

and established democracies. The program is administered by the Center for Civic Education and funded by the U.S. Department of Education under the Education for Democracy Act approved by the United States Congress.

Recently may office was pleased to meet with a delegation of educators participating in the Civitas exchange program from Ukraine who have spent time in Alabama working on a curriculum for teaching Ukrainian history and civic education. The Ukraine delegation is partnered with the Alabama Center for Law and Civic Education in Birmingham, which has an outstanding reputation for delivering high quality civic education programs under the leadership of Executive Director Jan Cowin and Associate Director Wade Black. The American leaders of the delegation included two other Alabama natives, Louis Smith, Professor, School of Education, University of Western Alabama and his wife Carole Smith, visiting lecturer, Mississippi State University. I wish to commend all four of these Alabama educators for their excellent work in promoting educational excellence in our state.

The Ukraine delegates include Larysa Seredyak, Teacher of History and Civics in Lviv; Anatoliy Kovtonyuk, Teacher of History, Law, and Philosophy in Zhytomyr; Volodymyr Gorbatenko, Professor, Koretskyi State and Law Institute of the National Academy of Sciences of Ukraine and Professor of Politology and Sociology in Kyiv; Grygoriy Freyman, Assistant Professor, World History, Luhansk Pedagogical University and Teacher of History and Law in Luhansk; and Nataliya Yuikhymovych, Translator and Interpreter in Lviv.

I ask unanimous consent to have printed in the RECORD an article in the Montgomery Advertiser about a recent visit by this distinguished Ukrainian delegation to a class of sixth graders at Dalraida Elementary School. It demonstrates how our teachers and students can benefit from these international programs through joint educational projects. Above all, it shows how we can work cooperatively with other nations to promote fundamental democratic principles, understanding and values among our youth.

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

[From the Montgomery Advertiser, Nov. 9, 2002]

STUDENTS QUIZ UKRAINIAN TEACHERS  
(By Ken L. Spear)

The schoolchildren bombarded the visiting Ukrainian classroom teachers with loads of questions:

"Do you have elections for political office?" "Do y'all own, like dogs and horses?" "Does your school have computers?" "What is your grading system?" "When kids get in trouble, what does the principal do?"

The inquiries are a part of the Dalraida Elementary sixth-graders' quest to seek a solution to a common problem while crossing international borders.

They are in the early stages of a civic project with their peers from Village School in Synkiv in the Ukraine.

Students here already are talking about how to bridge the digital divide and raising the money necessary to make it happen. There's one computer for the entire Village School.

"They should have better communication with everybody," said Dalraida's ilyan Unyhkov, whose parents are Russian natives. "Plus we need to make allies. If we're not friends, we may still get into war."

"The may help us," classmate J'Darius Powell added.

Designed for grades five through eight, the "We the People . . . Project Citizen" curriculum not only teaches students about government, but the tools and skills necessary to solve problems in their communities. That includes learning how to monitor and influence public policy, and crafting an action plan.

Civic participation isn't a foreign concept to the Ukrainian sixth-graders. Two years ago, The Village School joined the ranks of Project Citizen schools. Students there have led projects, such as the restoration of memorials from World Wars I and II that have been neglected by the Soviets and the clean up of community rivers and streams.

The group of educators is visiting Alabama as part of its mission to develop a "common national definition" and a curriculum for teaching Ukrainian history and civics education, said Wade Black, associate director of the Alabama Center for Law and Civic Education at Samford University.

A final version of the curriculum is expected to be submitted by next summer to the European Union, which is similar to Samford University's law and civic education center.

Ukraine declared independence in 1991. Under Soviet rule prior to that, citizens weren't taught their history and had no access to a curriculum.

"It parallels with black history," Black said. "They want to write a history that unifies the country and defines what it means to be Ukrainian."

While Project Citizen is an international program, only 25 Alabama schools, scouting troops and church groups are involved. Proration of the education budget forced some schools to cut the program.

"If they could just see the difference it makes in kids' lives," said Teri Gisi, faculty adviser for Dalraida's program. "They see what a difference they can make."

Dalraida got its hands-on civics lesson when students revisited a 15-year battle to get a sidewalk down a 1½-mile stretch of Johnstown Drive. The sixth-graders devised a plan, appealed to the City Council and was granted a sidewalk.

#### THE QUIET EROSION OF OUR FEDERAL LANDS IN ALASKA

Mr. LEAHY. Mr. President, every year we get to this point at the end of a Congress where many bills get packaged together and move through under unanimous consent. Usually this process works well and gives each of us an opportunity to work out concerns we might have about any particular bill. Unfortunately, last night two bills were approved that should have received much greater scrutiny by the full Senate. Instead, they squeaked through because the proponents cleverly bundled them with over 100 other uncontroversial, local-interest bills.

Together, the Cape Fox Land Entitlement Adjustment Act and the University of Alaska lands bill will give away

huge chunks of our federal lands in Alaska. Individually, they represent what I fear will be facing us in the near future—the quiet erosion of our federal lands for the benefit of private interests. These bills turn over more than 260,000 acres of federal lands in Alaska without addressing fundamental public concerns about public access, logging, roadless areas and the impact on fish and wildlife.

Both of these bills are opposed by many Alaska and national environmental organizations.

I ask unanimous consent to have printed in the RECORD two letters, dated July 16, 2002 and September 4, 2002, outlining some of their concerns that were not heard as these bills were being rushed to the floor and passed last night.

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

ALASKA COALITION, ALASKA CONSERVATION VOTERS/ALASKA CONSERVATION ALLIANCE, ALASKA RAINFOREST CAMPAIGN, ALASKA WILDERNESS LEAGUE, EARTH JUSTICE, EYAK PRESERVATION COUNCIL, MINERAL POLICY CENTER, NATIONAL AUDUBON SOCIETY, NATIONAL WILDLIFE FEDERATION, NATURAL RESOURCES DEFENSE COUNCIL, LEAGUE OF CONSERVATION VOTERS, SCENIC AMERICA, SIERRA CLUB, SOUTHEAST ALASKA CONSERVATION COUNCIL, THE ENDANGERED SPECIES COALITION, THE WILDERNESS SOCIETY, U.S. PIRG,

July 16, 2002.

Hon. JEFF BINGAMAN,  
U.S. Senate,  
Washington, DC.

DEAR CHAIRMAN BINGAMAN: We are writing you to urge you to oppose S. 2222, the Cape Fox Entitlement Adjustment Act of 2002. Introduced earlier this year by Senator Frank Murkowski (R-AK), and currently being considered by the Energy and Natural Resources Committee, this bill is an attempt to benefit special interests by giving away valuable Tongass National Forest lands—lands owned by all Americans. Opposed by many Southeast Alaskans, S. 2222 attempts to trade the Tongass for commercial development including clear cutting and mining.

This bill proposes to give Cape Fox and Sealaska Corporations more than 11,000 acres of valuable Tongass National Forest lands in Berners Bay near Juneau in return for 3,000 acres of mostly roaded and clearcut lands near Ketchikan and certain subsurface rights. With the transfer of the publicly owned lands, the Corporations gain the rights to log, subdivide, sell, or develop this swath of land on the northwest side of Berners Bay. Despite the importance of Berners Bay to Alaskan residents, Senator Murkowski has not held a local hearing on the land exchange issue in Juneau. This bill is bad public policy and should not see the light of day.

Berners Bay is one of Juneau's most important recreation areas for kayaking, hunting, camping, bird watching, commercial touring and many other activities. The traded lands could be closed to public access, beautiful views and hunting grounds replaced with stumps and no trespassing signs. The Bay contains abundant wildlife, including four species of salmon, wolves and brown and black bears. It is an important stopover for migratory birds as well as foraging grounds for Steller sea lions.

The Alaska Department of Fish and Game, City and Borough of Juneau, and commercial

fishermen have long supported protection of Berners Bay's high value fisheries and vast recreational opportunities. Additionally, the Auk Kwaan tribe, original settlers of the area, recognizes Berners Bay as an integral part of their traditional territory. These ancestral lands contain village site, burial grounds, and the sacred Spirit Mountain. Berners Bay is a critically important wild area for southeast Alaska residents and visitors alike.

The public lands to be given away include Slate Lake, where the Coeur d'Alene Mines Corporation anticipates dumping mine tailings from its proposed Kensington gold mine. Slates Lake is perched above a productive salmon stream in Berners Bay. Giving away these lands would risk contaminating the land and harming its irreplaceable natural resources.

Again, we urge you to oppose S. 2222. Please do not schedule a mark-up of this bill by the committee. The Tongass National Forest is a national treasure that deserves to be treated with care and in the best interest of the American people.

Sincerely,

Tim Bristol, Executive Director, Alaska Coalition; Tim Atkinson, Executive Director, Alaska Conservation Voters; Michael Finkelstein, Campaign Director, Alaska Rainforest Campaign; Cindy Shogan, Executive Director, Alaska Wilderness League; Dune Lankard, Executive Director, Eyak Preservation Council; Vawter Parker, Executive Director, Earth Justice; Deb Callahan, President, League of Conservation Voters; Stephen D'Esposito, President, Mineral Policy Center; Bob Perciasepe, Senior Vice President, National Audubon Society; Jamie Rappaport Clark, Senior Vice President, National Wildlife Federation; John Adams, President, Natural Resources Defense Council; Meg Maquire, President, Scenic America; Carl Pope, Executive Director, Sierra Club; Jeremy Anderson, Executive Director, Southeast Alaska Conservation Council; Bill Meadows, President, The Wilderness Society; Brock Evans, Executive Director, The Endangered Species Coalition; Gene Karpinski, Executive Director, U.S. Public Research Group.

ALASKA COALITION, ALASKA RAINFOREST CAMPAIGN, ALASKA WILDERNESS LEAGUE, EARTH JUSTICE, EYAK PRESERVATION COUNCIL, LEAGUE OF CONSERVATION VOTERS, MINERAL POLICY CENTER, NATIONAL WILDLIFE FEDERATION, NATURAL RESOURCES DEFENSE COUNCIL, THE WILDERNESS SOCIETY, US PIRG,

September 4, 2002.

The Hon. HARRY REID,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR REID, We are writing to urge you to keep S. 2222, the Cape Fox Land Entitlement Adjustment Act of 2002, off the floor of the United States Senate. This bill was introduced earlier this year by Senator Frank Murkowski (AK-R), and passed through the Energy and Natural Resources Committee in late July.

Even with the changes in language made during the mark-up process, this bill is an attempt to benefit special interests by giving away valuable Tongass National Forest lands, which are owned by all Americans. Opposed by many Southeast Alaskans, S. 2222 attempts to trade Tongass lands for commercial development including clearcutting and mining.

This bill proposes to give Cape Fox and Sealaska Corporations more than 11,000 acres

of valuable Tongass National Forest lands in Berners Bay near Juneau in return for 3,000 acres of mostly roaded and clearcut lands near Ketchikan and certain subsurface rights. With the transfer of the publicly owned lands, the Corporations gain the right to log, subdivide, sell, or develop this swath of land on the northwest side of Berners Bay. Despite the importance of Berners Bay to Alaskan residents, Senator Murkowski has not held a local hearing on the land exchange issue in Juneau, nor had a public appraisal prepared prior to the passage of this legislation through committee. We believe that a public appraisal should be required before this legislation is allowed to proceed. This bill is bad public policy, and is another attempt by Senator Murkowski to appease special interests during his governor's race.

Berners Bay is one of Juneau's most important recreation areas for kayaking, hunting, camping, bird watching, commercial touring and many other activities. The traded lands could be closed to public access, and beautiful views and hunting grounds replaced with stumps and no trespassing signs.

The Bay contains abundant wildlife, including four species of salmon, wolves and brown and black bears. It is an important stopover for migratory birds as well as foraging grounds for Steller sea lions.

The Alaska Department of Fish and Game, City and Borough of Juneau, and commercial fishermen have long supported protection of Berners Bay's high value fisheries and vast recreational opportunities. Additionally, the Auk Kwaan tribe, original settlers of the area, recognizes Berners Bay as an integral part of their traditional territory. These ancestral lands contain a village site, burial grounds, and the sacred Spirit Mountain. Berners Bay is a critically important wild area for southeast Alaska residents and visitors alike.

The public lands to be given away include Slate Lake, where the Coeur d'Alene Mines Corporation anticipates dumping mine tailings from its proposed Kensington gold mine. Slates Lake is perched above a productive salmon stream in Berners Bay. Giving away these lands would risk contaminating the land and harming its irreplaceable natural resources.

Again, we urge you to keep S. 2222 off the floor of the United States Senate. The Tongass National Forest is a national treasure that deserves to be treated with care and in the best interest of the American people.

Sincerely,

Tim Bristol, Executive Director, Alaska Coalition; Michael Finkelstein, Campaign Director, Alaska Rainforest Campaign; Cindy Shogan, Executive Director, Alaska Wilderness League; Dune Lankard, Executive Director, Eyak Preservation Council; Vawter Parker, Executive Director, Earth Justice; Stephen D'Esposito, President, Mineral Policy Center; Carl Pope, Executive Director, Sierra Club; Bill Meadows, President, The Wilderness Society; Gene Karpinski, Executive Director, U.S. Public Research Group; Jamie Rappaport Clark, Senior Vice President, National Wildlife Federation; Deb Callahan, President, League of Conservation Voters; John Adams, President, Natural Resources Defense Council.

MR. LEAHY. Mr. President, S. 2222 would privatize 12,000 acres of Tongass National Forest land in Berners Bay, a popular recreation area for residents of Juneau, Alaska. The two corporations—Sealaska and Cape Fox Corporations—that would receive title to the National Forest lands have a history of

closing public access to their lands and heavily logging them. Most of the logs have been exported directly to Asia without any domestic processing. The provisions for old-growth reserves in the reported version of S. 2222 offer little protection. The vast majority of old-growth forest on the newly privatized National Forest lands could still be heavily logged and the logs shipped straight to Asia with no domestic manufacturing.

Trading land to two Native corporations is not the only reason proponents so desperately wanted this bill to move this year though. The bill will also make it much easier for a mining corporation to open a gold mine adjacent to the national forest land being traded. The proposed Kensington mine is currently permitted to store its mine tailings on its own land. But the mine wants to reduce its operating costs by instead dumping its mine tailings in a pristine lake that conveniently is within the 12,000 acres being traded. EPA and the State of Alaska have written opinions suggesting that dumping tailings in this lake is likely illegal under the Clean Water Act.

The potential environmental impact of the mine tailings dump and logging operation on the land will have long-term effects on an extremely rich salmon producing area. Berners Bay also contains abundant wildlife, such as wolves and brown and black bears that will be impacted by the increased activity in the area and water pollution generated by the mine and logging operations. By privatizing the land, the public will have little knowledge or say in how the mine and logging operations affect the recreational, hunting, fishing and ecological values of the bay.

The fishing and tourism industries, both key to Southeast Alaska, will be largely shut out of any oversight of the operations even though it will likely have a direct impact on their financial well-being.

The environmental and economic concerns about these land exchanges should raise enough red flags to demand much greater scrutiny from this body. On top of that, these bills also raise serious questions about the cost to taxpayers nationally of privatizing our public resources. In return for the 12,000 acres transferred to Cape Fox, taxpayers would get 3,000 acres of largely clearcut private lands and certain subsurface rights. There is no safeguard in the bill allowing the public to actually have a say in whether this is a good, or even fair, deal for taxpayers. The University of Alaska land exchange would turn over at least 250,000 acres of federal lands without a public process for approving or rejecting which lands actually get transferred. Instead, it is solely left to the Secretary of the Interior to decide.

Again, these two bills are troubling enough on their own because of their environmental and economic impacts. However, the idea of trading away public lands with little or no public input

and no economic or environmental analysis is even more troubling. Over the years, our federal agencies and this body have done an admirable job of protecting these lands for the public, not for private interests. We should not start reversing that record now.

#### ARKANSAS RIVERBED LAND

Mr. INHOFE. Mr. President, I wish to express my thanks to the chairman and vice chairman of the Senate Committee on Indian Affairs who have greatly assisted the effort to bring much needed finality to the uncertainty created by litigation surrounding the ownership of the bed of the Arkansas River. A decision by the United States Supreme Court in 1970 determined that parts of the bed of the Arkansas River were included along with other land that was conveyed to Indian Nations based on 19th century treaties between the United States and the Indian Nations that were relocated from the East Coast of the United States to Oklahoma or "Indian Territory" as it was then known.

Based on the Supreme Court's decision that Arkansas riverbed lands were included within the treaties with Indian Nations, the United States is subject to monetary damages for any breaches of its trust obligation with respect to this land. A suit has been brought on behalf of the Indian Nations asserting that such breaches of trust have occurred. The case is presently before the United States Court of Federal Claims.

With respect to such treaty lands, the Non-Intercourse Act of 1790 prevents the transfer of title without Congressional approval. Without action by Congress, claims to legal title on behalf of the Indian Nations can continue to be raised with respect to these lands based on the Federal Government's underlying trust obligation. The threat of such lawsuits is a serious hardship on those people who were simply unaware that they were living on land that was once part of the bed of the Arkansas River. H.R. 3534 would eliminate title problems that are the result of the Supreme Court's decision and resolve breach of trust claims brought by the Indian Nations.

Several months ago, United Keetowah Band of Cherokee Indians, UKB, filed a motion to intervene in the Court of Federal Claims lawsuit. Although this motion was denied, the Department of Justice expressed its reluctance to endorse H.R. 3534 unless it was drafted to precluded the UKB from either bringing quiet title actions or from petitioning the United States to bring such actions. In order to ensure that UKB was not left without a remedy for pursuing its claims, the Justice Department proposed that the bill be amended to allow the UKB to pursue such claims in an action in the Court of Federal Claims. In addition, the Justice Department suggested that H.R. 3534 be amended to reserve some por-

tion of the settlement proceeds until any claims that can be raised by the UKB are fully and finally litigated.

I am pleased to report that a compromise was reached on this issue. Like any compromise, everyone had to give something up in order for us to move forward. In that regard, I would like to express my appreciation to all of those who have worked so hard on this compromise.

Under the proposed amendment to H.R. 3534 that is before the Senate, all tribal claims concerning Arkansas riverbed land are resolved through proceedings in the Court of Federal Claims or through the settlement incorporated in H.R. 3534. This allows the United States Congress to remove the threat of quiet title actions brought by or on behalf of an Indian tribe claiming title to land based on the Supreme Court's decision. In other words, the UKB and each of the other tribes have agreed to allow their claims to the riverbed to be addressed through the process established by H.R. 3534. In return, the UKB has asked that 10% of the settlement fund established by the bill will be aside to satisfy any of the UKB's claims if the tribe is ultimately successful in the Court of Federal Claims. In addition, if this amount is not sufficient to satisfy any judgment awarded to the tribe, the permanent judgment appropriation, section 1304 of title 31, is explicitly made available to satisfy the remainder of any judgment amount awarded to the UKB.

The UKB has also requested one additional consideration. The UKB recognizes that the purpose of the legislation is to preclude the Tribe from bringing or asking the United States to bring a lawsuit making a direct claim that asserts right, title, or an interest in Arkansas riverbed arising out of the Supreme Court's opinion. However, the Tribe wishes to make it clear that nothing in H.R. 3534 is intended or is to be construed to address, resolve, or prejudice the underlying basis of a claim that they would have been able to make if H.R. 3534 was not enacted. In other words, the UKB have asked that the legislation include a provision to make it clear that H.R. 3534 does not alter the character, nature, or basis of any claim or right that the tribe could have made before the effective date of this legislation. We have done so.

I wish to express my appreciation for the assistance of the Chairman of the Committee on Indian Affairs, Senator INOUE, who has provided important procedural assistance to allow the bill to be moved expeditiously now that we have an agreement between all of the Indian tribes and the Departments of Interior and Justice.

In addition, I wish to acknowledge the good work of Senator CAMPBELL, the vice chairman of the Indian Affairs Committee, who deserves a great deal of the credit for bringing the final compromise on this matter to fruition. With that in mind, I would like to briefly engage in a colloquy with him on this final compromise.

Does the vice chairman agree that section 9 of the proposed amendment ensures that the law will only be construed to preclude claims for title to the Arkansas riverbed lands either by the UKB or on its behalf; or from the UKB requesting that the Federal government bring such claims?

Mr. CAMPBELL. That is correct.

Mr. INHOFE. Based on the Senator's answer to my last question, it is clear that the UKB will no longer be able to make a claim to the riverbed lands. However, the bill still provides a means for the UKB to raise the riverbed claims it might otherwise have brought, but it now directs that they must pursue these claims exclusively in the manner provided in H.R. 3534; isn't that correct?

Mr. CAMPBELL. Yes, that is correct.

Mr. INHOFE. By including section 9, Congress is making it clear that other than this change in forums for riverbed matters, it is not Congress's intent to express any opinion or have any effect on the claims the UKB might bring. Isn't that correct?

Mr. CAMPBELL. That is correct. To my knowledge, Congress has not reviewed or considered these claims. Furthermore, it is not necessary for Congress to do because the bill does not address the individual claims of the UKB, it merely ensures that the Tribe's claims to the riverbed are only pursued in the manner provided in H.R. 3534. Section 9 is included to make it clear that the bill is not to be construed to address the merits of any particular claim by the UKB; instead the bill is only concerned with how those riverbed claims may be pursued.

Mr. INHOFE. I thank the Senator for his assistance in this very important matter.

#### SMALL WEBCASTER SETTLEMENT ACT OF 2002

Mr. LEAHY. Mr. President, I am pleased that the Senate is taking the important step of passing the Helms-Leahy substitute amendment to H.R. 5469, the "Small Webcaster Settlement Act of 2002." This legislation reflects hard choices made in hard negotiations under hard circumstances. I commend House Judiciary Chairman SENSENBRENNER and Representative CONYERS for bringing this legislation to a successful conclusion and passage in the House of Representatives in a timely fashion to make a difference in the prospects of many small webcasters. I also thank Senator HELMS and his staff for working constructively in the lame duck session of this Congress to get the bill done.

The Internet is an American invention that has become the emblem of the Information Age and an engine for bringing American content into homes and businesses around the globe. I have long been an enthusiast and champion of the Internet and of the creative spirits who are the source of the music, films, books, news, and entertainment