

I hope future Presidents will use the waiver provision only as President Clinton will use other provisions of the current bill: to aid victims of terrorism and make its state sponsors pay for their crimes.

Mr. MACK. I thank Senator LAUTENBERG for making a point with which I strongly agree: the waiver authority in this legislation is intended to be used on each case or for each asset, but not to be used as a de-facto veto.

In drafting this language and negotiating with the administration over the past several months, we believe firmly that using blocked assets of terrorist states to satisfy judgments is completely consistent with the intent of the Anti-Terrorism Act of 1996, and more significantly, is consistent with our national security interest. Simply stated, making the terrorists who harm or kill Americans in acts of international terrorism pay for their acts makes for good policy. It should deter future acts of terrorism, as well as provide some small measure of justice to current victims.

Mr. KYL. I thank Senators MACK and LAUTENBERG for their leadership on this issue. I would like to add that from the beginning of my involvement on this issue in 1998, I have sought to help Senator MACK provide a mechanism which would not only help current victims, but also set in place a procedure to ensure future victims will be able to attain justice, provided blocked assets are held in the U.S. I would therefore first like to associate myself with the interpretation of the waiver as expressed by Senators LAUTENBERG and MACK. I do not appreciate seeing laws in effect vetoed through a waiver authority interpreted overly broadly. Indeed, the waiver used in this language should be exercised on a case-by-case basis only.

Second, I would also like to point out the precedent being set and the reaffirmation of authority. The administration assures us via a private letter that the judgment creditors already holding final judgment will be paid their compensatory awards within 60 days of the enactment of this act. The administration will do so using executive authority to vest and pay from blocked assets. In addition, the Congress statutorily reaffirms the President's authority to vest and pay from blocked assets in the future to help future victims of terrorism. Let me state very clearly that there is no way, based upon the procedure now in place, that future victims will be forced to suffer the prolonged battle with their government that these first victims were forced to bear. I am pleased with the justice being delivered today; but I am especially pleased by the process in place to help any future victims. Hopefully, with this process, the deterrent capability of this law will become more powerful.

Mrs. FEINSTEIN. I am pleased have worked with Senators LAUTENBERG, MACK, and KYL in getting this legisla-

tion to this point. The national security interest waiver should be used only when there is a specific national security interest greater than the interest in taking effective action to combat terrorism against American citizens; and it should be exercised on a case-by-case basis. The Judiciary Committee never intended to divide victims, helping some and not others. We must ensure that all American victims of terrorism able to successfully hold foreign states responsible to the satisfaction of U.S. courts are treated fairly and aided by this and future administrations to collect their damages.

Mr. HELMS. I congratulate Senators MACK, KYL, LAUTENBERG, and FEINSTEIN, for their fine work on getting this anti-terrorism legislation through the Congress and passed. I would like to point out the conferees agree with the comments mentioned by my colleagues and this has been so stated in the conference report to accompany this bill.

#### VICTIMS OF GUN VIOLENCE

Mr. DURBIN. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

October 11, 1999:

Clifton Aaron, 21, Kansas City, MO; Daniel Bennett, 23, Washington, DC; Larry Clark, 51, Atlanta, GA; Mico Curtis, 28, Atlanta, GA; Thomas Spivey, 22, Nashville, TN; Arthur Strickland, 28, Gary, IN; Kristian Sullivan, 25, Detroit, MI; Lloyd Whitfield, 28, Detroit, MI; and Arshon Young, 19, Miami-Dade County, FL.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

#### RESTORING THE EVERGLADES, AN AMERICAN LEGACY ACT

Mr. L. CHAFEE. Mr. President, when the Senate passed the Water Resources Development Act of 2000 (WRDA) on September 25th, a landmark piece of legislation was attached to the bill. This legislation—S. 2797, Restoring the Everglades, an American Legacy Act—was introduced by Senators SMITH, BAUCUS, VOINOVICH, GRAHAM and MACK earlier this summer to restore the natural ecosystem of the Florida Everglades.

Historically, the Florida Everglades system consisted of a natural flow of 1.7 billion gallons of fresh water draining into the Gulf of Mexico and the Atlantic Ocean on a daily basis. Beginning in 1948, the system has been adversely impacted by a series of Federal flood control projects authorized by Congress to redirect water flows throughout the Everglades. Over a half-century of Army Corps of Engineers' water infrastructure projects, consisting of a series of levees and canals, have severely damaged the Everglades system. This substantial diversion of water resulting from the infrastructure construction, coupled with increased development in the area, threaten the overall environmental health and sustainability of the Everglades National Park. In 1992 and 1996, Congress directed the Army Corps of Engineers to conduct a "Restudy" of the existing system and recommend changes to improve the current state of the Everglades. The results of the restudy and recommendations for restoring the system are incorporated into the "Comprehensive Everglades Restoration Plan".

S. 2797 implements the Everglades Restoration Plan. The bill was approved by a bi-partisan majority of members of the Senate Committee on Environment and Public Works and is strongly supported by the Administration and the State of Florida. Restoring the Everglades, an American Legacy Act is a \$7.8 billion dollar package that includes a broad framework for repairing the system's fragile ecosystem. Additionally, the bill creates a new and significant partnership between the Federal Government and the State of Florida. S. 2797 includes cost share provisions establishing a 50:50 Federal to non-Federal cost share requirement and providing that operation and maintenance costs will also be split in half between the Federal and non-Federal sponsors. Most importantly, the bill balances the benefits to the natural system, while providing for water supply and flood protection needs.

I thank the Committee for moving forward with this important legislation. I would particularly like to thank Chairman BOB SMITH for his leadership on restoring the Everglades and for crafting legislation that will ensure the future preservation of this national treasure.

#### COUNTY PAYMENTS BILL, H.R. 2389

Mrs. BOXER. Mr. President, on Friday the Senate passed H.R. 2389, the "Secure Rural Schools and Community Self-Determination Act of 1999." I have paid close attention to the bill because it has significant implications for the State of California. H.R. 2389 is important to my State because it provides substantial and desperately-needed revenue to rural counties to be used for schools, roads, and other beneficial purposes. The bill also, however, creates unprecedented opportunities for

local stakeholders to play a role in decision-making on Federal lands. It is this latter feature of the bill that has the potential to have a negative impact on the health of our forests.

I am deeply disappointed at the version of the bill that was just passed. For months I worked closely with my Senate colleagues to negotiate a compromise proposal that included safeguards to help ensure that the bill would not lead to increased exploitation of our federal timber resources. This earlier version of the bill (S. 1608), which passed the Senate by unanimous consent, benefitted greatly from changes that clarified the appropriate role of local communities in Federal land management decisions and directed local projects funded under this bill towards environmentally beneficial activities rather than commodity production. Unfortunately, many improvements that I fought for in the Senate-passed bill have either been discarded or weakened in H.R. 2389.

I pledge to monitor closely implementation of this Act to see if it results in local projects that involve unsustainable logging, salvage, and other types of environmentally damaging activities. I hope this does not materialize, but if it does, I will seek to make improvements to the Act.

#### DEATH OF E.S. JOHNNY WALKER

Mr. BINGAMAN. Mr. President, I rise to advise Members of the Senate that New Mexico lost a very distinguished citizen and a good friend with the death of E.S. Johnny Walker on Sunday at the age of 89. His life of public service began with 4 years in the Army in World War II. Subsequently, it included two terms in our State legislature in the House of Representatives in Santa Fe, followed by service as commissioner of our public lands in New Mexico and commissioner of the bureau of revenue. He was elected to the U.S. House of Representatives in 1964 and served two terms here in Washington representing New Mexico in the House of Representatives.

Johnny is survived by his wife Polly, to whom he was married for 63 years; also by their two children, Mike Walker and Janet Walker Steele; also by grandchildren and great-grandchildren, colleagues, and, of course, many friends. I am proud to say that his friends included my family and, of course, me. We have known the Walkers for decades.

I fondly recall his friendship with my parents and with my uncle, John Bingaman, during the time when I was growing up in Silver City. He was a "man of the people" in the very best sense of that phrase. He worked very hard for the interest of the people of New Mexico, and he will be remembered warmly in our State for his humanity and for his great service.

#### RURAL TELECOMMUNICATIONS POLICY

Mr. GRAMS. Mr. President, I rise today to express my views toward Federal implementation of the 1996 Telecommunications Act and my support for a strong national rural telecommunications policy.

One of the most important responsibilities of a United States Senator is to exercise appropriate oversight of Federal regulatory agencies to ensure sound policy and the wisest use of taxpayers dollars. Toward this end, I have carefully monitored the Federal Communications Commission's implementation of the 1996 Telecommunications Act in an attempt to ensure that this agency follows the intent of Congress in developing a strong national rural telecommunications policy.

I am proud to have supported the historic 1996 Telecommunications Act which deregulated the telecommunications industry for the first time in 62 years. I believe this Act has begun to reach its promise of a competitive marketplace, lower prices, and greater consumer choice in services for every American. Since its passage, the telecommunications industry has grown dramatically, creating 230,000 more jobs nationwide, generating an additional \$57 billion in revenues, and fostering an environment in which billions of dollars has been invested in telecommunications infrastructure. Despite this promising news, I am very concerned that the FCC's implementation of the Act has stifled the expansion of some of these benefits into rural parts of Minnesota.

As a former small businessman, I often hear about the regulatory burdens experienced by my state's entrepreneurs and businesses. As someone who spent 23 years in the broadcasting industry, I also understand their frustration with the far-reaching regulatory authority of the Federal Communications Commission. It has become very clear to me that the administrative and regulatory burdens imposed upon small telecommunications providers reflect the Commission's neglect for the unique needs of rural telecommunications companies and their need for fairer regulatory treatment.

The concerns of rural telecommunications companies are underscored in a letter sent to me by Farmers Mutual Telephone Company General Manager Robert Hoffman, who wrote, "My concern with the FCC is all the additional filings and requirements they are placing on small telephone companies. A couple of years ago we didn't have any filings with the FCC. Now we have about ten annual filings which are confusing and labor intensive, and thus expensive for companies of our size. The FCC has no sympathy for small rural telecommunications companies."

As my colleagues know, this deregulatory law has been the subject of litigation from the moment it was enacted due to what many perceive to be the FCC's over-regulatory approach to its

implementation. Far too often, the Commission's rules have gone beyond Congressional intent. In particular, I am disappointed by the Commission's implementation of sections of the Act which are intended to preserve universal service assistance and the deployment of advanced telecommunications services. I am sure that my colleagues would agree that universal service assistance is the cornerstone of an effective rural telecommunications policy.

In implementing the 1996 Act, the Commission has thus far failed to adhere to the important universal service principles established by Congress under this law. The Act specifically required the joint board on universal service and the FCC to base their universal service policies upon the following principles: the ability of quality services to be provided at just, reasonable and affordable rates; that all regions of the country should have access to advanced telecommunications services; that telecommunications services should be comparable to services in urban areas; and that universal service should be supported by specific and predictable funding mechanisms. Congress should clearly do more to hold the Commission's feet to the fire to ensure that there is proper implementation of universal service support.

I have worked hard in Congress to ensure that the decades-long policy of universal service is preserved and advanced and that there are adequate revenues to maintain rural networks. Earlier this Congress, I wrote to FCC Chairman Kennard to express my opposition to any proposal which would transfer authority over the Universal Service Fund to the Department of Treasury. I believe that such an approach would undermine universal service policy and could have an adverse impact upon small telephone carriers and the communities they serve. More importantly, this plan would place the Universal Service Fund at great risk of manipulation by the federal government and the excessive spending habits of Members of Congress. I am pleased that the Administration has finally agreed that is not "public money" and has withdrawn this ill-advised plan.

I also believe that the Rural Utilities Service telephone loan program is vital to the development of a strong rural telecommunications infrastructure, and an essential component of our national commitment to universal service. I have repeatedly written the Senate Appropriations Committee to urge funding for the Rural Utilities Service telephone loan program. I firmly believe that RUS telephone loans have helped to improve telephone service in rural and high cost areas. Through RUS financing, telephone borrowers have made significant improvements to telecommunications services throughout rural Minnesota.

My oversight of the FCC has also included efforts to make it easier for