

date, we can achieve the confirmation of these three new members to the board.

NATURAL RESOURCE CONSERVATION

Mr. LOTT. Mr. President, I am pleased to join my colleague from South Dakota, the minority leader, in submitting for the RECORD and acknowledging the importance of a letter we received last week from 40 of our Nation's Governors. This letter is distinctly bipartisan and the signatories represent both coastal and inland states. It unequivocally demonstrates strong national support for reinvesting a substantial portion of federal outer continental shelf (OCS) oil and gas development revenues in coastal conservation and impact assistance; open space and farmland preservation; development and maintenance of federal, state and local parks and recreation areas; and wildlife conservation. The Governors also stressed the importance of recognizing the role of state and local governments in planning and implementing these conservation initiatives.

Although the signatories to this letter did not identify specific legislation to which they are lending support, I believe that S. 25, the Conservation and Reinvestment Act of 1999, of which I am a cosponsor along with 20 other Senators, most nearly achieves the objectives outlined by the Governors. S. 25 has strong bipartisan support and offers Congress the best opportunity to pass legislation this year.

I share the belief of these Governors that the 106th Congress has a historic opportunity to demonstrate our solid commitment to natural resource conservation for the benefit of future generations. I urge my colleagues on both sides of the aisle to join hands in advancing this noble effort.

I thank the Governors for their letter. I invite the attention of my colleagues to this very important area which is a win-win-win for those who live in the coastal regions as I do, but also inland Governors who will help us with conservation and preservation.

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:

SEPTEMBER 21, 1999.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate, Washington, DC.
Hon. THOMAS DASCHLE,
Minority Leader, U.S. Senate, Washington, DC.
Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

Hon. RICHARD GEPHARDT,
Minority Leader, House of Representatives, Washington, DC.

DEAR SENATORS LOTT AND DASCHLE AND REPRESENTATIVES HASTERT AND GEPHARDT: The 106th Congress has an historic opportunity to end this century with a major commitment to natural resource conservation that will benefit future generations. We en-

courage you to approve legislation this year that reinvests a meaningful portion of the revenues from federal outer continental shelf (OCS) oil and gas development in coastal conservation and impact assistance, open space and farmland preservation, federal, state and local parks and recreation, and wildlife conservation including endangered species prevention, protection and recovery costs.

Since outer continental shelf revenues come from nonrenewable resources, it makes sense to permanently dedicate them to natural resource conservation rather than dispersing them for general government purposes. Around the nation, citizens have repeatedly affirmed their support for conservation through numerous ballot initiatives and state and local legislation. We applaud both the Senate Energy and Natural Resources committee and the House Resources Committee for conducting a bipartisan and inclusive process that recognizes the unique role of state and local governments in preserving and protecting natural resources.

The legislation reported by the Committees should, to the maximum extent possible, permanently appropriate these new funds to the states, to be used in partnership with local governments and non-profit organizations to implement the various conservation initiatives. We urge the Congress to give state and local governments maximum flexibility in determining how to invest these funds. In this way, federal funds can be tailored to complement state plans, priorities and resources. State and local governments are in the best position to apply these funds to necessary and unique conservation efforts, such as preserving species, while providing for the economic needs of communities. The legislation should be neutral with regard to both existing OCS moratoria and future offshore development, and should not come at the expense of federally supported state programs.

We recognize that dedicating funds over a number of years to any specific use is a difficult budgetary decision. Nevertheless, we believe that the time is right to make this major commitment to conservation along the lines outlined in this letter.

We look forward to working with you to take advantage of this unique opportunity and are available to help ensure that this commitment is fiscally responsible. Thank you for your consideration of these legislative principles as you proceed to enact this important legislation.

Sincerely,

John A. Kitzhaber, Oregon; Mike Leavitt, Utah; Tom Ridge, Pennsylvania; Mike Foster, Louisiana; John G. Rowland, Connecticut; Parris N. Glendening, Maryland; Howard Dean, Vermont; Thomas R. Carper, Delaware; Christine Todd Whitman, New Jersey; James B. Hunt, Jr., North Carolina; Roy B. Barnes, Georgia; Jim Hodges, South Carolina; Lincoln Almond, Rhode Island; Angus S. King, Jr., Maine; Gary Locke, Washington; Argeo Paul Cellucci, Massachusetts; Cecil H. Underwood, West Virginia; Marc Rancot, Montana; Don Siegelman, Alabama; Gray Davis, California; Mel Carnahan, Missouri; Benjamin J. Cayetano, Hawaii; Jane Dru Hull, Arizona; Dirk Kempthorne, Idaho; Tony Knowles, Alaska; George H. Ryan, Illinois; James S. Gilmore III, Virginia; Jeanne Shabean, New Hampshire; Bill Graves, Kansas; George E. Pataki, New York; Paul E. Patton, Kentucky; Tommy G. Thompson, Wisconsin; Bill Owens, Colorado; Mike Huckabee, Arkansas; Frank Keating, Oklahoma; Jim Geringer, Wyoming; Edward T.

Schafer, North Dakota; Frank O'Bannon, Indiana; Kirk Fordice, Mississippi; William J. Janklow, South Dakota.

Mr. DASCHLE. Mr. President, I thank the majority leader. We recognize and applaud the desire of a number of groups and organizations in this country to take the proceeds from this non-renewable resource and reinvest a portion of these outer continental shelf revenues in the conservation and enhancement of our renewable resources.

When the Land and Water Conservation Fund was created more than thirty years ago, the intention was for revenues from off-shore oil and gas drilling to be deposited into the fund, allowing federal and state governments to protect green space, improve wildlife habitat and purchase lands for conservation purposes.

In my state of South Dakota this program has been particularly beneficial, helping local and state governments to purchase park lands and develop facilities in municipal and state parks throughout the state.

Unfortunately, the Land and Water Conservation Fund has rarely received adequate funding.

Congress has the opportunity this year to pass legislation that would finally ensure consistent funding for the Land and Water Conservation Fund and provide a permanent stream of revenue for conservation.

We applaud the efforts of the Senate Committee on Energy and Natural Resources as well as the House Committee on Natural Resources for conducting the process thus far in a fair and bi-partisan manner.

We encourage these committees to continue their progress so that Congress as a whole can debate and pass what may well be the most significant conservation effort of the century.

ORDER OF PROCEDURE

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Mr. President, I may object. I have been standing here about 45 minutes waiting to speak. I thought we were going to go back and forth across the aisle. I want to speak on the bill, not as in morning business. Since I like the Senator from Utah so much, I will not object. I wanted to make my point.

The PRESIDING OFFICER. Is the Senator from Iowa requesting time to speak?

Mr. HARKIN. I did not hear the request.

The PRESIDING OFFICER. Is the Senator from Iowa requesting, as part

of the unanimous consent request, an opportunity to speak?

Mr. HARKIN. If I can follow the Senator from Utah for 10 minutes, yes, I request to speak.

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

Mr. HATCH. Mr. President, I thank my colleague, and I apologize. I did not realize he had been standing here all this time.

NOMINATION OF TED STEWART TO BE DISTRICT JUDGE FOR THE DISTRICT OF UTAH

Mr. HATCH. Mr. President, it is a great pleasure for me to support the confirmation of a judicial candidate who is the epitome of good character, broad experience, and a judicious temperament.

First, however, I think it appropriate that I spend a moment to acknowledge the minority for relenting in what I consider to have been an ill-conceived gambit to politicize the judicial confirmations process. My colleagues appear to have made history on September 21 by preventing the invocation of cloture for the first time ever on a district judge's nomination.

This was—and still is—gravely disappointing to me. In a body whose best moments have been those in which statesmanship triumphs over partisanship, this unfortunate statistic does not make for a proud legacy.

My colleagues, who were motivated by the legitimate goal of gaining votes on two particular nominees, pursued a short-term offensive which failed to accomplish their objective and risked long-term peril for the nation's judiciary. There now exists on the books a fresh precedent to filibuster judicial nominees with which either political party disagrees.

I have always, and consistently, taken the position that the Senate must address the qualifications of a judicial nominee by a majority vote, and that the 41 votes necessary to defeat cloture are no substitute for the democratic and constitutional principles that underlie this body's majoritarian premise for confirmation to our Federal judiciary.

But now the Senate is moving forward with the nomination of Ted Stewart. I think some of my colleagues realized they had erred in drawing lines in the sand, and that their position threatened to do lasting damage to the Senate's confirmation process, the integrity of the institution, and, of course, the judicial branch of Government.

The record of the Judiciary Committee in processing nominees is a good one. I believe the Senate realized that the Committee will continue to hold hearings on those judicial nominees who are qualified, have appropriate judicial temperament, and who respect the rule of law. I had assured my colleagues of this before we reached this temporary impasse and I reiterate this commitment today.

This is not a time for partisan declarations of victory, but I am pleased that my colleagues revisited their decision to hold up the nomination. We are proceeding with a vote on the merits on Ted Stewart's nomination, and we will then proceed upon an arranged schedule to vote on other nominees in precisely the way that was proposed prior to the filibuster vote.

Ultimately, it is my hope for us, as an institution, that instead of signaling a trend, the last 2 weeks will instead look more like an aberration that was quickly corrected. I look forward to moving ahead to perform our constitutional obligation of providing advice and consent to the President's judicial nominees.

And now, I would like to turn our attention to the merits of Ted Stewart's nomination. I have known Ted Stewart for many years. I have long respected his integrity, his commitment to public service, and his judgment. And I am pleased that President Clinton saw fit to nominate this fine man for a seat on the United States District Court for the District of Utah.

Mr. Stewart received his law degree from the University of Utah School of Law and his undergraduate degree from Utah State University. He worked as a practicing lawyer in Salt Lake City for 6 years. And he served as trial counsel with the Judge Advocate General in the Utah National Guard.

In 1981, Mr. Stewart came to Washington to work with Congressman JIM HANSEN. His practical legal experience served him well on Capitol Hill, where he was intimately involved in the drafting of legislation.

Mr. Stewart's outstanding record in private practice and in the Legislative Branch earned him an appointment to the Utah Public Service Commission in 1985. For 7 years, he served in a quasi-judicial capacity on the Commission, conducting hearings, receiving evidence, and rendering decisions with findings of fact and conclusions of law.

Mr. Stewart then brought his experience as a practicing lawyer, as a legislative aide, and as a quasi-judicial officer, to the executive branch in State government. Beginning in 1992, he served as Executive Director of the Utah Departments of Commerce and Natural Resources. And since 1998, Mr. Stewart has served as the chief of staff of Governor Mike Leavitt.

Throughout Mr. Stewart's career, in private practice, in the legislative branch, in the executive branch, and as a quasi-judicial officer, he has earned the respect of those who have worked for him, those who have worked with him, and those who were affected by his decisions. And a large number of people from all walks of life and both sides of the political aisle have written letters supporting Mr. Stewart's nomination.

James Jenkins, former President of the Utah State Bar, wrote, "Ted's reputation for good character and industry and his temperament of fairness,

objectivity, courtesy, and patience [are] without blemish."

Utah State Senator, Mike Dmitrich, one of many Democrats supporting this nomination, wrote, "[Mr. Stewart] has always been fair and deliberate and shown the moderation and thoughtfulness that the judiciary requires."

I understand that the American Bar Association has concluded that Ted Stewart meets the qualifications for appointment to the federal district court. This sentiment is strongly shared by many in Utah, including the recent president of the Utah State Bar. For these reasons, Mr. Stewart was approved for confirmation to the bench by an overwhelming majority vote of the Judiciary Committee.

To those who contend Mr. Stewart has taken so-called anti-environmental positions, I say: look more carefully at his record. Mr. Stewart was the director of Utah's Department of Natural Resources for 5 years, and the fact is that his whole record has earned the respect and support of many local environmental groups.

Indeed, for his actions in protecting reserve water rights in Zion National Park, Mr. Stewart was enthusiastically praised by this administration's Secretary of the Interior.

Consider the encomiums from the following persons hailing from Utah's environmental community:

R.G. Valentine, of the Utah Wetlands Foundation, wrote, "Mr. Stewart's judgment and judicial evaluation of any project or issue has been one of unbiased and balanced results."

Don Peay, of the conservation group sportsmen for Fish and Wildlife, wrote, "I have nothing but respect for a man who is honest, fair, considerate, and extremely capable."

Indeed, far from criticism, Mr. Stewart deserves praise for his major accomplishments in protecting the environment.

Ultimately, the legion of letters and testaments in support of Mr. Stewart's nomination reflects the balanced and fair judgment that he has exhibited over his long and distinguished career. Those who know Ted Stewart know he will continue to serve the public well.

On a final note, Ted Stewart is needed in Utah. The seat he will be taking has been vacant since 1997. So I am deeply gratified that the Senate is now considering Mr. Stewart for confirmation.

I am grateful to my colleagues on both sides of the aisle who helped get this up and resolve what really was a very serious and I think dangerous problem for the Senate as a whole and for the judiciary in particular.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the Senator from Iowa for up to 10 minutes.

AIR TRANSPORTATION IMPROVEMENT ACT—Continued

Mr. HARKIN. I thank the President for this time and his indulgence while