem.

Our amendment would make 40 percent of the annual interest available under section 6 of the Land and Water Conservation Fund Act to the States to be used for outdoor recreation planning, development, and the acquisition of land.

The States, too, face a backlog in upgrading existing park facilities and creating new facilities.

Finally, our amendment provides 20 percent of the annual interest from the

National Parks and Environmental Improvement Fund for marine research in, and relating to, the north Pacific Ocean, Bering Sea, and Arctic Ocean.

These vast marine areas off Alaska comprise more than half of the Nation's coastline, provide over half of the Nation's commercial fisheries harvest, and contain vast mineral resources important to Alaska and the Nation. This income was derived from those waters.

We face pressing concerns in these waters that touch every part of Alaska's coastline. Some of the immediate concerns include, to name just a few:

Declines in certain bird and marine mammal species in the Bering Sea; a failure this year in our Bristol Bay and Kuskokwim salmon returns; excessive fisheries harvests and other unknown activities in the Russia portion of the Bering Sea; environmental contamination in the Arctic Ocean; subsistence whaling concerns; the need to develop new products and more environmentally efficient fishing methods; and the need to develop fisheries for underutilized species (such as the dive fisheries in southeast Alaska) that could help take the pressure off other fish stocks.

Our amendment would establish a North Pacific Research Board that would set marine research priorities and recommend grants to tackle those priorities. The Secretary of Commerce and Alaska Department of Fish and Game, or their designees, would serve as cochairs of the Board.

The Secretary of Commerce would approve or disapprove the Board's grant recommendations. The amendment gives the Board very broad discretion in setting the priorities for the research grants.

We know of some of the issues that need immediate attention, but not all of them, and we can't know what the priorities should be in the future. To summarize, the amendment Senator MCCAIN and I are offering will improve the experience visitors have at our national parks and State parks, and will greatly increase our knowledge about the vast waters off Alaska.

I urge other Senators to support this measure.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 1232 TO AMENDMENT NO. 1231

(Purpose: To provide for the disposition of certain escrowed oil and gas revenue received as a result of the Supreme Court's decision in United States v. State of Alaska)

Mr. MURKOWSKI. Mr. President, I have a second-degree amendment.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alaska (Mr. MURKOWSKI), for himself, and Mr. THOMAS, proposes an amendment numbered 1232 to amendment numbered 1231.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

In the amendment proposed by the Senator from Arizona strike all after ''(a) DEPOSIT IN FUND.—'' and insert in lieu thereof:

''All of the amounts awarded by the Supreme Court to the United States in the case of *United States of America* v. *State of Alaska* (117 S. Ct. 1888) shall be deposited in a fund in the Treasury of the United States to be known as the ''Parks and Environmental Improvement Fund'' (referred to in this sections as the ''Fund'').

(b) INVESTMENTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest amounts in the Fund in interest bearing obligations of the United States.

(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(4) CREDITS TO FUND.—The interest earned from investments of the Fund shall be covered into, and form a part of, the Fund.

(c) TRANSFER AND AVAILABILITY OF AMOUNTS EARNED.—Each year, interest earned and covered into the Fund in the previous fiscal year shall be available for appropriation, to the extent provided in subsequent appropriations bills, as follows:

(1) 40 percent of such amounts shall be available for National Park capital projects in the National Park System that comply with the criteria stated in subsection (d);

(2) 40 percent shall be available for the state-side matching grant program under section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8); and

(3) 20 percent shall be shall be made available to the Secretary of Commerce for the purpose of carrying out marine research activities in accordance with subsection (e).

(d) CAPITAL PROJECTS.—

(1) IN GENERAL.—Funds available under subsection (c)(1) may be used for the design, construction, repair or replacement of high priority National Park Service facilities directly related to enhancing the experience of park visitors, including natural, cultural, recreation and historic resources protection projects.

(2) LIMITATION.—A project referred to in paragraph (1) shall be consistent with—

(A) the laws governing the National Park System;

(B) any law governing the unit of the National Park System in which the project is undertaken; and

(C) the general management plan for the unit.

(3) NOTIFICATION OF CONGRESS.—The Secretary shall submit with the annual budget submission to Congress a list of high priority projects to be funded under paragraph (1) during the fiscal year covered by such budget submission.

(e) MARINE RESEARCH ACTIVITIES.—

(1) Funds available under subsection (c)(3) shall be used by the Secretary of Commerce according to this subsection to provide grants to federal, state, private or foreign organizations or individuals to conduct research activities on or relating to the fisheries or marine ecosystems in the north Pacific Ocean, Bering Sea, and Arctic Ocean (including any lesser related bodies of water).

(2) Research priorities and grant requests shall be reviewed and recommended for Secretarial approval by a board to be known as the North Pacific Research Board (the Board). The Board shall seek to avoid duplicating other research activities, and shall place a priority on cooperative research efforts designed to address pressing fishery management or marine ecosystem information needs.

(3) The Board shall be comprised of the following representatives or their designees:

(A) the Secretary of Commerce, who shall be a co-chair of the Board;

(B) the Secretary of State;

(C) the Secretary of the Interior;

(D) the Commandant of the Coast Guard;

(E) the Director of the Office of Naval Research;

(F) the Alaska Commissioner of Fish and Game, who shall also be a co-chair the Board;

(G) the Chairman of the North Pacific Fishery Management Council;

(H) the Chairman of the Arctic Research Commission;

(I) the Director of the Oil Spill Recovery Institute;

(J) the Director of Alaska SeaLife Center; and

(K) five members appointed by the Governor of Alaska and appointed by the Secretary of Commerce, one of whom shall represent fishing interests, one of whom shall represent Alaska Natives, one of whom shall represent environmental interests, one of whom shall represent academia, and one of whom shall represent oil and gas interests.

The members of the Board shall be individuals knowledgeable by education, training, or experience regarding fisheries of marine ecosystems in the north Pacific Ocean, Bering Sea, or Arctic Ocean. The Governor of Alaska shall submit three nominations for member appointed under subparagraph (K), Board members appointed under subparagraph (K) shall serve for a three year term and may be reappointed.

(4)(A) The Secretary of Commerce shall review and administer grants recommended by the Board. If the Secretary does not approve a grant recommended by the Board, the Secretary shall explain in writing the reasons for not approving such grant, and the amount recommended to be used for such grant shall be available only for grants recommended by the Board.

(B) Grant recommendations and other decisions of the Board shall be by majority vote, with each member having one vote. The Board shall establish written criteria for the submission of grant requests through a competitive process and for deciding upon the award of grants. Grants shall be recommended by the Board on the basis of merit in accordance with priorities established by the Board. The Secretary shall provide the Board with such administrative and technical support as is necessary for the effective functioning of the Board. The Board shall be considered an advisory panel established under section 302(g) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C.1801 et seq.) for the purposes of section 302(i)(1) of such Act, and the other procedural matters applicable to advisory panels under section 302(i) of such Act shall apply to the Board to the extent practicable. Members of the Board may be reimbursed for actual expenses incurred in performance of their duties for the Board. Not more than 5 percent of the funds provided to the Secretary of Commerce under paragraph (1) may be used to provide support for the Board and administer grants under this subsection.

(f) FINANCIAL ASSISTANCE TO THE STATES.—Section 6(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*-8(b)) is amended—

(1) APPORTIONMENT AMONG STATES; NOTIFICATION.—

(A) By striking paragraphs (1), (2), and (3) and inserting the following:

''(1) Sixty percent shall be apportioned equally among the several States;

''(2) Twenty percent shall be apportioned on the basis of the proportion which the population of each State bears to the total population of the United States; and

''(3) Twenty percent shall be apportioned on the basis of the urban population in each State (as defined by Metropolitan Statistical Areas).

(2) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively, and inserting after paragraph (3) the following:

''(4) The total allocation to an individual State under paragraphs (1) through (3) shall not exceed 10 percent of the total amount allocated to the several States in any one year.

(g) FUNDS FOR INDIAN TRIBES.—Section 6(b)(6) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*8(b)(6)) (as so redesignated) is amended—

(1) by inserting ''(A)'' after ''(6)''; and

(2) by adding at the end the following new subparagraph:

''(B) For the purposes of paragraph (1), all federally recognized Indian tribes and Alaska Native Corporations (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602) shall be treated collectively as one State, and shall receive shares of the apportionment under paragraph (1) in accordance with a competitive grant program established by the Secretary by rule. Such rule shall ensure that in each fiscal year no single tribe or Alaska Native Corporation receives more than 10 percent of the total amount made available to all Indian tribes and Alaska Native Corporations pursuant to the apportionment under paragraph (1). Funds received by an Indian tribe or Alaska Native Corporation under this subparagraph may be expended only for the purposes specified in subsection (a). Receipt in any given year of an apportionment under this section shall not prevent an Indian tribe or Alaska Native Corporation from receiving grants for other purposes under than regular apportionment of the State in which it is located.''

Mr. MURKOWSKI. Mr. President, let me commend my good friend, the Senator from Alaska, the senior Senator from Alaska, Senator STEVENS.

I want to point out that my amendment is very similar to the one offered by the Senator from Arizona. It does, however, make one significant change that I think is critical to the success of this trust fund.

Before I start, I want to say that I am particularly pleased that Senator MCCAIN recognizes the significance of these funds—the $1.6 billion that flowed from receipts that had been generated from lease sales in Alaska, the offshore, so-called ''Dinkum Sands.'' He has taken my Senate bill, S. 1118, and used it as the model for his amendment. Obviously believing that this authorization should occur on an appropriations bill.

My particular initial concept was to use $800 million to fund the Land and Water Conservation Fund.

I think the improvement that the Senator from Arizona and the senior Senator have added formulating consideration of the national parks, as well as Arctic research, are to be commended. And, as a consequence, I think the appropriateness of my second degree is worthy of consideration.

My amendment differs specifically on one significant measure. It places simply all of the Dinkum Sands escrow account—that is $1.6 billion—in an interest-bearing account in the Treasury Department as opposed to the amendment of Senator MCCAIN, which would put only half of that amount—or $800 million in an interest-bearing account in the U.S. Treasury.

What we would do, Mr. President, is not utilize the principal but simply the yield. The interest off the account would be approximately $120 million a year, and would be distributed in the same manner as the McCain-Stevens-Murkowski amendment: Forty percent would go to our national parks; 40 percent to the state-side Land and Water Conservation Fund and 20 percent to Arctic research.

I might add the necessity of funding our national parks is as a consequence of the billions of dollars in deferred maintenance that are associated with those parks, and the reality that we clearly need some capital improvement projects.

So, again there would be a long-term funding mechanism. And the merits, I think, speak for themselves.

It would relieve the appropriators in the sense that this would fund a good deal of what currently we have to fund through an annual appropriation process.

I am not going to go through the jungle of bureaucratic interpretations and the manner in which the Budget Committee has to operate. But 40 percent would go to national parks capital improvement projects, and 40 percent to the State, matching the Land and Water Conservation Fund. That is a State and Federal matching program which has done a great deal in the history of encouraging States, and the people in those States and communities, to generate funding of their own with the Federal matching funds and pride for worthwhile projects in their communities. Twenty percent would go into marine research, primarily in the Arctic.

Here is the authorization and appropriation chart for the Land and Water Conservation Fund. You can see the that authorizations have simply gone off the chart. We continue to authorize, and feel good about it. We go home and say, ''We have authorized the project.'' But if it is not appropriated, why, it is window dressing.

You can see the red line, or the actual appropriations. They hit a high in 1977 of about $800 million. They dropped down to virtually nothing—somewhere in the area of $150 million in 1981, and they have leveled off. The state-side LWCF matching grant program has fared even worse.

Clearly, this is a worthwhile program. It is two for one: for every Federal dollar it is matched by state and local money.

There is the other chart, shows the demand for stateside Land and Water Conservation Fund grants.

Clearly, the demand is there from America, American citizens, and communities with regard to the benefits of this type of funding.

By placing only half of the Dinkum Sands revenue in this fund, I think it will be self-defeating. It will not provide the money necessary to adequately fund these programs, especially the State-side Land and Water Conservation Fund matching grant programs.

I would also like to say that as chairman of the Energy and Natural Resources Committee, I intend to work with the Budget Committee and the Appropriations Committee next year to ensure that we have not just created another paper account. Rather, I promise to work to ensure that the money earned off this account will be available for appropriations for the very important purposes we set forth in this amendment.

Before the conference we would like to work with the Budget Committee on how to best minimize the impact of this amendment on the appropriators. That is the only way we can answer the call of my outdoor recreation initiative to reinvigorate our parks, forests, and public lands in order to enhance Americans' visits to those parks and conserve natural resources, wildlife and open spaces.

My bill—S. 1118—now a part of my second-degree amendment, would create a trust fund with the $1.6 billion Dinkum Sands escrow account. It would use just the interest from the account as follows: 40 percent to fund capital improvement projects at our national parks; 40 percent to fund State-side LWCF matching grants; and 20 percent to fund arctic research.

With respect to the portion that would go to the state-side LWCF matching grant program, for over 30 years those grants have helped preserve open spaces. They have built thousands of picnic areas, trails, parks and other recreation facilities.

I urge my colleagues to look at the merits. This is one chance in a lifetime where we have found the funding, $1.6 billion. We can put this money in an area which has worked so successfully and address the legacy that we have to maintain our national, state and local parks.

At a June 11 hearing, witnesses from across the country testified in support of the Land and Water Conservation Fund. It has helped fund over 8,500 acquisitions on 2.3 million acres and built 28,000 recreation facilities in all of the 50 States. Federal Land and Water Conservation Fund grants are matched dollar for dollar by State and local communities so Americans can get two for the price of one. My amendment presents an opportunity to expand on that possibility.

The state-side of the Land and Water Conservation Fund Act makes it possible to have a national system of

parks, as opposed to just a National Park System. So one would ask, why did Congress and the administration defund this successful program 2 years ago? Well, that is a good question, Mr. President. They defunded it because they had other priorities.

This is an opportunity to address one of America's highest priorities, and that is our national system of parks. Working with the coalition including Americans for Our Heritage and Recreation, the National Conference of Mayors, the National Recreation and Parks Association and various endowment groups, we were successful in building support for the Land and Water Conservation State grant program.

Senator GORTON, I think, heard the message. He put funding for the stateside LWCF matching grant program in the Interior appropriations bill, for which we are most appreciative. I think his wise action ensures the short-term viability of the stateside matching grant program.

Our next step, of course, is to find a long-term program for the State matching grant, and our amendment, like my initial effort, certainly does that. That is why I support the initial amendment by the Senator from Arizona and the senior Senator from Alaska, Senator STEVENS. But as chairman of the Energy and Natural Resources Committee, the committee with jurisdiction over national parks, I recognize the reality of what we are doing here. We are moving without the authorization of the respective committees, and I am certainly sensitive to that. But this is a rare and extraordinary opportunity to address the disposition of funds that come in, and as a consequence I think can best be used in the manner proposed in my amendment.

I might say further that I am happy that a portion of the interest will fund this backlog of capital projects in our parks. We have held committee oversight hearings on March 13 and March 20 to tackle the challenge of park maintenance, and I am glad to see Senator THOMAS, who chaired this meeting, is joining me in this second-degree amendment.

I think it is important to recognize further, Mr. President, as we address this rare opportunity, that we have had in the Energy Committee extensive hearings on this matter. This is a chance where America can take better care of her parks, and it is our duty to restore their brilliance, their luster. We face an $8.6 billion backlog of unfunded Park Service operations and programs in this country —$8.6 billion. We are not appropriating the funds. The interest earned by this account may not be enough, and until the National Park Service has a system for settling priorities for capital improvements and infrastructure repair, Congress is going to have to keep a close eye on how the money is spent. But we have the money and we are directing that it not go for administration purposes of the Park Service.

The land and water conservation fund is authorized through the year 2015 at $900 million a year. However, far less than that authorized amount is appropriated each year, and we now have an opportunity to fix the system.

Using the proceeds of this account for these purposes makes sense. It is consistent with the vision of the Land and Water Conservation Act and the promises made three decades ago. These promises were, I remind my colleagues, that oil receipts, offshore oil receipts, will primarily fund the land and water conservation fund for public recreation and conservation in this country.

Well, it is fine to put it in, and obviously the industry is out there and they are initiating a cash flowback, but it is not going where it was intended simply because there are other priorities. And I am not here to delve into the priorities.

Mr. President, if the underlying amendment were made law, the interest on the account which could be spent on the stateside Land and Water Conservation fund grant program would only be somewhere between $16 million and $24 million—not much to be divided between the 50 States, territories and Indian tribes. If the need in our country for recreation is overwhelming, the very health of our Nation requires our attention, and the States are in the best position to address that shortfall.

I would like to point out, if the amendment that I have proposed is accepted, this amount we were looking at from the yield off the principal, not the expenditure, would total some $32 million to $48 million for the stateside LWCF matching grant program each year—a considerably increased sum and obviously more meaningful to the States and territories as well.

The needs in our country for recreation are overwhelming. The very health of our Nation and our natural human resources depend on programs such as this, particularly in the innercity areas. Again, every dollar we provide to the stateside of the land and water conservation program doubles the impact as far as this matter is concerned.

Finally, we have an opportunity to take a step to improve the System and reap benefits for our children and their children.

Finally, the question is, do you want to do just a little or do you want to have a major impact—a major impact—on preserving open spaces, refurbish and build picnic areas, trails, parks and other recreation facilities. You have the opportunity.

Mr. President, I ask the remainder of my statement be printed in the RECORD at this time.

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

Mr. MURKOWSKI. Let me turn to the issue of Arctic and North Pacific fisheries research—a critical issue I have worked on from my first day in the Senate:

My first speech on the floor of the Senate involved the importance of Arctic research, particularly as it related to fisheries.

My first major legislative initiative was the Arctic Research and Policy Act, signed into law by President Reagan.

The Arctic Research Commission, created by this Act, had as its first recommendation the need to develop a fuller understanding of Arctic Ocean, Bering Sea, and the ecosystems they sustain.

This amendment include our effort to fulfill the commission's recommendations. I am pleased to see the commission play an important role on the board created by this amendment.

I particularly like the approach of using proceeds from Arctic OCS revenues invested in scientific research to better understand the Arctic ecosystem:

Arctic wealth provided these revenues, so it is only fair to return a portion to help protect the Arctic itself.

The wealth of North America is in the Arctic. Not simply energy and mineral wealth—but also a wealth of renewable resources, a wealth of scenic beauty, a wealth of diverse living ecosystems, and a wealth of recreational opportunities.

Our scientific investment in this part of the world is inadequate, particularly when we compare it with what we spend for scientific research in the Antarctic, where we do not have people or resources.

Today we take another step in addressing this inequity. It isn't the first step, nor will it be the last.

I urge my colleagues to support this amendment. The mayors of every city in the Nation want it, the Governors of every State in the Nation know the good that can be accomplished.

I think the Chair.

I commend the amendment to the Senate, and I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, this amendment is not acceptable. We had worked all day with the senior Senator from Alaska and the Senator from Arizona on a proposal that I had not previously seen that really ought to be authorized, even in its original form, and about which I have some concerns, the composition of the research board, the involvement of the Department of the Interior, the way in which money is allocated, the kind of scoring problems that we will have which will create problems with the Budget Committee. But it seemed to me that the compromise that we had reached on it among several of us was clearly worth going forward with.

This second-degree amendment involves now $1.6 billion, at 8 o'clock at night, when we were attempting to finish a bill on which it does not belong because it needs to be authorized, and it has not been cleared on the other

side. We made no attempt to clear it on the other side. I did not know it was coming. Other Senators, including the majority leader, feel as I do. I move to table the second-degree amendment of the Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

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

The PRESIDING OFFICER (Mr. BROWNBACK). The clerk will call the roll to ascertain the presence of a quorum.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1234

(Purpose: To make $4,000,000 of funds appropriated to the Forest Service for emergency construction in fiscal year 1996, available for reconstruction of the Oakridge Ranger Station which was destroyed by arson)

Mr. GORTON. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I send another amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. SMITH of Oregon, for himself and Mr. WYDEN, proposes an amendment numbered 1234.

Mr. GORTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 127, at the end of title III add the following general provision:

SEC. 3 . Of the funds appropriated and designated an emergency requirement in title II, chapter 5 of Public Law 104–134, under the heading ''Forest Service, Construction,'' $4,000,000 shall be available for the reconstruction of the Oakridge Ranger Station, on the Willamette National Forest in Oregon; *Provided*, That the amount shall be available only to the extent an official request, that includes designation of the amount as an emergency requirement as defined by the Balanced Budget and Emergency Control Act of 1985, as amended, is transmitted by the President to Congress; *Provided further,* That reconstruction of the facility is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Mr. GORTON. Mr. President, this is an amendment on behalf of the two Senators from Oregon for repair of the Oakridge Ranger Station. It has been cleared by both sides.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1234) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1235

(Purpose: To direct the Secretary of the Interior and the Secretary of Agriculture to submit to Congress a report on properties proposed to be acquired or exchanged with funds appropriated from the Land and Water Conservation Fund.)

Mr. GORTON. Mr. President, I send an amendment to the desk on behalf of Senator MCCAIN.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. MCCAIN, proposes an amendment numbered 1235.

Mr. GORTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 134, beginning on line 2, strike ''*Provided*'' and all that follows through ''heading'' on line 8 and insert the following: ''*Provided,* That the Secretary of the Interior and the Secretary of Agriculture, after consultation with the heads of the National Park Service, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Forest Service, shall jointly submit to Congress a report listing the lands and interests in land, in order of priority, that the Secretaries propose for acquisition or exchange using funds provided under this heading: *Provided further,* That in determining the order of priority, the Secretaries shall consider with respect to each property the following: the natural resources located on the property; the degree to which a natural resource on the property is threatened; the length of time required to consummate the acquisition or exchange; the extent to which an increase in the cost of the property makes timely completion of the acquisition or exchange advisable; the extent of public support for the acquisition or exchange (including support of local governments and members of the public); the total estimated costs associated with the acquisition or exchange, including the costs of managing the lands to be acquired; the extent of current Federal ownership of property in the region; and such other factors as the Secretaries consider appropriate, which factors shall be described in the report in detail: *Provided further,* That the report shall describe the relative weight accorded to each such factor in determining the priority of acquisitions and exchanges''.

On page 134, line 12, strike ''a project list to be submitted by the Secretary'' and insert ''the report of the Secretaries''.

Mr. MCCAIN. Mr. President, I offer an amendment that would require the Administration to utilize certain criteria in preparing the prioritized list of land acquisitions and exchanges that would be conducted using the $700 million increase recommended in this bill for federal land acquisitions and exchanges. This amendment places primary responsibility for determining the priority of land acquisitions in the hands of the federal land management agencies charged with preserving, protecting, and managing our nation's natural resources. At the same time, the amendment preserves the prerogative of Congress to approve or disapprove the Administration's recommendations prior to making any of these additional funds available.

The amendment establishes seven specific criteria to be used by the National Park Service, the Forest Service, the Fish and Wildlife Service, and the Bureau of Land Management in assessing proposed acquisitions and exchanges:

(1) the natural resources located on the land,

(2) the degree to which those natural resources are threatened,

(3) the length of time required for acquisition of the land,

(4) the extent, if any, to which an increase in land cost makes timely completion of the acquisition advisable,

(5) the extent of public and local government support for the acquisition,

(6) the amount of federal lands already in the region, and

(7) the total estimated costs of the acquisition.

In addition, the amendment permits the Secretaries of Interior and Agriculture to consider additional matters in their assessments, but they must explain to Congress in a report what those additional considerations were and how they were weighted in the prioritization of land proposals.

Over the years, Congress has wisely taken steps to preserve our natural heritage. We have protected many remarkable natural areas through the establishment of national parks, monuments, wilderness areas, wildlife refuges, national scenic areas, and other conservation efforts.

While this nation has no shortage of beautiful country to be preserved and protected, there is a limited amount of funding available to accomplish these goals. As a result, our nation has a multi-billion dollar backlog in land acquisitions at both the Department of Interior and the Department of Agriculture. Because of this enormous backlog, I support the recommendation in this bill to make available an additional $700 million for the land acquisitions and exchanges, consistent with the budget agreement.

What this amendment would require the Administration to do is not new. The agencies already produce these types of rankings when developing the President's budget request. The Bureau of Land Management, the Fish and Wildlife Service, the National Park Service, and the Forest Service all compose priority based lists. In this case, we will be requiring the agencies to perform the same sort of priority assessments on projects that would be funded with these additional funds, to ensure that Congress has all the information necessary to review the Administration's proposal.

The amendment includes a requirement for the agencies to consider the extent of local support for an acquisition proposal, as well as the amount of land in the area already owned by the federal government. Preservation of our natural resources is a high priority, but it must be balanced with an awareness of the economic needs of local communities and their ability to plan for future growth and development. These two criteria will ensure that a community will not be harmed unnecessarily by the removal of preservation lands from its tax base or by undue restrictions on development and economic growth.

I understand the concerns expressed by the Committee in the report language about the costs of managing and maintaining current federally owned lands, and I believe the agencies should focus on acquisition and exchange proposals that would consolidate federal land holdings and eliminate inholdings to lessen these costs. However, I think it would be a mistake to fail to consider funding new acquisitions and exchanges that would protect and preserve resources that might otherwise be lost to development in the near future.

Mr. President, I am very concerned that the Committee has earmarked $315 million of the additional funding for two specific projects—the Headwaters Forest and New World Mines acquisitions. I am not seeking to strike those earmarks in this amendment, although I understand an amendment may be offered to do so, which I would support. Unfortunately, these earmarks make clear the need for established criteria for prioritizing the many pending acquisition requests at our land management agencies. My amendment would ensure that all funds which are available for pending land acquisitions and exchanges are used prudently and for the highest priority projects identified by federal land management agencies.

Let me stress that I understand the right of Congress to review and revise the President's budget request, as we see fit. My amendment is simply intended to help us make those decisions by requiring input from the federal land management agencies on the expenditure of the $700 million we are adding to this appropriations bill for land acquisitions and exchanges. Congress will still have the last word.

Mr. GORTON. Mr. President, this amendment requires the administration to submit to Congress a priority list for lands to be acquired with moneys appropriated in title V. Congress will make the ultimate determination.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1235) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1236

(Purpose: To settle certain Miccosukee Indian land takings claims within the State of Florida)

Mr. GORTON. Mr. President, I send an amendment to the desk on behalf of Senator MACK.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. MACK, for himself and Mr. GRAHAM, proposes an amendment numbered 1236.

Mr. GORTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 152, between lines 13 and 14, insert the following:

TITLE VII—MICCOSUKEE SETTLEMENT

SEC. 701. SHORT TITLE.

This title may be cited as the ''Miccosukee Settlement Act of 1997''.

SEC. 702. CONGRESSIONAL FINDINGS.

Congress finds that:

(1) There is pending before the United States District Court for the Southern District of Florida a lawsuit by the Miccosukee Tribe that involves the taking of certain tribal lands in connection with the construction of highway Interstate 75 by the Florida Department of Transportation.

(2) The pendency of the lawsuit referred to in paragraph (1) clouds title of certain lands used in the maintenance and operation of the highway and hinders proper planning for future maintenance and operations.

(3) The Florida Department of Transportation, with the concurrence of the Board of Trustees of the Internal Improvements Trust Fund of the State of Florida, and the Miccosukee Tribe have executed an agreement for the purpose of resolving the dispute and settling the lawsuit.

(4) The agreement referred to in paragraph (3) requires the consent of Congress in connection with contemplated land transfers.

(5) The Settlement Agreement is in the interest of the Miccosukee Tribe, as the Tribe will receive certain monetary payments, new reservation lands to be held in trust by the United States, and other benefits.

(6) Land received by the United States pursuant to the Settlement Agreement is in consideration of Miccosukee Indian Reservation lands lost by the Miccosukee Tribe by virtue of transfer to the Florida Department of Transportation under the Settlement Agreement.

(7) The United States lands referred to in paragraph (6) will be held in trust by the United States for the use and benefit of the Miccosukee Tribe as Miccosukee Indian Reservation lands in compensation for the consideration given by the Tribe in the Settlement Agreement.

(8) Congress shares with the parties to the Settlement Agreement a desire to resolve the dispute and settle the lawsuit.

SEC. 703. DEFINITIONS.

In this title:

(1) BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENTS TRUST FUND.—The term ''Board of Trustees of the Internal Improvements Trust Fund'' means the agency of the State of Florida holding legal title to and responsible for trust administration of certain lands of the State of Florida, consisting of the Governor, Attorney General, Commissioner of Agriculture, Commissioner of Education, Controller, Secretary of State, and Treasurer of the State of Florida, who are Trustees of the Board.

(2) FLORIDA DEPARTMENT OF TRANSPORTATION.—The term ''Florida Department of Transportation'' means the executive branch department and agency of the State of Florida that—

(A) is responsible for the construction and maintenance of surface vehicle roads, existing pursuant to section 20.23, Florida Statutes; and

(B) has the authority to execute the Settlement Agreement pursuant to section 334.044, Florida Statutes.

(3) LAWSUIT.—The term ''lawsuit'' means the action in the United States District Court for the Southern District of Florida, entitled Miccosukee Tribe of Indians of Florida v. State of Florida and Florida Department of Transportation. et. al., docket No. 91–285–Civ–Paine.

(4) MICCOSUKEE LANDS.—The term ''Miccosukee lands'' means lands that are—

(A) held in trust by the United States for the use and benefit of the Miccosukee Tribe as Miccosukee Indian Reservation lands; and

(B) identified pursuant to the Settlement Agreement for transfer to the Florida Department of Transportation.

(5) MICCOSUKEE TRIBE; TRIBE.—The terms ''Miccosukee Tribe'' and ''Tribe'' mean the Miccosukee Tribe of Indians of Florida, a tribe of American Indians recognized by the United States and organized under section 16 of the Act of June 18, 1934 (48 Stat. 987, chapter 576; 25 U.S.C. 476) and recognized by the State of Florida pursuant to chapter 285, Florida Statutes.

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

(7) SETTLEMENT AGREEMENT; AGREEMENT.—The terms ''Settlement Agreement'' and ''Agreement'' mean the assemblage of documents entitled ''Settlement Agreement'' (with incorporated exhibits) that—

(A) addresses the lawsuit; and

(B)(i) was signed on August 28, 1996, by Ben G. Watts (Secretary of the Florida Department of Transportation) and Billy Cypress (Chairman of the Miccosukee Tribe); and

(ii) after being signed, as described in clause (i), was concurred in by the Board of Trustees of the Internal Improvements Trust Fund of the State of Florida.

(8) STATE OF FLORIDA.—The term ''State of Florida'' means—

(A) all agencies or departments of the State of Florida, including the Florida Department of Transportation and the Board of Trustees of the Internal Improvements Trust Fund; and

(B) the State of Florida as governmental entity.

SEC. 704. AUTHORITY OF SECRETARY.

As Trustee of the Miccosukee Tribe, the Secretary shall—

(1)(A) aid and assist in the fulfillment of the Settlement Agreement at all times and in a reasonable manner; and

(B) to accomplish the fulfillment of the Settlement Agreement in accordance with subparagraph (A), cooperate with and assist the Miccosukee Tribe;

(2) upon finding that the Settlement Agreement is legally sufficient and that the State of Florida has the necessary authority to fulfill the Agreement—

(A) sign the Settlement Agreement on behalf of the United States; and

(B) ensure that an individual other than the Secretary who is a representative of the Bureau of Indian Affairs also signs the Settlement Agreement;

(3) upon finding that all necessary conditions precedent to the transfer of Miccosukee land to the Florida Department

of Transportation as provided in the Settlement Agreement have been or will be met so that the Agreement has been or will be fulfilled, but for the execution of that land transfer and related land transfers—

(A) transfer ownership of the Miccosukee land to the Florida Department of Transportation in accordance with the Settlement Agreement, including in the transfer solely and exclusively that Miccosukee land identified in the Settlement Agreement for transfer to the Florida Department of Transportation; and

(B) in conjunction with the land transfer referred to in subparagraph (A), transfer no land other than the land referred to in that subparagraph to the Florida Department of Transportation; and

(4) upon finding that all necessary conditions precedent to the transfer of Florida lands from the State of Florida to the United States have been or will be met so that the Agreement has been or will be fulfilled but for the execution of that land transfer and related land transfers, receive and accept in trust for the use and benefit of the Miccosukee Tribe ownership of all land identified in the Settlement Agreement for transfer to the United States.

SEC. 705. MICCOSUKEE INDIAN RESERVATION LANDS.

The lands transferred and held in trust for the Miccosukee Tribe under section 704(4) shall be Miccosukee Indian Reservation lands.

Mr. GORTON. Mr. President, the amendment is sponsored jointly by the two Senators from Florida, Senators MACK and GRAHAM.

Mr. INOUYE. Mr. President, as vice chairman of the authorizing committee of jurisdiction, I call upon my colleague from Florida to allow this settlement to have the benefit of a hearing in the committee.

In the absence of a hearing in the Senate, there will be absolutely no legislative history associated with the action that the Senate would be taking in approving this settlement.

I know of no other Indian settlement that has been ratified without full consideration in the authorizing committees.

As you well know, the Congress is vested with plenary authority in the field of Indian affairs.

We have always taken our responsibilities in this area very seriously—and I believe that it is incumbent upon us to have the benefit of a record upon which we can base a ratification of this settlement agreement.

If the hearing schedule that the chairman of the Committee on Indian Affairs has established is full, I would be pleased to chair a hearing on this settlement in the very near future, and you can be assured of my personal commitment that committee action on the settlement will be expedited.

With these commitments in mind, I ask the Senator from Florida to withdraw his amendment and allow the authorizing committee to do its work.

Mr. GORTON. The Miccosukee Settlement Act of 1997 brings closure to disputes between the Miccosukee Tribe of Indians of Florida and the Florida Department of Transportation in connection with the construction of Interstate 75. It has been cleared on all sides.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1236) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1237

(Purpose: To provide support for the Office of Navajo Uranium Workers to establish a diagnostic program for uranium miners and mill workers)

Mr. GORTON. Mr. President, I send an amendment to the desk on behalf of Senators BINGAMAN and DOMENICI.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. BINGAMAN, for himself and Mr. DOMENICI, proposes an amendment numbered 1237.

Mr. GORTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 86, line 11, insert before the period, '': *Provided further*, That an amount not to exceed $200,000 shall be available to fund the Office of Navajo Uranium Workers for health screening and epidemiologic followup of uranium miners and mill workers, to be derived from funds otherwise available for administrative and travel expenses''.

Mr. GORTON. This amendment has to be with providing screening to certain Navajo Indians for certain, I believe, uranium-related diseases.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1237) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1238

(Purpose: To provide funding for the U–505 National Historic Landmark by reprogramming funds previously made available for the Jefferson National Expansion Memorial)

Mr. GORTON. Mr. President, I send an amendment to the desk on behalf of Senator MOSELEY-BRAUN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Ms. MOSELEY-BRAUN, proposes an amendment numbered 1238.

Mr. GORTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 17, between lines 22 and 23, insert the following:

(Reprogramming)

Of unobligated amounts previously made available for the Jefferson National Expansion Memorial, $838,000 shall be made available for the U–505 National Historic Landmark.

Mr. GORTON. Mr. President, this transfers money from one Illinois project to another for the restoration of a World War II submarine.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1238) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

GRAND STAIRCASE-ESCALANTE NATIONAL MONUMENT

Mr. HATCH. Mr. President, I rise today to praise my good friend Senator SLADE GORTON for his efforts in putting together this important legislation. It is particularly important to my state, where over 70 percent of our land is owned or managed by the Federal government.

My colleagues will recall that one year ago, President Clinton stood on the edge of the Grand Canyon in Arizona and designated 1.7 million acres of Utah as the Grand Staircase-Escalante National Monument. Since that time, we have been discussing the future of this monument and what the short and long term impacts will be to my state and the surrounding communities. There are many questions and concerns that remain to be addressed. But, I am confident that during the next two years, the Bureau of Land Management will develop a management plan which properly and effectively addresses these matters. For this reason, I am pleased that H.R. 2107, the Interior Appropriations bill, includes $6.4 million for the planning, management, and operation of the new monument.

Mr. President, regardless of where public opinion eventually comes down on this new monument and the controversial way in which it was created, we should not forget the important lessons we have learned from the experience. When citizens are deliberately excluded from government deliberations that so directly impact their homes, communities, schools, and families,

damage is done to the very institution of democracy. This is what happened prior to last September 18. Unfortunately, the message received by the people of Southern Utah last year was that the federal government knows best and has the right to impose its narrow vision without regard to those most affected.

I am confident that we can go forward from here and begin the process of rebuilding the trust we lost one year ago. A vital part of this rebuilding process is the inclusion of those parties directly affected from the monument's designation in the development of the monument's management plan. The Committee Report accompanying H.R. 2107 directs the BLM to continue its cooperative efforts with state and local governments and the citizens of Utah in the plan's development. While the Report gives specific and practical direction to the BLM, the language also provides the agency with the flexibility its needs to address the unknowns that will invariably arise in the early stages of this sweeping process to develop a management plan.

I would like to state for the record that I am pleased with the progress made so far by the BLM in working with the local communities. I am particularly glad to see that collaborative efforts have been formed between the federal agencies and the local communities involved, specifically Kane and Garfield counties, where the monument is located. The cooperative agreements that we renegotiated earlier this year are a good start. They provide for continued local participation in the development of the monument's management plan as well as in the actual delivery of visitor services.

Mr. President, we have learned in the West that the best manner to implement successful land policies is to involve the communities that are directly affected by them. Wherever possible, we should proceed in the spirit of a partnership between the affected local governments and the national government. This is especially true with the Grand Staircase-Escalante National Monument, where many of the local citizens have their entire lives invested in this region. They want to see the Monument developed; they want to see it succeed. They deserve a seat at the planning table, and I am pleased the BLM is sensitive to this issue. In the end, the residents of the area will be providing the necessary services to visitors.

In closing, I would like to commend the Chairman of the Subcommittee, Senator GORTON, and especially my colleague, Senator BENNETT, for their diligent efforts on the Appropriations Committee to ensure that the necessary funding and direction will be there to help make the monument a success for all involved.

I yield the floor.

COAL IN THE KAIPAROWITS COAL BASIN

Mr. HATCH. Mr. President, I would like to discuss a matter related to the pending legislation in that it concerns a study commissioned by the Bureau of Land Management.

As my colleagues know, last September, President Clinton invoked the authority granted under the Antiquities Act of 1906 to create the Grand Staircase-Escalante National Monument in southern Utah. The total acreage contained within the new monument is 1.7 million acres, or approximately an area the size of the states of Connecticut, Delaware and Rhode Island combined. This action, undertaken behind closed doors and without any input from the public, including the Utah congressional delegation or Utah's governor, has caused considerable upheaval throughout my state. I say this not because we are opposed to the designation of national monuments, but because of the process utilized to designate the monument and because of the short and long term impacts to the local communities and their economies which, unfortunately, are currently unknown.

Those of us in Congress are working with the State of Utah and the Clinton Administration to develop a management plan for the monument that meets the needs of the managing agent—the Bureau of Land Management (BLM)—the state, and the surrounding communities. I am grateful that the report accompanying this year's Interior appropriations bill includes language to address these needs, and I wish to publicly thank Senator GORTON for his efforts.

At the same time, I am concerned about the atmosphere existing in my state as it relates to the new monument. The manner in which the monument has been designated has created a high level of mistrust among certain parties. Unfortunately, there is considerable disinformation circulating throughout the affected areas that compounds this problem and fans the fire of antifederal sentiment. To be honest, I can hardly blame them. A major torpedo was launched directly at these rural communities. If such an abuse of federal executive power ever occurs again, it will be too soon.

Yet, while the citizens of my state remain angry and disillusioned regarding this entire episode, they understand it is fait accompli. As I anticipate the planning for the future of this new monument, including the preservation of Utah's existing rights as promised last year by the President and the equitable exchange of state trust lands captured within the monument's boundaries, it is critical that an environment of trust be created among all parties involved in this process. That environment must be established first by ensuring that the basis for decisionmaking is accurate and comprehensive.

Earlier this year, the BLM released a study prepared by BXG, Inc., a private contractor, entitled ''Kaiparowits Plateau—Coal Supply and Demand.'' This study discussed the marketability of the coal reserves of the Kaiparowits Plateau, which are located entirely within the Grand Staircase-Escalante Monument, and which are technically unreachable because of the monument's existence. Personally, I believe it is an abuse of the Antiquities Act to designate a monument simply to prevent a coal mine from being developed, but that is what has happened in this case and one of the primary reasons why the President signed this order acted in the fashion he did almost one year ago. Several pending lawsuits will determine if, indeed, this has been an unwarranted extension of the Antiquity Act's authority.

In the meantime, the BXG study concludes that the Kaiparowits coal is of poorer quality and higher cost than current reserves located in the Wasatch Plateau and the Book Cliffs. As a result, they conclude that Kaiparowits coal will have little or no demand until at least the year 2020. These conclusions by BXG, and as far as I know, supported by the BLM, are erroneous and cannot go unchallenged.

The Director of the Utah Geological Survey recently analyzed this study and found that BXG used numerous invalid assumptions as it prepared its study.

For example, estimates of recoverable coal reserves in the Kaiparowits Plateau were based on recovery amounts in the Appalachian coalfield, a region with vastly different geology and history of operation. Kaiparowits coal recovery would be at least twice that of the Appalachian region.

Also, the study assumes an average coal quality for Kaiparowits coal instead of the quality of the coal that would actually be mined. The quality of coal produced from Kaiparowits would be comparable to compliance coal currently mined in central Utah.

And, the productivity for a Kaiparowits mine was based on the average productivity rate for all western long wall mines during 1990–95. Historically, Utah underground mines are the most productive mines in the U.S., and the nature of the Kaiparowits deposits would likely make the new mines more productive than any others in the region.

Finally, the thick flat nature of Kaiparowits coal seams and their shallow overburden would lower costs for development, not increase them, as assumed by BXG.

There are other deficiencies in the BXG study that have been identified which I will refrain from mentioning here.

In sum, energy experts for the State of Utah using assumptions that are more appropriate for the resource characteristics and market conditions of the Kaiparowits Plateau coal fields have demonstrated that coal mined from the Kaiparowits Plateau is of sufficient quantity and quality, and would likely have production costs that would make it an economically viable source of future supply for many utility and industrial markets in the West.

What we have here may be a disagreement of what the facts mean among experts.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1239

(Purpose: To ensure an orderly transition to newly implemented guidelines on National Forests in Arizona and New Mexico)

Mr. GORTON. Mr. President, I ask unanimous consent that any pending amendment be set aside and that I be able to present an amendment on behalf of Senators DOMENICI and KYL to ensure an orderly transition to newly implemented guidelines on National Forests in Arizona and New Mexico. And I assure Members that the other Senators from the States agree and the amendment has been cleared.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. DOMENICI, for himself and Mr. KYL, proposes an amendment numbered 1239.

Mr. GORTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . IMPLEMENTATION OF NEW GUIDELINES ON NATIONAL FORESTS IN ARIZONA AND NEW MEXICO.

(a) Notwithstanding any other provision of law, none of the funds made available under this or any other Act may be used for the purposes of executing any adjustments to annual operating plans, allotment management plans, or terms and conditions of existing grazing permits on National Forests in Arizona and New Mexico, which are or may be deemed necessary to achieve compliance with 1996 amendments to the applicable forest plans, until March 1, 1998, or such time as the Forest Service publishes a schedule for implementing proposed changes, whichever occurs first.

(b) Nothing in this section shall be interpreted to preclude the expenditure of funds for the development of annual operating plans, allotment management plans, or in developing modifications to grazing permits in cooperation with the permittee.

(c) Nothing in this section shall be interpreted to change authority or preclude the expenditure of funds pursuant to section 504 of the 1995 Rescissions Act (Public Law 104–19).

Mr. DOMENICI. Mr. President, the purpose of the amendment is to ensure that the Forest Service can implement changes to the grazing program in the Southwest region in an orderly fashion.

Currently the Southwest Region of the Forest Service is working to implement amendments it has made to the land use plans on all of its 11 National Forests.

These amendments were made in response to litigation over threatened and endangered species habitat, and were adopted in June, 1996.

Since the amendments were adopted, the Forest Service has been taken back to court, because some groups believed that the they were not acting fast enough to implement the plans.

The Forest Service is now under a court order to maintain the status quo.

This has allowed them to continue working toward compliance with the forest plan amendments while the Appeals Court decides the case.

Since late July, when the injunction was issued, the Forest Service has completed a review of over 1,300 grazing allotments in the two states.

The review indicates that more than half do not fully comply, and over 250 have been determined to be of a ''high priority.''

Under the Forest Service's stated plan of action, they will study and determine the best way to bring these allotments into compliance with the forest plans in priority order.

Once this is determined, the Forest Service will begin implementing changes that are needed at the beginning of the next grazing season in March.

The plaintiffs in this case, however, have long been opposed to livestock grazing on public lands.

This amendment does not preclude the Forest Service from taking appropriate and timely action to protect the threatened and endangered species.

It simply provides time for the agency to implement changes in a thoughtful and orderly manner, without the pressure from further litigation.

This time will allow the Forest Service to work with those who to date have been completely left out of this process.

These are the same people who are most likely to be adversely affected by implementation of the amendments.

I hope the Senate will support this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1239) was agreed to.

Mr. GORTON. I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

UNANIMOUS-CONSENT AGREEMENT—S. 830

Mr. LAUTENBERG. I would like to put in a unanimous-consent request to yield the hour of time that I have to Senator KENNEDY on the cloture vote on S. 830.

Mr. GORTON. Reserving the right to object, I did not hear the request of the Senator.

Mr. LAUTENBERG. I have an hour reserved on the cloture motion on S. 830.

Mr. GORTON. No objection.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that I be able to yield that hour to Senator KENNEDY.

The PRESIDING OFFICER. The Senator has that right.

Mr. GORTON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, when the Senate turns to S. 830, I yield my 1 hour to the minority leader under the cloture rule.

The PRESIDING OFFICER. The Senator has that right.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1240

(Purpose: To make a technical correction to title 31 of the United States Code relating to payments for entitlement land)

Mr. GORTON. Mr. President, I send an amendment to the desk making a technical correction to title 31 of the United States Code relating to payments for entitlement land on behalf of Senator STEVENS.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON] for Mr. STEVENS, proposes an amendment numbered 1240.

Mr. GORTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

Insert at the appropriate place:

SEC. . PAYMENTS FOR ENTITLEMENT LAND.—Section 6901(2)(A)(i) of title 31, United States Code, is amended by inserting ''(other than in Alaska)'' after ''city'' the first place such term appears.

Mr. STEVENS. Mr. President, the Department of the Interior has interpreted a provision I sponsored in the 1996 lands bill. This interpretation reduces monies intended to go to Alaska's unorganized borough as a payment