of biological pollution. The Coalition has protected the Low Income Home Energy Assistance Program, and achieved increased appropriations for several energy efficiency programs. It held the first hearings and developed legislation on brownfield redevelopments, as well as on leaking gasoline storage tanks. The Coalition advanced increased trade with Canada, our nation's largest trading partner, and it spearheaded a range of initiatives to enhance the region's and the nation's economic competitiveness.

Mr. President, allow me to highlight a few other of Senator MOYNIHAN's specific efforts to advance economic vitality and environmental quality in the Northeast-Midwest region. In recent days, for instance, Senator MOYNIHAN has helped lead the Coalition's efforts to prepare for this winter's pending fuel crisis. Noting the rise in prices for heating oil and natural gas, he argued effectively for an emergency allocation of Low Income Home Energy Assistance Program funding. And he has been a consistent champion of Weatherization and energy conservation programs that help our region and nation to use energy more efficiently.

In order to block the introduction of invasive species in ballast water, Senator MOYNIHAN helped lead the charge for the National Invasive Species Act. He continues to work to expand that legislation beyond aquatic nuisance species to address the array of foreign plants and animals that cause biological pollution and economic loss throughout this country.

Senator MOYNIHAN and the Northeast-Midwest groups have highlighted the economic and environmental benefits of cleaning and redeveloping the contaminated industrial sites that plague our communities. He has sponsored Capitol Hill conferences on brownfield reuse, and distributed scores of Northeast-Midwest publications, including case studies of successful redevelopment projects. Senator MOYNIHAN also has helped push several bills that would provide financial, regulatory, and technical assistance for brownfield reuse.

To help provide financing and technical assistance to manufacturers, which remain critical to our region's economy, Senator MOYNIHAN and the Northeast-Midwest Coalitions have advanced the Manufacturing Extension Partnership, trade adjustment assistance, and industrial technology programs. He has sponsored an array of Capitol Hill briefings on robotics, optoelectronics, machine tools, electronics, and other industrial sectors.

In an effort to protect the Northeast and Midwest, Senator MOYNIHAN has been willing to face the criticism that comes from highlighting egregious subsidies going to other regions. He has noted, for instance, that taxpayers in the Northeast and Midwest subsidize the electricity bills of consumers in other regions, only to have those regions try to lure away our businesses and jobs with the promise of cheap electricity.

Senator MOYNIHAN has paid particular attention to the flow of federal funds to the states, tracking both federal expenditures as well as taxes paid to Washington. In his own annual reports and those by the Coalition, he documented the long-standing federal disinvestment in New York State and throughout the Northeast and Midwest. The Northeast-Midwest groups, for instance, found that our region's taxpayers received only 88 cents in federal spending for every dollar in taxes that they sent to the federal Treasury. In comparison, states of the South received a $1.17 rate of return, while western states obtained a $1.02 return. In fiscal 1998, the Northeast-Midwest region's subsidy to the rest of the nation totaled some $76 billion. Senator MOYNIHAN has led the effort to reverse this trend.

It has been a pleasure to work in a bipartisan coalition with Senator DANIEL PATRICK MOYNIHAN. He has demonstrated that good public policy results from cooperation among Democrats and Republicans. His intellectual rigor and his demand for quality data have elevated policy discussions within both the Northeast-Midwest Coalition and throughout the entire United States Senate.

My colleagues from northeastern and midwestern states join me in thanking Senator MOYNIHAN for his consistent leadership and effective advocacy.

TIME TO STRENGTHEN HARDROCK MINING REGULATIONS

Mr. DURBIN. Mr. President, I have strongly advocated strengthening so-called 3809 regulations, which governs hardrock mining on public lands. However, attempts to update these regulations have been subject to much debate.

I am pleased to see that the Interior conference report included a compromise provision related to the regulations, which should allow the BLM to move forward with their efforts to better protect taxpayers and the environment from the impacts of the hardrock mining industry.

However, I am concerned about recent statements made by my colleagues, Senators REID and GORTON, which I feel distort the intent of the provision and would weaken the 3809 regulations. I would like to take this opportunity to clarify my understanding of the meaning of this provision.

To paraphrase the language of the bill text included in the conference report, the mining provision permits the BLM to prevent undue degradation of public lands with a new and stronger rule governing hardrock mining on public lands. The only requirement is that the rule be ''not inconsistent with'' the recommendations contained in a study completed by the National Research Council, or NRC.

I agree with the Department of the Interior's interpretation that the key phrase ''not inconsistent with'' means that so long as the final mining rule does not contradict the recommendations of the NRC report, the rule can address whatever subject areas the BLM finds necessary to improve environmental oversight of the hardrock mining industry.

For example, one of the recommendations made in the NRC report would clarify the BLM's authority to protect valuable natural resources not protected by other laws. Given that recommendation, it would be ''not inconsistent with'' the report to issue a rule that would allow the disapproval of a mine proposal if it would cause undue degradation of public lands, even if the proposal complied with all other statutes and regulations. The final mining provision included in the report would permit such a rule.

However, during earlier negotiations of the hardrock mining provision, mining proponents attempted to include language that would have effectively undermined the ability of the BLM to strengthen the 3809 regulations. This original language would have bound any final rule published by the BLM to the recommendations of the NRC report. This means that a final rule could only address those recommendations made by the report and nothing else, regardless of what actions the BLM identified as necessary. The original language is as follows:

BILL TEXT

None of the funds in this Act or any other Act shall be used by the Secretary of the Interior to promulgate final rules to revise 43 CFR subpart 3809, except that the Secretary, following the public comment period required by section 3002 of Public Law 106–31, may issue final rules to amend 43 CFR Subpart 3809 which are not inconsistent with the recommendations contained in the National Research Council report entitled ''Hardrock Mining on Federal Lands'' so long as these regulations are also not inconsistent with existing statutory authorities. Nothing in this section shall be construed to expand the existing statutory authority of the Secretary.

REPORT LANGUAGE

Section xxx allows the Bureau of Land Management to promulgate new hardrock mining regulations that are not inconsistent with the National Research Council Report entitled ''Hardrock Mining on Federal Lands.'' This provision reinstates a requirement that was included in Public Law 106–113. In that Act, Congress authorized changes to the hardrock mining regulations that are ''not inconsistent with'' the Report. The statutory requirement was based on a consensus reached among Committee Members and the Administration. On December 8, 1999, the Interior Solicitor wrote an opinion concluding that this requirement applies only to a few lines of the Report, and that it imposes no significant restrictions on the Bureau's final rulemaking authority. This opinion is contrary to the intentions of the Committee and to the understanding reached among the parties in FY2000. The Committee clearly intended Interior to be guided and bound by the findings and recommendations of the Report. Accordingly, the statutory language is included again in this Report and this action

should not be interpreted as a ratification of the Solicitor's opinion. The Committee emphasizes that it intends for the Bureau to adopt changes to its rules at 43 CFR part 3809 only if those changes are called for in the NRC report.

Fortunately, this original language did not stand because it was so limiting. In fact, President Clinton threatened to veto the entire Interior Appropriations bill if the mining provision unduly restricted the ability of the BLM to update the regulations. The improved, final language indicates that the intent is not to limit the BLM's authority to strengthen the hardrock mining regulations.

The Interior Department has been working for years to update the 3809 regulations after numerous review and comments from BLM task forces, congressional committee hearings, public meetings, consultation with the states and interest groups, and public review of drafts of the proposed regulations. There is no longer any reason to delay improving these regulations.

JUSTICE FOR VICTIMS OF TERRORISM ACT

Mr. MACK. Mr. President, as an original sponsor of the Justice for Victims of Terrorism Act, I wish to make clear that the reference to June 7, 1999 in the anti-terrorism section of H.R. 3244 is intended to refer to the case of Thomas M. Sutherland.

LEGISLATIVE BRANCH APPROPRIATIONS CONFERENCE REPORT

Mr. MCCAIN. Mr. President, on September 19, I submitted for the RECORD, a list of objectionable provisions in the FY 2001 Legislative Branch Appropriations bill. Mr. President, these line items do not violate any of the five objective criteria I use for identifying spending that was not reviewed in the appropriate merit-based prioritization process, and I regret they were included on my list. They are as follows:

$472,176,000 for construction projects at the following locations:

California, Los Angeles, U.S. Courthouse;

District of Columbia, Bureau of Alcohol, Tobacco and Firearms Headquarters;

Florida, Saint Petersburg, Combined Law Enforcement Facility;

Maryland, Montgomery County, Food and Drug;

Administration Consolidation;

Michigan, Sault St. Marie, Border Station;

Mississippi, Biloxi-Gulfport, U.S. Courthouse;

Montana, Eureka/Roosville, Border Station;

Virginia, Richmond, U.S. Courthouse;

Washington, Seattle, U.S. Courthouse.

Repairs and alterations:

Arizona: Phoenix, Federal Building Courthouse, $26,962,000;

California: Santa Ana, Federal Building, $27,864,000;

District of Columbia: Internal Revenue Service Headquarters;

(Phase 1), $31,780,000, Main State Building (Phase 3), $28,775,000;

Maryland: Woodlawn, SSA National Computer Center, $4,285,000;

Michigan: Detroit, McNamara Federal Building, $26,999,000;

Missouri: Kansas City, Richard Bolling Federal Building, $25,882,000;

Kansas City, Federal Building, 8930 Ward Parkway, $8,964,000;

Nebraska: Omaha, Zorinsky Federal Building, $45,960,000;

New York: New York City, 40 Foley Square, $5,037,000;

Ohio: Cincinnati, Potter Stewart U.S. Courthouse, $18,434,000;

Pennsylvania: Pittsburgh, U.S. Post Office-Courthouse, $54,144,000;

Utah: Salt Lake City, Bennett Federal Building, $21,199,000;

Virginia: Reston, J.W. Powell Federal Building (Phase 2), $22,993,000.

Nationwide:

Design Program, $21,915,000;

Energy Program, $5,000,000;

Glass Fragment Retention Program, $5,000,000.

$276,400,000 for the following construction projects:

District of Columbia, U.S. Courthouse Annex;

Florida, Miami, U.S. Courthouse;

Massachusetts, Springfield, U.S. Courthouse;

New York, Buffalo, U.S. Courthouse.

Mr. President, the criteria I use when reviewing our annual appropriations bills are not intended to reflect a judgment on the merits of an item. They are designed to identify projects that have not been properly reviewed. Unfortunately, on occasion, items are inadvertently included that should not be.

JUSTICE FOR VICTIMS OF TERRORISM

Mr. LAUTENBERG. Mr. President, as we adopt this valuable legislation, I consider it important to clarify the history and intent of subsection 1(f) of this bill, as amended, in the context of the bill as a whole.

This is a key issue for American victims of state-sponsored terrorism who have sued or who will in the future sue the responsible terrorism-list state, as they are entitled to do under the Anti-Terrorism Act of 1996. Victims who already hold U.S. court judgments, and a few whose related cases will soon be decided, will receive their compensatory damages as a direct result of this legislation. It is my hope and objective that this legislation will similarly help other pending and future Anti-Terrorism Act plaintiffs when U.S. courts issue judgments against the foreign state sponsors of specific terrorist acts. I am particularly determined that the families of the victims of Pan Am flight 103 should be able to collect damages promptly if they can demonstrate to the satisfaction of a U.S. court that Libya is indeed responsible for that heinous bombing.

More than 2 years ago, I joined with Senator CONNIE MACK to amend the fiscal year 1999 Treasury-Postal Appropriations bill to help victims of terrorism who successfully sued foreign states under the Anti-Terrorism Act. That amendment, which became section 117 of the Treasury and General Government Appropriations Act for fiscal year 1999, made the assets of foreign terrorist states blocked by the Treasury Department under our sanctions laws explicitly available for attachment by U.S. courts for the very limited purpose of satisfying Anti-Terrorism Act judgments.

Unfortunately, when that provision came before the House-Senate Conference Committee, I understand the administration insisted upon adding a national security interest waiver. The waiver, however, was unclear and confusing. The President exercised that waiver within minutes of signing the bill into law.

The scope of that waiver authority added in the Appropriations Conference Committee in 1998 remains in dispute. Presidential Determination 99–1 asserted broad authority to waive the entirety of the provision. But the District Court of the Southern District of Florida rejected the administration's view and held, instead, that the President's authority applied only to section 117's requirement that the Secretaries of State and Treasury assist a judgment creditor in identifying, locating, and executing against non-blocked property of a foreign terrorist state.

The bill now before us, in its amended form, would replace the disputed waiver in section 117 of the fiscal year 1999 Treasury Appropriations Act with a clearer but narrower waiver of 28 U.S.C. section 1610(f)(1). In replacing the waiver, we are accepting that the President should have the authority to waive the court's authority to attach blocked assets. But to understand how we intend this waiver to be used, it must be read within the context of other provisions of the legislation.

A waiver of the attachment provision would seem appropriate for final and pending Anti-Terrorism Act cases identified in subsection (a)(2) of this bill. In these cases, judicial attachment is not necessary because the executive branch will appropriately pay compensatory damages to the victims from blocked assets or use blocked assets to collect the funds from terrorist states.

This legislation also reaffirms the President's statutory authority to vest foreign assets located in the United States for the purposes of assisting and making payments to victims of terrorism. This provision restates the President's authority to assist victims with pending and future cases. Our intent is that the President will review each case when the court issues a final judgment to determine whether to use the national security waiver, whether to help the plaintiffs collect from a foreign state's non-blocked assets in the U.S., whether to allow the courts to attach and execute against blocked assets, or whether to use existing authorities to vest and pay those assets as damages to the victims of terrorism.

Let me say that again: It is our intention that the President will consider each case on its own merits; this waiver should not be applied in a routine or blanket manner.