Mack	Sessions	Stevens
McConnell	Shelby	Thomas
Nickles	Smith (NH)	Thompson
Roberts	Smith (OR)	Thurmond
Roth	Snowe	
Santorum	Specter	

NAYS—49

Akaka	Edwards	Lincoln
Baucus	Feingold	Mikulski
Bayh	Feinstein	Moynihan
Biden	Graham	Murray
Bingaman	Harkin	Reed
Boxer	Hollings	Reid
Breaux	Inouye	Robb
Bryan	Johnson	Rockefeller
Byrd	Kennedy	Sarbanes
Chafee	Kerrey	Schumer
Cleland	Kerry	Torricelli
Conrad	Kohl	Voinovich
Crapo	Landrieu	Warner
Daschle	Lautenberg	Wellstone
Dodd	Leahy	Wyden
Dorgan	Levin	
Durbin	Lieberman	

NOT VOTING—2

McCain	Murkowski

The PRESIDING OFFICER (Mr. FRIST). On this vote, the yeas are 49 and nays are 49. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2466, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2466) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

Pending:

Gorton amendment No. 1359, of a technical nature.

Bond (for Lott) amendment No. 1621, to provide funds to assess the potential hydrologic and biological impact of lead and zinc mining in the Mark Twain National Forest of Southern Missouri.

Hutchison amendment No. 1603, to prohibit the use of funds for the purpose of issuing a notice of rulemaking with respect to the valuation of crude oil for royalty purposes until September 30, 2000.

Robb amendment No. 1583, to strike section 329, provisions that would overturn recent decisions handed down by the 11th circuit corporation and federal district court in Washington State dealing with national forests.

AMENDMENT NO. 1621

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote on or in relation to amendment No. 1621.

The Senator from Missouri.

Mr. BOND. Mr. President, this amendment requires a study of mining in the Mark Twain Forest to address the scientific gaps identified specifically by the Director of the U.S. Geological Survey on behalf of the Forest Service, EPA, and others. While the information is collected, it delays any prospecting or withdrawal decisions for the fiscal year.

It does not permit mining, prospecting or weaken environmental standards. It preserves the long-term requirements of a full NEPA process, which will ultimately dictate whether additional mining will occur.

The opponents seem to have an argument not with me but with the administration scientists who have concluded that there is insufficient information. The bipartisan county commissioners of the eight counties in the area are unanimous and adamant in their support. I met with the representatives of the 1,800 miners whose continued livelihood in this poor area depends on the opportunity to continue to mine. They want a hearing held in Mark Twain country.

I ask unanimous consent that the two additional letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE, MARK TWAIN NATIONAL FOREST,
Rolla, MO, July 27, 1999.

Hon. CHRISTOPHER BOND,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOND: Thank you for the opportunity to respond to the situation concerning the collection of data to assess the potential impacts of lead mining on the Doniphan and Eleven Point Ranger Districts of the Mark Twain National Forest. These two districts were acquired in the Fristoe Purchase Unit in the 1930's, so there is some documentation that refers to the area as the Fristoe Unit. A Multi-agency Technical Team was established in 1988 to identify and collect the information necessary to evaluate the impacts of mining upon this area of the Forest. The Forest Service has chaired this Team since it began and since 1989 the Forest staff officer for Technical Services, Bob Willis, has been Chair. The original charter for the Team is enclosed.

A great deal of information has been collected, but there is much that remains to be gathered if a decision for mineral production is ever proposed. At this time, there are no proposals for exploration or leasing in this area of the Forest. The information that has been gathered is all that is identified in Phase I of the plan and is a portion of the information that may be required. The remaining information identified will be collected only if a proposal to mine is made. A proposal to withdraw the area from mineral entry would require collection of similar information.

Members of the Multi-agency Technical Team as well as a summary of the information the Team has collected is enclosed.

We anticipate the Technical Team will identify additional site specific information if a proposal to mine or a proposal to withdraw the area from mineral entry is made. This information will only be a portion of the information necessary to make a National Environmental Policy Act decision, and a multi-disciplinary team will take the Technical Team data as well as cultural, economic, social, biological, and additional ecological information to analyze the impacts of mining. Funding for the Technical Team information collection has been limited, and only a small portion of the data identified as needed for a mining decision has been collected. The remaining information will be extremely expensive to collect and has been waiting on a proposal to mine to initiate collection. The technical data needed to analyze the impacts of mineral development in this portion of the Forest is complex and the technical Team has done a good job identifying the technical data needs of the decision and collecting the first place of information. Additional effort by the Team will be needed on any mineral entry or withdrawal proposal.

Thank you for your interest regarding this issue and the Mark Twain National Forest. If you have additional questions, please contact me.

Sincerely,

RANDY MOORE,
Forest Supervisor.

MULTI-AGENCY TECHNICAL TEAM MEMBERS

USDA Forest Service—Mark Twain National Forest.
Bureau of Land Management.
National Park Service—Ozark National Scenic Riverways.
Environmental Protection Agency.
U.S. Geological Survey—Water Resources Division.
U.S. Geological Survey—Geologic Division.
U.S. Geological Survey—Mineral Resource Program.
U.S. Geological Survey—Mapping Division.
Missouri Department of Natural Resources.
Missouri Department of Conservation.
U.S. Geological Survey—Columbia Environmental Research Center.
Ozark Underground Laboratory.
Doe Run Company.
Cominco.
University of Missouri—Rolla.
U.S. Fish and Wildlife Service.

U.S. DEPARTMENT OF THE INTERIOR,
U.S. GEOLOGICAL SURVEY,
Reston, VA, July 30, 1999.

Hon. CHRISTOPHER S. BOND,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOND: This is in response to your letter of July 20, 1999, to Mr. Jim Barks, related to mining in the Mark Twain National Forest (MTNF) area. In your letter, you ask that we provide a brief and clear assessment as to the quality of information that was compiled by the interagency technical team charged with building a ''relevant database to assess mining impacts and base future decisions.'' You ask that we, ''specifically address the question as to the adequacy and relevance of information currently available to provide a solid scientific foundation for any decision to justify either withdrawal or mining in the region.''

In 1988, an interagency technical team was assembled to guide the identification, collection, and dissemination of scientific information needed to assess the potential environmental impact of lead mining in the MTNF area. Since 1989, the team has been chaired by Bob Willis of the Forest Service. The U.S. Geological Survey (USGS) has actively participated on the team from the beginning, with Mr. James H. Barks, USGS Missouri State Representative, serving as our representative.

The technical team believes that there is insufficient scientific information available to determine the potential environmental impact of lead mining in the MTNF area. This is a consensus opinion that the technical team has held from the beginning through the present. Due to the lack of scientific information available to assess the potential impacts of lead mining, the technical team proposed that a comprehensive study be conducted.

In January 1998 at the request of the technical team, the USGS prepared a proposal for a multi-component scientific study to address the primary questions about the potential environmental impacts of lead mining in

the MTNF area. Mr. Barks provided a copy of the proposed study to Brian Klippenstein of your staff at his request on July 9, 1999. Neither a requirement for full environmental review to support a Secretarial decision nor a source of funding has been established. For these reasons the proposed study has not been initiated.

Please let us know if we can provide additional information or assistance.

Sincerely,

CHARLES G. GROAT,
Director.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I urge colleagues to oppose the Bond amendment. This sets the stage for lead mining in the Mark Twain National Forest, one of the most beautiful recreational areas in the Midwest. This is opposed by the Governor of Missouri, the attorney general of Missouri, every major newspaper in the State, a score of different groups of citizens living in the area, as well as environmental groups.

To open this area to lead mining is to run the risk of making an industrial wasteland out of one of the most beautiful recreation areas in Missouri. It is an area shared by those of us who live in Illinois and in many other States. At the current time, the Department of the Interior has the authority to review this. What the Senator from Missouri is attempting to do is to circumvent that process. That should not happen. Please, preserve this land owned by the taxpayers of America, which should not be exploited for lead mining purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) and the Senator from Alaska (Mr. MURKOWSKI) are necessarily absent.

The result was announced—yeas 54, nays 44, as follows:

[Rollcall Vote No. 265 Leg.]

YEAS—54

Abraham	Enzi	Mack
Allard	Fitzgerald	McConnell
Ashcroft	Frist	Nickles
Bennett	Gorton	Roberts
Bond	Gramm	Roth
Brownback	Grams	Santorum
Bunning	Grassley	Sessions
Burns	Gregg	Shelby
Byrd	Hagel	Smith (NH)
Campbell	Hatch	Smith (OR)
Chafee	Helms	Snowe
Cochran	Hutchinson	Specter
Collins	Hutchison	Stevens
Coverdell	Inhofe	Thomas
Craig	Jeffords	Thompson
Crapo	Kyl	Thurmond
DeWine	Lott	Voinovich
Domenici	Lugar	Warner

NAYS—44

Akaka	Feingold	Lieberman
Baucus	Feinstein	Lincoln
Bayh	Graham	Mikulski
Biden	Harkin	Moynihan
Bingaman	Hollings	Murray
Boxer	Inouye	Reed
Breaux	Johnson	Reid
Bryan	Kennedy	Robb
Cleland	Kerrey	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Kohl	Schumer
Dodd	Landrieu	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden
Edwards	Levin	

NOT VOTING—2

McCain	Murkowski

The amendment (No. 1621) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1583

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote on or in relation to the pending Robb amendment No. 1583.

The Senator from Virginia.

Mr. ROBB. Mr. President, this amendment would strike section 329, the legislative rider which attempts to bypass the administrative and legislative process. Section 329 would overturn recent Federal court decisions which merely required the Forest Service to collect the data the law requires for making forest management decisions like cutting timber. It would apply to all activities that are affecting wildlife on all 450 million acres of public lands in the United States. The Secretaries of Agriculture and the Interior said:

It is unnecessary, confusing, difficult to interpret, and wasteful. If enacted, it will likely result in additional and costly delays, conflicts, and lawsuits, with no clear benefit to the public or the health of public lands.

It is opposed by the Forest Service. It is opposed by BLM. The Forest Service can comply and is complying with the court rulings. They are gathering the information now.

Last night, my colleagues complained that the New York Times and the Washington Post did not understand the Northwest. Here is what the Seattle Times has to say about the decisions, in an editorial opposing section 329 with the headline, ''No More Outlaw Logging.''

It falls to the Forest Service to balance scientific and commercial interests . . . keeping the Forest Service honest and forcing it to commit resources to make the plan work.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Washington.

Mr. GORTON. Mr. President, the effect of the Robb amendment would be to terminate all harvests on all public lands in the United States and much recreational activity that requires any kind of improvement. It requires between $5 billion and $9 billion worth of wildlife surveys beyond endangered species, surveys that are unnecessary and so expensive that it will not be wise to go ahead with any of them.

The amendment does not require the Forest Service or the Secretary of the Interior to do anything. It simply authorizes them to conduct their business in the future as they have conducted it in the past. If they do not want to, if they want to go after these surveys, they still can. Section 329 is entirely discretionary and is entirely within the power of the administration to interpret as it wills.

Mr. LOTT. Mr. President, I express my full support for Senator GORTON's section 329. It is the right thing to do because, without it there would be a new $8 billion mandate on the Forest Service.

This provision is needed because it affirms a position taken by three circuit courts and nine Federal courts. Senator GORTON's effort is necessary because it will ensure that the Forest Service and the Nation have a uniform public policy.

The opponents of section 329 want to ignore the position taken by three circuit courts and nine Federal courts because they got the decision they liked from the 11th Circuit Court.

There is a certain irony here. Here is an instance where environmentalists do not want a one-size-fits-all national policy.

Senator GORTON's provision helps the Forest Service. It properly eliminates very expensive and completely unnecessary work by the Forest Service.

Senator GORTON would allow the Forest Service to rely on sampling data regarding available habitats for the species.

Opponents want the Forest Service to count the actual populations of the species—not just once, but several times to determine population trends. In each case, the three circuit courts and nine Federal courts did not buy this argument.

Currently, the Forest Service has followed the Federal court decisions. It has correctly contained to inventory wildlife by habitat availability for almost two decades.

Now, the Senate is being asked to ignore 20 years of experience plus decisions from three circuit courts and nine Federal courts.

Mr. President, I do not want to ignore the experts at the Forest Service.

The Senate is also faced with a decision that will significantly increase the cost of operating the timbers sales program in the Forest Service. Eight billion dollars is real money and spending the taxpayer's hard earned money unwisely is criminal.

Let me put the Senator ROBB mandated spending into a context. Eight billion dollars is 2½ times the entire annual budget of the whole Forest Service.

Mr. President, it is clear the 11th Circuit Court has ''overreached'' and Senator ROBB'S mandated spending is unjustified.

The current wildlife data requirements can be applied nationwide without threatening species habitats. But timber sales, an authorized and core mission of the Forest Service, would be placed in jeopardy.

In Mississippi, timber sales are the lifeblood of many counties. It funds children's education in some of Mississippi's and the Nation's poorest counties.

Congress must ensure that Forest Service timber sales continue in a timely fashion.

I urge my colleagues to vote against the efforts of Senator ROBB. His amendment would, quite frankly, destroy the fiscal viability of two counties in Mississippi. Wayne County and Perry County are currently listed by Federal Governments as two of the poorest in the Nation. They depend on Federal timber sales—remember, this is a legal and primary mission of the Forest Service.

Mr. President, Senator GORTON's section 329 is the right provision on the right appropriation bill.

Mrs. MURRAY. Mr. President, we all want to solve the problems concerning implementation of the Northwest Forest Plan and the so-called ''survey and manage'' requirements. I have long supported and continue to support the plan and believe it should work as written. Unfortunately, section 329 undermines the important protection and scientific credibility of the forest plan and does not solve the current problems. That's why today I supported the Robb/Cleland amendment to strike section 329 from the fiscal year 2000 Interior appropriations bill.

Recently, a Federal court injunction halted dozens of timber sales in Washington, Oregon, and California. The injunction is not the fault of the timber industry, the environmental community, or the Northwest Forest Plan. The blame rests squarely on the forest Service and the Bureau of Land Management (BLM). They have failed to undertake the survey and manage requirements of the forest Plan despite having five years in which to do so. The Forest Service and BLM may believe they were meeting the requirements of the forest Plan, but clearly they did not. Unfortunately, the Forest Service and BLM's failure is harming innocent communities and, potentially, species.

The Northwest Forest Plan came out of a time of discorded in the Pacific Northwest. In 1992, our timber industry was shut down by the spotted owl. The Forest Plan was designed to provide industry with a greater assurance regarding timber harvest levels, while also protecting the forests and the species they support.

The Northwest Forest Plan's survey and manage provision was developed by scientists to help land mangers reduce the potential 9mpact of timber harvests and other activities on a wide variety of currently unlisted species, ranging from fungi, to mollusks, to tree voles. The result should have been a management program for the Pacific Northwest national forest that provided for stable timber harvest levels and protection against another spotted own crisis. That hasn't happened.

However, we cannot abandon the Northwest Forest Plan. We especially cannot abandon it without putting in place other ways to protect our forests species and provide a sustainable flow of timber.

Section 329, is not a solution to the failure of federal agencies to meet their survey and manage requirements. The solution lies in the forest Service and BLM getting their acts together and doing what they are required to do. If some of the survey and manage requirements are flawed or unnecessary, we need the Federal agencies and the scientific community to tell us. We can then all work to find a balanced solution. I commit to working with the industry, agencies, environmentalists, and my colleagues to find a way to make the Northwest Forest Plan work.

Mr. COVERDELL. Mr. President, I rise today in opposition to the amendment offered by the Senator from Virginia, Mr. ROBB, that will move to strike a section of the Interior appropriations bill that is not only important to the future of the management of our national forests, but critical to the taxpayers of this country.

Section 329 of the fiscal year 2000 Interior appropriations bill is a necessary clarification to the National Forest Management Act provision that requires the Forest Service to include wildlife diversity in its management of the national forests. A recent decision by the 11th Circuit Court determined that the Forest Service must conduct comprehensive wildlife population surveys in every area of each national forest that would be disturbed by a timber sale or any other management activity in order to authorize that activity.

This may seem like a simple requirement. However, in order to understand this amendment, you need to understand what types of surveys are currently being done and how expensive it would be to comply with the new recent decision. It is also important to know that this decision overturns 17 years of agency practice and is contrary to decisions in 3 other courts of appeal.

From 1982 until 1999, the Forest Service has consistently interpreted its rules implementing the wildlife diversity by inventorying habitat and analyzing existing population data when determining the effect of planning decisions on wildlife populations. During this same 17 year period, the United States Court of Appeals for the Fourth, Eighth, and Ninth Circuits have upheld the Forest Service's interpretation of its own rule, not to mention several lower courts.

Then this year the Eleventh Circuit overruled a lower court decision concerning one national forest in Georgia and found that the Forest Service, despite two decades of agency interpretation and performance and judicial opinions, must count every member of every species on the ground. This decision sets a standard never seen before in the management of our national forests. The cost estimate to carry out such a laborious task could be as high as $9 billion. That is almost three times the entire National Forest Service budget. This inventory standard is unachievable and sets a paralysis on the management of our national forests.

In my home State of Georgia, this decision threatens small saw mills that purchase their lumber from public lands as well as fisheries and wildlife projects, recreation, land exchanges and new facility construction such as trails and campgrounds. Section 329 will reapply the standard that the Forest Service has been using for the past 17 years, and allow for a balance between protection of wildlife and protection of public lands.

I strongly urge my colleagues to look beyond the rhetoric on this amendment and see that section 329 does not interfere with the judicial process, nor does it reverse current policy of the Forest Service or the Bureau of Land Management. It simply allows agencies to use the best information that is available to them to protect our national forests. I urge you to support sensible management and vote ''no'' on the amendment to strike the language of section 329.

Mr. HUTCHINSON. Mr. President, I rise today in opposition to Senator ROBB's amendment to strike section 329 from the Interior appropriations bill. This effort is misguided and I urge my colleagues to understand the need for this Section if our National Forests are going to continue to function.

The ability of my home State's national forests to provide timber and other important resources is critical to the survival of many communities. I know the supervisors of both the Ozark-St. Francis and Ouachita National Forests in Arkansas. They are dedicated to preserving the forests' survival and natural beauty, while providing a healthy source of timber. The timber purchase program in Arkansas is one of the few in the country that consistently makes a profit. Not only does Arkansas' timber industry benefit, but so do school children who receive a portion of the earnings from the timber sales.

Section 329 simply clarifies that despite a recent circuit court decision, the Secretaries of Agriculture and Interior should maintain the discretion to implement current regulations as they have been doing for nearly 20 years. Specifically, on February 18, 1999, the 11th Circuit Court of Appeals ruled that the Forest Service must conduct forest-wide wildlife population surveys on all proposed, endangered, threatened, sensitive, and management indicator species in order to prepare or revise national forest plans on all ''ground disturbing activity.'' Never

before has such an extensive and impossible standard been set by the courts. In the end, this ruling results in paralysis by analysis.

It would require the Forest Service to examine every square inch of a project area and count the animals and plant life before it approved any ''ground disturbing activity.'' The cost to carry out such extensive studies—studies which have never been required before—could be as much as $9 billion nationwide. How do we know this? Because the Forest Service does contract for population inventorying on occasion.

If one were to extrapolate from the $8,000 cost of one plant inventory, they will reach $38.1 million for the 864,000 acres within the Chattahoochee National Forest where the 11th Circuit Court decision originated. When applied to Arkansas, one could deduce that this action could cost my state's industry roughly $78 million. If applied to the 188-million acre national forest system, the cost reaches $8.3 billion. During the past two decades, nine separate court decisions have backed the way the Forest Service has been conducting their surveying populations by inventorying habitat and analyzing existing population data.

We appropriate roughly $70 million for forest inventory and monitoring. Are we prepared to shift the $9 billion necessary for this new standard? If not, this recent interpretation forces the Forest Service to shut down until they can apply the new standard.

The purpose of section 329 is not to change the court decision or set a new lower standard. It is simply to clarify that the existing regulation gives the discretion to the Forest Service and the BLM when determining what kind of surveys are needed when management activities are being considered.

Some of my colleagues would argue that this is an issue for the authorizing committees to deal with. I agree. This is an issue that absolutely should be dealt with by those committees. They need to determine whether the agencies have been correctly interpreting their regulation for the past 17 years. They need to determine whether it is sufficient to inventory habitat, rely on existing populations, consult with state and Federal agencies and conduct population inventories only for specific reasons. But I argue that the appropriations process should not be made to bear the burden while the authorizing committees study the question.

All section 329 seeks to do is preserve the status quo, as the already limited resources of our home States' National Forests would be further stretched if they are required to fund this new standard. I urge my colleagues to oppose this amendment and support sensible management.

The PRESIDING OFFICER. The question is on agreeing to amendment.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. ROTH (when his name was called). Mr. President, on this vote, Senator MURKOWSKI is absent but would have voted ''nay.'' If I were allowed to vote, I would vote ''yea.'' I therefore withhold my vote.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) and the Senator from Alaska (Mr. MURKOWSKI) are necessarily absent.

The result was announced—yeas 45, nays 52, as follows:

[Rollcall Vote No. 266 Leg.]

YEAS—45

Akaka	Feingold	Lieberman
Baucus	Feinstein	Mikulski
Bayh	Graham	Moynihan
Biden	Harkin	Murray
Bingaman	Hollings	Reed
Boxer	Inouye	Reid
Bryan	Jeffords	Robb
Chafee	Johnson	Rockefeller
Cleland	Kennedy	Sarbanes
Conrad	Kerrey	Schumer
Daschle	Kerry	Specter
Dodd	Kohl	Torricelli
Dorgan	Lautenberg	Warner
Durbin	Leahy	Wellstone
Edwards	Levin	Wyden

NAYS—52

Abraham	Enzi	Lugar
Allard	Fitzgerald	Mack
Ashcroft	Frist	McConnell
Bennett	Gorton	Nickles
Bond	Gramm	Roberts
Breaux	Grams	Santorum
Brownback	Grassley	Sessions
Bunning	Gregg	Shelby
Burns	Hagel	Smith (NH)
Byrd	Hatch	Smith (OR)
Campbell	Helms	Snowe
Cochran	Hutchinson	Stevens
Collins	Hutchison	Thomas
Coverdell	Inhofe	Thompson
Craig	Kyl	Thurmond
Crapo	Landrieu	Voinovich
DeWine	Lincoln	
Domenici	Lott	

PRESENT AND GIVING A LIVE PAIR—1

Roth, for

NOT VOTING—2

McCain Murkowski

The amendment (No. 1583) was rejected.

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

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

The motion to lay on the table was agreed to.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, what is the pending business?

AMENDMENT NO. 1603

The PRESIDING OFFICER. The pending amendment is the Hutchison amendment No. 1603.

UNANIMOUS CONSENT REQUEST

Mr. NICKLES. Mr. President, I see both the sponsor of the amendment and also a couple of opponents of the amendment.

I ask unanimous consent that we have an up-or-down vote on the Hutchison amendment no later than 12 o'clock today.

Mrs. BOXER. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. NICKLES. Mr. President, I ask unanimous consent that we have a vote on the Hutchison amendment no later than 5 p.m. today.

Mrs. BOXER. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. NICKLES. Mr. President, for the information of my colleagues, I would like to have a vote on the Hutchison amendment. I think the Senator from Texas has a good amendment. The Senator from New Mexico, Mr. DOMENICI, has worked on this amendment. It is unfortunate that it is needed.

I am chairman of the Energy Regulation Subcommittee, and we had a hearing on this issue. The issue was whether or not MMS could change policy on royalties, or does that take an act of Congress. Does MMS have the power to increase taxes or the power to increase royalties? They have the power to collect royalties; that has been the law. Do they have the power to change it?

I tell my colleague from California, if she is not going to give us a vote on the amendment, then I am going to move to table the amendment momentarily. I am going to make a couple more comments. If she wishes to have a couple of minutes on this, I will agree to that. I listened to the debate last night for a while. I wasn't able to get in here to join the debate. I will make a couple of comments momentarily. If the Senator from California wishes to speak before I move to table, I will agree to that.

Mrs. BOXER. Mr. President, may I ask the Senator from Oklahoma a question?

The PRESIDING OFFICER. The Senator may.

Mrs. BOXER. Mr. President, I say to my friend, it is very generous to offer me a little time before he moves to table. My friend and I have spoken. We are very open about our disagreement on this amendment and whether it is the right or the wrong thing. That will come out in our debate. We have a couple of people who wanted to talk and weren't able to get over here last night. Senator WELLSTONE has been waiting. We would be very happy to agree to quite a limited time, a few minutes, if that would be possible, before my friend makes his motion to table.

Perhaps we can have a unanimous consent agreement that includes sufficient time, not exceeding 10 or 15 minutes total, before he moves to table. And, by the way, we are all going to vote not to table. I don't exactly know why we are going to do this. We think this deserves more discussion.

Mr. NICKLES. Mr. President, I ask unanimous consent that we have 20 minutes of debate on the motion to table, equally divided between the Senator from Texas and the Senator from California.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from California is recognized.

Mrs. BOXER. Mr. President, I thank the Senator from Oklahoma for being generous. We know that under the rules he can move to table immediately, and we would not be able to have time for debate. I want to tell my friends from Illinois and Minnesota that I intend to yield to them under this unanimous consent request.

Let me set the stage, before I do that, by encapsulating in a very few minutes why I think the Hutchison amendment is not a good idea, why I think it is dangerous for the Senate to put its imprimatur on the Hutchison amendment, and why I think it is wrong for the taxpayers to continue to be cheated out of millions and millions of dollars.

Mr. President, if rushing through this center door here in this beautiful Senate Chamber we saw someone with a bag full of cash that he or she had stolen, we would call the police. Yet what is going on today on behalf of 5 percent of the oil companies is out and out thievery. Those are strong words, but they are backed up.

Listen to the words of USA Today. They say:

> Imagine being able to compute your own rent payments and grocery bills, giving yourself a 3 to 10 percent discount off the marketplace. Over time, that would add up to really big bucks. And imagine having the political clout to make sure nothing threatened to change that cozy arrangement.

They say:

> It is time for Congress to clean up this mess.

Yet the amendment we have before us continues this mess. We have already lost, because of these amendments in the past, $88 million from this Treasury. This amendment will continue that loss—another $66 million.

It is wrong. How do we know it is wrong? First of all, a royalty payment is not a tax. May I say that again. A royalty payment is not a tax. The Senator from Texas calls it a tax. It is not a tax. It is an agreement that is freely signed by the oil companies. It says they will pay royalty payments when they drill on Federal lands belonging to the people of the United States of America, and that payment will be based on the fair market value of the production. As a matter of fact, it is even stronger language:

> It shall never be less than the fair market value of the production.

Yet 5 percent of the oil companies that are vertically integrated are continuing to underpay. How do we know this? We know this because there is proof of this.

We know this because already the oil companies have settled with seven different States for $5 billion. In other words, rather than face the trial, they settled for $5 billion—I don't think any of us could imagine how much that is—because they didn't want to face the truth. They settled because they admitted it in essence, although technically they didn't. But by settling, the basic message is, we were wrong. How else do we know there is cheating going on?

How about the retired ARCO employee who said that the company underpaid oil royalties. Where do you think this ran? It didn't run in some liberal publication. It ran in Platt's Oilgram News. It is big news. It is big news—since the last time this rider went into effect.

Here he is, a retired Atlantic Richfield employee, admitting in court that while he was secretary of ARCO's crude price committee, the posted prices were far below market value. He basically says that he admitted he was not being truthful 5 years ago when he testified in a deposition that ARCO posted prices representing fair market value. What did he say while he was an ARCO employee? Some of the issues being discussed were still being litigated. He says: My plan was to get to retirement.

So you have a former employee from ARCO who raises his hand on the Bible and tells the truth about the scam that is going on. What does the amendment do? It continues the very scam that he has rebuked.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Five minutes 20 seconds.

Mrs. BOXER. I yield 3 minutes to the good Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I think the Hutchison amendment is one of the most outrageous provisions to be offered to the Interior appropriations bill and shouldn't be included in this legislation. This amendment would restrict the Interior Department from doing its job, which is to make sure that these oil companies pay full royalties for the oil they are drilling on Federal and Indian lands.

I thank the Senator from California, who is willing to stand up to oil companies. There are many Senators who will not do so. The Senator from California has the courage to do it.

I don't know why it is that all of a sudden we appear to have such sympathy for people who appear to be cheating the public. I know that when it comes to finding out what is happening to poor women and children, we do not seem to have a lot of interest in figuring out what is going on in their lives. I know that when we try to raise the minimum wage, my colleagues on the other side of the aisle want to block that. But in through the door walks the CEO of one of these large, integrated oil companies that has been underpaying its royalties—oil companies that have been heavy campaign contributors—and all of sudden we have sympathy to spare. We have sympathy coming out the wazoo. We feel their pain. All of a sudden, it is: ''At your service; we can do it for you, Senator. How can we serve you better?''

This is a vote about whether or not we have an open, accountable political process. These companies should pay their fair share, and when they try to get away with basically not being honest and paying what they owe the public, they call on their friends in the Congress. The Republican-led Congress answers their call without a moment's hesitation with an amendment to this bill. Congress comes to the rescue and rewards them for chronically underpaying the royalties which they owe to people in this country.

That is what this is all about.

I think this amendment is a sweetheart deal. It lets the oil companies off the hook. Frankly, I don't believe we should let them do that—not if we represent the people in this country.

I thank the Senator for her amendment. I will vote against tabling the amendment because I want to have a lot of debate and discussion. Because the more the people in this country know what is at stake on the floor of the Senate and understand what is going on, the better the chance we have of a significant victory.

Mrs. BOXER. Mr. President, will the Senator yield the remaining time?

How much time more time does the Senator have?

The PRESIDING OFFICER. The Senator has 30 seconds.

Mrs. BOXER. I want to ask the Senator if he was aware that the Hutchison amendment had been included in the bill, and whether when it came out of the Appropriations Committee it was stripped out because it was deemed legislating on appropriations. Now it is back before us in a little bit of a changed technical fashion. But doesn't the Senator agree with me that the Senator from Texas is legislating on an appropriations bill?

This is a matter that is very serious. It is not about appropriations. As a matter of fact, it is stealing appropriations. It is stealing money from the people. It results in money being lost from the Interior bill.

Mr. WELLSTONE. I don't have time. But I agree.

Mrs. BOXER. Mr. President, I reclaim any time and give an additional 30 seconds to the Senator.

If he will continue to yield, doesn't he believe that this kind of a rider doesn't belong on this bill?

Mr. WELLSTONE. I don't think the rider belongs on this bill. I don't think the rider belongs on any bill. I think these oil companies should pay the royalty. I think the public is cheated when they don't. I don't think, because they are big contributors and heavy hitters, that they should be taken off the hook. I don't believe it should be included in any bill, especially this bill.

Mrs. BOXER. I thank my friend. I leave the remaining time to the Senator from Illinois.

Before I do, I wanted to call to my colleagues' attention a Los Angeles Times editorial, ''The Great American Oil Ripoff.'' ''America's big oil companies have been ripping off Federal and State Governments for decades by underpaying royalties for oil drilled on public lands.''

It goes on. It says that Congress should not buckle to the pressure of the oil lobby, and that the Hutchison bill should be defeated.

Let me say I don't think you need a degree in economics; I don't think you need a degree in political science to know cheating when you see it. We know cheating when we see it. We know these companies are settling for billions because they do not want to face the courts. Yet this Senate, if it votes for the Hutchison amendment—I feel so strongly about it—is putting its approval on organized cheating. How do we know that it is organized? Because we have had former ARCO executives and others admit that it was, in fact, planned and organized.

I yield the remaining time to Senator DURBIN.

Mr. President, may I ask how much time I have remaining?

The PRESIDING OFFICER. Twenty seconds.

Mrs. BOXER. I am sorry.

Mr. DURBIN. Mr. President, let me say in conclusion that this is one of the legislative riders that calls into question the basic issue. Who owns the public lands of America? Will they be a playground for the companies that want to come in and use our lands to make a profit, or will these companies pay their fair share for using public lands?

The Senator from California is resisting Senator HUTCHISON's amendment. She wants these companies to pay their fair share in royalties.

The PRESIDING OFFICER. The Senator's time has expired.

Who seeks time?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I wonder if the Senator from Texas would give me time. I know the Senator from Louisiana wants a couple of minutes.

Mrs. HUTCHISON. Mr. President, I yield 2 minutes to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 2 minutes.

Mr. BREAUX. Mr. President, I thank the Senator for yielding.

When I heard some of the arguments by my colleagues about cheating, stealing, and lying, I thought I was listening to a country and western song at one point. The question is not about cheating, stealing, and lying. It is not about whether you have sympathy for the oil companies coming out the wazoo. I checked my wazoo, and I don't have any sympathy for the oil companies coming out of it. But I do think I have sympathy for what is fair and what is right.

The Federal Government owns the oil, and it allows companies to explore and produce it. The companies give back in return one-sixth or one-eighth of the royalties to the Federal Government—to the taxpayers of the United States—in payment for the right to do this type of production.

The only question is, What is the value of oil? The companies don't set that. We do. Congress does. The only issue is, How do you determine the legitimate value of the oil?

We have a formula that has been in place for years. The Federal Government, through minerals management, said we will try to make it simple. We are not going to try to raise any additional money and keep it revenue-neutral. We want to have a simpler way of doing it.

The issue now boils down to the regulations. They are very complicated. It is not an easy process. How do you determine the price of oil that is produced in the middle of the Gulf of Mexico? If you sold it at the well 200 miles offshore, it would be easy to determine what the price is. But it is not sold in the middle of the Gulf of Mexico. It is transported hundreds and hundreds of miles onshore where it is refined and then ultimately sold.

The question is, What is the legitimate production price? Who pays for the transportation from the middle of the gulf? It is the Federal Government's oil. Do the companies pay for the transportation, or does the Federal Government pay for the transportation?

The question is, What is the legitimate production in determining what the price is?

Could I have 30 seconds to conclude?

What the Senator from Texas has done is say: Look, pull over. There is a huge disagreement. It is very difficult and very complicated. Nobody is stealing, cheating, or lying. But we need a little bit more time to try to bring both sides together to come up with a realistic way of determining fair market value.

I think our amendment is a good one and should be supported.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I appreciate so much the explanation of the Senator from Louisiana because he is getting to the real point.

This chart shows what the MMS is proposing to do under the new rule. As the Senator from Louisiana said, the mandate to MMS was to simplify the rule so the Federal Government and the taxpayers of America get a fair share of the oil royalties. This is what they have come up with.

I believe if we can have a 1-year moratorium that MMS, which has a new leader, will come forward with a reasonable plan. It is not going to tax costs. No other industry has a tax on their transportation costs and their marketing costs. It is going to be a fair return. That is what we are after.

I want to make one other point before I yield to the Senator from New Mexico.

We keep hearing about this former ARCO employee and all of the oil companies settling. But the Senator from California fails to mention that 2 weeks ago, there was a verdict by a jury in California saying that Exxon did not cheat the taxpayers of California. That is the oil company that didn't settle because it didn't believe it had cheated. The former ARCO employee who has been referred to by the Senator from California testified in the case and was found uncredible.

So I think it is very important that be in the debate.

I yield 2 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, first I thank the distinguished Senator from Texas. I think the Senate has an opportunity today to decide whether we are going to give in to a group of Federal bureaucrats who have decided it is going to be their way or no way. That is actually the issue. All we are trying to determine through the activities of an established regulatory body is what the fair market value of the oil is on which the U.S. taxpayers are entitled to receive a royalty.

The MMS has decided to change the way we have done it in the past and in the process, in the opinion of this Senator and many others, has made it no longer fair. It is not actually levying a royalty on the value of the oil. They have decided to have new starting points. They are not allowing certain things to be deducted that are actual business expenses. In a nutshell, they are establishing a price upon which the royalty is predicated which is not the result of the marketplace and ordinary business practices but some concoction that they have come up with which will cost more money to an American industry that clearly should not be paying new taxes today.

This is a new tax because you change the way you regulate it and the way you determine value and you thus increase the taxes. If it is not the right way, then it is an increase in taxes. I do not believe they should be doing this. I think we should be doing this. I believe they ought to establish a process and submit it to us and ask, Do you want to change the rules on this or not?

Essentially, I listened attentively to the Senator from Louisiana. He hit it right on the head. And the distinguished Senator from Oklahoma in his brief remarks was right there. There has not been a better fighter than KAY HUTCHISON. She has been right again. We have been right together on this, and we have convinced the Senate heretofore, but we cannot convince the MMS to be fair, and that is what the issue is all about.

I yield the floor.

Mrs. HUTCHISON. Mr. President, I yield the remainder of my time to the distinguished assistant majority leader and thank him very much for his leadership on this issue. Senator DOMENICI, Senator NICKLES, and I have been fighting this fight and I could not think of

two people who better understand the issue.

Mr. NICKLES. Mr. President, how much time remains?

The PRESIDING OFFICER. There are 3½ minutes remaining.

Mr. NICKLES. Mr. President, I compliment my colleague from Texas for her statement of yesterday and today, and also for the chart. I hope my colleagues will look at the chart because that is what MMS is proposing and it is not workable. People who work in this field all the time have come before our committee, a committee of Congress, and said this proposal is not workable. They told that to myself, they told that to the Senator from New Mexico, Mr. BINGAMAN, as well as Senator DOMENICI, also from New Mexico. They said it is not workable.

I have two or three problems. I am going to touch on them briefly.

One, I have a problem with the Senator from California saying she doesn't like the amendment so she is going to filibuster the amendment. I earlier said: Let's vote on the amendment an hour from now, or 5 hours from now.

No, no, we are not going to have a vote on the amendment; she's going to filibuster the amendment.

If we are going to filibuster every amendment coming along on an appropriations bill, we are never going to get it done. If we do this, we are never going to be able to get finished.

People can talk all they want about a do-nothing Congress, but if we have members of one party or the other, or individual Members, who say: I don't like that provision in the transportation bill so I am going to filibuster the transportation bill—we have already seen that happen today—or I don't like this provision so we are going to filibuster it so we are not going to get an Interior bill unless I get my way, or get a supermajority—to say we need to have 60 votes to pass any amendment, I think that is a mistake. So we should get away from that.

Let me touch on the subject of this amendment. We passed in 1996 a bill, the Federal Royalty Fairness and Simplification Act, of which I was one of the principal sponsors, in a bipartisan way to simplify royalty collection. We did that. It passed overwhelmingly. The President signed it. It was a good bill.

The chart Senator HUTCHISON shows, the proposed MMS regs, is just the opposite of royalty simplification and fairness. If we follow the MMS proposal, what we have is an invitation for litigation. You have litigation nightmares already going on. The Senator from Texas already mentioned the testimony of the ARCO employee. His testimony was not persuasive. The issue of royalty under payments went before a jury of twelve in California in a case that had been ongoing for 14 years, and guess what? The jury decided in favor of the oil companies. They decided that the oil company was right. This company litigated the issue of underpayments for 14 years.

A lot of companies decided it was not worth the expense. It was not worth the bad press. It was not worth these editorials that really do not know what they are talking about, that know nothing about oil valuation and the complexity of it. So maybe they do settle. That does not mean they are guilty, that they are stealing. That is like somebody who says, wait a minute, the IRS audited your taxes and you owe some more money. Does that mean you are stealing?

There are some things wrong with the current royalty valuation program. We had two government employees who were involved in these developing the new MMS regulations and all of a sudden they got paid $350,000 each by an outside group who supports the proposed regulations. That is pretty corrupt. That is like having an IRS agent say: I audited your return and as a result we found out you owed more money. I want half of it. That is what happened in this case.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. NICKLES. Mr. President, I ask unanimous consent to speak on the majority leader's time for 1 minute.

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

Mr. NICKLES. That investigation is pending. Supposedly, the Justice Department is reviewing that case.

I urge all of our colleagues, to think about that. There are two federal employees involved in developing these MMS regulations who were paid $350,000 by a group with a financial interest in the final rule. I find that to be corrupt. I find that to be unethical. I find that to be outlandish. It needs to be stopped.

So I compliment, again, my colleague from Texas for this amendment. We need to make sure that Congress raises taxes if Congress is going to. If there is going to be a tax increase, if there is going to be a royalty increase, it should happen by an act of Congress. It should not happen by an act of unelected bureaucrats changing the rules without appropriate legislative authority and opening up a litigation nightmare.

Mr. President, I move to table.

Mrs. HUTCHISON. Will the Senator withhold for a unanimous consent request to add Senators BROWNBACK and THOMAS as cosponsors of the Hutchison-Domenici amendment.

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

Mr. BROWNBACK. Mr. President, I rise in support of Senator HUTCHISON's amendment to continue the moratorium on the Minerals Management Service (MMS) oil royalty valuation rule. I am concerned that the MMS proposed rules for determining federal royalty payments will increase compliance costs for small, independent oil producers. These producers have just begun to recover from some of the lowest oil prices in 30 years, which cost the oil and gas industry more than 67,000 American jobs and saw the closure of more than 200,000 oil and gas wells. A hike in the royalty rates will make a bad situation worse and could cause more domestic oil production to be replaced by foreign imports.

It is up to Congress and not federal agencies to establish public policy. The MMS clearly exceeded its authority by proposing to raise royalty rates without congressional authorization. No congressional committee or affected industry groups were notified before the final version of the rule was announced. The MMS has also tried to get around the congressional moratorium by changing federal lease forms and taking other measures that are similar to the prohibited rule. These reckless actions have led me to believe that this is an agency out of control.

I am also very concerned about the appearance of a *quid pro quo* with respect to payments that were made by the Project on Government Oversight (POGO) to officials at the Departments of Interior and Energy who were involved with the royalty rate valuation issue. I agree with Senator HUTCHISON that the Interior Department should not proceed with this rule until this matter has been resolved by the Justice Department.

I do believe that the current royalty rate valuations are fundamentally flawed and should be changed. But the regulations proposed by the MMS would increase the amount of royalties to be paid by assessing royalties on downstream values without full consideration of costs. In a period of low oil prices, the government should be considering royalty rate reductions, not an increase.

It is the responsibility of Congress to make policy decisions affecting royalty rates and the responsibility of the MMS to implement those policies. We, the United States Senate, have been elected by our constituents in order to make these difficult decisions and should not have our authority preempted by federal bureaucrats. I urge my colleagues to support the Hutchison royalty rate moratorium amendment and I yield the floor.

Mr. BINGAMAN. Mr. President, I am supporting Senator HUTCHISON's amendment to extend the moratorium on the oil valuation rule of the Department of the Interior. I do this with some reluctance because like most of my colleagues from oil producing States, I believe strongly that this issue must be settled. Yet, after careful consideration, I cannot honestly conclude that the rule as currently proposed will achieve that.

I have worked hard with officials from the Department of the Interior and others to try to find the right approach to resolving the disputes involved in this rulemaking. I am very aware of the hard work and good faith efforts of many in the environmental and public interest community, within the States, and within the industry, to address the controversial issues raised

by this rule. I believe there has been progress. However, we are not there yet.

The way oil from Federal leases is valued for purposes of calculating royalty payments is complex to say the least. Nonetheless, it is also very important; it is important to those producing the Federal oil, it is important to the American taxpayers, and it is important to the States who receive up to half of the proceeds from Federal leases within their state boundaries.

My State of New Mexico is the second largest producer of onshore Federal oil and gas. In 1998, there were almost twelve thousand Federal oil and gas leases within New Mexico, covering over seven million acres of land. The majority of these leases are operated by small independent producers whose livelihood is greatly impacted by the manner in which Federal payments are calculated.

In 1998, the State of New Mexico received almost $168 million as its share of the revenues from Federal mineral leases within the State. My State uses these payments to help fund its public education system.

Given these circumstances, it is obvious to me that the method of valuing these Federal royalty payments is of deep concern to New Mexico, from a number of different angles. It is important to get it right. It is pointless to create rules that are unworkable, or unfair, or that will be mired in costly and nonproductive litigation. I owe it to the honest producers in my State, as well as to my State Treasury, to try to ensure that a final rulemaking on this subject will achieve the desired end of fairness to all, and creation of a clear set of standards that will not be plagued by endless controversy.

For this reason I am supporting an additional moratorium. I do not believe the rulemaking as it is currently proposed will work. The Department of the Interior has indicated that its latest round of comments has resulted in information which it has found helpful, and which could result in changes that would satisfy the concerns of industry and others, while ensuring that the United States receives fair market value for its oil resources. The Department has suggested that with this new information, it may be able to work out ways to resolve the issues that to date have proven so intractable.

I believe imposition of this moratorium will allow the Department the additional time it needs to re-propose this rule, and get to the elusive, but necessary resolution of this issue.

In comments I submitted to this rule, I recommended a number of areas for change, based on my conversations with New Mexico producers, and with other interested groups. These include ensuring that independent producers and others who engage in arms-length sales of their oil pay royalties only on the actual amount they receive; creating reasonable deductions for transportation costs; and resolving the treatment of marketing costs. I continue to urge the Department to consider these recommendations as it addresses the final rule.

Mr. NICKLES. Mr. President, so we will have all Senators on record voting either for or against the Hutchison amendment, I move to table the Hutchison amendment. I urge my colleagues to vote no on the motion to table.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 1603. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) and the Senator from Alaska (Mr. MURKOWSKI) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 2, nays 96, as follows:

[Rollcall Vote No. 267 Leg.]

YEAS—2

Byrd	Gregg

NAYS—96

Abraham	Enzi	Lott
Akaka	Feingold	Lugar
Allard	Feinstein	Mack
Ashcroft	Fitzgerald	McConnell
Baucus	Frist	Mikulski
Bayh	Gorton	Moynihan
Bennett	Graham	Murray
Biden	Gramm	Nickles
Bingaman	Grams	Reed
Bond	Grassley	Reid
Boxer	Hagel	Robb
Breaux	Harkin	Roberts
Brownback	Hatch	Rockefeller
Bryan	Helms	Roth
Bunning	Hollings	Santorum
Burns	Hutchinson	Sarbanes
Campbell	Hutchison	Schumer
Chafee	Inhofe	Sessions
Cleland	Inouye	Shelby
Cochran	Jeffords	Smith (NH)
Collins	Johnson	Smith (OR)
Conrad	Kennedy	Snowe
Coverdell	Kerrey	Specter
Craig	Kerry	Stevens
Crapo	Kohl	Thomas
Daschle	Kyl	Thompson
DeWine	Landrieu	Thurmond
Dodd	Lautenberg	Torricelli
Domenici	Leahy	Voinovich
Dorgan	Levin	Warner
Durbin	Lieberman	Wellstone
Edwards	Lincoln	Wyden

NOT VOTING—2

McCain	Murkowski

The motion was rejected.

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

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, the present order of business, of course, is a continuing debate on the Hutchison amendment. There will be a cloture motion filed on that amendment that will ripen either Monday or Tuesday; I am not certain which. The Senator from California has justifiably, in defending her position, asked for assurances that there will not be a cloture motion filed on the whole bill, which could theoretically deprive her of her right to continue debate until some conclusion with respect to the Hutchison amendment.

I assure her that will not take place. Her amendment will be disposed of one way or another—either by the adoption of cloture and the eventual vote on the amendment, or by a failure of cloture and its withdrawal before any cloture motion will be filed on the bill as a whole. In fact, I can say I don't see any reason or need that we should have to file cloture on the bill as a whole. We are making good progress on it. There are other amendments we can discuss and vote on today, and perhaps even on Monday, so it may very well be that the disposition of her amendment is the last significant matter.

In any event, I assure her that her rights will be protected, and that, of course, is a necessary precondition to my asking unanimous consent to set the Hutchison amendment aside and go on to other amendments. The Senator from New Jersey, Mr. TORRICELLI, has such an amendment. So I hope with that assurance, it is sufficient that we can go forward on another subject.

Mrs. BOXER. Will the Senator yield to me?

Mr. GORTON. I will.

Mrs. BOXER. Mr. President, I thank the chairman of the committee for being so gracious in preserving my rights. My friend from Texas and I feel equally strongly on the point, just on different sides. I think each of us wants to have justice done on the amendment. So I want to reiterate what my friend stated so we all agree that this is the procedure. There will be a cloture motion filed on the Hutchison amendment.

Mr. GORTON. That is correct.

Mrs. BOXER. A vote will be held Monday or Tuesday, or perhaps later, at whatever date it ripens. Then, in any case, there will not be a cloture vote on the entire bill until the cloture vote on the Hutchison amendment is held.

Mr. GORTON. The Senator from California is correct.

Mrs. BOXER. I thank the Senator very much. With that, I do not object to laying the amendment aside.

Mr. GORTON. Mr. President, I ask unanimous consent that the Hutchison amendment be laid aside and the Senator from New Jersey be recognized to propose an amendment.

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

AMENDMENT NO. 1571

(Purpose: To prohibit the use of funds made available by this Act to authorize, permit, administer, or promote the use of any jawed leghold, trap, or neck snare in any unit of the National Wildlife Refuge System)

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

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from New Jersey [Mr. TORRICELLI], for himself, Mrs. BOXER, Mr. SCHUMER, Mr. DURBIN, Mr. REID, Mr. MOYNIHAN, and Mr. DODD, proposes an amendment numbered 1571.

Mr. TORRICELLI. 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 62, between lines 3 and 4, insert the following:

SEC. 1__. USE OF TRAPS AND SNARES IN NATIONAL WILDLIFE REFUGES.

None of the funds made available in this Act may be used to authorize, permit, administer, or promote the use of any jawed leghold trap or neck snare in any unit of the National Wildlife Refuge System, except for the purpose of research, subsistence, conservation, or facilities protection.

Mr. GORTON. Will the Senator from New Jersey yield?

Mr. TORRICELLI. Yes.

Mr. GORTON. I have been informed that members of his party are in a policy meeting and would like to defer any vote on this amendment to a time certain—2 o'clock. Am I correct in that?

Mr. TORRICELLI. If, indeed, it is required to have a rollcall vote, that would be OK. I have some expectation that it might not be required.

Mr. GORTON. It seems to me to be appropriate to say, for Members, that there won't be another rollcall vote prior to 2 o'clock, and we hope by that time we will have completed debate on the Torricelli amendment and deal with it either by rollcall or voice vote at the necessary time.

Mr. TORRICELLI. I thank the Senator. Mr. President, trapping has been part of the American economic and cultural life before there was a United States, whether for recreational purposes or subsistence——

Mrs. BOXER. Will the Senator yield? I don't want to interrupt, but this is so crucial, and I am with him on it.

Mr. TORRICELLI. Yes.

Mrs. BOXER. I wanted to correct myself and make sure the Senator from Washington would allow me this chance and not on Senator TORRICELLI's time. I wanted to say that I agree with the Senator that there would not be a cloture vote on the bill until the Hutchison amendment was resolved. Those were his words. I didn't say it exactly in that way in my agreement.

Mr. GORTON. I thought she did. In any event, that is the agreement.

Mrs. BOXER. In remembering my words, I am in agreement with my friend. I have no objection.

Mr. TORRICELLI. Mr. President, the amendment before the Senate deals with the issue of trapping on Federal wildlife refuge lands. It recognizes the reality that trapping has been part of the economic and cultural life of the United States for generations and, indeed, an important part of the economic life of many communities. But as anything else in life, there is a right and a wrong way to have trappings on these Federal lands.

Overwhelmingly, trappers on Federal lands are using relatively humane methods of trappings that ensure the death of the animal so that there is no suffering. But in a small minority of these instances there are particularly egregious types of traps that continue to be used on Federal lands though many States have banned them for years. Most egregious of all are steeljaw leg-hold traps and neck snares. These traps almost assure the suffering of an animal. The legislation before the Senate would ban these two specific types of traps and no others—traps used in a small minority of the trapping industry and no others, and not for all purposes.

Trapping for research is not included in this amendment. All scientific research can continue with any traps.

Subsistence: Many Native American tribes that live off these traps—live off the game they collect—should not be impacted and are not impacted.

Facilities protection, or conservation: For any of those purposes, trappers are free to use whatever type of traps they would like. But for recreational purposes or other subsistence purposes, we would ban these two specific types of traps.

I know some Senators have raised the question of whether or not banning any traps would cause a problem for the Government itself in maintaining stocks, endangered species, or other legitimate purposes of the Government itself.

It is important to note that Secretary Babbitt was asked to address this question, and he wrote:

The amendment would not impact the ability of the U.S. Fish and Wildlife Service to manage refuges under the Organic Act of 1997.

Specifically, therefore, Secretary Babbitt had given testimony that banning these traps would not contradict the lawful purposes of the U.S. Government.

It should also be noted that it is not a new issue for the States. It is not a new issue for the Congress. The House of Representatives on July 14 was confronted with the identical issue on whether or not these two specific traps should be banned for these narrow purposes. By a vote of 259 to 166, with 89 Members of the Republican majority, it overwhelmingly passed this same prohibition.

The question arises: Why have the States, why has the House of Representatives, and why have so many of our colleagues expressed concern and support on this floor about a ban on these two specific forms of traps?

A leg-hold trap is simply designed to trap an animal by its leg with the force of this steel jaw and hold the animal until the trapper returns. There are several problems with this very old, very tested, but very cruel technology. The trapper may not return for days, or a week, in which case the animal starves to death, becomes dehydrated, and suffers over a period of days and days and days.

Second, the extraordinary power of this trap is nearly certain to cause a laceration, or to break the leg of the animal. The animal suffers. As is the case with 80 or 90 percent of these traps, the trap catches the wrong animal. It is not the animal the trapper wants. It is some other animal. If it were a live cage, as overwhelmingly trappers use, the trappers would then release to the wild the animal that was unwanted. But in 80 or 90 percent of the cases the trapper has an animal that he didn't even want. The leg is now broken, or the animal is bleeding to death. It cannot be released to the wild. And an unwanted species is destroyed for no purpose when another technology—a live-bait trap, which most trappers use—would have avoided the whole problem.

Even crueler, what is often happening is, these animals caught in the leg-hold trap for days and the trapper does not return are chewing off their own legs—destroying themselves to get free. The reality is that it is destroying unwanted species, with extraordinary suffering, with animals maiming themselves, and for absolutely no reason.

This legislation, I repeat, does not deal with scientific reasons, subsistence reasons for Native American tribes, or other scientific purposes. It is only for recreation. It is only for a minority of trappers. It is only for these two kinds of traps, and it only deals with wildlife refuges.

What kind of wildlife refuges are the United States maintaining if we are to allow these particularly egregious and cruel types of traps? These are refuges. They are set up for the safety and maintenance of an animal species. It allows trapping and harvesting of species, but not with this one particularly cruel kind of trap. That is the purpose of the amendment.

Only 1 out of every 10 species actually gets caught in these traps. It is the intended species—1 in 10.

I brought before you a protected species of bird caught in a leg-hold trap. No one was trying to trap an eagle. No one wanted to do so. It was unlawful. There is no purpose in doing so. But the trap doesn't discriminate. When the trapper arrives, what is he to do? The leg of this bird is broken. You can do nothing but kill this animal, though it was no one's intention.

This has been endorsed by the American Veterinary Medical Association, the American Animal Hospital Association, hunting groups, and sportsmen. The States of California, Arizona, Colorado, and Massachusetts have already passed statewide ballot initiatives banning these specific traps. Florida, New Jersey, and Rhode Island have legislative or administrative bans. Eighty-

eight nations—virtually the entire industrialized world—developed nations, all have banned these traps. We, and we alone, use them. And we are not only using them, we are using them in wildlife refuges that we have had set up for 100 years to protect these animals. How could anyone rise in defense of this trap?

Mr. President, I ask that the Senate join the House of Representatives and the various States and impose this narrow prohibition on these two specific traps for these narrow recreational purposes and on these Federal lands. It is a modest request for what is an egregious problem.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I rise today to oppose this amendment. I think it sets a bad precedent because I think it is bad politics.

I just came back from my State, as most of us did, and talked to my agricultural producers. We have a predator problem in Montana.

Let me tell you about a conversation I had with a good friend in Glasgow, MT. They are sheep producers. They run from the Fort Peck Reservoir south towards Circle, MT. That is McCone Valley and Roosevelt County. They have trapped and killed 90 coyotes on their ranch, and they are still run over with them.

This lies along the CMR Wildlife Refuge in Montana along the Missouri River. Those sheep are smart enough to stay in that refuge. The only time we can get them is when they come out. They lose about 300 lambs a day. I don't know how many people can sustain that much loss.

But this particular trap is sort of needed, whether it be in the use of predator control, whether it be used on the refuge, or on BLM or private land.

I said yesterday that on one of the amendments one of these days this body is going to be hit by a large bolt of common sense. Then I don't know what is going to happen. We will not know how to deal with things here.

But I will tell you that the U.S. Fish and Wildlife Service opposes this amendment. They are the ones who manage the refuge systems.

The International Association of Fish and Wildlife Agencies that represents the 50 fish and wildlife agencies and conservation groups—which includes the Izaak Walton League of America—all oppose this amendment. They oppose it for the simple reason that we get a little loose with definitions.

I think the point is that nobody likes to see the suffering and catching the wrong animal in the wrong trap. I would question the 80 to 90 percent wrong animal figure. I would question that because no trapper I know, whether they did it as a sportsman for recreation, whether they did it to prevent predation on livestock, or whether they did it for a living, worth his salt, who knows how to trap, has figures similar to this. There is none that I know. And we have quite a few of them in my State.

So I ask we oppose and defeat this amendment. It is taking away some of those tools that do not meet the definition. We say, if States OK it for recreation, then define recreation. We know it has a habit of spilling over into areas where, if we cannot use these traps to prevent predation, then we are again put at the mercy of predators, of which we have many.

Businesses cannot sustain those losses. Maybe no one cares whether businesses sustain themselves or not. Let's face it; they have human faces, too, in this situation. So I rise in opposition to this amendment, and I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I am pleased to join the Senator from Montana. I want the Senate to know this amendment would seriously harm a vital sector of the rural Alaskan economy. It would injure greatly those who follow the Alaskan way of life.

We are very much involved with this amendment. What it seeks to do is end trapping in the Federal wildlife refuges. There are some exceptions in the Senator's amendment for research, conservation, facilities protection, and subsistence.

Let me point out this chart I have. There are 77 million acres of wildlife refuge in our State; 85 percent of all the wildlife refuge in the country is in Alaska.

The amendment seeks to absolutely discard the concepts of sound game management principles. As the Senator from Montana stated, the U.S. Fish and Wildlife Service, the International Association of Fish and Wildlife Agencies, which represent State fish and game managers throughout the country, have opposed the amendment because it limits the ability to manage wildlife populations scientifically. The Fish and Wildlife Service wrote me a letter on July 20 explaining the Service's opposition to the House amendment in detail. This is a very serious thing. I am disturbed when my colleague talks about recreational trapping.

The Fish and Wildlife Service recognizes that the core of its mission is wildlife management. In its letter to me, the Fish and Wildlife Service stated that:

> . . . a prohibition of specific animal restraint devices is not in the best interest of sound wildlife management.

The Department of Fish and Game of my State of Alaska also stated this amendment hinders the ability of wildlife managers to do their job. It said:

> We have consistently supported trapping as an important tool in managing the national wildlife refuge system.

I ask unanimous consent to have those letters printed in the RECORD.

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

STATE OF ALASKA, DEPARTMENT OF FISH AND GAME, DIVISION OF WILDLIFE CONSERVATION,
Juneau, AK, July 22, 1999.

Hon. TED STEVENS,
U.S. Senate,
Washington, DC.

DEAR SENATOR STEVENS: I am writing to express my concern over house approved language amending the FY2000 Interior Appropriation Bill (HR2466) that restricts the use of leghold traps and neck snares on National Wildlife Refuges. I understand similar language may be introduced soon on the senate floor. If that language is introduced, I encourage you to vote no and to remove the house passed language in conference committee.

Commercial, recreational, subsistence, and nuisance animal trapping have never been classified in regulation as separate uses because pelts are acquired, traded, or sold and enter commerce through all of these uses. Therefore, it is meaningless to separate commercial and recreational activities from other types of trapping for purposes of managing the refuge system.

Trapping on National Wildlife Refuges in Alaska is important to our department because the activity helps us track furbearer populations in areas not often frequented by members of the public, especially during winter when weather can have severe impacts on animal populations. We have consistently supported trapping as an important tool in managing the National Wildlife Refuge system and the Wildlife Refuge Improvement Act of 1996 recognizes the importance of that tool.

Eighty-five percent of all lands in the National Wildlife Refuge system are in Alaska. The opportunity to trap and snare furbearers on these lands is essential to our rural culture and the lifestyle of families living in remote villages. Many people in these areas have seasonal incomes, and trapping plays a critical role in supplementing that income with cash obtained from a local resource when jobs are nonexistent. If trapping and snaring are prohibited on these refuges, the impact would be disastrous economically, as well as culturally, to the people of Alaska.

Thank you for your support.

Sincerely,

WAYNE REGELIN,
Director.

DEPARTMENT OF THE INTERIOR,
FISH AND WILDLIFE SERVICE,
Washington, DC, July 20, 1999.

Hon. TED STEVENS
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As you know, the House of Representatives recently adopted an amendment by Congressman Sam Farr to the Interior Appropriations Bill (H.R. 2466) concerning trapping on National Wildlife Refuges. We anticipate that this issue may arise during Senate consideration.

The U.S. Fish and Wildlife Service opposes this amendment. We believe national legislation directing a prohibition of specific animal restraint devices is not in the best interest of sound wildlife management. The enclosed statement explains our opposition to this amendment.

We would be happy to respond to any questions or provide any further information that may be helpful as you consider this matter.

Identical letters have been sent to the Honorable Robert C. Byrd, Ranking Minority Member, Subcommittee on Interior and Related Agencies, Committee on Appropriations, United States Senate; the Honorable

Slade Gorton, Chairman, Subcommittee on Interior and Related Agencies, Committee on Appropriations, United States Senate; the Honorable John Breaux, United States Senate; the Honorable John H. Chafee, Chairman, Committee on Environment and Public Works, United States Senate; the Honorable Frank H. Murkowski, Chairman, Committee on Energy and Natural Resources, United States Senate; the Honorable Jeff Bingaman, Ranking Minority Member, Committee on Energy and Natural Resources, United States Senate; the Honorable Max Baucus, Ranking Minority Member, Committee on Environment and Public Works, United States Senate.

Sincerely,

JOHN ROGERS,
Director.

Mr. STEVENS. Mr. President, these agencies agree wildlife managers rely upon commercial trappers to control invasive and nuisance species, as well as normal predators. In Alaska, Federal and State wildlife managers rely on these trappers to control predators in order to maintain healthy moose and caribou herds, for instance. Moose and caribou are major subsistence species, and a ban on this trapping would harm subsistence hunters by creating more competition for subsistence resources.

Another example is the Aleutian-Canada goose. This species was listed under the Endangered Species Act after foxes were introduced on the Aleutian Islands. At first, the refuge managers tried to poison the foxes until EPA banned the poison. Then they hired local trappers to save the goose, and trappers have successfully controlled the fox population, restoring the Aleutian-Canada goose.

Our Alaska Department of Fish and Game relies upon data from trappers to track remote populations, where the agency cannot afford to have biologists, through this area that is one-fifth the size of the United States. I know proponents of the amendment argue that more humane methods are available. But the trouble is the methods cost 10 times as much and will not work, and we do not have the people to pursue those methods. A $2 snare trap works much better than a $30 conibear trap that freezes in the snow. A trapper can vary the size, location, tension, bait, scent, screening, and seasonal timing of a trap to target specific animals.

These unfortunate concepts that have been mentioned by the Senator of the birds that have been trapped—no one seeks that. I do not believe that is a normal result of trapping, particularly in our very wild country.

The amendment purports to contain a subsistence exemption. I want to explain that a little bit to the Senate. In 1980, the Congress specifically allowed those who reside in the area of wildlife refuges in Alaska to use refuge lands for subsistence hunting. Most of the trappers in our States are, in fact, subsistence hunters.

Many Native Alaskans trap for subsistence and they generate cash income from the pelts they take. This permits trapping only for subsistence, but not for the commercial side of that operation. These people are not in trapping for recreation. They are trapping not only for the food they obtain but also for the cash they derive from the trapping activities. That cash is one of the main sources of income for people who live in the rural area of Alaska.

In 1980, Congress passed the Alaska National Interest Lands Conservation Act, which added 53 million acres, in one act of Congress, to the wildlife refuge system, the National Wildlife System, on lands within our State. Among the new Federal lands added by that act were the Innoko, Kanuti, and Koyukuk; almost 9 million acres of land, the size of New Hampshire and Connecticut together. Congress specifically recognized the furbearer resources of those refuges when it passed that act which we call ANILCA.

This amendment will essentially repeal the Alaska National Interest Land Conservation Act concept of permitting trapping by prohibiting the harvesting of resources in a way that currently is recognized by law. In Alaska, licensed trappers earn about $7 million annually, mostly from marten, lynx, and beaver. It may not sound like a lot of money to Members of Congress, but within these refuges in our State lies the most poor census district in the country; that is, the Wade Hampton District in the Yukon Delta Refuge. That stretches over 22 million acres. It's the largest refuge in the United States and the largest of the 16 refuges in Alaska. It is, I would say to my friend from New Jersey, four times the size of New Jersey.

The refuge contains 42 Native Alaska villages and tens of thousands of people, mostly Natives. Like many others in Alaska, most of these people rely on subsistence lifestyle, which includes commercial trapping, as I have said.

I have received letters from a number of villages on or near refuges, including Ruby, Mountain Village, and Quinhagak. They point out to me that trapping keeps predators in check so the other game animals on which they rely will flourish. They also point out how the only nongovernment jobs available in the winter are trapping jobs and they would rather trap and sell the fur than sit idle and collect welfare checks. As a matter of fact, we in Congress have mandated they do just that; they go to work.

When we passed the welfare reform we required these people to go to work. Now this amendment would outlaw the only jobs that are available for these people in this very remote area of Alaska.

The amendment also makes a value judgment about the way these Alaskans have lived for generations. This bothers me greatly. For decades, in many cases centuries, our Alaskan Native people have lived off the land. They have been joined by a great many non-Alaskan people, by the way. The Federal law guarantees both non-Natives as well as Natives the right to a subsistence lifestyle, and to trap within these areas if they reside in the area of the refuge. When others tell Alaskan hunters, trappers, and fishermen how to manage our resources, they are literally telling them how to live their lives.

We have a great deal of respect and admiration for our wildlife, probably more than any I know. This includes trappers who, incidentally, have a very strict code of ethics. I want to have that printed in the RECORD. I am not sure many people realize these trappers have come together and put up, even before this issue arose, an ethics code.

That code encourages trappers to act humanely, to concentrate on areas with overabundant population, and to share information that they obtained with the wildlife managers. In other words, each one of them is a volunteer on a wildlife refuge to assist in the scientific management of the areas that are set aside in our State.

I ask unanimous consent that the code of ethics be printed in the RECORD.

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

CODE OF ETHICS—A TRAPPER'S RESPONSIBILITY

1. Respect the other trapper's ''grounds''—particularly brushed, maintained traplines with a history of use.
2. Check traps regularly.
3. Promote trapping methods that will reduce the possibility of catching nontarget animals.
4. Obtain landowners' permission before trapping on private property.
5. Know and use proper releasing and killing methods.
6. Develop set location methods to prevent losses.
7. Trap in the most humane way possible.
8. Dispose of animal carcasses properly.
9. Concentrate trapping in areas where animals are overabundant for the supporting habitat.
10. Promptly report the presence of diseased animals to wildlife authorities.
11. Assist landowners who are having problems with predators and other furbearers that have become a nuisance.
12. Support and help train new trappers in trapping ethics, methods and means, conservation, fur handling, and marketing.
13. Obey all trapping regulations, and support strict enforcement by reporting violations.
14. Support and promote sound furbearer management.

The Code of Ethics is reprinted from the Alaska Trappers Manual. The manual was created in a joint effort by the Alaska Trappers Association and the Alaska Department of Fish and Game.

Mr. STEVENS. Mr. President, I urge my colleagues in the Senate to respect the needs of these wildlife managers and the traditional lifestyle of our Western States, as well as to respect the basic concepts of the Alaska lifestyle.

Let me add just a few statistics before I close.

Our State has 365 million acres. As I said, we are one-fifth the size of all the lands of the United States. These 16

wildlife refuges have 77 million acres. They are more than 20 percent of Alaska. More than one-fifth of our State, which is one-fifth of the Nation, has been set aside in refuge land.

Congress specifically recognized the need for this type of harvesting of resources in the 1980 act. We believe the impact of this amendment, if adopted, would deny our Alaskan people the protection that was assured by Congress at the time this vast acreage was set aside as wildlife refuge areas.

I want to quote from a book written by a friend, John McPhee. Some people may recognize John. He wrote a book, called ''Coming Into The Country,'' about Alaska. It was a book that received acclaim from all sides of issues pertaining to Alaska, those who agree with us as well as Alaskans who basically agree with John McPhee and his outlook.

He told a story of one woman in Alaska, and he said this:

Ginny looks through Alaska Magazine, where her attention is arrested by letters from the Lower 48. ''There was a time when man was justified in taking wildlife,'' she reads aloud, ''for then man's survival was at stake, but that time is long gone. . . .'' She slaps the magazine down on the table. ''They don't understand,'' she says. . . .''These people who write these letters are not even rational. They say we're out to kill everything. People in the Lower 48 do not understand Alaska. . . . They wonder how Alaskans get their mail, and what they do in the winter. They can't believe anything can grow here. They're amazed we can't buy any land. They think Indians are Eskimos. They know nothing about Alaska and yet they've been manipulating us for years. We thought Statehood would put an end to that. They don't understand trapping. They don't understand the harvesting of animals.''

That is the type of comment I get when I go home. People in Alaska constantly tell me: Those people you work with in the Congress just don't understand us. They have asked me to stand up and try to explain to the Senate what the Alaska lifestyle is.

That is hard for a lawyer, a person who has been here 30 years now, to continue to try to convince succeeding generations, those who have come after me, that Alaska is still that way. For the most part, Alaska is natural wilderness, and dispersed throughout that wilderness are some 700,000 people. The bulk of the people out of the cities live the Alaska lifestyle. They hunt for their food. They trap to obtain furs as well as food, but the furs give them a cash flow of income. That is supplemented by our own Alaska system of what we call a permanent fund dividend. Without the income they obtain from hunting, these people would not be able to survive.

In this area, hunting is done by trapping. If you take away the traps, they will go back to shooting them. This bill does not ban guns. What it would do is go back to the day before traps were recognized as a scientific management concept, and animals will be shot. For every time there is a miss, it is much worse than one being caught and having a leg broken in a trap because that animal is wandering off forever.

The wildlife managers have told us, if you are going to harvest these animals, the best way to do it is with these traps following the code of ethics that has been adopted by the trappers themselves, with the approval, by the way, of the wildlife managers.

I can tell you without any question that I have urged every Member of the Senate by a personal letter to vote no on this amendment. This is not the way to change the concept of scientific management of the lands that we have set aside as wildlife refuges. It is not the way to change basically the Alaska lifestyle. Eighty-five percent or more of its impact is in our State. We would be devastated if this concept is adopted. I urge this amendment be defeated.

I serve notice that I will ask for a rollcall vote on this amendment. When the time is appropriate, I will make that request.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I rise in support of the amendment offered by Senator TORRICELLI. I listened carefully to the statement of my colleague from the State of Alaska. Having visited his State several times, I acknowledge they have an extraordinary situation that is unlike perhaps any other State across this Nation. I hope he will take into consideration what Senator TORRICELLI's amendment seeks to do is to really limit the use of this trap on national wildlife refuges.

I am not sure exactly how one would define a refuge, but in my way of thinking, it is akin to a shelter. It is something that has really been designed by law to provide a special kind of protection that might not otherwise be available to wildlife. That is why Senator TORRICELLI's amendment, I believe, is so appropriate because it is limited to the wildlife refuge and, secondly, it makes exceptions.

I understand what Senator STEVENS has said, that the subsistence exception would not cover commercial trapping on wildlife refuges, but I say to the Senator from Alaska, I think perhaps other forms of trapping should be used rather than this form.

I know the Senator from New Jersey is going to take the floor again and make a part of the RECORD a letter which was received after the letter quoted by the Senator from Alaska. I have a copy of it, and I will read from it. It is a letter from the Secretary of the Department of the Interior, Bruce Babbitt. It is written to the House sponsor of this legislation. It is very brief, and I will read it into the RECORD:

Dear Mr. Farr:

I am responding to your letter requesting the Department's position on your amendment relating to the use of certain kinds of traps on national wildlife refuges. The letter dated July 20, 1999, from Mr. John Rogers and the enclosed effect statement do not represent the position of the Department of the Interior. After careful consideration, I can advise you that your amendment—

The Farr amendment—

and the Torricelli amendment, which is identical, would not impact the ability of the U.S. Fish and Wildlife Service to manage refuges under the Organic Act of 1997. Accordingly, the Department does not take a position on your amendment.

I say to those who are following this debate, the earlier reference to a letter of July 20 was superseded by a letter on July 23 from the Secretary of the Department of the Interior who said they will not take a position on the amendment and the Torricelli and Farr amendment do not in any way impact their ability to manage wildlife refuges.

I also remind those following the debate of Senator TORRICELLI's statement that some 88 nations across the world have already banned this form of trap. Many people are critical of Senators from New Jersey and Illinois who try to make comment on the way people live in the West. My friend from Montana, Senator BURNS, occasionally calls me aside when I offer these amendments related to Montana and the West and speaks of his Midwestern friends who do not quite understand the lifestyle of the West. I will concede, by classic definition, I am from a sodbuster State. I may not understand all the things that are part of the lifestyle of the West, but I call the attention of those who are considering this amendment to statements made in the press in Western States about these steel-jawed leghold traps.

Arizona, the Arizona Republic, February 7, 1993:

Outlawing the barbaric, needlessly cruel steel trap—a device that tortures animals to death—should no longer be a matter of serious dispute.

The Arizona Tribune, 1994:

No need for extremists to exaggerate what happens to an animal when a trap's steel jaws slam shut on it. It's more than inhumane; it's heinous.

Colorado, October 15, 1996, the Boulder Daily Camera:

The trapper hides the equivalent of a land mine in wildlife habitat and ''harvests'' whatever has the rotten luck to step in it.

From the Californian, October 8, 1998:

Laying a trap that statistically is more likely to maim or kill an animal other than the one being hunted is wasteful, inhumane, and cruel.

The Tucson Citizen 1993, Arizona:

Steel-jaw traps are cruel devices that subject animals—sometimes family pets—to mutilation or slow and painful death. And they pose a threat to people who use public lands for recreation. . . . Steel-jaw traps have no place in a civilized world, particularly on public lands.

Those were statements not from some bleeding heart eastern journals but from newspapers from the West—Arizona, Colorado, California—areas where I think they have even more familiarity with this than some Members of the Senate might themselves.

I have a couple photographs to demonstrate how these traps are used. You can see from this photograph that the

cat has had the misfortune of coming across a steel trap and its paw has been trapped inside. From what we have been told, it might be a day or two or maybe even more before the person who set this trap comes to decide what to do with the animal that is included. I don't know if this was the target animal this trapper was looking for. My guess is that this animal will be in pain and suffering until that trapper shows up on the scene to either release it or kill it.

Here is another photograph. It appears to be a fox trapped as well. There is evidence that many of the animals that are caught in these traps, in pain, in desperation chew off their own limbs to try to escape. Of course, as they hobble around the wilderness, they may not last long either.

These are basically and fundamentally inhumane. For us to allow them in wildlife refuges, I think, is a serious mistake. The amendment by the Senator from New Jersey is a reasonable one. It allows exceptions for research, subsistence, which the Senator from Alaska has alluded to, conservation, and facility protection.

When the Senator from Montana, Mr. BURNS, told the story of those in Montana who were trying to protect their flocks of sheep from coyotes that came out of the wildlife refuge, as I understand the amendment of the Senator from New Jersey, there would be no prohibition against their setting these traps on their own property to protect their flock from these predatory animals. The Torricelli amendment alludes only to putting these traps in wildlife refuges. I think, frankly, that is a line that should be drawn and one that I support.

As I have said, Secretary Bruce Babbitt has written to the Senate indicating the Torricelli amendment would have no adverse impact on the management of the Fish and Wildlife Service on refuges. The House has approved this amendment overwhelmingly on a bipartisan basis. Eighty-eight nations and a number of States have made it clear that this barbaric device has no place in wildlife management.

I urge support for the Torricelli amendment and yield the floor.

Mrs. BOXER. Mr. President, I am pleased to cosponsor the amendment offered by Senator TORRICELLI to the Interior Appropriations Act concerning leghold traps. This is a sensible and narrowly tailored amendment that will address the misuse of tax dollars to promote cruel, commercial trapping programs on the National Wildlife Refuge System.

This amendment will prohibit the use of taxpayer funds to administer or promote the use of steel-jawed leghold traps or neck snares for commerce in fur or recreation on National Wildlife Refuges. Our amendment would not limit the ability of the U.S. Fish and Wildlife Service to manage our National Wildlife Refuges.

I am proud to say that my State of California banned the use of steel-jawed leghold traps last year when voters overwhelmingly approved a ballot initiative related to trapping. Californians recognized not only that these traps are inhumane, but also non-selective. In other words, these traps often result in the death of many animals that are not the targets of the traps.

In its 1998 Environmental Document on trapping, the California Department of Fish and Game cited several state studies showing a high number of non-target species being caught. In Colusa County, 26 target muskrats and 19 non-target animals; in Tehema County, seven target coyotes and 85 non-target animals; in San Diego County, 42 target bobcats and 91 non-target species.

Mr. President, these numbers are astonishing, and they demonstrate to us beyond a shadow of a doubt that these traps are abhorrent devices. Whether they are hunting dogs, family pets, bald eagles, deer, or other animals, there are countless untold victims of these traps. They have rightly been likened to ''land mines'' for wildlife, catching any animal that triggers them.

It is shocking that these traps are allowed in our country at all, especially given that 88 nations throughout the world bar their use. But it is even more horrifying to think that American tax dollars go to administer trapping programs on our nation's wildlife refuges.

I looked up the word ''refuge'' in the American College Dictionary. It defines refuge as (1) ''a place of shelter, protection, or safety,'', or (2) ''anything to which one has recourse for aid, relief or escape.''

It is plainly contradictory to allow the commercial killing of wildlife on places called wildlife refuges. It is worse to allow the use of barbaric traps on refuges. And it is shocking to Americans to have their hard-earned dollars finance this hoax. The Torricelli amendment goes very far to be reasonable and accommodating.

It does not bar trapping on refuges. It does not even bar steel traps or neck snares on refuges, since the amendment specifically allows these traps to be used for research, conservation, subsistence trapping, or facilities protection. It simply bars these devices for commerce or recreation.

This amendment should be adopted overwhelmingly. It makes sense. The policy of allowing the financing of such programs is contradictory and wrong-headed. It should be no surprise that fully 83 percent of Americans oppose using steel traps on refuges. Just last month, the House passed an identical amendment by an overwhelming margin. The Department of the Interior has no problem with this amendment. I urge my colleagues to join me in supporting the Torricelli amendment.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, it is basic in this institution, indeed in our Union, that each of us, as representatives of some States, have respect for the economy, the culture, and the traditions of other States.

Indeed, this should not, and cannot, be a debate between Illinois and New Jersey against Montana and Alaska. Disproportionately, this would impact the great State of Alaska and several other Western States. Because of the gracious invitation of the Senator from Alaska, I have visited his State. I have been to Montana many times. I have enormous respect for their traditions and their cultures. It is because of that fact that this amendment was so carefully designed.

Senator BURNS has appropriately talked about the problem of ranchers and farmers who lose livestock and need to protect their own properties. The Senator from Montana need not be concerned. The management of species protection of those lands is exempt from this amendment. Private lands are exempt from this amendment.

There is no greater advocate of native peoples than Senator STEVENS. He appropriately has talked about the need for subsistence of people who live off the land. And while he has talked about the need to sell some of those species, to the extent that he is concerned about the need of people to trap for their own subsistence, he need not be concerned. That is exempt from this amendment.

Maintenance of species, dealing with predatory animals, research are all exempt from this amendment. Private lands are all exempt from this amendment.

We are talking about wildlife refuges set up by this Congress to protect species from two specific traps. The question was raised by the Senator from Montana whether or not it was accurate that 80 percent of the species caught in these traps are not the intended species. The life of the animal lost is wasted because these specific traps cannot distinguish between the fox or the mink or the coyote, whatever it is that is being hunted, and another animal. Indeed, 80 percent, upon further research, is not accurate. In 1989, a study by Tomsa and Forbes from the Fourth Eastern Wildlife Damage Control proceedings found that 11 non-intended animals were maimed or killed for every 1 that was being sought, 11 to 1.

Mr. STEVENS. Will the Senator yield?

Mr. TORRICELLI. I am happy to yield.

Mr. STEVENS. I have placed in the RECORD the statement prepared by the Fish and Wildlife Service and a letter they sent to me on July 20. In there is a statement about which I want to ask the Senator, my good friend from New Jersey, a question. It says: As background, during the period 1992 to 1996, a total of 281 refuges conducted one or more trapping programs, a total of 487 programs. Eighty-five percent of the mammal trapping programs on refuges were conducted for wildlife and facilities management reasons—85 percent.

The remaining 15 percent occurred primarily to provide recreational, commercial, subsistence opportunities to the public, as portrayed by the following table.

The Senator's amendment exempts all of the 85 percent. It affects only those who are not government, those who live on the land.

I ask the Senator, what about the 85 percent of the trapping programs using the same traps that will continue to be conducted by Federal and State managers? They have the same effect as the Senator complains of concerning those that are private. Why should the Senator allow any trapping if he believes as he does? The Federal managers, State managers are not prohibited from conducting 85 percent of the trapping in the wildlife refuges. This only prohibits those of the people who live there, who reside there. Why would the Senator pick out those who earn money from trapping and say they cause more damage than the 85 percent of the trapping by Federal and State agencies?

Mr. TORRICELLI. Reclaiming my time, the Senator from Alaska cites an interesting point, but it is one that has been done to accommodate people concerned about trapping. Senator BURNS has noted the problem of maintaining stocks, of protecting ranchers. We have kept the power on these lands to use these traps by government or private citizens or scientists or universities or trappers or anybody else, if it is to manage the stocks, if it is to deal with predatory animals or research.

What is interesting about Senator STEVENS' points is, to identify the extent of what this amendment does in order to minimize the impact on ranchers, on the economy, on hunting, we are taking what in essence, by the Senator's own statement, is only 15 percent of all the activity with these traps, recognizing these traps only represent 10 or 15 percent of all trapping activity. We are dealing with 10 percent of 10 percent of trapping activity and then only on Federal wildlife lands.

Now, if the Senator from Alaska wants to offer an amendment to ban these traps on all lands and by everybody and for all purposes, I can assure the Senator from Alaska, he will have my vote. I have narrowly constructed this because I do not want to impact native peoples who are on subsistence. I do not want to interfere with predatory animals. I do not want to interfere with the management of these lands by the Government. My main purpose is to try to prohibit this for recreational purposes, only with these two traps, or other purposes where it is not necessary to protect ranchers or other legitimate objectives.

I yield to the Senator from Alaska.

Mr. STEVENS. The Senator has used the statistics for all trapping on Federal wildlife refuges in order to try to eliminate those who use them for income, those who use them to pursue a lifestyle. I say to my friend, does he think that is fair?

The wildlife managers use these traps. The statistics the Senator has cover all the programs on all of the wildlife refuges mainly, 85 percent, conducted by managers. But the Senator presumes that the damage is done by the 15 percent. Does the Senator think it is fair to say: Let's stop these people from using these traps because they harm the animals that they trap? What about the 85 percent? They catch birds. They catch foxes that eat their legs off. They catch other animals other than the targeted species. But in terms of fairness, the Senator's amendment prohibits those who live by trapping.

Trapping is a management tool. I defend the 85 percent. I don't oppose it. It is a management tool.

I wonder if the Senator knows that trapping of species such as red fox and racoons has saved the Hawaiian coot and duck and goose. They have saved some of the indigenous species that live in these refuges from the predators they trap.

The predators they trap have a value. Those skins are sold for cash. I just ask the Senator, in fairness now, why should we say those people who use traps for a living do all this damage? It is not fair, in my opinion.

Mr. TORRICELLI. First, let me repeat my offer. If the Senator would like, for the sake of fairness, to abandon this, not only by the managers of the land and recreational, but also commercial people, I would be the first to vote for his amendment. This has been narrowly construed only for commercial purposes as an accommodation to the Senator from Alaska.

Now, I believe that, as you know, overwhelmingly, trappers are not using these two traps. Overwhelmingly, they are using alternate kinds of technology that are not inhumane, are recognized internationally, and by most other States.

If, indeed, by further banning these, we can encourage others to use these traps, I would be the first to do it. It is simply my belief that people who are in this for cash business, they are trapping for furs, getting cash for their furs, we have a right to ask them to spend the extra money to get different traps that either kill the animal outright or catch it alive and unhurt so it can be released and the wrong species are not caught. I think we can put that extra burden on a person who is trapping for cash dollars to buy the different trap. The subsistence people, who are eating the game they are trapping, are exempt from this, as the Senator knows—particularly native peoples who may not be able to afford to do so, or it is in their tradition to do so. They are exempt.

So we are dealing with a minority of a minority, only on wildlife refuge lands. I think that is fair; it is narrowly construed, and mostly to accommodate the Senator from Alaska. The Senator was probably unaware of this or he would not have put the earlier statement in the RECORD, but after the letters the Senator submitted for the RECORD, Secretary Babbitt wrote to me as he did to Congressman FARR, making clear that ''The letter dated July 20, 1999, from Mr. John Rogers and the enclosed effect statement do not represent the position of the Department of the Interior.''

I ask unanimous consent that this letter be printed in the RECORD.

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

THE SECRETARY OF THE INTERIOR,
Washington, July 26, 1999.

Hon. ROBERT G. TORRICELLI,
U.S. Senate,
Washington, DC.

DEAR SENATOR TORRICELLI: I am responding to your request for the Department's position on your amendment relating to the use of certain kinds of traps on National Wildlife Refuges. The letter dated July 20, 1999, from Mr. John Rogers and the enclosed effect statement do not represent the position of the Department of the Interior.

After careful consideration, I can advise you that your amendment would not impact the ability of the U.S. Fish and Wildlife Service to manage refuges under the Organic Act of 1997. Accordingly, the Department does not take a position on your amendment.

Sincerely,

BRUCE BABBITT.

Mr. STEVENS. I have the highest regard for the Secretary of the Interior as a Secretary of the Interior. I don't accept him, however, as a wildlife manager. I have put in the RECORD a letter from the Director of the Fish and Wildlife Service, a professional who has put over 30 years of his life into the management of wildlife refuges, and he stands by his position. The letter that I have read to you was written after the Secretary of the Interior made his statement as a political figure, and the wildlife managers stand by their position. They stand by their position that these traps are the best scientific way to manage wildlife on Federal refuges.

I really believe the Senator misinterprets my position. I want to make sure we understand each other. I support the use of these traps for wildlife management purposes, and I support the use of them for those who want to trap for income. But I say to my friend, in terms of the two types of traps that he would ban, those are traps that have been specifically approved by the wildlife managers. They are now opposed on a political level; I admit that. But what does the Senate want to do in terms of wildlife refuges? Manage for political purposes, or manage the system as the scientifically trained managers tell us is the best way to manage them?

We defend the fish and wildlife managers and the safe fish and game commissioners. I say to my good friend, I accept the fact that he is defending the political judgment of my good friend, the Secretary of the Interior. I disagree with that, and I hope the Senate does also.

Mr. TORRICELLI. As the Senator knows, I have respect for him for his extraordinary advocacy in all interests of Alaska. We simply have a difference of judgment on what is a relatively narrow matter. You have pointed out that one-fifth of Alaska is in a Federal wildlife refuge. That means in four-fifths of Alaska you can use any trap you want, any way you want, for any purpose you want. But on those lands set up as refuges—20 percent of your State—in those few lands where, by political judgment, this institution in previous years decided it wanted wildlife to have a refuge, it is basic to the concept of a refuge that we try to use, at least for the killing of animals, a technology that is understood and accepted to be relatively humane in those lands and only for these narrow purposes.

For all the concerns that you legitimately bring and Senator BURNS brings about the destruction of livestock, or culture, people who live on subsistence, they are free to do what they want, even in the refuge. If we cannot make this narrow exception here, with a letter from the Secretary of the Interior making clear the position of his Department, something endorsed by the House of Representatives, by my party and 89 members of your party, by every other industrialized nation in the world, and we alone are doing this, all I am asking—and it is overwhelmingly in the United States—if you want to use a leghold trap, though it is inhumane and rejected by the rest of the world and most of the Nation, you are free to do so under my amendment. For all these purposes, I ask that, in those few narrow lands, these two specific traps be banned for these few narrow purposes. That is our fundamental disagreement. But that is our only disagreement on that narrow point. I wanted to clarify that.

Mr. STEVENS. If the Senator will yield, I say to my friend, I have this map again to show to the Senate. Isn't it interesting that, however, the Senator's amendment affects 52 native villages in that one area, the Yukon Delta Refuge. The Senator says I can use the other four-fifths of the land of the United States. These people have no access at all. They are the lowest income people in the United States. The effect of the Senator's amendment would limit them, even under subsistence, to obtaining no more than $10,000.

I don't know if he understands that, but Federal law already limits subsistence use when it is totally for subsistence, without a commercial protection, to $10,000, in terms of barter concepts. But these people can't go to these lands that are in yellow. Those are the other lands that are not affected. The lands affected are the lands in which they live.

Congress, in 1980, gave them the right to continue their lifestyle in order that they might continue to live. They live on fish and game resources, and they sell both to obtain cash income, very limited amounts, on an individual basis. The total, altogether, is $7 million. But the total out there is something like 70,000 people. When you look at it, you are saying, oh, yes, you can use traps, just go to downtown Anchorage now and get one of those newfangled traps, the ones that the environmental people say are safe and humane, but you can't use the one that the scientific managers say are the most effective, not only to carry out the business of obtaining their food and their cash income, but to pursue our own objectives of limiting predators so we can protect other wildlife.

I have a whole list of wildlife that have been protected by these people who are subsistence hunters, who catch or trap these animals and sell the furs, but they do protect the migratory birds that come into this vast area. The areas were not set aside to protect the animals being snared. They were set aside to protect migratory waterfowl. These are not wildlife refuges to protect the red fox, or anything else. They are for migratory waterfowl. You are telling them that they cannot use these traps. As our volunteer agents, by the way, they are doing the job that it would take a thousand paid officials to do.

They are trapping the predators and selling their skins.

Mr. TORRICELLI. So our colleagues are clear on this narrow difference that we represent, two things have been said that deserve further attention.

One, if the trapping is to deal with a predator—and indeed this is part of the management of the refuge—my amendment does not affect them. They can trap.

Mr. STEVENS. Does the Senator want a permit every time they do it and have the managers say this is for management purposes only?

Mr. TORRICELLI. Allow me to finish.

If it is a predator and it is for management of the species, they are free to use any trap they want.

Second, it was appropriately pointed out if they are in the business of getting furs, they are in that cash business. My amendment would impact them. However, if they are using these traps for subsistence for their own consumption, as the Senator knows, they are also exempt from my amendment.

There is a great deal of debate on this floor for a great number of people who have no relationship to my amendment.

We are dealing with two traps, one kind of land, narrowly defined, with six exemptions. We are dealing with a fraction of a fraction of the hunting that is going on, which will still leave the United States as the only developed nation in the world that is allowing the traps to be overwhelmingly used. If we cannot take the narrow stand for the wildlife refuge, my guess is we can take no stand at all.

I yield the floor and I thank the Senator from Alaska for what has been an enlightening discussion.

Mr. STEVENS. Mr. President, I heard this morning a brilliant statement by the Senator from Hawaii to our Alaska Federation of Natives forum being conducted now.

One of the things he stated I want to repeat to the Senator from New Jersey: Subsistence is not about eating. The Senator's amendment presumes subsistence means going out and obtaining food.

Subsistence is a way of life. Subsistence is the ability to hunt, fish, trade, or barter what they get for cash in order to live. It is more than just obtaining an animal. The Senator's amendment says one can continue to trap for subsistence and I believe he means for food. He says once they sell the pelt, they are into commercial activities.

Our State fish and wildlife service recognizes that trapping for subsistence is a legitimate activity. As a matter of fact, the exception in the Federal law is for subsistence hunters. They can trap in pursuing their subsistence lifestyle.

To think they could not then sell those animals, sell the pelts, or to put them in a position where they could only do so for wildlife management purposes—which is the effect of the Senator's amendment—offends us. The people who rely on a subsistence lifestyle hunt, fish, and trap. They consume some of the fish, they consume the animals, and they sell or use the remainder of what they catch—both mammals and fish—for their native arts and crafts.

They also carry out the purposes of wildlife management because they are, in fact, trapping the predators that would destroy the migratory waterfowl—the foxes that eat the eggs, the other predators that eat the birds. The area was set aside to protect the migratory waterfowl.

The Senator is saying they cannot use traps on these wildlife refuges that were set aside to protect migratory waterfowl because these traps catch some birds. The predators they catch considerably outnumber the impact of the traps on migratory waterfowl. The Senator says they can do it if it is for wildlife management purposes. There is no agent setting traps because these people are setting traps. In effect, they carry out the purposes of the management scheme by trapping the way the managers tell them to trap. They are using the traps that have been approved by the Federal and State system.

Along comes this amendment. It makes the judgment that two of those traps are inhumane and should not be used by these people. It doesn't ban the fish and wildlife managers from using them. It doesn't ban anyone from using them. It bans the 15 percent of the people who use these traps. I don't intend to support banning anyone from using them as long as the fish and wildlife managers say this is scientifically the best way to deal with both the predator

control and the objective of obtaining resources for maintaining the subsistence lifestyle of these people.

These 52 native villages, I think the Senator knows, can only be reached by air in the wintertime. For the most part they are on rivers. During the summertime, visitors can travel to the villages but during the winter trapping period, the only way to get to and from there is by air. Diesel costs $3 to $5 a gallon. And now the Senator would say they can't sell those pelts? They can still catch the animals and eat them but they can't sell them?

Those people are out there trapping simply for plain trapping purposes. That is their cash income. They are from one of the larger villages, but they have a trapline. They have a permit. They are supervised by somebody. They get approval of where they will set the traps. They get approval of the type of traps they will use. That is what the wildlife management system brought to them. They live with that. They made up the code of ethics as required by the Federal managers; they live by that. Why should the Congress of the United States tell them they cannot carry out a lifestyle that the scientific manager says is the correct way to manage those resources?

I think those who live in the East have the luxury of saying do something else. Go to the store and get another trap. That is not the case. Most of the traps are very old. They are maintained by our people. Many of them were made by them. The idea of saying they can continue trapping but go down to the store—there is not a Sears, Roebuck store nearby. You can't get the needed traps by mail order.

If you use these new traps, you can continue trapping, but you can't use the ones you have been using.

It is amazing; the Senator's amendment hits about 95 percent of the traps that are in use today on the wildlife refuges. Does the Senator know that?

I say to my friend, I could not oppose this more, not only on the basis of being the Senator from Alaska but on the basis of scientific management. As much respect as I have for the Secretary of the Interior—I was assistant to the Secretary of the Interior and the solicitor general counsel to the Interior Department in the Eisenhower administration, but in my day we relied upon scientific managers and did not reverse them for political purposes. That, I think, is what the Senator is defending, which I oppose.

Mr. TORRICELLI. Mr. President, I believe we have defined the issue appropriately and at length. That ultimately is where we now differ. The technology of trapping has clearly moved. Eighty-five percent of those who are trapping in the country are not using these traps. The largest States in the Nation have now banned these traps, as have other nations.

What remain are those few on Federal wildlife refuge lands who continue to use these two traps identified as inhumane who would admittedly, as Senator STEVENS suggested, for purposes where they are in the cash business of killing the animal and getting the fur, have to change to use other traps. If they are eating the food, they can use the same trap. If it is against predators, they can use the same trap. If they are in management for wildlife species, they can use the same trap. If they are going to sell the fur and they are in the business of making money by doing so, they are going to have to move to a more humane trap. That is as narrow as I know how to write this.

That is the issue. That is our difference. I commend it to the Senate.

I yield the floor.

Mr. STEVENS. Mr. President, I serve notice to the Senate that as the hour of 2 o'clock approaches, I will make a motion to table. I am informed that other Senators wish to make statements. Therefore, 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. CRAIG. 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. CRAIG. Mr. President, as we work to pass Interior appropriations, of course, because this is a piece of legislation that is key to so many important areas of our States, whether they be east or west, it is also an opportunity to attempt to change what is standard law or practice or belief in many of our States. The Torricelli amendment on trapping is just that kind of amendment.

My guess is there are few Senators on the floor who have actually ever trapped. I grew up on a very rural ranch in southwestern Idaho, and at age 6 I began to run a trapline and I used legholding traps to catch coyote and bobcats. That was done largely for the purpose of raising money, but it was also to protect our domestic livestock herds in the springtime when our cows began to calve and would find themselves, oftentimes, having their baby calves harassed and killed by coyotes.

I was taught how to trap, but I was also taught an important lesson in trapping. I will not dispute in any way what the Senator from New Jersey might try to suggest is an inhumane approach, but I will suggest it can be used in a right and responsible way. The thing I was taught by my father and by an elderly gentleman who lived on our ranch who taught me how to trap was that you check your trapline daily, so if an animal is caught, it will not suffer. Of course that is exactly what I did, and that is exactly what good trappers do throughout the West.

The reason I was allowed to do that and the reason trappers around the country are allowed today to trap when and where necessary under the appropriate circumstances is that responsibility always rested with State governments—State fish and game departments and State agencies. And because I believe, as most Senators do, that State agencies are much closer to the people and can more quickly respond to the needs of a State or a given locale, that that is where that authority to determine policy ought to be—not with a Senator from New Jersey who would not understand Idaho or any other Western State where the abundance of wildlife sometimes is such that it needs to be managed. He would not understand the State of Idaho or Montana or Wyoming or Alaska works very closely with their fish and game department to make sure laws and regulations fit the need and the desire of the area under concern.

Historically, this Government, our Government, the Federal Government, has said it is the responsibility of States to govern and manage wildlife populations. They have said it for the very reason I have just given, because a Congress and a Senate cannot really be in tune with what is necessary in Juneau, or out from Juneau in Alaska, or out from Jackson Hole in Wyoming, or out from Midvale in Idaho. They don't really understand the circumstance if there is an infestation or large buildup of coyote, a killing of domestic livestock herds, and a reason to moderate and manage that wildlife population. That is why we have allowed trapping and why States have consistently allowed it. We have constantly erred on the humane side, of being responsible in the management of our wildlife, as we should.

We have the responsibility of good stewardship. That is my job, that is every citizen's job, to be a good steward of their public land resources. But it is not our job here to try to fine tune and micromanage because some interest group comes to us and suggests this is a good and right political thing to do, because it will sell well in suburbia New York. It has no impact in New York. It has no impact whatsoever in that State. But what might sell well and be a good, warm, touchy-feely, ''I care'' kind of vote in New York causes all sorts of problems in a rural Western State such as mine.

That is why, again, we have tried to take the emotions out of these issues and say there are categories of responsibility on which we ought to err and on which we ought not. This is an amendment that really should not be debated on this floor. We have a U.S. Fish and Wildlife Service. They make every effort to be responsible in the effective management of our wildlife. And they, while they have broad authority, work directly with State fish and game departments. Historically, they have always had a right and proper relationship, erring on the side of the State and on the side of the area or

local fish and game management experts when making the kinds of decisions that I believe arbitrarily the Senator is attempting to make with his amendment.

That is why it is interesting that after this amendment passed the House, the U.S. Fish and Wildlife Service wrote a letter to all of us saying they would not support the House amendment. It was only when the politics caught up with it that Bruce Babbitt, our Secretary of the Interior, came out and said that is not the position of the administration. The reason it has not become the position of the administration is because of a set of environmental groups that came forward and said this is our national cause and we need to make it a national cause, totally ignoring what is good policy or what is a reasonable relationship between a State government and a State agency and the Federal Government and a Federal agency.

Interestingly enough, even with the position of the Secretary of the Interior, the U.S. Fish and Wildlife Service has not changed its position. It still believes the Torricelli amendment is the wrong amendment, and the right thing to do is what they have done historically with State fish and game agencies.

What do I hear from my citizens? They want the right to trap. They accept the responsibility and they accept the regulations that the State fish and game agency would put upon them. But an outright ban is not the way to manage this, and I hope those of my colleagues who focus on this issue will cut away from the idea that this is an easy, free vote that somehow demonstrates their humaneness toward a population of wildlife.

What they ought to err on the side of is allowing their State fish and game agencies to make those determinations and allow the State agencies and the Federal U.S. Fish and Wildlife Service that kind of a relationship. I hope they will err on the side of good government instead of warm, feely, and touchy politics because that is all this is. It is a feel-good vote that ends up being pretty bad government in the end.

Sometimes, I suggest to my colleagues, it takes a little bit of strength and a little bit of backbone to stand up and say, no, this is the wrong thing to do and then be willing to go home and explain it, if you erred on the side of the State capital and the fish and game agency of that State in making the decision and you trust your State legislators because they are the closest to the people, to make sure fish and game regulations and fish and game management in their State is done in a fair and humane way. I believe it is today, and I believe it will continue to work well that way when we allow our national U.S. Fish and Wildlife Service to work closely with our State agencies, erring on the side of primacy, or primary responsibility, at the State and local level. It has worked well in the past. It will work well in the future.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. 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. STEVENS. Mr. President, I move to table the Torricelli amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, I believe there was an understanding that this vote would not start before 2 p.m. I ask unanimous consent that the vote start at 2 p.m. and the quorum call end automatically at that time.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. 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, I applaud my friend, Mr. TORRICELLI, for bringing up this important amendment today.

This amendment is very simple. It prohibits the expenditure of funds to administer or promote the use of steel-jawed leghold traps or neck snares on any unit of the National Wildlife Refuge System except for research subsistence, conservation, or facilities protection.

This is a no-brainer. These traps are inhumane. They are designed to slam closed. The result is lacerations, broken bones, joint dislocations, and gangrene.

Additional injuries result as the animal struggles to free himself, sometimes chewing off a leg or breaking teeth from chewing at the metal trap.

An animal may be in a trap for several days before a trapper checks it.

The American Veterinary Medical Association, the American Animal Hospital Association, and the World Veterinary Organization have all declared leghold traps to be inhumane.

Our National Wildlife Refuges are the only category of federal land set aside for the protection and benefit of wildlife. It is inconceivable to me that, as a matter of federal policy, we allow recreational and commercial killing of wildlife on refuges with inhumane traps.

This is not even a close call. These traps are so inhumane and indiscriminate that they have been banned altogether in 88 countries. Additionally, they have been banned in four of our United States: California, Arizona, Colorado, and Massachusetts. Other states impose restrictions on them.

Let me be clear about one critical point: This amendment does NOT bar trapping on National Wildlife Refuges. Other traps, such as foot snares, conibears, and box and cage traps can be used for any purpose consistent with applicable laws and regulations on Refuges.

This amendment does not even forbid the use of steel traps or neck snares outright, although I think that would be a good idea. It just bans these two processes on National Wildlife Refuges.

As I mentioned at the outset, research, subsistence, conservation, and facilities protection uses are still allowed under this amendment.

In this day and age, there is no need to resort to inhumane methods of trapping, particularly not on those portions of our federal land that are set aside specifically for the protection and benefit of wildlife. I encourage all of my colleagues to support the Torricelli amendment.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the question is on agreeing to the motion to table amendment No. 1571.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Rhode Island (Mr. CHAFEE) are necessarily absent.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

The PRESIDING OFFICER (Mr. VOINOVICH). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 32, as follows:

[Rollcall Vote No. 268 Leg.]

YEAS—64

Abraham	Dorgan	Kyl
Allard	Edwards	Landrieu
Ashcroft	Enzi	Leahy
Baucus	Feingold	Lincoln
Bayh	Frist	Lott
Bennett	Gorton	Lugar
Bingaman	Gramm	Mack
Bond	Grams	McConnell
Breaux	Grassley	Nickles
Brownback	Gregg	Roberts
Bunning	Hagel	Santorum
Burns	Hatch	Sessions
Campbell	Helms	Shelby
Cochran	Hollings	Snowe
Collins	Hutchinson	Stevens
Conrad	Hutchison	Thomas
Coverdell	Inhofe	Thompson
Craig	Inouye	Thurmond
Crapo	Jeffords	Voinovich
Daschle	Johnson	Warner
DeWine	Kerrey	
Domenici	Kohl	

NAYS—32

Akaka	Fitzgerald	Murray
Biden	Graham	Reed
Boxer	Harkin	Reid
Bryan	Kennedy	Robb
Byrd	Kerry	Rockefeller
Cleland	Lautenberg	Roth
Dodd	Levin	Sarbanes
Durbin	Lieberman	Schumer
Feinstein	Mikulski	

Smith (NH)	Specter	Wellstone
Smith (OR)	Torricelli	Wyden

NOT VOTING—4

Chafee	Moynihan
McCain	Murkowski

The motion was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, I note the presence of the senior Senator from Illinois, who has an amendment related to grazing. My inclination is, since he is here and ready to go, he should go next.

I think it is important to inform our Members that we hope to accomplish more business during the course of the day. The particular large piece of business that we are closest to, an agreement on a collection of several amendments that do not relate to amounts of money in the bill, we hope shortly to have unanimous consent for. We are also working, of course, on a managers' amendment. Many of the amendments that have been reserved are likely to be the subject of a managers' amendment. I have discussed this matter with a number of individual Members.

I say to the Senator from Illinois, whether we will be able to get to a vote on his amendment this afternoon I am not certain. I hope we will. He has cooperated in this connection. I would like to see a couple of more votes this afternoon, but I am not sure we will. But let's begin the debate and we will see what its dynamics are and determine how far we can go.

Mr. DURBIN. Will the Senator from Washington yield?

Mr. GORTON. Certainly.

Mr. DURBIN. I am prepared to agree to a time agreement allowing 40 minutes on this amendment and a vote to follow.

Mr. GORTON. Unfortunately, I am not able to agree to even that yet. The opponents to his amendment will control that. While I will be voting with the opponents, I will not lead the debate on this. So I think we should work on a unanimous consent agreement during the course of the debate.

Mr. DURBIN. Let the RECORD show that I tried.

Mr. GORTON. It will so show.

AMENDMENT NO. 1591

(Purpose: To require the Bureau of Land Management to establish a schedule for completion of processing of expiring grazing permits and leases)

Mr. DURBIN. Mr. President, I ask unanimous consent to set aside the pending business and to move to my amendment at the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The bill clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 1591.

Mr. DURBIN. 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 52, strike lines 16 through 24 and insert the following:

"SEC. 117. PROCESSING OF GRAZING PERMITS AND LEASES.

''(a) SCHEDULE.—''

::(1) IN GENERAL.—The Bureau of Land Management shall establish and adhere to a schedule for completion of processing of all grazing permits and leases that have expired in fiscal year 1999 or which expire in fiscal years 2000 and 2001.

''(2) REQUIREMENTS.—The schedule shall provide for the completion of processing of the grazing permits and leases in compliance with all applicable laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) not later than September 30, 2001.

''(b) REQUIRED RENEWAL.—Each grazing permit or lease described in subsection(a)(1) shall be deemed to be renewed until the earlier of—

''(1) September 20, 2001; or

''(2) the date on which the Bureau completes processing of the grazing permit or lease in compliance with all applicable laws.

''(c) TERMS AND CONDITIONS OF RENEWALS.—

''(1) BEFORE COMPLETION OF PROCESSING.—Renewal of a grazing permit or lease under subsection (b)(1) shall be on the same terms and conditions as provided in the expiring grazing permit or lease.

''(2) UPON COMPETITION OF PROCESSING.—Upon completion of processing of a grazing permit or lease described in subsection (a)(1), the Bureau may—

''(A) modify the terms and conditions of the grazing permit or lease; and

''(B) reissue the grazing permit or lease for a term not to exceed 10 years.

''(d) CONSIDERATION OF PERMIT OR LEASE TRANSFERS.—(1) During fiscal years 2000 and 2001, an application to transfer a grazing permit or lease to an otherwise, qualified applicant shall be approved on the same terms and conditions as provided in the permit or lease being transferred, for a duration no longer than the permit or lease being transferred, unless processing under all applicable laws has been completed.

''(2) Upon completion of processing, the Bureau may—

''(A) modify the terms and conditions of the grazing permit or lease; and

''(B) reissue the grazing permit or lease for a term not to exceed 10 years.

''(d) EFFECT ON OTHER AUTHORITY.—Except as specifically provided in this section, nothing in this section affects the authority of the Bureau to modify or terminate any grazing permit or lease.''

Mr. DURBIN. Mr. President, this is an amendment which addresses the question of grazing on public land. If you followed the debate on the Department of Interior appropriations bill over the last few days, and the weeks when we were in session before our August recess, you would see that we have an issue primarily between the Republican side of the aisle and the Democratic side of the aisle, a question of stewardship of public land. In virtually every amendment offered from the Democratic side there has been an attempt to make certain that the public lands are protected, that the value of the public lands are protected, and that America's taxpayers, who in fact own these public lands, are not shortchanged by those who would come in and use them.

Consistently on the other side the position has been, if someone wants to take the land of America, the land belonging to all Americans, our public land, and use it for grazing, drilling, mining, or logging, that there should be few or any restrictions and, second, that they should not pay an extraordinary amount of money for the privilege of taking profit off our public land.

This has been a clash of philosophy that has been visited on every single amendment in one form or another. It is a clear difference of opinion, primarily between the Republican side of the aisle and the Democratic side of the aisle.

There are those of us on the Democratic side who understand that these public lands, first and foremost, are a legacy that we inherited from previous generations and must leave in good shape for future generations. First and foremost, that is our obligation.

Second, if the lands are to be used for a practical purpose such as deriving income from logging or mining or grazing or drilling, the taxpayers of this Nation are entitled to fair compensation from those who would use the lands for commercial purposes.

We have had a lot of arguments about various aspects. This particular amendment goes to the question of grazing. The Bureau of Land Management, BLM, is an agency within the Department of the Interior which is entrusted with an extraordinary responsibility—to administer literally millions of acres of our Nation's valuable and diverse public lands located primarily in 12 Western States, including Alaska.

The BLM has an extraordinary responsibility when it comes to land management. It manages more Federal land than any other Federal agency. This agency, BLM, oversees 40 percent of our Nation's Federal lands, roughly 264 million acres of surface land.

But acres do not really tell the story. Our Nation's public lands contain a wealth of natural, cultural, historic, and economic resources that literally belong to every American. The natural and ecological diversity of BLM-managed public lands is perhaps the greatest of any Federal agency. The BLM manages grasslands, forest lands, islands, wild rivers, high mountains, Arctic tundra, desert landscapes, and virtually the spectrum of land primarily in the western part of the United States. As a result of this diversity of habitat, many thousands of wildlife and fish species occupy these lands. These fish and wildlife species represent a wealth of recreational, natural, and economic opportunities for local communities, States, and the Nation's hunters, sportsmen, and families. So the responsibility of the BLM is not only to watch this land but to make certain that they preserve the resources given to them in the lands.

Grazing is the most extensive use of BLM lands in the lower 48. Of the roughly 179 million acres of BLM public lands outside of Alaska, grazing is

allowed on almost 164 million acres, and millions of these acres also contain valuable and sensitive fish, wildlife, archeological, recreation, and wilderness values.

At the present time, BLM authorizes, through the issuance of grazing permits, approximately 17,000 livestock operators to graze on these 164 million acres of public lands. These permits and the public land grazing they allow are important to thousands of western livestock operators who literally make their living by grazing their cattle on the public lands. Many of these operators use the permits they receive from the BLM to secure bank loans that provide important financial resources for their operations.

The BLM typically issues grazing permits for a 10-year period of time. Many of the current grazing permits were issued in the late 1980s and now are starting to expire in large numbers during a 2- or 3-year period. These permits, numbering in the thousands, present the BLM with an unusually large and burdensome short-term renewal workload.

The BLM reports that they face a workload of renewing some 5,300 grazing permits which will expire in fiscal year 1999. While the BLM will be able to handle the majority of these renewals during this fiscal year, it is anticipated that 1,000 of these expiring permits will have to be held over until the next fiscal year. In addition, the number of permits due to expire in that fiscal year is greater than average. As a result, the BLM will have a fiscal year 2000 workload of approximately 3,000 permit reviews.

I raise this point because we are trying to balance, with this amendment, two or three things: First, to make sure that those who make their livelihood by grazing livestock on public lands have an opportunity to renew their permits to secure the bank loans to continue their operations in a responsible way. That is reasonable. This amendment that is offered is consistent with that, and I think it will achieve that end.

On the other side of the ledger, and equally important from a public policy viewpoint, we believe that this Federal agency, the BLM, has a responsibility to look at the permits and view the land that is being used, the public land being used by private people, to make certain it is being adequately protected, protecting America's natural resource, the millions of acres of public land that we as a nation own. How does the BLM do that?

When they reissue these permits for grazing, they take a look at the land to determine what has been the impact of the grazing: Is there too much grazing in one particular area? Are there things that need to be changed in terms of the terms and condition of the grazing to protect America's natural assets, these public lands?

Superimpose over this balance this workload I have just described. BLM now has more permits to renew than is usually the case, and there is some uncertainty among those who are asking for permits as to whether BLM can do their job in an expeditious fashion. It is my understanding that last year we extended permits by a year. We decided because of the workload that we wanted the permit holders to know they could continue to have their permits even if they had not been individually reviewed by the BLM.

My amendment says that the extension will be for 2 years or, if the BLM is able to do the review, sooner, which gives assurance to the landholder that they will have the permit and they can go to the banker and say: We have at least 2 years on this, perhaps longer.

At the same time, it says to the BLM: Don't shirk your responsibility; you are supposed to review these permits, guard America's natural assets, and make sure the public land is not exploited.

The purpose of my amendment is to strike this balance to give to the permit holders the additional 2 years and to say to the BLM: Still do your job, protect these assets, make the environmental reviews that are necessary, and open it for public hearing as required.

The on-the-ground, permit level decisionmaking that should legally accompany BLM's permit renewal process is fundamentally important to the ecologically sound, multiple-use management of our Nation's public lands. The BLM must conduct what is known as National Environment Policy Act compliance—shorthand, in Federal jargon, NEPA, National Environmental Policy Act—and land use plan performance reviews before reauthorizing the permits.

To meet the review requirements of NEPA and other existing Federal laws and regulations and to meet the diverse demands of the American public, the BLM uses interdisciplinary teams composed of agency professionals in wildlife, range, wild horse and burro, cultural, recreation, wilderness, and other areas. The BLM also solicits public comment and relevant information from the wide array of the public interested in range management, including hunters, fishermen, and others who enjoy our public lands.

The simple fact is this: On most public land grazing allotments, all the important decisions that determine the condition of public rangeland resources are contained in the terms and conditions of the grazing permits and in the annual decision about the amount, timing, and location of livestock grazing.

These decisions determine whether streams and riparian areas will flourish or be degraded, whether the wildlife habitat will be maintained, protected, or destroyed. Public involvement in this process is essential for balanced public land management. Without the application of NEPA and related laws, the American public literally has no voice in public rangeland management.

The unusually large number of permits that need to be renewed have created a dual dilemma for the Bureau and for its many public constituents. Western livestock operators who currently hold these expiring permits are worried that delays in the Bureau's processing time may cause them to lose their permits or otherwise threaten their ability to use them to secure loans and make a living.

Conservationists meanwhile believe the Bureau ought to perform responsibly the environmental stewardship and analysis aspects of its grazing management and permit renewal activities.

It is not the ranchers' fault that such a large number of permits are expiring at once. If anyone were to blame, it would be BLM, the agency, which should have recognized this and addressed the problem sooner.

I am not certain whether we provided the resources, incidentally, so they could do that, but certainly it should have been called to the attention of Congress.

BLM has a duty to all public land users, ranchers, conservationists, and others to provide orderly and balanced management of our public land resources.

It is entirely understandable to me, being from the State of Illinois, that ranchers are concerned about the issues of security and predictability. My farmers face the same thing. Likewise, we require the BLM to wisely manage and protect our public lands for all Americans. In the face of these concerns, a balance must be struck. The good news, I submit, is that these two concerns can be handled in a mutually inclusive fashion.

The substitute language I am offering addresses the ranchers' needs for the Bureau to process grazing permits in a timely fashion and in a manner by which ranching operations and financial operations will not be needlessly disrupted.

I want to hold BLM's feet to the fire, make them do their job right. I want them to solve the backlog of expiring permits. I want them to deal in a fair and forthright way with ranchers. And I want them to apply our Nation's environmental laws so that public rangelands are protected for all to use and enjoy.

As I seek to protect ranchers from operational uncertainty due to bureaucratic delays, I also want to address the concerns raised by conservationists that the Bureau's equally necessary environmental analysis and resource protection duties move forward.

The current language in the bill, if I am not mistaken, was inserted by Senator DOMENICI of New Mexico. This language, unfortunately, provides an unnecessarily controversial, open-ended, and uncertain response to this problem. Clearly, the language in the bill, which I seek to change, is pitting conservationists against ranchers, and that is needless.

Ironically, I am concerned the language in the bill at this time, as drafted, will actually undercut both the

ranchers and the conservationists. The actual permit renewal and environmental protection problem at hand is tightly defined and should be remedied with a tightly defined and effective solution.

Nevertheless, section 117 in the bill, as drafted, would apply to permits that have or will expire in ''this or any fiscal year''—any fiscal year.

Consider that for a moment—not just those that would expire during the term of this appropriations bill, but any fiscal year. Given the tightly defined 2- to 3-year nature of the current issue, this section provides an open-ended timeframe that is excessive and unnecessary. Instead of responding to the current real and specific crisis, section 117 in the bill virtually writes a new policy for permits that expire in this or any fiscal year.

I think that goes way beyond what we need to accomplish in this legislation. Section 117 provides a loosely drafted, open-ended delay of application of NEPA, the environmental law, and many other laws.

Given the facts of the issue at hand and the importance of maintaining adequate environmental protections and reviews for public land management decisions, section 117 is far too sweeping in its effect. As written in the current law, section 117 would actually provide the Bureau of Land Management with an incentive to delay the application of NEPA and other laws.

Because the Senator from New Mexico does not put a time certain as to when these permits will end, putting pressure on BLM to do its job, I am afraid we are going to have literally no review, and that is not in the best long-term interest of protecting America's public lands, which is the second half of this equation that we have to balance if we are going to be fair both to ranchers and to conservationists and Americans at large.

Section 117 also undercuts meaningful opportunities for public involvement in the range management process. Because it requires the BLM to reissue permits under their current terms and conditions for an indefinite period of time, it effectively eliminates effective public input. As a result of these and other problems, the existing section 117 is adamantly opposed by a wide array of groups that include the National Wildlife Federation, Defenders of Wildlife, Natural Resources Defense Council, and the Wilderness Society.

If enacted as written, section 117 could well cause the Bureau to maintain expiring grazing permits in sort of a bureaucratic limbo indefinitely. Ranchers might find themselves holding a permit of uncertain tenure instead of ultimately receiving the clearly defined permit that would be required under my amendment. Section 117, therefore, could well create a situation that would actually harm the economic certainty of ranching operations in the West.

We need to find a workable solution. We must not give the BLM the ability to delay its important permit renewal activities indefinitely. Congress must act to place the Bureau on a schedule to accomplish its work in a timely fashion to renew the permits. We need not—we must not—create a system that sacrifices either legitimate rancher concerns or environmental protection. We have to hold the BLM's feet to the fire. We must treat public land ranchers fairly, and we must protect the environment. We do not need to sacrifice one for the other, and I fear the existing language of section 117 does just that.

My intent is to ensure that the Bureau will be able to bring the current permit renewal situation under control by the end of fiscal year 2001, 2 years from now.

Additionally, I propose we extend the tenure permits which have expired in fiscal year 1999, or will expire in fiscal year 2000 or 2001, until the end of fiscal year 2001 or until the necessary environmental analysis under NEPA and other laws is completed, whichever comes first. This says to a rancher, you know with certainty if the Durbin amendment is adopted that your permit will be extended at least to the end of fiscal year 2001, and if in the interim BLM has done its job, it could be extended longer. That gives them something to go to the bank with, that they can, in fact, secure loans and continue their ranching operations. This amendment provides the ranching community and financial institutions certainty that these permits will not lapse during reprocessing. This amendment will provide continued assurance to the American public that their lands are being protected. It provides a real solution, not a controversial stopgap approach.

I based my proposal on the permit language that Congress adopted as part of the Interior appropriations law for fiscal year 1999, as well as current House and Senate versions of this bill. My language closely resembles a solution that Congress passed as part of the 1995 rescissions bill to address a similar permit renewal problem faced by the Forest Service. In the rescissions bill, Congress placed the Forest Service on a fixed-year schedule to bring their grazing permits into compliance with NEPA. I urge my colleagues to join me in supporting this balanced approach to the management and protection of our Nation's public lands.

I understand the backlog and the workload faced by the BLM. As I said, it is extraordinary in its scope. I also understand the challenges that face the ranchers and those who depend on these permits for their livelihood. I think we have struck a balance, a balance which should give some assurance on the one hand to the ranchers about the future of their permits, and give assurance to the public and conservationists that these natural resources are being protected.

I have two illustrations of why this is a particularly important issue. These photos were taken on BLM land and give a good indication of what can happen with proper land management and what happens when it doesn't occur. Notice on the left-hand side this overgrazed riparian area, Road Canyon in southeast Utah. There is hardly anything left, sand and gravel.

On the other side is Grand Gulch, where it has been properly managed. There is a good stand of grass. This is important for many reasons. If we are going to protect these lands and make certain that we have grazing opportunities for years and years to come, we have to manage them. My farmers in the Midwest have to manage their lands every year, decide what to plant, where to plant, what to apply to make certain the land will be ready after this crop for another crop. Basically, the Bureau of Land Management has that responsibility when it comes to our public lands.

They allow these ranchers to come and graze but under terms and conditions so they can say to the American people: Next year, 10 years from now, we will have protected your assets, your resources, for your use as well as the use of future ranchers. Overgrazing has severely degraded riparian areas in Comb Wash. As a result of many years of overgrazing, much of the natural streambank vegetation has been stripped away, leaving either bare soil or undesirable plants such as snakeweed and tumbleweed that invade overgrazed areas. Because of the overgrazing, severe stream channel erosion has occurred, and water tables have dropped.

Annual grazing permits issued by BLM allow this degradation to occur. If they keep renewing the permits on an annual basis instead of stepping back from time to time and looking at the impact, you can see that, frankly, we are going to have bad results. The language in the bill, which I amend, section 117, would continue this degradation indefinitely. Once we have run these resources down to bare rock, what good is it to the ranchers? Literally, they have to be certain they have a resource to turn to in decades to come so they have some assurance of their own livelihood. It is in their best interest to protect this resource as well with reasonable permits.

When you take a look at this healthy riparian area, as illustrated in the other photo, Grand Gulch, you can see the difference. This area had, again, been arrested from grazing for 20 years. In Grand Gulch, there was a healthy streamside ecosystem. The stream channels are stable, protected from erosion by vegetation. Sound grazing management decisions by BLM would allow more riparian areas across the West to return to healthier conditions.

This has been a controversial area and is a clear illustration of why we need to have the annual review by BLM consistent with NEPA standards.

The second photo shows a similar story. The ecological condition of the Santa Maria River in western Arizona has improved dramatically as a result of permit management practices under the National Environmental Policy Act. It is important to note the BLM continues to allow grazing in this area. However, it has changed the timing of this grazing. BLM is not at war with the ranchers but trying to make sure that it manages the Nation's resources on these public lands in a responsible fashion.

As a result of environmental reviews, the grazing permits on the Santa Maria River now contain terms and conditions requiring livestock to be kept out of the riparian areas during the spring and summer growing seasons.

The Santa Maria River is a rarity: a free-flowing river in the midst of a vast, hot, low-elevation desert. The riparian corridor provides essential habitat for dozens of species of wildlife, including 15 species that are listed by Federal or State agencies as threatened, endangered, or other special status. The riparian area of the Santa Maria and its ability to support wildlife were severely degraded by many years of uncontrolled, unmanaged livestock grazing in the river corridor. The vegetation was stripped away. The water was polluted. Streambanks were trampled. Miles of riparian area were nearly as barren as the surrounding desert.

For decades, the BLM issued and renewed grazing permits to ranchers along the Santa Maria River with no terms and conditions to protect riparian areas. Even though the BLM developed a land use plan that required the river to be arrested from livestock grazing, the requirement was never incorporated in grazing permits.

It illustrates the point to be made: The existing language in the bill, which I seek to amend, extends indefinitely these grazing permits under the terms and conditions currently existing. If there is a need to step in and to protect an area such as this from being degraded and destroyed for future generations, the language of the bill does not provide for it. My amendment does. It says the permits will be extended to 2 years; if there is an intervening environmental review, even longer but under terms and conditions consistent with good environment and public input.

In the late 1980s, a portion of the Santa Maria River received an unplanned reprieve from grazing because the rancher holding the permit went bankrupt and had to sell his cattle. The result of 3 years of rest from grazing can be seen in this second photograph. It is night and day between this dry river bed and this creek, which we can see, this riparian area, which has good growth and a stand of grass.

The riparian vegetation has returned. The streambanks are starting to rebuild. The water is cleaner, as are other portions of the river. In the early 1990s, the bankrupt rancher sold out to a new rancher who wanted to restock the river corridor with cattle. The BLM proposed to transfer the grazing permit to the new rancher with no NEPA analysis, no public review. The transferred permit would have had the same terms and conditions as the old permit: year-round grazing in the riparian area with no measure to protect or restore riparian vegetation and wildlife habitat.

A number of individuals and organizations challenged the BLM decision to renew the permit without a NEPA review. As a result, grazing permits on the Santa Maria contained terms and conditions requiring that livestock be kept out of this area during spring and summer growing seasons.

If section 117 is enacted as written in the law, such permit level management changes will be much more difficult to achieve.

I see other Members wishing to speak to this amendment. I can certainly return to this debate after they have had their opportunity, but I do believe it is in the best interest of those who value these public lands as a natural resource of assets for America and those who see them as a livelihood to come together and reach a commonsense agreement.

The existing language in the bill, which I would amend, gives the ranchers the upper hand. It says: Your permit is renewed indefinitely. We may never return to the question of whether or not your grazing rights should be changed to protect this particular creek bed from becoming part of the desert. That is not in the best interest of the rancher involved, nor in the best interest of the people of the United States who literally own this land. It is another question, another environmental rider which addresses the basic philosophy I mentioned at the beginning of this debate.

There was an unusual breakdown in point of view between the Republican side of the aisle and the Democratic side of the aisle. It is hard for me, as I study history, to believe that the party of Theodore Roosevelt, which, frankly, initiated the creation of such things as the Yosemite National Park and our National Park System, would now take such a different point of view when it comes to guarding the value of these resources. It would seem to me to be bipartisan, nonpartisan, for us to agree that if these public lands are to be used, they should be used safely, responsibly, and in a way so that future generations could have that benefit.

But time and again, these environmental riders that come to us, whether they are for logging, drilling, mining, whatever it happens to be, have come to us with the suggestion that the public interest should be secondary to the private exploitation of the land. I think that is wrong. I think the balance should be struck. It is not only in the best interest of this country, it is in the best interest of everyone living in the western part of the United States. The amendment I have offered has been supported by virtually every major environmental group: The Wilderness Society, National Wildlife Federation, Natural Resources Defense Council, Trout Unlimited, Friends of the Earth, American Land Alliance, and others.

I sincerely hope my friends from the West, the Senator from New Mexico, and the Senators from Idaho and Wyoming, will look carefully at this amendment and realize that it is a positive one; it is not negative in nature. It is an attempt to resolve this in a fair and balanced way.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I think we have three people who want to speak on our side. I think the Senator from Wyoming would like to speak first. I will follow with a few minutes and then Senator CRAIG will follow, and we will be finished.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. I thank the Senator from New Mexico for giving leadership on this issue. We have worked together for a very long time in this area. I guess I am a little surprised and, frankly, a little offended that it would be said that people on this side of the aisle are not as careful or do not care as much about public lands as someone else.

I brought out this map I used yesterday. You can see where the Federal land holdings are in this country. Out in the West, nearly half of the land in most of our States belongs to the Federal Government, and we have taken care of it for years. I think the Senator's State of Illinois has about 2 percent. Here he is telling us how to manage public lands. I find that very difficult.

We are very intent on being the stewards of public lands. I want to tell you a little bit about open space. There has been more and more interest in open space as people move out. We have discovered that the best way to keep it is to provide an opportunity for ranchers to continue to operate. That is how you keep open space. We are trying to do that now. We want fair compensation. This has nothing to do with compensation. Let me start by reading the language that we think works. This is what is in the bill:

> Grazing permits and leases which expire or are transferred, in this or any fiscal year, shall be renewed under the same terms and conditions as contained in the expiring permit or lease until such time as the Secretary completes the process of renewing permits and leases in compliance with all applicable laws.

That is what it says, ''all applicable laws,'' which includes the responsibility of the BLM to do this.

> Nothing in this language shall be deemed to affect the Secretary's statutory authority or the rights of the permittee or lessee.

That is the language—the language that we have studied for several years.

We have been through this temporary thing the Senator from Illinois brought forth before, and we are back at it again. We think we have found an answer that would be more long term.

Let me cover a few of the things. This year, 5,364 grazing permits are up for renewal; only 2,159 have been renewed. So here we are, almost at the end of September, with people who have leases that, if not studied, will be taken off the land at the end of the month. Section 117 of S. 1292 addresses this problem by allowing the BLM more time to complete the renewal process without causing unwarranted hardship on the rancher or farmer who utilizes the public lands to make a living. Keep in mind, this is not some random thing people do. When the West was settled, we settled in and the homesteads were taken up along the water, the better lands, and these other lands were basically left there. They are simply residual lands that are managed by the BLM. They are very much attached, however, to the water and the other lands to make a ranching economic unit. So it is more than that.

Section 117 allows for the renewal of grazing permits under the same terms and conditions of expiring permits pending completion of the renewal process. BLM has to do this, and in the meantime this farmer or rancher is not penalized for something that wasn't his fault.

Permits renewed under this provision are not exempt from compliance with existing environmental laws. Permits will be issued under existing environmentally compliant land use plans. That is the way that is.

Section 117 allows for a thorough environmental review by the BLM, industry, and the public instead of an abbreviated, cursory environmental analysis, which will probably happen if the Senator has his way. The BLM cannot and will not ignore its environmental obligations due to the threat of litigation, of course.

We talked a little bit about the finances of it. One of the interesting things, of course, is that most farmers and ranchers depend on credit. Let me read you something that comes from the Farm Credit Association:

> It is no secret that providing loans for farmers and ranchers is a risky business. The security offered by section 117 in allowing a full 10-year permit will relieve some of the risks. However, the Senator from Illinois intends to make the practice even more risky by shortening the duration of permits to 1 or 2 years.

That is the Farm Credit Association talking about the opportunity to have an effective beef production operation.

There is another factor that is underlying all of these things, the Administrative Procedures Act. That allows for these things to continue if the permittee simply sends in a request and does that prior to the time of the exploration. That has been recently dealt with in the court and proved to be an effective tool. The language in this amendment, if it passes, would probably negate that. I think that would be a real problem.

So there are a lot of things involved. It sounds kind of simple. You know, we are just going to do it for 2 years and we will get this all resolved. That isn't the way it works, my friends. We have been through this before. We continue to come up each year, and we have found, through the help and leadership of the Senator from New Mexico, a long-term solution that will not change the obligation for environmental protection, will not change the obligation of the BLM, and it, in fact, will take away some of the risk from the farmer or rancher, which has nothing to do with the fact that this has been elongated.

Mr. President, I yield the floor.

Mr. DOMENICI. Mr. President, I think Senator DURBIN, who serves on the Budget Committee, which I happen to chair, knows that on many matters I hold him in high esteem. As a matter of fact, I believe he is smiling a very gentle smile there as he sits back in his chair, and I guess he is going to listen now for a few minutes. I hope so. He would not disavow what I have just said. But he is wrong on this one. He is wrong in many ways.

First, he would have done a wonderful job if he had left out the partisan speech at the end about this side of the aisle not being as concerned as our forefathers about the environment. Second, he showed some pictures of leases where one of the leaseholds had been abused and in some way tied that to the Domenici language or to his amendment. To do that is totally without an understanding of the ongoing authority of the BLM and the Forest Service, the twin agencies who are out there on our property.

I say to the good Senator, the BLM does not find malfeasance on the part of ranchers only when they renew the lease every 10 years. As a matter of fact, they have total authority to enter upon the premise, inspect, and periodically recommend changes in the use that the rancher should make. They don't wait around until a drought year or until the 10-year permit has expired to go in and change the usage of the lessee.

You cannot use what we are trying to do to prevent a wholesale diminution of ranching properties in our States, and state that there are abuses out there that need to be fixed; let me suggest they are being fixed. Animal numbers are being changed all the time. As a matter of fact, 2 years ago they were changed regularly in my State, regularly in Arizona, and regularly in Wyoming because we were in a drought period. Federal managers would say this coming year you can't do as much because the foliage isn't so good. You wore it down pretty good last year. So we are going to cut you by 50 head or 100 head.

Ongoing management remains the prerogative of the management agency—in this case the Bureau of Land Management.

Having said that, let me also say I have been around a little while—sometimes longer than I want to admit. But the Senate ought to know that no administration before this one—Democrat or Republican—has subjected the leases of cattlemen and women and businesses to a total review under NEPA for the simple issuance of permits. The Forest Service did on a few selective ones. This administration comes along with thousands and thousands of leases out there and decides that before they are going to issue a renewal, they are going to subject it to an environmental assessment and, if necessary, a full-blown impact statement. Some of us told them that is crazy. We lost. Do you know the result? The result is this debate on this floor of the Senate because BLM can't conceivably do their work on time.

As a matter of fact, in the State of Wyoming only 15 percent of the subject leases—these leases are to families who live on the ranches and borrow money on their houses and their ranch together—only 15 percent have gone through compliance by the BLM. The BLM hasn't done its work.

Look, before we leave a wide-open opportunity to cancel these leases because the environmental assessment is not done, we have to give some latitude to these people who are subject annually to review in terms of their ranch management. We have to provide them with some flexibility and assurance from the standpoint of knowing what they own and what the bankers are going to say about the loans they have on the ranch. There is nothing new about having a loan on a ranch in Wyoming or New Mexico. You put it on the entire ranch, including the fee ownership, and the ranch house. The entire unit—it is called—is collateral for the loan.

It is a coincidence that a member of an esteemed banking institution is sitting in the Chair and happens to be from the same State as the Senator who is opposed to my approach. But I ask hypothetically, do you think a banker who had been expecting to renew a loan because there was going to be a new 10-year permit issued—it is about a year away—and the rancher comes up, and says: Hey, banker, friend, are you going to give us a loan again?

And the banker says: What does the BLM say about your permit?

The poor rancher says: Well, they have their own rule, and it says if you do not have an impact statement you can't get the permit.

But they haven't done the required work on this permit.

And the poor rancher says: Won't you lend me the money anyway?

But the banker says: No, of course not.

What Senator DOMENICI tried to do was to say it isn't a ranchers' problem that the BLM undertook such a mammoth job of environmental assessments

and sometimes full-blown statements on every single lease out there in the West. BLM and the Forest Service began the process, so we can say both of the public lands management twins do this. It is not the ranchers' fault. They didn't hold up these environmental assessments.

I said to the ranching community: What would be a fair way to make sure you are not harmed by the inaction of the Bureau of Land Management?

They said: Let them extend our lease as they would have done 5 years ago, and as they would have done if they had completed their work. But let them continue with their assessment work, and when they get it done and say there are some changes that have to be made, give them the authority to make the changes that the assessment calls for.

That is essentially where we are. I understand we are in a battle in the West. We are in a battle where ranchers are looked upon by some environmental groups with very low esteem. In fact, some of the groups even say there shouldn't be any cattle grazing on public lands. They say this without any evidence it is harmful. If managed properly, grazing is not harmful. It is salutary. It is healthy. It is good for the forest lands and for Bureau of Land Management lands.

We are not talking here about rich farmers and ranchers; even though there may be some in corporate ownership.

I have five letters from New Mexicans. I want everybody to listen to the last names of these people. They live in northern New Mexico with anywhere from 100 head to 350 head. Their names are Gerald Chacon, a Hispanic American whose family has lived there for generations.

He says in this letter, ''Please don't take away our security.'' It isn't ''take away our ranch.'' They are saying ''our security.'' ''The bank won't lend us the money.'' He alludes to the fact that if it is only a 2-year opportunity to get a loan, he is not going to have a very good chance.

That is the solution of the Senator from Illinois to this problem.

From Palemon Martinez, also from northern New Mexico, a letter that just plain pleads with me to make sure their leases are not held in abeyance because the Bureau of Land Management did not do their work.

Again, I repeat for those worried about proper management, BLM has entry all year long, and management opportunities all year long. They do not need to wait around for permit renewal to say to my friend, Palemon Martinez, that he has to change his way of doing business because he is grazing too heavily or he is affecting the stream.

Alonso Gallegos from Pena Blanca, NM—the same kind of letter. Jake Vigil, and Dennis Braden, general manager for a family. They are all the same—frightened to death of what is going to happen to the security in their allotment if we don't say it is the BLM's fault for not having done the assessments.

This fellow, Jake Vigil, had nothing whatsoever to do with it. He is wide open to review. They come out there and do their assessment. He makes his comments. But they do not get it done.

I ask unanimous consent that these letters be printed in the RECORD.

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

July 27, 1999.

Hon. PETE DOMENICI,
U.S. Senator, Hart Senate Office Building, Washington, DC.

DEAR SENATOR DOMENICI: I am pleased to have the opportunity to express the serious concerns we have should the Bureau of Land Management not complete its required environmental assessments of each grazing permit.

I sincerely hope your colleagues in the senate recognize the economic and personal hardships that ranch families will face in our county.

I represent 3 families who share as an association, a BLM allotment made up mostly of BLM lands. Our contact (permit) with the US government allows for 348 head of cattle to graze from May 1 to November 1 of each year. Our winter grazing is located 70 miles away at a lower elevation with winter access. We have no alternate pasture available to us should we be removed in mid season. The permittees will be forced to suffer for something, we did not have any control over or participation in. We would be faced to sell, at depressed prices the 348 cow-calf pairs we own. Two families have loans on operating expenses and cattle to service. Markets are at the least, 140 miles from the ranch. Trucking expenses shrink on the weights of cattle and depressed prices would bankrupt us. We also have large sums of our own money currently being spent on a livestock and wildlife watering pipeline system for each pasture. Our water system and other rangeland improvements would be lost without our ability to pay for it from calf sales this fall.

Our schools and county governments rely heavily on our private property and livestock taxes to operate on. Our county, already one of the poorest in this nation depends heavily on income generated from public land resources like grazing, timber and recreation. The multiplying affect of this action to our local economies would be staggering. I am hopeful that common sense will prevail and you will be able to do what is right for our families and the land. Removing one from the other has in the past proven disastrous for our communities and for the environment.

I would invite any members of the senate to visit our homes, communities, and the public lands we care for. We are constantly troubled by one decision after the other that we are forced to face without a voice or process for our involvement. I hope all of you can help us to stay on these lands as we have for over two hundred years.

Thank you for your continued representation and help in this serious matter. Please help us to tell our story.

Sincerely,

GERALD L. CHACON,
Representing the Chacon Family and the Esperanza Grazing Association.

NORTHERN NEW MEXICO
STOCKMAN'S ASSOCIATION,
Ranchos de Taos, NM, July 27, 1999.

Hon. PETE DOMENICI,
U.S. Senator, Hart Senate Office Building, Washington, DC.

DEAR SENATOR DOMENICI: The Northern New Mexico Stockman's Association supports the language you have proposed to the FY 2000 Interior Appropriations Bill. Grazing activities on public lands should not be disrupted or interrupted. Small ranchers in Northern New Mexico cannot afford additional hardships. We stand in opposition to Senator Durbin's amendments.

We appreciate your assistance.

Thank you,

PALEMON A. MARTINEZ,
Secretary-Treasurer.

Pena Blanca, NM, July 27, 1999.

Hon. PETE DOMENICI,
U.S. Senate, Hart Building, Washington, DC.

DEAR SENATOR DOMENICI: As a permittee with the Bureau of Land Management (BLM), my family and I are in trouble. The language you successfully attached to the Interior Appropriations Bill would be a lifesaver.

My ten-year permit is up for renewal this year. Under new BLM policy, the agency says that National Environmental Policy Act (NEPA) analysis must be completed prior to my renewal. This means that this work must be done by September 30, 1999.

My permit is for 98 head, year-round. I have had it more than half a century. It was inherited from my father, who inherited it from his father. Our family grazed this land before there was a BLM. This permit makes up 50 percent of the income for my family, which includes my wife and three children, ranging in age from 13 to 16.

I was unaware that the BLM was working on my allotment until the middle of June 1999, when I received a letter giving me seven days to comment on an ''Analysis, Interpretation & Evaluation'' (AIE). I did not even receive the letter until the comment period had expired. Then in mid-July, I received an environmental assessment (EA) with a 15-day comment period.

Given that the EA does not meet the requirements of NEPA, it is highly likely that there will be problems with its' completion. With just over 60 days to complete this process, I am in serious jeopardy. If the NEPA is not completed, what will I do with my cattle? How will I feed my family?

As you can see, the language allowing more time for the completion of the analysis is imperative to me and my family as well as hundreds of other New Mexicans in a similar position.

Thank you in advance for what you have done on this issue thus far. However, without passage of the amendment on the Senate Floor, I will lose half of my income, not to mention my heritage.

Sincerely,

ALONSO GALLEGOS.

El Rito, NM, July 28, 1999.

Hon. PETE DOMENICI,
U.S. Senator, Washington, DC.
RE: BLM Permit Extension

DEAR SENATOR DOMENICI: I am the 4th Generation Rancher in Northern New Mexico and hope to pass it on to my sons in the future.

I urge you to keep fighting for our BLM Permit/Extension renewal. Without this permit it would be detrimental to our ranching business,since this is my only source of income.

Thank you for your support and efforts.

JAKE M. VIGIL.

EL SUEÑO DE CORAZON RANCH,
Abiquiu, NM, July 27, 1999.

Hon. PETE DOMENICI,
U.S. Senate, Hart Building, Washington, DC.

DEAR SENATOR DOMENICI: As a permittee with the Bureau of Land Management (BLM), our ranch is in trouble. The language you successfully attached to the Interior Appropriations Bill would be a lifesaver.

Our ten-year permit is up for renewal this year. Under new BLM policy, the agency says that National Environmental Policy Act (NEPA) analysis must be completed prior to renewal. This means that this work must be done by September 30, 1999.

Our permit is for 153 head of cattle for 7 months. We have had it more than 20 years. This permit is an integral part of our ranching operation.

We have been urging our BLM office to start this process for over a year.

With just over 60 days to complete this process, we are in serious jeopardy. If the NEPA is not complete, what will we do with our cattle?

As you can see, the language allowing more time for the completion of the analysis is imperative to us as well as other New Mexico ranchers in a similar position.

Thank you in advance for what you have done on this issue thus far. However, without passage of the amendment on the Senate floor, we will lose half of our income, not to mention our heritage.

Sincerely,

DENNIS BRADEN,
General Manager.

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FARM CREDIT,
Albuquerque, NM.

Members of the Senate,
Washington, DC.

DEAR SENATOR: I am requesting your attention to a very serious issue before the Senate. My concern encompasses the renewed of grazing permits for a ten-year term and how my financing organization deals with those permits. Within Section 117 of the Interior Appropriations bill you will find language providing for ten-year grazing permits.

This year, over 5,000 BLM grazing permits for public lands are expiring. In New Mexico alone over 700 permits are expiring. Farm Credit Services of New Mexico currently holds loans for over 1,400 ranching and farming families totaling over $360 million. By providing these loans to the ranching and farming families in New Mexico, we therefore also support the communities in which they reside.

It is no secret that providing loans to farms and ranches is a risky business. The security offered by Section 117 in allowing the full ten-year permit will relive some of the risk. However, Senator Durbin intends to make the practice even more risky by shortening the duration of permits to one or two years. Though Senator Durbin may be well-intentioned, he is placing a lot of unnecessary and unwarranted pressure on families already suffering through a depressed agriculture economy.

Financial lenders, including myself, may not be as willing to provide the level of support as we have in the past if the grazing permit is only for a short period or if it is uncertain whether the permit will be renewed. As a lender, I do not look forward to foreclosing on a farm or ranch. We try to do everything we can before taking such a drastic measure. Nonetheless, providing loans becomes more difficult when matters out of our control such as Senator Durbin's Amendment enter the process.

I strongly urge you to resist any amendment to the existing language in Section 117. The language as it stands is very vital to the economic well being of many farming and ranching families in New Mexico and other western states. thank you for your consideration of my request.

Sincerely,

EDDIE RATLIFF,
President.

Mr. DOMENICI. The history of noncompliance by the Bureau of Land Management in getting this work done in New Mexico is miserable. In our State, we are a little ahead of Wyoming. We have 26 percent that have had their environmental assessments done. The rest aren't going to have it done before their permits expire and are exactly subject to what I have been telling the Senate on the floor.

My friend from Illinois says: Keep the pressure on the BLM. Don't take the pressure off by saying you can issue the permit. But I say you continue your assessment work, and when you have finished and find that you want to make some changes to the permit, if you must, then do it, and you have the automatic right to do it.

We are not on the floor of the Senate trying to risk the security of hundreds and hundreds of ranchers—including these people—for the purpose of keeping the heat on the Bureau of Land Management, which ought to get their own work done. As a matter of fact, there are many people who think the assessments and impact statements are very expensive, that in many cases they don't even fix the problems.

We have a NEPA law that is a couple of decades or more old. We attempt to apply it to every kind of environmental issue around. The cases it applies to with the least efficacy are ranchlands because they are small ''events.'' We had in mind big governmental actions before we applied the NEPA laws to land.

I am not interested in putting at risk the ranchers in my State so we can keep the pressure on the Bureau of Land Management. Senator GORTON can keep the pressure on in his bill. He gives them the money. He can tell them: Do your work. That is all the pressure they need.

Frankly, this is an easy one. Sometimes it is awful hard for people who don't have public lands to understand our plight. This is easy. The only thing difficult is a whole group of organizations that don't think the rancher cares about anything. They are saying: Don't give them help with what DOMENICI wants, give them something less.

Keep the heat on; and a wonderful, nice Senator from Illinois who doesn't have any public land making their pitch for them. He is a good pitch maker. He made a good speech today. It just happens to be it is not right. It is not right.

I will have printed in the RECORD a letter of very recent origin from the president of the Farm Credit Services of New Mexico. I think the Senator from Wyoming alluded to it.

Anyone who questions whether or not the ranchers are more at risk under this 2-year extension rather than giving them their permit and letting the Bureau of Land Management do their work, this is the proof of the pudding. I was giving a hypothetical. This is the banker. This is the Farm Credit Bureau. They go out and place these loans. They say it is very hard on this 2-year proposal to get the financing for the farmers and their families in my State, Idaho, Wyoming, Colorado, and the rest.

My last observation, and I am not at all sure the senior Senator from Illinois intended this, I view the amendment as making a significant change in FLMPA, Federal Land Management bill that underlies this debate. In Arabic No. 2, his amendment says:

> Upon completion of processing of a grazing permit or lease described in subsection (a)(1), the Bureau may—
>
> . . . (B) reissue the grazing permit or lease for a term not to exceed 10 years.

I think the substantive law of the land says ''shall,'' not ''may.'' I am not sure he wants to have ''shall'' or ''may'' in there. It shouldn't be ''may.'' If you have done your work and the land is OK, the law is they shall issue the permit. We surely should not change that on the floor while we are trying to get the Bureau of Land Management to do their job—which they are not doing—on time. Frankly, I think they bit off more than they can chew. That is the reason. This is a big undertaking.

What we ought to have is an economic impact statement on this huge job of environmental assessments. What have we gotten out of it that is environmentally enhancing? I am not sure it would be very much. I am not asking for that today. I am merely speculating based on what I happen to feel and know.

Having said that, I want the Senate to know I have used far more time on this issue than I should. The combined time we all spent is probably more than we should have used. Some people are very pleased we are spending all of this time so they can be doing something else. But I guarantee, this is very important. These five letters from the New Mexicans that I read are multiplied across Western America hundreds and hundreds of times over.

We talk on the floor about problems people have. Many times they are less significant and less important than the problem we are addressing today. We don't need to punish a few thousand Americans living out in rural Wyoming, New Mexico, Arizona, et cetera, who are already having it very tough because of the market in cattle and the droughts that have been recurring. We don't need them worrying about what the Federal Government will do to them, when they have done nothing wrong themselves.

We don't need them worrying about their banker, who will tell them: When you know you have the permit, we will lend you the money. Isn't that what they will say? They will not say: You

are a nice fellow and I loaned your grandpa and your great grandpa money on this ranch. They will say: Where is the permit? They will say: The Durbin amendment passed and we only have it for up to 2 years because we had to give the government more time to do an impact statement, which they should have already done.

I don't think we need that. If Members had the opportunity to read these five or six letters, they would get the tone. The tone is one of real fear. If we don't fix this, technically, they wouldn't have to issue any of these permits because the impact statement isn't completed—because of the government's delay—and they could say: Here are the rules; unless it is done, we will not issue permits.

I understand my friend from Idaho wants to speak.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. GORTON. Mr. President, would the Senator from Idaho yield for a moment?

Mr. CRAIG. I am happy to yield to the Senator.

Mr. GORTON. Mr. President and the Senator from Illinois, I have been informed that my comanager, the distinguished senior Senator from West Virginia, will not be available until approximately 4 o'clock. There will be a motion to table, and I strongly suspect the Senator from Illinois will desire some time to reply. The motion to table should be made not earlier than 3:45, which means there is another 20 minutes for debate. For the information of other Senators, at least, we will be likely to vote on a motion to table the Durbin amendment at or some time shortly after 3:45.

Mr. DOMENICI. Mr. President, could the chairman of the subcommittee put the last statement in the form of a unanimous consent request?

Mr. GORTON. I need to know how much time the Senators from Idaho and Illinois wish to speak in order to do that.

Mr. CRAIG. I certainly need no more than 10 minutes.

Mr. DURBIN. Ten minutes.

Mr. GORTON. I ask unanimous consent that a vote on or in relation to this amendment take place at 3:50 this afternoon, with the time between now and 3:50 equally divided between the Senator from Idaho and the Senator from Illinois.

Mr. DURBIN. If the Senator will yield, in his unanimous consent request there will be no second-degree amendments.

Mr. GORTON. And there will be no second-degree amendments.

Mr. DOMENICI. Reserving the right to object, I wonder if we could add it be in order to make the motion to table and ask for the yeas and nays at this time.

Mr. GORTON. Mr. President, I make that request.

Mr. DOMENICI. I move to table the Durbin amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. CRAIG. I yield such time to myself as I may consume under the unanimous consent agreement.

I sat through most of the debate on this very important amendment that the senior Senator from Illinois has proposed. If I could speak to the senior Senator from Illinois for just a moment, there is a very real difference but a similar responsibility between the Senator from Idaho and the Senator from Illinois.

When I went home during the August recess, I held meetings with the agricultural community. The Senator from Illinois has a good many farmers, but there was a different kind of person in my meetings than could possibly have been in any meeting he would have. That was a public land rancher. Because the Senator from Illinois knows he doesn't have ranchers and grazers on the public lands of the State of Illinois. But the Senators from Idaho and New Mexico and the Senator from Iowa do—thousands of them. Their livelihood depends on access to the public lands and a perpetuation and a continuation of that access, to keep their ranching operations alive. The Senator from Illinois understands that. He has already expressed that as it relates to financing and banking.

What is important here—and I wish to express something that probably no one coming from a public land State would miss—is that there is a very different word, a single word in his amendment that does not exist in law today and should not be put in law. That is the word ''may.''

It has been the public policy of this country that, under certain conditions and in the right areas, grazing is a responsible use of our public lands and that we shall allow grazing as a right in responsible use of our public lands if the following conditions are met—the conditions of the National Environmental Policy Act and the conditions that are established by the regional advisory groups that were appointed by this Secretary of the Interior. That is the law that establishes the permanency and the relationship that the Senator from Illinois said he speaks to, but in fact he does not.

Having said all of that, the law of this public land is the National Environmental Policy Act, and from that the rules and regulations by which ranchers graze that public land are established. We have said as a Congress, and as a part of public policy, that with the renewal of those permits there should be an analysis of the condition of the rangeland that the permit is tied to. The Senator from Illinois understands that. That is within the law. But, because of costs, because of personnel, because of the time involved, not all of these permits have been able to be analyzed and therefore gain their impact statement in time for that renewal.

Is that a fault of the rancher? It is not. Is that a fault of BLM and the Federal Government? It is. Last year we extended for 1 year the right of renewal while the studies went on. But we also understand—and what Senator DOMENICI's addition to the Interior bill clearly states—after the analysis is done and the terms and conditions of the permit are established, that permit will be allowed and shall exist under those conditions to be met—not ''may be'' but ''shall be.'' That is very important.

If the Senator from Illinois were truly dedicated to the continuation of grazing on public lands under these environmental conditions, then the word ''may'' would not be there because that is the word the financial community looks toward to see whether they ought to lend money to this rancher to continue his or her ranching operation. They could not continue that ranching operation without access to the public grazing lands. The map the Senator from Wyoming displayed is the very simple reason why.

Idaho's No. 1 agricultural commodity is cattle—not potatoes but cattle in total dollar volume sold. Mr. President, 80 percent of that amount, 80 percent of the cattle in Idaho, have to graze on public lands at some time during the year for them to exist in our State. Throwing that in jeopardy is like suggesting to the Senator from Illinois we are going to wipe Caterpillar out of Peoria or we are going to throw it in such jeopardy that the banks won't continue to finance it. But that will not happen to Caterpillar in Peoria because they are not dictated to by the Government and they are not operating under governmental regulations, except safety and all of that, but their very livelihood does not exist on a ''may'' or ''shall'' piece of language in a Federal bill.

That is what is important here. We want the environmental analysis done. We want the public lands to retain a high quality of environmental values.

The Senator from Illinois held up some pictures, one from Utah and one from Arizona. The reason he did not show Illinois is that the issue he is talking about doesn't exist in his State, so you will have to go elsewhere to find a problem, if a problem exists, if you want to debate this bill. Those problems do exist on public lands but much less than they ever have. I am extremely proud of the laws we have changed to improve the rangeland conditions in my State and in large, western public land grazing States in this Nation. We should not be throwing extraordinary roadblocks in the way. We ought to be facilitating the BLM in this area.

The BLM will not take a position. But when the Director of BLM was in my office several months ago, prior to his confirmation, he said: If you keep the general language in the bill that you had last time, we can support it. That is because they need that flexibility to go ahead to do their analysis

in a right and proper way. That is what is important.

So when the Senator from Illinois says that none of these rules can apply, this locks in a standard and the BLM cannot come back and make the changes, I must say, in all due respect to my colleague from Illinois, that is not correct. The BLM does govern these lands. The BLM can make these changes. And the BLM has the right under the law to do it, even if the permit is issued. The BLM has the right to amend the permit if there is major environmental degradation going on.

So what the Senator said, and I quote him, ''they could not achieve''—that was in the beginning of his statement, and at the end of his statement he said, ''it would be very difficult for the BLM to achieve changes in the environmental standards allowed under the permit.'' The truth is, the BLM can change these standards. They can rewrite the permits if there are major grazing changes.

Another factor the Senator from Illinois would, I am sure, appreciate knowing is, when ranches are brought and sold, while I do not like what the BLM is doing at this moment, they are actually stepping in midway now and saying change some of the regulations. And right now, under this administration's regulations, anyone from the outside can step in and say: We don't like the character of the regulations because the regulations have failed to address certain needs of the land that are not consistent with the grazing permit.

Those are the realities with which we are dealing. That is why the Senator from New Mexico thought it was extremely important to offer some degree of certainty to the process. That is exactly what BLM needs because they have not done their work well. They have a huge backlog. In fiscal year 1999 there were 5,360 grazing permits and leases expiring, and, according to the BLM's latest statistics, only 2,159 of these expiring leases—permits or leases—have been analyzed and renewed. So they have a giant task before them. We encourage them to do so. We finance them so they can.

Because I am proud of the western legacy of public land grazing, I want it done right. I want it done to assure riparian quality. I do not want our cattlemen run off the public land, the people's land, where the Congress has consistently said it is a right and proper use to graze these grasslands. It is a way to return revenue to our Government while at the same time ensuring quality wildlife habitat, water quality, and all those natural things the Senator from Illinois talks about.

Oh, yes, the Senator from Illinois has a right to talk on this issue. Absolutely he does, because these are public lands. But I have tried to discuss today the sensitivity I hope he understands is important, where these lands become a major factor in the economy of my State—not the economy of his State—where it is critically important that we maintain a high quality of grasslands to assure a high quality not only for the environment but for the very users of that environment, in this case the public land grazing in the West.

So I hope my colleagues will join me and the Senator from New Mexico and other western legislators in tabling this amendment.

We are not saying don't do the study. We are saying do it and do it right, do it properly, and make the amendments and make the changes where necessary, protect the riparian zones, make sure that all of that happens as it should. But do not put a black cloud over a third-generation ranching family who must have a relationship with that land to exist and to ensure their financing on an annualized basis.

I retain the remainder of my time and yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. How much time is remaining under the unanimous consent agreement?

The PRESIDING OFFICER. The Senator from Illinois has 11 minutes. The Senator from Idaho has 9 seconds. He will have to speak quickly.

Mr. DURBIN. I thank the Chair.

Mr. President, I know the Senator from Idaho can use those 9 seconds very effectively, as we have seen in the past.

I readily acknowledge to my colleagues from the Western States that their knowledge of the subject is greater than mine. They live in these areas. They deal with these problems on a regular basis. I have tried to make it clear with this amendment that I am not seeking to end this part of the western economy, the use of public lands for grazing purposes. I am not one of those.

Someone in the course of the debate said there are some environmental organizations so radical that they would stop grazing on public lands. That is not my position. I do not know if it is a position of any of the groups that have endorsed this amendment.

What I am trying to do is find a consistent way of protecting the privilege given to private people to use public lands for grazing while still protecting the value of those public lands.

There are several things that have been said during the debate which just baffle me. I want to at least express myself on those and invite my colleagues during the course of my comments to perhaps ask a question or make a comment if they care to.

The first is the argument that unless a rancher can go to a bank and say to the bank, I have the right to graze on this land for at least 3 years or more, that rancher cannot secure a loan for his operation. We have heard this repeatedly. My amendment would extend these permits for 2 years.

Critics of the amendment have stood up and said that is not enough; no rancher can secure the money for his ranching operation with only 2 years of certainty. Yet, isn't it odd, as we listen to the debate, that those on the other side have conceded that many of these ranchers are dealing with 10-year permits which do expire. So these ranchers have faced this time and again. There has always been the second to the last year and the last year of the permit when they had to finance their operations. This is nothing new. What we are saying is give them 2 years with certainty.

We have also heard it said that the Bureau of Land Management could step in under extraordinary circumstances and amend the terms and conditions of the permits. One of the suggestions was to reduce the number of animal units or cattle that could be grazing on a certain piece of land because of environmental concerns. I hear in that suggestion that the terms and conditions of these permits can also be changed unilaterally during the course of the permit and that these ranchers continue to do business, continue to secure loans.

Those who argue on the other side against my amendment, saying we need drop-dead certainty of 3 years or more or we cannot do business, really, I think, have in the course of their own debate put a mockery on the table when it comes to that argument. We know these permits expire, and we know they expire in short order, 1 or 2 years to go, and these ranchers stay in business, as they should.

I also suggest someone has said: We are not about the business of putting pressure on the BLM to do their job. I disagree. I believe it is our responsibility as Senators entrusted with these assets of the Nation, these public lands, to say to the Bureau of Land Management: You have a job to do here as well, not just to give a permit to a rancher but to make certain that permit is consistent with protecting public lands, and if you do not do that, we are going to be on your case, we are going to put the pressure on you.

Let me step back for a second and tell my colleagues what I think the real concern is. I think there are many who hope the BLM will not do their job. They would just as soon renew the permits, the terms and conditions, indefinitely and not take into consideration these environmental concerns. That may be their point of view; it is not one I share.

What I try to achieve by this amendment in a 2-year extension is to say to the BLM: Get your job done, too; protect the ranchers for 2 years, but get your job done, too, to make sure that permit is consistent with the environmental laws of the land. I do not think that is wrong.

Let me also add, the Senator from New Mexico has read letters into the RECORD of ranchers of humble means who write to his office concerned about their future. I have farmers in similar circumstances. I know that type of plaintive letter. I receive them in my

office, and I have sympathy for men and women working hard for a living who ask those of us in Washington: Don't make anything more difficult; try to help us if you can.

Remember last year when we addressed this problem what our solution was? A 1-year extension. The Durbin amendment is a 2-year extension. I do not think this is hard-hearted or heartless on my part. In fact, it is an effort to offer twice as much in terms of certainty as was offered by this Congress last year. So say to the BLM at the same time, do your job and renew these permits in the right way.

For those who argue that I just do not understand it, I am not sympathetic, I do not have sufficient compassion for the situation, I suggest that last year a 1-year extension was considered sensible, reasonable, and compassionate. Now a 2-year extension is not. I do not follow that logic, that reasoning on the other side.

The final point I will make is this: My concern is that in this debate the environmental issue is an afterthought, it is secondary. There are many who are determined to renew permits for ranchers to continue to use public lands and care not when or if BLM meets its responsibility. I do not agree with that point of view. I think both sides have to be taken into consideration. There has to be a balance, as offered by this amendment.

For those who argue the existing language which Senator DOMENICI put in the bill preserves this environmental protection, I tell them that virtually every major environmental group in America endorses the Durbin amendment because they understand that it puts in place a mechanism which not only gives the ranchers a new permit and extends for 2 years those that are expiring but says to the BLM: Do your job, too; you have a responsibility of stewardship as well.

That is why the environmental groups support this amendment. That is why those who vote to table this amendment are basically saying: We believe the needs and requirements of the ranchers are paramount to the needs and requirements of the American people in the future of their public lands. I disagree with that, and I hope those on both sides of the aisle will take a close look at it when it comes up for this vote.

I conclude by saying this amendment strikes a balance which is reasonable, which acknowledges that private individuals and their families and businesses can continue to use public land for grazing and can do it for 2 years if their permit is expiring but says at the same time to the BLM: Do your job; make certain that you supervise those lands in a way that we can say to future generations, those lands will be intact long after we have come and gone so the American people will realize we met our obligation of stewardship of their natural assets.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I have 9 seconds left, and I yield back all 9 seconds. I believe that will bring us to the vote, if the Senator from Illinois yields back his time.

Mr. ENZI. Mr. President, with more than 5,000 Federal grazing permits scheduled to expire in FY 1999, the Bureau of Land Management, BLM, is hard pressed to meet its September 30 deadline before hundreds of American ranchers are forced to shut down business and move off the land. This could result in local economies suffering dramatically for the BLM's inability to keep up with bureaucratic regulations.

The Senate Interior Appropriations Subcommittee has included language in this bill that would allow the BLM to complete its permit renewal process without forcing ranchers out of business.

It is important to note, that, in spite of misconceptions put forward by the other side:

1. The BLM must still comply with all Federal environmental laws and the BLM must still complete all of its environmental reviews. The cost of delays, however, will be borne by the agency and not by individual ranchers who have no control over the completion of the environmental reviews.

2. The current language does not dictate any new terms or conditions. After the BLM completes its final reviews the BLM still has the authority to update the terms and conditions of all permits.

3. The BLM still holds the authority to terminate grazing permits for unauthorized use or noncompliance.

The goals of environmental protection and economic stability are not mutually exclusive. Please help keep western livestock producers on the land while protecting the financial future of family ranches and Western economies.

I strongly urge my colleagues to support the existing language in Section 117 of the bill, and oppose this and any amendment that may adversely impact the delicate balance of sound livestock production, and the sustainability of western landscapes for wildlife habitat and other recreational opportunities.

Mr. DURBIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. One minute 25 seconds.

Mr. DURBIN. I will use 25 seconds of it only to clarify one point that has been raised; that is, whether or not I used the word ''may'' in contravention to existing law. We object. And the language we have in the bill is consistent with the language which was passed last year by those who wanted a 1-year extension. It is consistent with the language in the House as well. So we have not changed any of the language in the bill in that regard.

I yield the floor and yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I ask unanimous consent I have 2 seconds.

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

Mr. DOMENICI. I say to the Senator, I am reading off a type-written amendment. If you say it is ''shall,'' I withdraw that part.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 1591. The yeas and nays have been previously ordered. The clerk will call the roll.

The legislative assistant called the roll.

Mr. NICKLES. I announce that the Senator from Rhode Island (Mr. CHAFEE), the Senator from Arizona (Mr. MCCAIN), the Senator from Alaska (Mr. MURKOWSKI) and the Senator from Kansas (Mr. ROBERTS) are necessarily absent.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 37, as follows:

[Rollcall Vote No. 269 Leg.]

YEAS—58

Abraham	Domenici	Lott
Allard	Dorgan	Lugar
Ashcroft	Enzi	Mack
Baucus	Feinstein	McConnell
Bennett	Fitzgerald	Nickles
Bond	Frist	Roth
Breaux	Gorton	Santorum
Brownback	Gramm	Sessions
Bunning	Grams	Shelby
Burns	Grassley	Smith (NH)
Byrd	Hagel	Smith (OR)
Campbell	Hatch	Specter
Cochran	Helms	Stevens
Conrad	Hutchinson	Thomas
Coverdell	Hutchison	Thompson
Craig	Inhofe	Thurmond
Crapo	Inouye	Voinovich
Daschle	Kerrey	Warner
DeWine	Kyl	
Dodd	Lieberman	

NAYS—37

Akaka	Harkin	Murray
Bayh	Hollings	Reed
Biden	Jeffords	Reid
Bingaman	Johnson	Robb
Boxer	Kennedy	Rockefeller
Bryan	Kerry	Sarbanes
Cleland	Kohl	Schumer
Collins	Landrieu	Snowe
Durbin	Lautenberg	Torricelli
Edwards	Leahy	Wellstone
Feingold	Levin	Wyden
Graham	Lincoln	
Gregg	Mikulski	

NOT VOTING—5

Chafee	Moynihan	Roberts
McCain	Murkowski	

The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, as manager I believe that is all of the business on the Interior appropriations bill that can be completed during today's session of the Senate. We are very close

on two omnibus amendments, but we still have in addition to the debate on the Hutchison amendment and a cloture vote on that amendment on Monday several other—perhaps three or four—amendments that will eventually require rollcall votes.

I regret that we haven't been able to go further today or to complete action on any of them. On the other hand, I think during the last literally 24 hours of the clock we have accomplished a great deal in connection with this bill. I hope that can be completed by the end of this Tuesday.

The PRESIDING OFFICER. The Senator from Vermont.

CONTINUING JUVENILE JUSTICE CONFERENCE

Mr. LEAHY. Mr. President, today, the Department of Justice is releasing a report on the success of the National Instant Criminal Background Check System in keeping guns out of the hands of criminals. In its first seven months of operation, national background checks have stopped 100,000 felons, fugitives and other prohibited persons from getting guns from licensed firearms dealers.

Unfortunately, it doesn't extend to all of the people who sell guns.

There is a major gun show loophole. Congress has been unwilling to close that because of the opposition of the gun lobby, even though, incidentally, we passed a measure that did close that loophole several months ago in the Hatch-Leahy juvenile justice bill. Even though we closed it, we have yet to move forward on the juvenile justice conference report. It had been hoped and I think the American people hoped that we would complete the juvenile justice bill prior to school opening.

I am hoping that we can complete it prior to Christmas vacation for schools, at the rate we have been going.

I talked to a lot of gun dealers at home who say they have to obey the law, they have to fill out the forms, they have to report whether somebody tries to buy a gun illegally, and they ask why they have to compete with those who can take their station wagon to a weekend flea market and sell guns out of the back of it.

This report is more concrete evidence that Congress should extend background checks to the sales of all firearms.

I want to commend the nation's mayors and police chiefs for coming to Washington today to demand action on the juvenile justice conference.

I hope the leadership in the Senate and the House will listen to what they said. I hope the majority will hear the call of our country's local officials and law enforcement officers to act now to pass a strong and effective juvenile justice conference report.

I am one of the conferees on the juvenile justice bill. I am ready to work with Republicans and Democrats to pass a strong and effective juvenile justice conference report. I suspect most Americans, Republicans or Democrats, would like to see that. So far we have only had one meeting to resolve our differences. Even though we passed the Hatch-Leahy bill months ago, we have had only one conference meeting. In fact, that one meeting was 24 hours before we recessed for the August recess, almost guaranteeing there would be no more meetings.

We haven't concluded our work. The fact is school started without Congress finishing its work, and I think that is wrong. We have overcome technical obstacles, we have overcome threatened filibusters, but now we find that everybody talks about how we should improve the juvenile justice system and everybody decries the easy availability of guns, but nobody wants to do anything about it.

We spent 2 weeks, as I said, on the floor in May. We considered almost 50 amendments to the Senate juvenile justice bill. We made many improvements on the bill. We passed it by a huge bipartisan majority. Now I am beginning to wonder whether we were able to pass it because there was a private agreement that the bill would go nowhere.

We need to do more to keep guns out of the hands of children who do not know how to use them or plan to use them to hurt others. Law enforcement officers in this country need our help.

I am concerned that we are going to lose the opportunity for a well-balanced juvenile justice bill—one that has strong support from the police, from the juvenile justice authorities, from those in the prevention community at all levels. We are going to lose this opportunity because one lobby is afraid there might be something in there they disagree with.

I come from a State that has virtually no gun laws. I also come from a State that because of its nature that has extremely little crime. But I am asked by Vermonters every day when I am home, they say: Why has this bill been delayed? Aren't you willing to stand up to a powerful lobby? My answer so far has been, no; the Congress has not.

Due to the delays in convening this conference and then its abrupt adjournment before completing its work, we knew before our August recess that the programs to enhance school safety and protect our children and families called for in this legislation would not be in place before school began.

The fact that American children are starting school without Congress finishing its work on this legislation is wrong.

We had to overcome technical obstacles and threatened filibusters to begin the juvenile justice conference. It is no secret that there are those in both bodies who would prefer no action and no conference to moving forward on the issues of juvenile violence and crime. Now that we have convened this conference, we should waste no more time to get down to business and finish our work promptly.

Those of us serving on the conference and many who are not on the conference have worked on versions of this legislation for several years now. We spent two weeks on the Senate floor in May considering almost 50 amendments to S. 254, the Senate juvenile justice bill, and making many improvements to the underlying bill. We worked hard in the Senate for a strong bipartisan juvenile justice bill, and we should take this opportunity to cut through our remaining partisan differences to make a difference in the lives of our children and families.

I appreciate that one of the most contentious issues in this conference is guns, even though sensible gun control proposals are just a small part of the comprehensive legislation we are considering. The question that the majority in Congress must answer is what are they willing to do to protect children from gun violence?

A report released two months ago on juvenile violence by the Justice Department concludes that, ''data . . . indicate that guns play a major role in juvenile violence.'' We need to do more to keep guns out of the hands of children who do not know how to use them or plan to use them to hurt others.

Law enforcement officers in this country need help in keeping guns out of the hands of people who should not have them. I am not talking about people who use guns for hunting or for sport, but about criminals and unsupervised children.

An editorial that appeared yesterday in the Rutland Daily Herald summed up the dilemma in this juvenile justice conference for the majority:

''Republicans in Congress have tried to follow the line of the National Rifle Association. It will be interesting to see if they can hold that line when the Nation's crime fighters let them know that fighting crime also means fighting guns.''

Every parent, teacher and student in this country was concerned this summer about school violence over the last two years and worried about when the next shooting may occur.

They only hope it does not happen at their school or involve their children. This is an unacceptable and intolerable situation.

We all recognize that there is no single cause and no single legislative solution that will cure the ill of youth violence in our schools or in our streets. But we have an opportunity before us to do our part. We should seize this opportunity to act on balanced, effective juvenile justice legislation, and measures to keep guns out of the hands of children and away from criminals.

I hope we get to work soon and finish what we started in the juvenile justice conference. We are already tardy.

The PRESIDING OFFICER. The Senator from Texas.

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