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Senate

The Senate met at 10 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, we praise You for this new day in which we can glorify You in the crucial work You have called us to do. Through Your goodness we can say with enthusiasm, ''Good morning, Lord,'' rather than with exasperation, ''Good Lord, what a morning.''

Thank You for giving us expectation and excitement for what You have planned for us today. Help us to sense Your presence in the magnificent but also in the mundane. Give us a deep sense of self-esteem rooted in Your love so that we may exude confidence and courage as we grasp the opportunities and grapple with the problems we will confront. Make us sensitive to the needs of the people around us. May they feel Your love and acceptance flowing through us to them. Guide our thinking so we may be creative in our decisions. We humbly acknowledge that all that we have and are is a gift of Your grace. Now we commit ourselves to You to serve our beloved Nation. Dear God, bless America through our leadership today. In the name of our Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. Thank you, Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, this morning the Senate will immediately begin consideration of calendar No. 300, H.R. 1296, regarding certain Presidio properties. Senator MURKOWSKI will offer his substitute amendment today. However, no rollcall votes will occur during today's session of the Senate. If other Senators have amendments to this legislation, they are encouraged to come forward and offer those amendments today with the understanding that any votes ordered will occur during Tuesday's session. Also, it may be necessary to file a motion to invoke cloture today on H.R. 1296, therefore, a cloture vote may occur on Wednesday on the Presidio legislation.

Other items possible for consideration, in fact, necessary, probably, as the week goes by, are the omnibus appropriations conference report, the debt limit extension, the farm bill conference report, and the line-item veto conference report.

Mr. President, I yield the floor.

PRESIDIO PROPERTIES ADMINISTRATION ACT OF 1995

The PRESIDING OFFICER (Mr. BROWN). Under the previous order, the Senate will now proceed to the consideration of H.R. 1296, an act to provide for the administration of certain Presidio properties, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1296) to provide for the administration of certain Presidio properties at a minimal cost to the Federal taxpayer.

The Senate proceeded to consider the bill which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. FINDINGS.

The Congress finds that—

(1) the Presidio, located amidst the incomparable scenic splendor of the Golden Gate, is one of America's great natural and historic sites;

(2) the Presidio is the oldest continuously operated military post in the Nation dating from 1776, and was designated a National Historic Landmark in 1962;

(3) preservation of the cultural and historic integrity of the Presidio for public use recognizes its significant role in the history of the United States;

(4) the Presidio, in its entirety, is part of the Golden Gate National Recreation Area, in accordance with Public Law 92–589;

(5) as part of the Golden Gate National Recreation Area, the Presidio's significant natural, historic, scenic, cultural, and recreational resources must be managed in a manner which is consistent with sound principles of land use planning and management, and which protects the Presidio from development and uses which would destroy the scenic beauty and historic and natural character of the area and cultural and recreational resources;

(6) removal and/or replacement of some structures within the Presidio must be considered as a management option in the administration of the Presidio; and

(7) the Presidio will be managed through an innovative public/private partnership that minimizes cost to the United States Treasury and makes efficient use of private sector resources.

SEC. 2. AUTHORITY AND RESPONSIBILITY OF THE SECRETARY OF THE INTERIOR.

(a) INTERIM AUTHORITY.—The Secretary of the Interior (hereinafter in this Act referred to as the ''Secretary'') is authorized to manage leases in existence on the date of this Act for properties under the administrative jurisdiction of the Secretary and located at the Presidio. Upon the expiration of any such lease, the Secretary may extend such lease for a period terminating not later than 6 months after the first meeting of the Presidio Trust. The Secretary may not enter into any new leases for property at the Presidio to be transferred to the Presidio Trust under this Act. Prior to the transfer of administrative jurisdiction over any property to the Presidio Trust, and notwithstanding section 1341 of title 31 of the United States Code, the proceeds from any such lease shall be retained by the Secretary and such proceeds shall be available, without further appropriation, for the preservation, restoration, operation and maintenance, improvement, repair and related expenses incurred with respect to Presidio properties. The Secretary may adjust the rental charge on any such lease for any amounts to be expended by the lessee for preservation, maintenance, restoration, improvement, repair and related expenses with respect to properties and infrastructure within the Presidio.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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(b) PUBLIC INFORMATION AND INTERPRETATION.—The Secretary shall be responsible, in cooperation with the Presidio Trust, for providing public interpretive services, visitor orientation and educational programs on all lands within the Presidio.

(c) OTHER.—Those lands and facilities within the Presidio that are not transferred to the administrative jurisdiction of the Presidio Trust shall continue to be managed by the Secretary. The Secretary and the Presidio Trust shall cooperate to ensure adequate public access to all portions of the Presidio. Any infrastructure and building improvement projects that were funded prior to the enactment of this Act shall be completed by the National Park Service.

(d) PARK SERVICE EMPLOYEES.—Any career employee of the National Park Service, employed at the Presidio at the time of the transfer of lands and facilities to the Presidio Trust, shall not be separated from the Service by reason of such transfer, unless such employee is employed by the Trust, other than on detail. The Trust shall have sole discretion over whether to hire any such employee or request a detail of such employee.

SEC. 3. ESTABLISHMENT OF THE PRESIDIO TRUST.

(a) ESTABLISHMENT.—There is established a wholly owned government corporation to be known as the Presidio Trust (hereinafter in this Act referred to as the ''Trust'').

(b) TRANSFER.—(1) Within 60 days after receipt of a request from the Trust for the transfer of any parcel within the area depicted as Area B on the map entitled ''Presidio Trust Number 1,'' dated December 7, 1995, the Secretary shall transfer such parcel to the administrative jurisdiction of the Trust. Within one year after the first meeting of the Board of Directors of the Trust, the Secretary shall transfer to the Trust administrative jurisdiction over all remaining parcels within Area B. Such map shall be on file and available for public inspection in the offices of the Trust and in the offices of the National Park Service, Department of the Interior. The Trust and the Secretary may jointly make technical and clerical revisions in the boundary depicted on such map. The Secretary shall retain jurisdiction over those portions of the building identified as number 102 as the Secretary deems essential for use as a visitor center. The Building shall be named the ''William Penn Mott Visitor Center''. Any parcel of land, the jurisdiction over which is transferred pursuant to this subsection, shall remain within the boundary of the Golden Gate National Recreation Area.

(2) Within 60 days after the first meeting of the Board of Directors of the Trust, the Trust and the Secretary shall determine cooperatively which records, equipment, and other personal property are deemed to be necessary for the immediate administration of the properties to be transferred, and the Secretary shall immediately transfer such personal property to the Trust. Within one year after the first meeting of the Board of Directors of the Trust, the Trust and the Secretary shall determine cooperatively what, if any, additional records, equipment, and other personal property used by the Secretary in the administration of the properties to be transferred should be transferred to the Trust.

(3) The Secretary shall transfer, with the transfer of administrative jurisdiction over any property, the unobligated balance of all funds appropriated to the Secretary, all leases, concessions, licenses, permits, and other agreements affecting such property.

(c) BOARD OF DIRECTORS.—

(1) IN GENERAL.—The powers and management of the Trust shall be vested in a Board of Directors (hereinafter referred to as the ''Board'') consisting of the following 7 members:

(A) the Secretary of the Interior or the Secretary's designee; and

(B) six individuals, who are not employees of the Federal Government, appointed by the President, who shall possess extensive knowledge and experience in one or more of the fields of city planning, finance, real estate development, and resource conservation. At least one of these individuals shall be a veteran of the Armed Services. At least 3 of these individuals shall reside in the San Francisco Bay Area. The President shall make the appointments referred to in this subparagraph within 90 days after the enactment of this Act and shall ensure that the fields of city planning, finance, real estate development, and resource conservation are adequately represented. Upon establishment of the Trust, the Chairman of the Board of Directors of the Trust shall meet with the Chairman of the Energy and Natural Resources Committee of the United States Senate and the Chairman of the Resources Committee of the United States House of Representatives.

(2) TERMS.—Members of the Board appointed under paragraph (1)(B) shall each serve for a term of 4 years, except that of the members first appointed, 3 shall serve for a term of 2 years. Any vacancy in the Board shall be filled in the same manner in which the original appointment was made, and any member appointed to fill a vacancy shall serve for the remainder of the term for which his or her predecessor was appointed. No appointed member may serve more than 8 years in consecutive terms.

(3) QUORUM.—Four members of the Board shall constitute a quorum for the conduct of business by the Board.

(4) ORGANIZATION AND COMPENSATION.—The Board shall organize itself in such a manner as it deems most appropriate to effectively carry out the authorized activities of the Trust. Board members shall serve without pay, but may be reimbursed for the actual and necessary travel and subsistence expenses incurred by them in the performance of the duties of the Trust.

(5) LIABILITY OF DIRECTORS.—Members of the Board of Directors shall not be considered Federal employees by virtue of their membership on the Board, except for purposes of the Federal Tort Claims Act and the Ethics in Government Act, and the provisions of chapter 11 of title 18, United States Code.

(6) MEETINGS.—The Board shall meet at least three times per year in San Francisco and at least two of those meetings shall be open to the public. Upon a majority vote, the Board may close any other meetings to the public. The Board shall establish procedures for providing public information and opportunities for public comment regarding policy, planning, and design issues through the Golden Gate National Recreation Area Advisory Commission.

(7) STAFF.—The Trust is authorized to appoint and fix the compensation and duties of an executive director and such other officers and employees as it deems necessary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may pay them without regard to the provisions of chapter 51, and subchapter III of chapter 53, title 5, United States Code, relating to classification and General Schedule pay rates, except that no officer or employee may receive a salary which exceeds the salary payable to officers or employees of the United States classified at level IV of the Executive Schedule.

(8) NECESSARY POWERS.—The Trust shall have all necessary and proper powers for the exercise of the authorities vested in it.

(9) TAXES.—The Trust and all properties administered by the Trust shall be exempt from all taxes and special assessments of every kind by the State of California, and its political subdivisions, including the city and county of San Francisco.

(10) GOVERNMENT CORPORATION.—(A) The Trust shall be treated as a wholly owned Government corporation subject to chapter 91 of title 31, United States Code (commonly referred to as the Government Corporation Control Act). Financial statements of the Trust shall be audited annually in accordance with section 9105 of title 31 of the United States Code.

(B) At the end of each calendar year, the Trust shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the House of Representatives a comprehensive and detailed report of its operations, activities, and accomplishments for the prior fiscal year. The report also shall include a section that describes in general terms the Trust's goals for the current fiscal year.

SEC. 4. DUTIES AND AUTHORITIES OF THE TRUST.

(a) OVERALL REQUIREMENTS OF THE TRUST.—The Trust shall manage the leasing, maintenance, rehabilitation, repair and improvement of property within the Presidio under its administrative jurisdiction using the authorities provided in this section, which shall be exercised in accordance with the purposes set forth in section 1 of the Act entitled ''An Act to establish the Golden Gate National Recreation Area in the State of California, and for other purposes,'' approved October 27, 1972 (Public Law 92–589; 86 Stat. 1299; 16 U.S.C. 460bb), and in accordance with the general objectives of the General Management Plan (hereinafter referred to as the ''management plan'') approved for the Presidio.

(b) The Trust may participate in the development of programs and activities at the properties transferred to the Trust. The Trust shall have the authority to negotiate and enter into such agreements, leases, contracts and other arrangements with any person, firm, association, organization, corporation or governmental entity, including, without limitation, entities of Federal, State, and local governments as are necessary and appropriate to finance and carry out its authorized activities. Any such agreement may be entered into without regard to section 321 of the Act of June 30, 1932 (40 U.S.C. 303b). The Trust shall establish procedures for lease agreements and other agreements for use and occupancy of Presidio facilities, including a requirement that in entering into such agreements the Trust shall obtain reasonable competition. The Trust may not dispose of or convey fee title to any real property transferred to it under this Act. Federal laws and regulations governing procurement by Federal agencies shall not apply to the Trust except that the Trust, in consultation with the Administrator of Federal Procurement Policy, shall establish and promulgate procedures applicable to the Trust's procurement of goods and services including, but not limited to, the award of contracts on the basis of contractor qualifications, price, commercially reasonable buying practices, and reasonable competition.

(c) The Trust shall develop a comprehensive program for management of those lands and facilities within the Presidio which are transferred to the administrative jurisdiction of the Trust. Such program shall be designed to reduce expenditures by the National Park Service and increase revenues to the Federal Government to the maximum extent possible. In carrying out this program, the Trust shall be treated as a successor in interest to the National Park Service with respect to compliance with the National Environmental Policy Act and other environmental compliance statutes. Such program shall consist of—

(1) demolition of structures which in the opinion of the Trust, cannot be cost-effectively rehabilitated, and which are identified in the management plan for demolition,

(2) evaluation for possible demolition or replacement those buildings identified as categories 2 through 5 in the Presidio of San Francisco Historic Landmark District Historic American Buildings Survey Report, dated 1985,

(3) new construction limited to replacement of existing structures of similar size in existing areas of development, and

(4) examination of a full range of reasonable options for carrying out routine administrative and facility management programs.

The Trust shall consult with the Secretary in the preparation of this program.

(d) To augment or encourage the use of non-Federal funds to finance capital improvements on Presidio properties transferred to its jurisdiction, the Trust, in addition to its other authorities, shall have the following authorities subject to the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.):

(1) The authority to guarantee any lender against loss of principal or interest on any loan, provided that (A) the terms of the guarantee are approved by the Secretary of the Treasury, (B) adequate subsidy budget authority is provided in advance in appropriations acts, and (C) such guarantees are structured so as to minimize potential cost to the Federal Government. No loan guarantee under this Act shall cover more than 75 percent of the unpaid balance of the loan. The Trust may collect a fee sufficient to cover its costs in connection with each loan guaranteed under this Act. The authority to enter into any such loan guarantee agreement shall expire at the end of 15 years after the date of the enactment of this Act.

(2) The authority, subject to appropriations, to make loans to the occupants of property managed by the Trust for the preservation, restoration, maintenance, or repair of such property.

(3) The authority to issue obligations to the Secretary of the Treasury, but only if the Secretary of the Treasury agrees to purchase such obligations after determining that the projects to be funded from the proceeds thereof are credit worthy and that a repayment schedule is established and only to the extent authorized in advance in appropriations acts. The Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under chapter 31 of title 31, United States Code, and the purposes for which securities may be issued under such chapter are extended to include any purchase of such notes or obligations acquired by the Secretary of the Treasury under this subsection. Obligations issued under this subparagraph shall be in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary of the Treasury, and shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. No funds appropriated to the Trust may be used for repayment of principal or interest on, or redemption of, obligations issued under this paragraph.

(4) The aggregate amount of obligations issued under this subsection which are outstanding at any one time may not exceed $50,000,000.

(e) The Trust may solicit and accept donations of funds, property, supplies, or services from individuals, foundations, corporations, and other private or public entities for the purpose of carrying out its duties. The Trust shall maintain a liaison with the Golden Gate National Park Association.

(f) Notwithstanding section 1341 of title 31 of the United States Code, all proceeds received by the Trust shall be retained by the Trust, and such proceeds shall be available, without further appropriation, for the preservation, restoration, operation and maintenance, improvement, repair and related expenses incurred with respect to Presidio properties under its administrative jurisdiction. Upon the Request of the Trust, the Secretary of the Treasury shall invest excess moneys of the Trust in public debt securities with maturities suitable to the needs of the Trust.

(g) The Trust may sue and be sued in its own name to the same extent as the Federal Government. Litigation arising out of the activities of the Trust shall be conducted by the Attorney General; except that the Trust may retain private attorneys to provide advice and counsel. The District Court for the Northern District of California shall have exclusive jurisdiction over any suit filed against the Trust.

(h) The Trust shall enter into a Memorandum of Agreement with the Secretary, acting through the Chief of the United States Park Police, for the conduct of law enforcement activities and services within those portions of the Presidio transferred to the administrative jurisdiction of the Trust.

(i) The Trust is authorized, in consultation with the Secretary, to adopt and to enforce those rules and regulations that are applicable to the Golden Gate National Recreation Area and that may be necessary and appropriate to carry out its duties and responsibilities under this Act. The Trust shall give notice of the adoption of such rules and regulations by publication in the Federal Register.

(j) For the purpose of compliance with applicable laws and regulations concerning properties transferred to the Trust by the Secretary, the Trust shall negotiate directly with regulatory authorities.

(k) INSURANCE.—The Trust shall require that all leaseholders and contractors procure proper insurance against any loss in connection with properties under lease or contract, or the authorized activities granted in such lease or contract, as is reasonable and customary.

(l) BUILDING CODE COMPLIANCE.—The Trust shall bring all properties under its administrative jurisdiction into compliance with Federal building codes and regulations appropriate to use and occupancy within 10 years after the enactment of this Act to the extent practicable.

(m) LEASING.—In managing and leasing the properties transferred to it, the Trust consider the extent to which prospective tenants contribute to the implementation of the General Management Plan for the Presidio and to the maximum generation of revenues to the Federal Government. The Trust shall give priority to the following categories of tenants: tenants that enhance the financial viability of the Presidio; tenants that maximize the amount of revenues to the Federal Government; and tenants that facilitate the cost-effective preservation of historic buildings through their reuse of such buildings.

(n) REVERSION.—If, at the expiration of 15 years, the Trust has not accomplished the goals and objectives of the plan required in section (5)(b) of this Act, then all property under the administrative jurisdiction of the Trust pursuant to section (3)(b) of this Act shall be transferred to the Administrator of the General Services Administration to be disposed of in accordance with the procedures outlined in the Defense Authorization Act of 1990 (104 Stat. 1809), and any real property so transferred shall be deleted from the boundary of the Golden Gate National Recreation Area.

SEC. 5. LIMITATIONS ON FUNDING.

(a)(1) From amounts made available to the Secretary for the operation of areas within the Golden Gate National Recreation Area, not more than $25,000,000 shall be available to carry out this Act in each fiscal year after the enactment of this Act until the plan is submitted under subsection (b). Such sums shall remain available until expended.

(2) After the plan required in subsection (b) is submitted, and for each of the 14 fiscal years thereafter, there are authorized to be appropriated to the Trust not more than the amounts specified in such plan. Such sums shall remain available until expended. Of such sums, not more than $3 million annually shall be available through the Trust for law enforcement activities and services to be provided by the United States Park Police at the Presidio in accordance with section 4(h) of this Act.

(b) Within one year after the first meeting of the Board of Directors of the Trust, the Trust shall submit to Congress a plan which includes a schedule of annual decreasing federally appropriated funding that will achieve, at a minimum, self-sufficiency for the Trust within 15 complete fiscal years after such meeting of the Trust.

(c) The Administrator of the General Services Administration shall provide necessary assistance to the Trust in the formulation and submission of the annual budget request for the administration, operation, and maintenance of the Presidio.

SEC. 6. GENERAL ACCOUNTING OFFICE STUDY.

(a) Three years after the first meeting of the Board of Directors of the Trust, the General Accounting Office shall conduct an interim study of the activities of the Trust and shall report the results of the study to the Committee on Energy and Natural Resources and the Committee on Appropriations of the United States Senate, and the Committee on Resources and Committee on Appropriations of the House of Representatives. The study shall include, but shall not be limited to, details of how the Trust is meeting its obligations under this Act.

(b) In consultation with the Trust, the General Accounting Office shall develop an interim schedule and plan to reduce and replace the Federal appropriations to the extent practicable for interpretive services conducted by the National Park Service, and law enforcement activities and services, fire and public safety programs conducted by the Trust.

(c) Seven years after the first meeting of the Board of Directors of the Trust, the General Accounting Office shall conduct a comprehensive study of the activities of the Trust, including the Trust's progress in meeting its obligations under this Act, taking into consideration the results of the study described in subsection (a) and the implementation of plan and schedule required in subsection (b). The General Accounting Office shall report the results of the study, including any adjustments to the plan and schedule, to the Committee on Energy and Natural Resources and the Committee on Appropriations of the United States Senate, and the Committee on Resources and Committee on Appropriations of the House of Representatives.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

PRIVILEGE OF THE FLOOR

Mr. JOHNSTON. Mr. President, I ask unanimous consent that Aaron Watkins, a congressional fellow employed by the Department of the Interior, and assigned to the staff of the Committee on Energy and Natural Resources, be granted privilege of the floor for the duration of the consideration of H.R. 1296, a bill to provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayers.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BENNETT addressed the Chair.

Mr. JOHNSTON. Mr. President, I yield the floor.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I ask unanimous consent that A. J. Martinez, a fellow from the Department of the Interior, be granted privilege of the floor during consideration of H.R. 1296, and all votes taken thereon.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, in the absence of Senator MURKOWSKI, his staff indicated that it would be appropriate for me to go ahead and make my

statement at this point, so I would like to do so.

Mr. President, I want to make a few initial observations about where we are with respect to this bill and where I hope we will end up. Almost every park and public land bill reported from the Energy and Natural Resources Committee in this Congress is included in the Murkowski substitute to be introduced this morning. Most of these bills are noncontroversial and were reported by the committee unanimously; some have passed the Senate already but are held up in the House; some have passed the House and could go to the President, but for the fact that they are included in this package; others have had no action in either body.

While packaging these bills in this manner is not unprecedented, this particular package is unusual in at least two respects. First, for almost 1½ years we have been unable to move any of these bills through the Senate. This gridlock which has prevented our ability to legislate in this area is unprecedented. This is not the way we should do our business.

Whatever happens to this bill, I hope we will not find ourselves in this situation again. For as long as I have been in the Senate we have, until this Congress, been able to move these noncontroversial but important bills back and forth between the House and Senate in a spirit of bipartisanship and comity. I deeply regret that we appear to have lost the will and/or the ability to do that in this instance.

Second, the addition of the Utah wilderness bill to this package has transformed an effort to end procedural gridlock and enact a number of essential noncontroversial bills into a major battle over a very contentious wilderness proposal. The inclusion of the Utah wilderness bill in this package of otherwise relatively noncontroversial bills has brought on a filibuster here in the Senate and a veto threat from the administration.

I have indicated to my colleagues from Utah that I plan to support them in their efforts to get a Utah wilderness bill enacted. At the same time, I do not want to see the committee's efforts of the last year and a half wasted by passing a bill that does not pass or cannot pass the House and will almost certainly be vetoed.

Since the Utah wilderness bill was introduced, the delegation from Utah has agreed to modify it significantly. Wilderness acreage has been added and a number of significant changes in the management and land exchange provisions have been made. While I know that the changes do not go far enough for some of my colleagues, I think it is clear that the Utah delegation is serious about crafting a bill that can pass the Senate.

For example, with respect to one of the most contentious provisions of the bill, the so-called release language, the substitute before the Senate today contains language very similar to an amendment which I offered in the committee on this subject and which, though it failed on a 10 to 10 vote, had bipartisan support and, as I recall, the Democrats of the committee were united on that subject. So, in effect, Senators BENNETT and HATCH have agreed to the Democratic position in the committee on that subject.

The substitute no longer contains language requiring that release lands, that is, lands not designated as wilderness, be managed for nonwilderness multiple uses. Likewise, the substitute does not prohibit the BLM from managing these release lands in a manner that protects their wilderness character. Thus, this new language now satisfies the primary objective that my amendment in the committee addressed.

Under the language as introduced, the BLM would have been unable for any reason to manage released lands, that is, those lands not designated as wilderness, for anything but nonwilderness purposes. In addition, the BLM would have been precluded from adopting any management option that had the effect of protecting the wilderness character of these released lands. I was concerned that such restrictive language would preclude management for many legitimate purposes, such as disbursed recreation, protection of wildlife habitat or watersheds, the protection of scenic, scientific, or historical values or similar purposes.

Like the language offered, which was supported by virtually all the Senators on my side, the substitute now clearly permits these management options and only prohibits the BLM from managing these lands as wilderness study areas for the expressed purpose of protecting their suitability for future inclusion in the National Wilderness Preservation System.

While I recognize that there is still a serious limitation in the view of some of my colleagues, this current formulation is significantly narrower in scope than the bill introduced and illustrates the willingness of the Utah delegation to compromise on some of these very difficult issues. I hope that both sides will make the very serious effort over the next several days to reach an accommodation on this bill.

I might say, Mr. President, Senator BENNETT, a former member of our committee, has shown time and time again in this Senate his willingness to be reasonable, not to be extreme in any way, and try to work to a bipartisan solution. I do not know the details of all the land in Utah. In fact, I count myself as being unlucky because I have only been to Utah once and that was to the Salt Lake City airport. I am advised that it is a magnificent State with very beautiful lands. I cannot tell you about which lands are which in Utah. However, I support the position of my colleagues from Utah, frankly, as an indication of my confidence in their fairness and their reasonableness in picking these lands and because I think the two Senators from the State ought to, in all but very extreme circumstances, have the ability to deal with wilderness matters in their State.

Now, having said that, I can tell my colleagues from Utah that they are up against very strong and persuasive opposition. The most persuasive opposition you can get is a veto threat from the President. I offer to them and to my colleagues on this side of the aisle whatever services I can give in trying to find a common solution so that we can work out a bill that not only passes the Senate, gets past the filibuster, but can avoid the veto threat of the President.

They have shown already, as I just indicated, on the release language, their willingness to work to this kind of purpose. I hope we can find a way to do that here on this floor so we can do more than just pass a bill in the Senate or get a majority of the votes in the Senate for a bill that does not become law; rather, that we pass a law that does become law and settles this very contentious issue in a good way for the people of this country, as well as the people of the State of Utah.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Alaska [Mr. MURKOWSKI] is recognized to offer a substitute amendment.

AMENDMENT NO. 3564

(Purpose: To offer an amendment in the nature of a substitute to H.R. 1296, a bill to provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer, and for other purposes)

Mr. MURKOWSKI. Mr. President, I send to the desk a substitute amendment and ask for its immediate consideration.

The legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 3564.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. MURKOWSKI. Let me acknowledge my friend from Louisiana, the ranking member of the Energy and Natural Resources Committee, for his statement of support on the Utah wilderness. As we both know, serving on the committee, this particular phase of this package of legislation has been worked long and hard. We will hear from the representatives from Utah with regard to the specifics, but I think we have a good package here.

I want to remind my colleagues, of the 56 or so titles of this bill, there is virtually something in it for almost every Member of this body in the sense of it affecting his or her individual State. I encourage my colleagues to recognize the importance of staying together on this package, because once we start to take it apart by motions to strike, it will lose its base of support in

the House of Representatives. I can assure all of the Members of that fact.

PRIVILEGE OF THE FLOOR

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that Michael Menge be permitted privilege of the floor for the duration of the debate of H.R. 1296, the Presidio legislation.

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

Mr. MURKOWSKI. I ask unanimous consent that John Piltzecker be granted privilege of the floor during consideration of H.R. 1296.

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

Mr. MURKOWSKI. Mr. President, the legislation under consideration today is probably the largest and, in my opinion, one of the most balanced environmental packages we have addressed in the Senate, at least in this Congress. This major legislative effort does, really, a number of things. It is proenvironment, it is profuture. I think it is fair to say that basically everybody wins. The bill represents a balance between protection of our parks and our public lands and the welfare of families and the economic well-being of the Nation and many local communities.

Furthermore, Mr. President, it is a very reasonable attempt to fulfill a multiple-use concept and add to the wilderness some 2 million acres. Now, acreage, in the eyes of many, does not relate to anything, and perhaps I can put it in perspective. The State of Delaware is about 1 million acres. We are proposing to add 2 million acres in Utah. It is fair to say 2 million acres is about three times the size of the State of Rhode Island; 2 million acres of wilderness is about half the size of the State of New Jersey.

Let me put this in a further perspective, Mr. President, as we address wilderness and what it means. In the State of New Jersey, there are 10,341 acres of wilderness. With this bill, we would be adding to Utah's 800,000 acres of wilderness another 2 million, making it 2.8 million, approximately.

Another State that comes to mind in comparison is Arkansas. There are 127,000 acres of wilderness in the State of Arkansas. By this legislation, we would be adding 2 million in the State of Utah, again making it 2.8 million.

My friend from Louisiana has 17,046 acres of wilderness in his state of Louisiana. I am not going to talk too much about my State of Alaska but will just mention in passing, we have 57 million acres of wilderness in the State of Alaska. We are proud of that wilderness. I think it is important in this debate that we keep this in a proportional comparison, because with New Jersey at 10,341, one wonders why there is not a little more wilderness in New Jersey. I will leave that to the Senator from New Jersey to explain.

Mr. President, this bill contains over 50 measures affecting our parks, our national forests, and public lands. It is really a bipartisan endeavor. It addresses legislation introduced by Members on both sides of the aisle and represents a broad spectrum of interests from legislation dealing with everything from the Olympic games in Utah to the Sterling Forest in New York, to land exchanges in California, to boundary adjustments in the Commonwealth of Virginia.

The legislation contains expanded authorities for the National Park Service which will contribute to more cost-effective management and add additional parklands for the protection and enjoyment of all Americans now and in the future.

There are several land exchange proposals that will add environmentally sensitive lands to the Nation's public land inventory, as well as having the effect of rearranging scattered Federal land areas into manageable units that will be protected well into the future.

The amendment starts with the Presidio, San Francisco. The title is a result of long hours of negotiation, long hours of bargaining and compromise. I made a visit to this military post on the San Francisco peninsula. The committee has been presented with a major challenge, and I am pleased to report to you that we, I think, have a realistic method to save this valuable historic asset. Let me recognize Representatives from the House, as well as those Members from the California delegation of the Senate, DIANNE FEINSTEIN and BARBARA BOXER. I know how much this particular legislation means, and we have been working with them to try and reach an accord.

Mr. President, under this legislation, and over a period of time, the Federal appropriated dollars that made this park the most expensive operation in the National Park System, I am pleased, will be reduced over a period of time to basically zero. Federal dollars will be replaced with money and expertise from the private sector, and the private sector is willing and able to accomplish that.

Mr. President, following the provisions affecting the Presidio, we have some 32 additional titles covering 53 separate measures, and now there have been three more for a total of 56. I trust that the staffs are responding this morning because I am going to go through the various titles and identify the States because, again, I want to emphasize that there is virtually an interest by each State in this package of titles.

Here is the list of titles:

Yucca House National Monument boundary adjustment (Colorado);

Zion National Park boundary adjustment (Utah);

Pictured Rocks National lakeshore boundary adjustment (Michigan);

Independence National Historic Park boundary adjustment (Pennsylvania);

Craters of the Moon National Monument boundary adjustment (Idaho);

Hagerman Fossil Beds National Monument boundary adjustment (Idaho);

Wupatki National Monument boundary adjustment (Arizona);

New River Gorge National River (West Virginia);

Gauley River National recreation area (West Virginia);

Bluestone National Scenic River (West Virginia);

Kaloko-Honokohau National Historical Park (Hawaii);

Women's Rights National Historical Park (New York);

Boston National Historical Park (Massachusetts);

Cumberland Gap National Historic Park (Kentucky, Virginia, Tennessee);

William O. Douglas outdoor classroom (California);

Limitation on park buildings (National Park service-wide);

Appropriations for transportation of children (National Park service-wide);

Federal burros and horses (National Park service-wide);

Authorities of the Secretary relating to museums (National Park service-wide);

Volunteers in the parks increase (National Park service-wide);

Cooperative agreements for research purposes (National Park service-wide);

Carl Garner Federal lands cleanup day (Federal lands-wide);

Fort Pulaski National Monument (Georgia);

Laura C. Hudson visitor center (Louisiana);

United States Civil War Center (Louisiana);

Title III—Robert J. Lagomarsino Visitor Center (California);

Title IV—Rocky Mountain National Park Visitor Center (Colorado);

Title V—Corinth, Mississippi Battlefield Act (Mississippi);

Title VI—Walnut Canyon National Monument Boundary Modification (Arizona);

Title VII—Delaware Water Gap (Pennsylvania, New Jersey);

Title VIII—Targhee National Forest Land Exchange (Idaho, Wyoming);

Title IX—Dayton Aviation (Ohio);

Title X—Cache La Poudre (Colorado);

Title XI—Gilpin County, Colorado Land Exchange (Colorado);

Title XII—Butte County, CA. Land Conveyance (California);

Title XIII—Carl Garner Federal Lands Cleanup Day (Federal lands-wide);

Title XIV—Anaktuvuk Pass Land Exchange (Alaska);

Title XV—Alaska Peninsula Subsurface Consolidation (Alaska);

Title XVI—Sterling Forest (New York, New Jersey);

Title XVII—Taos Pueblo Land Transfer (New Mexico);

Title XVIII—Ski Fees (National Forest System-wide);

Title XIX—Selma to Montgomery National Historic Trail (Alabama);

Title XX—Utah Wilderness (Utah);

Title XXI—Fort Carson-Pinon Canyon (Colorado);

Title XXII—Snowbasin Land Exchange Act (Utah);

Title XXIII—Colonial National Historical Park (Virginia);

Title XXIV—Women's Rights National Historical Park (New York);

Title XXV—Franklin D. Roosevelt Family Lands (New York);

Title XXVI—Great Falls Historic District (New Jersey);

Title XXVII—Rio Puerco Watershed (New Mexico);

Title XXVIII—Columbia Basin (Washington);

Title XXIX—Grand Lake Cemetery (Colorado);

Title XXX—Old Spanish Trail (New Mexico, Colorado, Utah, California);

Title XXXI—Blackstone River Valley (Massachusetts, Rhode Island);
Title XXXII—Cuprum, Idaho Relief (Idaho); and
Title XXXIII—Arkansas and Oklahoma Land Transfer (Arkansas, Oklahoma).

So, you see, Mr. President, this has far-reaching effects, and I urge my colleagues to recognize and assess keeping this package together to ensure that it will be passed when it reaches the House.

Mr. President, within the noncontroversial issues, as I have indicated, there are a host of minor boundary adjustments and small operational change authorizations requested by the Department of Interior. There are authorizations for historic trail studies, building and naming national park visitor centers, expansion of historical parks, and equal value land exchanges for the Department of Agriculture. We have also addressed survey problems, and we authorize the citizens of Grand Lake, CO, to maintain their own town cemetery. It just happens to lie inside the boundaries of the Rocky Mountain National Park. There are other noncontroversial measures, each benefiting one or more segments of our society.

Mr. President, by far, the most controversial component of the package that we are considering is the title dealing with the Utah wilderness. Mr. President, it is suggested that if Winston Churchill were a Member of this body, he would have said, ''Never have so few done so much to confuse so many.'' It is our collective responsibility, I think, to look past the smoke screen that has been framed by extreme elitist types on the Utah wilderness issue.

Under the provisions of this bill, the Nation gains some 2 million acres of new wilderness. The lands under consideration meet the legislatively mandated definition of what wilderness should be. These are truly land masses that retain their primeval character and their influence, without permanent improvements or human habitation, with the imprint of man's work substantially unnoticeable, just as the act tells us the requirements must be. We have the benefit of extensive studies and efforts poured into defining exactly what lands should and should not be included in the wilderness system for Utah.

This whole issue was initiated by an act of Congress under the terms and conditions contained within the Federal Land Planning and Management Act. The effort was carried out by professional subject matter experts working for the Federal Government, not political appointees. In other words, Mr. President, this was done by professionals working for the Federal Government, but independent of the political influences associated with political appointees. That is not the case on the current recommendations that are coming from the other side to increase this wilderness in the area of 5 million acres.

Mr. President, the Bureau of Land Management study and final report cost the taxpayers of this country in excess of $10 million. It took more than 15 years to complete. This process, which was carried out in the full light of the public land planning process, included input from some 16,000 written comments, and there were over 75 formal public hearings on this question of Utah wilderness. The study processed was open to every citizen of the United States. It was well-defined criteria, and well documented. Appeals and protests rights were well publicized and used by groups of people on both sides of the issue. At the culmination of this process, those independent professionals recommended the inclusion of 1.9 million acres. This legislation recommends 2 million acres on the nose.

Those Federal employees in that open process spoke basically for every citizen in this country who participated in the Utah wilderness process. The process followed the rules that, I remind my colleagues, are extensively articulated in both the Wilderness Act of 1964 and the Federal Land Planning and Management Act.

Mr. President, unfortunately, the Secretary of the Interior, Secretary Babbitt, seems to want to ignore the advice of his own professional managers.

Here is the record of decision, Mr. President, the Utah Statewide Wilderness Study Report that substantiates the recommendations that it be 2 million acres. So the Secretary has decided to ignore that.

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

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

[From the Bureau of Land Management, Oct. 1991]

UTAH STATEWIDE WILDERNESS STUDY REPORT, VOLUME I—STATEWIDE OVERVIEW

THE SECRETARY OF THE INTERIOR,
Washington, DC, October 18, 1991.

RECORD OF DECISION

The following are the wilderness recommendations for 95 wilderness study areas (WSAs) in the State of Utah. These recommendations were developed from the findings of a 15-year wilderness study process by the Department of the Interior and Bureau of Land Management. The wilderness studies considered each area's resource values, present and projected future uses of the areas, public input, the manageability of the areas as wilderness, the environmental consequences of designating or not designating the areas as wilderness, and mineral surveys prepared by the U.S. Geological Survey and Bureau of Mines.

Based on our review of those studies, I have concluded that 1,958,339 acres within 69 study areas should be designated as part of the National Wilderness Preservation System and that 1,299,911 acres within 63 study areas should be released from wilderness study for uses other than wilderness. The acreage recommendations for each WSA, with which I concur, are listed in the following table. The Wilderness Study Report accompanying this decision includes a detailed discussion of the recommendations and maps showing the boundaries of each area.

MANUEL LUJAN, Jr.,
Secretary of the Interior.

UTAH WILDERNESS RECOMMENDATION

[Utah Statewide EIS WSAs/ISAs]

WSA/ISA name	Study	WSA number	Acres recommended for wilderness	Acres recommended for nonwilderness
North Stansbury Mountains	Statewide	UT–020–089	10,480	0
Cedar Mountains	Statewide	UT–020–094	0	50,500
Deep Creek Mountains	Statewide	UT–050–020/ UT–020–060	57,384	11,526
Fish Springs	Statewide	UT–050–127	33,840	18,660
Rockwell	Statewide	UT–050–186	0	9,150
Swasey Mountain	Statewide	UT–050–061	34,376	15,124
Howell Peak	Statewide	UT–050–077	14,800	10,000
Conger Mountain	Statewide	UT–050–035	0	20,400
Notch Peak	Statewide	UT–050–078	28,000	23,130
King Top	Statewide	UT–050–070	0	84,770
Wah Wah Mountains	Statewide	UT–050–073/ UT–040–205	36,382	5,758
Cougar Canyon	Statewide	UT–040–123/ NV–050–166	4,228	6,340
Red Mountain/Red Mountain 202	Statewide	UT–040–132/132A	12,842	5,448
Cottonwood Canyon	Statewide	UT–040–046	9,853	1,477
LaVerkin Creek Canyon [a]	Statewide	UT–040–153 (202)	567	0
Deep Creek [a]	Statewide	UT–040–146 (202)	3,320	0
North Fork Virgin River [a]	Statewide	UT–040–150 (202)	1,040	0
Orderville Canyon [a]	Statewide	UT–040–145 (202)	1,750	0
Parunuweap Canyon	Statewide	UT–040–230	17,888	12,912
Canaan Mountain	Statewide	UT–040–143	33,800	13,370
Moquith Mountain	Statewide	UT–040–217	0	14,830
The Blues	Statewide	UT–040–268	0	19,030
Mud Spring Canyon	Statewide	UT–040–077	0	38,075
Paria-Hackberry/Paria-Hackberry 202	Statewide	UT–040–247/247A	95,042	41,180
The Cockscomb	Statewide	UT–040–275	5,100	4,980

UTAH WILDERNESS RECOMMENDATION—Continued

[Utah Statewide EIS WSAs/ISAs]

WSA/ISA name	Study	WSA number	Acres recommended for wilderness	Acres recommended for nonwilderness
Wahweap	Statewide	UT–040–248	0	134,400
Burning Hills	Statewide	UT–040–079	0	61,550
Death Ridge	Statewide	UT–040–078	0	62,870
Phipps-Death Hollow	Statewide	UT–ISA–006	39,256	3,475
Steep Creek	Statewide	UT–040–061	20,806	1,090
North Escalante Canyons/The Gulch	Statewide	UT–ISA–004	91,558	28,194
Carcass Canyon	Statewide	UT–040–076	0	46,711
Scorpion	Statewide	UT–040–082	14,978	20,906
Escalante Canyons Tract 5	Statewide	UT–ISA–005	760	0
Fiftymile Mountain	Statewide	UT–040–080	91,361	54,782
Mt. Ellen-Blue Hills	Statewide	UT–050–238	65,804	15,922
Bull Mountain	Statewide	UT–050–242	11,800	1,820
Dirty Devil	Statewide	UT–050–236A	61,000	0
Horseshoe Canyon (South)	Statewide	UT–050–237	36,000	2,800
French Spring-Happy Canyon	Statewide	UT–050–236B	11,110	13,890
Fiddler Butte	Statewide	UT–050–241	32,700	40,400
Mt. Pennell	Statewide	UT–050–248	25,800	48,500
Mt. Hillers	Statewide	UT–050–249	16,360	3,640
Little Rockies	Statewide	UT–050–247	38,700	0
Mancos Mesa	Statewide	UT–060–181	51,440	0
Grand Gulch ISA Complex	Statewide	UT–ISA–001	105,520	0
Pine Canyon WSA		UT–060–188		
Bullet Canyon WSA		UT–060–196		
Sheiks Flat WSA		UT–060–224		
Slickhorn Canyon WSA		UT–060–197/198		
Road Canyon	Statewide	UT–060–201	52,420	0
Fish Creek Canyon	Statewide	UT–060–204	40,160	6,280
Mule Canyon	Statewide	UT–060–205B	5,990	0
Chessebox Canyon	Statewide	UT–060–191	0	15,410
Dark Canyon ISA Complex	Statewide	UT–ISA–002	68,030	0
Middle Point WSA		UT–060–175		
Butler Wash	Statewide	UT–060–169	24,190	0
Bridger Jack Mesa	Statewide	UT–060–167	5,290	0
Indian Creek	Statewide	UT–060–164	6,870	0
Behind The Rocks	Statewide	UT–060–140A	12,635	0
Mill Creek Canyon	Statewide	UT–060–139A	9,780	0
Negro Bill Canyon	Statewide	UT–060–138	7,620	0
Horsehoe Canyon (North)	Statewide	UT–060–045	20,500	0
San Rafael Reef	Statewide	UT–060–029A	59,170	0
Crack Canyon	Statewide	UT–060–028A	25,335	0
Muddy Creek	Statewide	UT–060–007	31,400	0
Devils Canyon	Statewide	UT–060–025	0	9,610
Sids Mountain/Sids	Statewide	UT–060–023/023A	80,084	886
Cabin 202				
Mexican Mountain	Statewide	UT–060–054	46,750	12,850
Jack Canyon	Statewide	UT–060–068C	0	7,500
Desolation Canyon	Statewide	UT–060–068A	224,850	65,995
Turtle Canyon	Statewide	UT–060–067	0	33,690
Floy Canyon	Statewide	UT–060–068B	23,140	49,465
Coal Canyon	Statewide	UT–060–100C	20,774	40,656
Spruce Canyon	Statewide	UT–060–100C	14,736	5,614
Flume Canyon	Statewide	UT–060–100B	16,495	34,305
Westwater Canyon	Statewide	UT–060–118	26,000	5,160
Winter Ridge	Statewide	UT–080–730	0	42,462
Red Butte [a]	Statewide	UT–040–147 (202)	804	0
Spring Creek Canyon [a]	Statewide	UT–040–148 (202)	1,607	2,826
The Watchman [a]	Statewide	UT–040–149 (202)	600	0
Taylor Creek Canyon [a]	Statewide	UT–040–154 (202)	35	0
Goose Creek Canyon [a]	Statewide	UT–040–176 (202)	89	0
Beartrap Canyon [a]	Statewide	UT–040–177 (202)	40	0
Fremont Gorge [a]	Statewide	UT–050–221 (202)	0	2,540
Lost Spring Canyon [a]	Statewide	UT–060–131B (202)	3,880	0
Daniels Canyon [a]	Statewide	UT–080–414 (202)	0	2,496
South Needles [a]	Statewide	UT–060–169A	160	0
Statewide EIS totals			1,945,079	1,285,355

[a] Recommended in conjunction with adjacent National Parks.

UTAH WILDERNESS RECOMMENDATION

[Utah ISAs not in Statewide EIS]

WSA/ISA Name	Study	WSA number	Acres recommended for wilderness	Acres recommended for nonwilderness
Book Cliffs Mountain Browse N.A.[1]	Unit	UT–ISA–007	0	400
Devils Garden N.A.[1]	Unit	UT–ISA–009	0	640
Joshua Tree N.A.[1]	Unit	UT–ISA–010	0	1,040
Escalante Canyons (Tract 1) N.A.[1]	Unit	UT–ISA–003	0	360
Link Flats N.A.[1]	Unit	UT–ISA–008	0	912
Unit ISA totals			0	3,352

[1] N.A.=Natural area.

[Utah WSAs studied by other States]

WSA/ISA Name	Study	WSA number	Acres recommended for wilderness	Acres recommended for nonwilderness
West Cold Spring	District	UT–080–103/ CO–010–208	0	3,200
Diamond Breaks	District	UT–080–113/ CO–010–214	3,620	280
Bull Canyon	District	UT–080–419/ CO–010–001	620	40
Wrigley Mesa/Jones Canyon/Black Ridge Canyon West	Resource Area	UT–060–116/117/ CO–070–113A	5,200	0
Squaw/Papoose Canyon	Resource Area	UT–060–227/ CO–030–265A	0	6,676
Cross Canyon	Resource Area	UT–060–229/ CO–030–265	0	1,008
White Rock Range	Resource Area	UT–040–216/ NV–040–202	3,820	0

[Utah WSAs studied by other States]

WSA/ISA Name	Study	WSA number	Acres recommended for wilderness	Acres recommended for nonwilderness
Total Utah WSAs studies by other States			13,260	11,204
Utah study totals			1,958,339	1,299,911

Mr. MURKOWSKI. I thank the Chair.

Mr. President, it is important to note that throughout the committee deliberations on this issue the Secretary did not offer one constructive comment—not one single comment—nor did he direct his legions to put forth an alternative. He was silent except for his exchanges with the media.

So here we have a Secretary that objects to this even after some $10 million and 15 years, and comes up with no suggested alternative.

That brings me to the point which I find very, very disturbing. I personally received from the Secretary, not directly but through the news media, a letter. This letter contains the passage that if the Utah wilderness provision contained in this bill prevails he would recommend that the President veto the entire bill. This did not come in the mail, Mr. President. Again, the Secretary offered no other constructive alternative to the wilderness proposal. I do not know. Maybe he wanted to save stamps and figured that the media would deliver his message. Well, they did deliver his message. I put a copy that we finally received into the RECORD. I ask unanimous consent that it be printed. I add that this did not come in the mail.

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

SECRETARY OF THE INTERIOR,
Washington, DC, March 15, 1996.

Hon. FRANK MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to convey the Administration's position on the Omnibus Parks Bill, due before the full Senate shortly. If the Utah Public Lands Management Act is part of an omnibus bill sent to the President, I would recommend that he veto the entire package.

The Administration is prepared to support the omnibus park bill if the Utah wilderness provision is deleted and with the qualifications mentioned below.

With regard to the Presidio, we have continued to work with the Committee to arrive at acceptable language. I am prepared to recommend that the President support this provision, assuming the Senate includes language authorizing the Trust to transfer properties surplus to its needs and open space areas to the Secretary (as provided for in the House-passed bill), deletes the Davis-Bacon waiver (again as in the House bill), deletes the exemption from the Anti-Deficiency Act, and clarifies that the National Park Service may continue short-term use and occupancy agreements until the Trust is established.

As to the remaining titles, we are, in general, favorably disposed to their enactment. However, the Alaska Peninsula Subsurface Consolidation title is problematic. It would establish a new appraisal methodology that would likely result in the overvaluation of Koniag subsurface rights, at the expense of the taxpayer. In addition, the National Park Service does not believe that Koniag subsurface rights, at the expense of the taxpayer. In addition, the National Park Service does not believe that Koniag has a valid claim on some lands the Secretary would be directed to acquire, and these interests are of very low priority when evaluated on an objective basis.

It is my understanding that certain procedural obstacles to the consideration of the individual titles have recently been overcome. We would also be pleased to encourage swift passage and adoption of the vast majority of the bill's titles were they to be considered separately. I have directed my staff to work with the Committee to convey other technical concerns of the Department and assist in improving the legislation where we have expressed concerns, and hope this has been helpful to those seeking to assess prospects for this legislation.

The Office of Management and Budget has advised that there is no objection to the submission of this report and that enactment of this legislation in its current form would not be in accord with the program of the Administration.

Sincerely,

BRUCE BABBITT.

Mr. MURKOWSKI. Mr. President, I still have not received the original letter from the Secretary. I find these events indicative of some of the attitudes that this administration—or some in this administration—seems to have for the Congress and the people who will benefit by the passage of this legislation. Playing in the media is only self-serving. It does not serve the public. Unfortunately, some of the media seemed to not have the intestinal fortitude to get up and find out just what the facts are. I hope they will search them out with regard to this package that is so important to the lands in the United States.

It is true that some of these lands in the State of Utah that they are going to receive in the exchange authorized under this legislation may be developed, but very little. It will not be developed irresponsibly. I think we can trust the people of Utah in that regard. The moneys generated from some of these lands go to Utah schools and institutions. Some opponents of the legislation suggest that the land will be ruined and developed beyond recognition. I know that my colleagues are aware of all of the safeguards that are still in place under both Federal and State laws, and they are almost too numerous to mention, Mr. President. But I think it is important that we recognize just what the significance of these checks and balances are because they are numerous.

To suggest that somehow Utah will have the flexibility to irresponsibly develop this land defies logic, Mr. President. I am going to submit for the RECORD legislative authorities involving the Bureau of Land Management, the General Public Lands Management Act, the general environmental laws. They consist of the Federal Land Policy Management Act, Classification of Multiple Use Act, Federal Advisory Committee Act, Coastal Zone Management Act, National Environmental Policy Act, Clean Air Act, Federal Water Pollution Control Act, Safe Drinking Water Act, Noise Control Act, Solid Waste Disposal Act, Environmental Quality Improvement Act, Hazardous Materials Transportation Act, Comprehensive Environmental Response, Oil Pollution Act, National Environmental Education Act, on and on and on.

I ask unanimous consent that they be printed in the RECORD.

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

LEGISLATIVE AUTHORITIES INVOLVING BLM

I. GENERAL PUBLIC LANDS MANAGEMENT

1. Federal Land Policy and Management Act of 1976, as amended, 43 U.S.C. 1701, et seq.

2. Classification and Multiple Use Act of 1964, as amended, 433 U.S.C. 1411 et seq. (Expired. However, segregative effects of classifications are valid until modified or terminated.)

3. Federal Advisory Committee Act, as amended, 5 U.S.C. Appendix I

4. Coastal Zone Management Act of 1972, as amended, 16 U.S.C. 1451 et seq.

II. GENERAL ENVIRONMENTAL LAWS

1. National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321–4347

2. Clean Air Act, as amended, 42 U.S.C. 7401 et seq.

3. Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 et seq. (Includes Clean Water Act of 1977 and Water Quality Act of 1987)

4. Safe Drinking Water Act, as amended, 42 U.S.C. 42 U.S.C. 300f et seq.

5. Noise Control Act of 1972, as amended, 42 U.S.C. 4901 et seq.

6. Solid Waste Disposal Act of 1965, as amended, 42 U.S.C. 6901 et seq. (Includes Resource Conservation and Recovery Act of 1976)

7. Environmental Quality Improvement Act, as amended, 42 U.S.C. 4371–4374

8. Hazardous Materials Transportation Act, as amended, 49 U.S.C. 1801–1813

9. Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, (CERCLA) ''Superfund,'' 42 U.S.C. 9601 (Includes Superfund Amendments and Reauthorization Act of 1986 (SARA))

10. Oil Pollution Act of 1990, as amended, 104 Stat. 484–575; 33 U.S.C. 2701/2719; 33 U.S.C. 2731–2737; 33 U.S.C. 1319, 1321; 43 U.S.C. 1642, 1651 et seq. (Includes Oil Terminal and Oil Tanker Environmental Oversight and Monitoring Act of 1990)

11. National Environmental Education Act, 104 Stat. 3325–3329; 20 U.S.C. 5501–5510

12. Antarctica Protection Act, 104 Stat. 2975–2978; 16 U.S.C. 2461–2466

13. Arctic Research and Policy Act of 1984, as amended, 15 U.S.C. 4101–4111; 30 U.S.C. 1801–1811 (Includes National Critical Materials Act of 1984)

14. Global Change Research Act of 1990, 15 U.S.C. 2921 et seq. (Includes International Cooperation in Global Change Research Act of 1990)
15. The Emergency Planning and Community Right-to-Know Act of 1986
16. The Community Environmental Response Facilities Act of 1992

III. LANDS AND REALTY MANAGEMENT

1. Alaska Native Claims Settlement Act, as amended, 43 U.S.C. 1601 et seq.
2. Reservations and Grants to States for Public Purposes, 43 U.S.C. 851 et seq.
3. Carey Act of August 18, 1894, as amended, 43 U.S.C. 641 et seq.
4. Desert Land Act of March 3, 1877, as amended, 43 U.S.C. 321 et seq
5. Color of Title Act, as amended, 43 U.S.C. 1068
6. Recreation and Public Purposes Act, as amended, 43 U.S.C. 869
7. Act of July 26, 1955, 69 Stat. 374 (Timber Access Roads)
8. Act of February 28, 1958, 43 U.S.C. 155–158 (Withdrawal for Defense Purposes ''Engle Act'')
9. Act of July 7, 1958, 72 Stat. 339, 48 U.S.C. Chapter 2 (Alaska Statehood)
10. Alaska Omnibus Act, as amended, 73 Stat. 141, 48 U.S.C. Chapter 2
11. Act of September 21, 1922, 43 U.S.C. 992 (Erroneously Meandered Lands, Arkansas)
12. Act of February 19, 1925, 43 U.S.C. 993 (Erroneously Meandered Lands, Louisiana)
13. Act of February 27, 1925, 43 U.S.C. 994 (Erroneously Meandered Lands, Wisconsin)
14. Act of August 24, 1954, 43 U.S.C. 1221 (Erroneously Meandered Lands/Wisconsin River and Lake Land Titles)
15. Act of May 31, 1962, 76 Stat. 89 (Snake River, Idaho—Omitted Lands)
16. Federal-Aid Highway Act, as amended, 23 U.S.C. 101 et seq.
17. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, 42 U.S.C. 4601 et seq.
18. Act of September 28, 1850, as amended, 43 U.S.C. 982 et seq, (Grants of Swamp and Overflowed Lands)
19. Submerged Lands Act, as amended, 43 U.S.C. 1301 et seq.
20. Alaska Natural Gas Transportation Act of 1976, 15 U.S.C. 719
21. Act of February 26, 1931, as amended, 40 U.S.C. 258a–258e (Popularly Known as the Declaration of Taking Act)
22. Various Acts authorizing creation of units within the National Park System which provided for exchanges involving public land—
a. Act of September 13, 1962, 16 U.S.C. 459c–459c–7 (Point Reyes National Seashore)
b. Act of September 11, 1964, as amended, 16 U.S.C. 459e–459e–9 (Fire Island National Seashore, NY)
c. Act of October 8, 1964, as amended, 16 U.S.C. 460n–460n–9 (Lake Mead National Recreation Area, AZ & NV)
d. Act of October 15, 1966, 16 U.S.C. 460t (Bighorn Canyon National Recreation Area, WY & MT)
e. Act of July 15, 1968, as amended, 16 U.S.C. 4601–11 (Conveyances in National Park System and Miscellaneous Areas—Freehold and Leasehold Interests; Competitive bidding; Exchanges)
f. Act of October 2, 1968, 16 U.S.C. 90 (North Cascades National Park, WA)
g. Act of October 2, 1968, 16 U.S.C. 79a–79j (Redwood National Park, WA)
h. Act of June 28, 1980, 16 U.S.C. 410gg–2(b) (Biscayne National Park, FL)
23. Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 et seq. (Section 601—Energy and Impact Area Development Assistance)
24. Act of October 21, 1970, as amended, 16 U.S.C. 460y–460y-9 (King Range National Conservation Area)
25. Federal Land Exchange Facilitation Act of 1988, 43 U.S.C. 751; 1716–1723
26. Rail Safety and Service Improvement Act of 1982, 96 Stat. 2543; 45 U.S.C. 1201–1214; 43 U.S.C. 1611, 1615, 1621, 1635 (Includes the Alaska Railroad Transfer Act of 1982)
27. Alaska National Interest Lands Conservation Act, as amended, 43 U.S.C. 1631 et seq.
28. Coastal Barrier Resources Act, as amended, 16 U.S.C. 3501–3510
29. Federal Lands Cleanup Act of 1985, 36 U.S.C. 169
30. Act of November 4, 1986, 28 U.S.C. 2409a (Real Property Quiet Title Actions)
31. Wildfire Suppression Assistance Act, 42 U.S.C. 1856
32. Utah School Lands Improvement Act, 107 Stat. 995
33. Airport and Airway Improvement Act of 1982
34. The Engle Act of February 28, 1958
35. The Burton-Sensitive Act, Public Law 96–586
36. The Zuni Act, Public Law 98–408
37. The Federal Power Act of 1920, as amended

IV. ENERGY AND MINERALS MANAGEMENT

1. Act of May 10, 1872, as amended, 30 U.S.C. 21 et seq. (General Mining Law)
2. Mineral Leasing Act, as amended, 30 U.S.C. 1818 et seq. Includes:
a. Act of November 16, 1973, 87 Stat. 576 (Trans-Alaska Pipeline Authorization Act).
b. Federal Coal Leasing Amendments of 1976, 90 Stat. 1083
c. Combined Hydrocarbon Leasing Act of 1981, 95 Stat. 1070 (Tar Sand)
d. Federal Onshore Oil and Gas Leasing Reform Act of 1987, 101 Stat. 1330–256–1330–263
3. Mineral Leasing Act for Acquired Lands, as amended, 30 U.S.C. 351–359
4. Geothermal Steam Act of 1970, as amended, 30 U.S.C. 1001 et seq.
5. Outer Continental Shelf Lands Act, as amended, 43 U.S.C. 1331 et seq.
6. Naval Petroleum Reserves Production Act of 1976, as amended, 42 U.S.C. 6501 et seq. (Includes Barrow Gas Field Transfer Act of 1984)
7. Surface Mining Control and Reclamation Act of 1977, as amended, 30 U.S.C. 1201 et seq.
8. Act of February 7, 1927, 30 U.S.C. 281 et seq. (Potash Mineral Leasing)
9. Multiple Mineral Development Act, as amended, 30 U.S.C. 521-531.
10. Act of August 12, 1953, 30 U.S.C. 501–505 (Mining Claims on Lands Subject to Mineral Leasing Laws)
11. Act of August 11, 1955, 30 U.S.C. 541–541i (Mining Location on Coal Lands)
12. Stock-Raising Homestead Act of 1916, as amended (Section 9), 43 U.S.C. 299. (Includes Act of April 16, 1993, regarding mining claims)
13. Mining Claims Rights Restoration Act of 1955, as amended, 30 U.S.C. 621–625
14. Act of April 17, 1926, 30 U.S.C. 271–276 (Sulphur Mineral Leasing)
15. Act of May 9, 1942, 30 U.S.C. 181, et seq. (Silica Leasing on Withdrawn Lands)
16. Act of June 8, 1926, 30 U.S.C. 291–293 (Lease of gold, silver, or quicksilver on private land claims)
17. Act of March 18, 1960, 30 U.S.C. 42 (Mill sites)
18. Act of July 31, 1947, as amended, 30 U.S.C. 601 et seq. (Popularly known as the Materials Act of 1947) (Includes the Multiple Use Mining Act of 1955)
19. Barrow Gas Field Transfer Act of 1984, 42 U.S.C. 6504
20. Arctic Research and Policy Act of 1984, 15 U.S.C. 4101 et seq; 30 U.S.C. 1801 et seq.
21. Act of August 29, 1984, 30 U.S.C. 1221 et seq. (State Mining and Mineral Resources Research Institute Program)
22. National Critical Materials Act of 1984, as amended, 30 U.S.C. 1801–1811.
23. Federal Oil and Gas Royalty Management Act of 1982, as amended, 30 U.S.C. 1701–1757; 30 U.S.C. 188
24. Energy Policy and Conservation Act, as amended, 42 U.S.C. 6201 et seq.
25. Federal Power Act, as amended, 16 U.S.C. 791a; 818
26. Deep Seabed Hard Mineral Resources Act, 30 U.S.C. 1413
27. Uranium Mill Tailings Radiation Control Act of 1978, as amended, 42 U.S.C. 7901 et seq. (Includes the Uranium Mill Tailings Remedial Action Amendments Act of 1988, Section 7916)
28. Energy Policy Act of 1992, 106 Stat. 2782; 42 U.S.C. 13201 et seq.
29. Waste Isolation Pilot Plant Land Withdrawal Act, 106 Stat. 4777

V. RENEWABLE RESOURCES MANAGEMENT

1. Public Rangelands Improvement Act of 1978, 43 U.S.C. 1901 et seq.
2. Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 et seq.
3. Act of August 28, 1937, as amended, 43 U.S.C. 1181a et seq. (Oregon and California Railroad and Coos Bay Wagon Road Grant Lands)
4. Act of June 28, 1934, as amended, 43 U.S.C. 315–315r (Popularly known as the Taylor Grazing Act)
5. Act of December 15, 1971, as amended, 16 U.S.C. 1331 et seq. (Popularly known as the Wild and Free-Roaming Horses and Burro Act)
6. Act of September 15, 1960, as amended, 16 U.S.C. 670g (Popularly known as the Sikes Act)
7. Act of June 8, 1940, as amended, 16 U.S.C. 668 et seq. (Protection of Bald and Golden Eagles)
8. Act of March 4, 1927, as amended, 43 U.S.C. 316 et seq. (Alaska Grazing)
9. Anadromous Fish Conservation Act, as amended, 16 U.S.C. 757a et seq.
10. Bankhead-Jones Farm Tenant Act, as amended, 7 U.S.C. 1010–1012
11. Fish and Wildlife Coordination Act, as amended, 16 U.S.C. 661 et seq.
12. Act of March 29, 1944 16 U.S.C. 583–583i (Sustained-Yield Forest Management)
13. Halogeton Glomeratus Control Act, 7 U.S.C. 1651–1656
14. Toxic Substances Control Act, as amended, 15 U.S.C. 2601 et seq.
15. Act of August 14, 1976, 16 U.S.C. 673d et seq. (Tule Elk)
16. Resources Conservation and Recovery Act of 1976, 42 U.S.C. 6901 et seq.
17. Marine Mammal Protection Act of 1972, as amended, 16 U.S.C. 1361–1362, 1371–1384, 1401–1407
18. Act of October 17, 1968, 43 U.S.C. 1241–1243 (Control of Noxious Plants)
19. Federal Noxious Weed Act of 1974, as amended, 7 U.S.C. 2801–2813
20. Fishery Conservation and Management Act of 1976, as amended, 16 U.S.C. 1801–1802, 1811–1813, 1821–1825, 1851–1861, 1882
21. Migratory Bird Conservation Act, as amended, 16 U.S.C. 715 (Includes the Wetlands Loan Extension Act of 1976)
22. Act of April 27, 1935, as amended, 16 U.S.C. 590a et seq. (Soil Conservation)
23. Federal Insecticide, Fungicide and Rodenticide Act, as amended, 7 U.S.C. 136–136y (Includes the Federal Environmental Pesticide Control Act of 1972)
24. Act of September 2, 1937, as amended, 16 U.S.C. 669–669i (Popularly known as the Federal Aid in Wildlife Restoration Act or the Pittman-Robertson Wildlife Restoration Act)
25. Fur Seal Act of 1966, as amended, 16 U.S.C. 1151 et seq.
26. North American Wetlands Conservation Act, as amended, 16 U.S.C. 4401–4413

27. Federal Timber Contract Payment Modification Act, 16 U.S.C. 618–619, 539f
28. Food Security Act of 1985 (Farm Bill), 7 U.S.C. 148f (Control of grasshoppers & mormon crickets on Federal lands)
29. Controlled Substances Act, 21 U.S.C. 841 et seq.
30. Pacific Yew Act, 16 U.S.C. 4801 et seq.
31. Snake River Birds of Prey Act, 107 Stat. 302

VI. WATER RESOURCES AND RELATED PROBLEMS

1. Water Resources Planning Act, as amended, 42 U.S.C. 1962–1962a (Includes the Water Resources Development Act of 1974)
2. Rivers and Harbors Appropriation Act of 1899, as amended, 33 U.S.C. 401 et seq.
3. Act of August 3, 1968, 16 U.S.C. 1221 et seq. (Estuary Protection)
4. Marine Protection, Research and Sanctuary Act, as amended, 33 U.S.C. 1401–1445, 16 U.S.C. 1431–1439
5. Watershed Protection and Flood Prevention Act, as amended, 16 U.S.C. 1001–1009
6. Colorado River Basin Salinity Control Act, as amended, 43 U.S.C. 620d, 1543, 1571–1578
7. Water Resources Research Act of 1984, 42 U.S.C. 10301 et seq.
8. Water Resources Development Act of 1986, as amended, 33 U.S.C. 2201 et seq.
9. Federal Water Project Recreation Act, 16 U.S.C. 4601–12—4601–21
10. The Clean Water Act, as amended by the Water Quality Act of 1987
11. The Safe Drinking Water Act Amendments of 1977
12. The National Dam Inspection Act of 1977
13. The Soil and Water Resources Conservation Act of 1977

VII. RECREATION, HERITAGE AND WILDERNESS PROGRAMS

1. National Historic Preservation Act, as amended, 16 U.S.C. 470 et seq.
2. Wild and Scenic Rivers Act, as amended, 16 U.S.C. 1271 et seq.
3. Act of June 8, 1966, 16 U.S.C. 431–433 (Preservation of Antiquities)
4. National Trail System Act, as amended, 16 U.S.C. 1241 et seq.
5. Wilderness Act, as amended, 16 U.S.C. 1131 et seq.
6. Act of August 11, 1978, 42 U.S.C. 1996 (Popularly known as the American Indian Religious Freedom Act)
7. Historic Sites Buildings and Antiquities Act or Historic Sites Act, 16 U.S.C. 461–467
8. Federal Cave Resources Protection Act of 1988, 16 U.S.C. 4301 et seq.
9. Archaeological Resources Protection Act of 1979, as amended, 16 U.S.C. 470aa et seq.
10. Federal Water Project Recreation Act, 16 U.S.C. 4601–12—4601–21
11. Native American Programs Act of 1974, as amended, 42 U.S.C. 2991–2992, (Includes the Indian Environmental Regulatory Enhancement Act of 1990)
12. Act of December 19, 1980, 16 U.S.C. 410ii–410ii-7 (Chaco Culture National Historical Park)
13. Act of September 27, 1988, 16 U.S.C. 273b (Capitol Reef National Park, Grazing Privileges)
14. Arizona-Idaho Conservation Act of 1988, as amended, 16 U.S.C. 460xx–1—460xx–6; 460yy–1
15. Act of December 31, 1987, 16 U.S.C. 460uu et seq. (El Malpais National Conservation Area)
16. Red Rock Canyon National Conservation Area Establishment Act of 1990, 16 U.S.C. 460ccc et seq.
17. Arizona Desert Wilderness Act of 1990, 16 U.S.C. 460ddd (Includes Gila Box Riparian National Conservation Area and Take Pride in America Act, 16 U.S.C. 4601–4608)
18. Intermodal Surface Transportation Efficiency Act of 1991, 105 Stat. 1914 (Includes Federal Lands Highway Program/BLM Country Byways Program, 23 U.S.C. 101 Note, and Symms National Recreation Trails Act of 1991, 16 U.S.C. 1261–1262)
19. The Nature American Graves Protection and Repatriation Act of 1990

VIII. FINANCE

1. Land and Water Conservation Fund Act of 1965, as amended, 16 U.S.C. 4601–4—4601–11
2. Act of September 13, 1982, as amended, 31 U.S.C. 6901–6907, (Payment-in-Lieu of Taxes (PILT))
3. Act of June 17, 1902, as amended, 13 U.S.C. 371 et seq. (Popularly known as the Reclamation Act or the National Irrigation Act of 1902)
4. Forest Wildfire Emergency Pay Equity Act of 1988, 5 U.S.C. 5547

IX. TECHNICAL SERVICES

1. Cadastral Survey
a. Act of May 18, 1976, as amended, 43 U.S.C. 751 et seq. (R.S. 2395—Survey of Public Lands)
b. Act of April 8, 1864, as amended, 25 U.S.C. 176 (Survey of Indian Reservations)
2. Law Enforcement and Fire Protection
a. Act of September 20, 1922, 16 U.S.C. 594 (Protection of Timber of U.S.)
b. Act of May 27, 1955, 42 U.S.C. 1856 (Reciprocal Fire Protection)
c. Act of February 25, 1885, as amended, 43 U.S.C. 1061 et seq. (Popularly known as the Unlawful Inclosures of Public Lands Act or the Unlawful Occupancy of Public Lands Act)
d. Federal Timber Contract Payment Modification Act, 16 U.S.C. 618–619, 539f
e. Wildfire Disaster Recovery Act of 1989, 16 U.S.C. 551b–551c
f. Forest Wildfire Emergency Pay Equity Act, 5 U.S.C. 5547
3. Act of August 13, 1970, as amended, 16 U.S.C. 1701–1706 (Youth Conservation Corps)
4. Volunteers in the Parks Act of 1969, as amended, 16 U.S.C. 18g–18j
5. The Federal Uniform Crime Reporting Act 1988

X. ADMINISTRATIVE

1. Administrative Procedures Act, as amended, 5 U.S.C. 500–576. Includes:
a. Freedom on Information Act, as amended, 5 U.S.C. 552 et seq.
b. Privacy Act of 1974, as amended, 5 U.S.C. 552a et seq.
2. Regulatory Flexibility Act, 5 U.S.C. 601 et seq.
3. Whistleblower Protection Act, 5 U.S.C. 1201–1222
4. Federal Employees' Leave Transfer Act of 1988, 5 U.S.C. 6331–6339
5. Awards for Cost Savings Disclosures Act, 5 U.S.C. 4511–4514
6. Performance Management and Recognition System Reauthorization Act of 1989, as amended, 5 U.S.C. 5401 et seq.; 5 U.S.C. 4302a
7. Family and Medical Leave Act of 1993, 107 Stat. 6; 5 U.S.C. 6381 et seq. (Title II—Federal Employees)
8. Government Printing Office Electronic Information Access Enhancement Act of 1993, 107 Stat. 112
9. The Paperwork Reduction Act of 1980
10. The Computer Security Act of 1987
11. The Civil Service Reform Act of 1978
12. The Civil Rights Act of 1964, as amended

MAJOR ENVIRONMENTAL LAWS ENFORCED BY THE BUREAU OF LAND MANAGEMENT ON FEDERAL LANDS

Federal Land Policy and Management Act of 1976
National Environmental Act of 1969
Federal Water Pollution Control Act
Clean Air Act
Resource Conservation and Recovery Act
Oil Pollution Act of 1990
Safe Drinking Water Act
Mineral Leasing Act
Surface Mining Control and Reclamation Act
Public Rangelands Improvement Act
Taylor Grazing Act
Wild Horse and Burro Act
Endangered Species Act
Federal Noxious Weed Act
National Historic Preservation Act
Wilderness Act
American Indian Religious Freedom Act
Comprehensive Environmental Response, Compensation, and Liability Act of 1980

MAJOR ENVIRONMENTAL LAWS ENFORCED BY THE STATE OF UTAH ON STATE AND PRIVATE LANDS

The State of Utah, through State Law has the authority to enforce the following Federal Laws on State and private lands:
Surface Mining Control and Reclamation Act
Federal Water Pollution Control Act
Clean Air Act
Endangered Species Act
Surface Mining Control and Reclamation Act
National Historic Preservation Act
Resource Conservation and Recovery Act
Safe Drinking Water Act
Fish and Wildlife Management Laws
In addition, the Counties have zoning ordinances to ensure lands within the counties are managed in a responsible fashion.

Mr. MURKOWSKI. Mr. President, my point is an obvious one—that there are plenty of safeguards to ensure that that land will be developed in a responsible manner.

The citizens of Utah have proven that they are responsible and good stewards of their land. Irresponsible development does not support, obviously, the school system, and the future of the State of Utah, as is any other State, is the children. They obviously need the benefits of a good educational system and some development. Some of this land will be utilized for that purpose.

But to suggest somehow that it is an irresponsible act, the development of the land will be done irresponsibly, defies logic. This bill benefits the local communities in Utah. It provides them with access to resources promised to them when they were first granted the school section concept.

I need only to remind my colleagues that those who oppose this addition to the wilderness system are, in my opinion, those who have absolutely no consideration for maintaining a vibrant economy. Look at some areas of the United States where we had difficulties—poverty, lack of jobs. Appalachia comes to mind. We can look to Afghanistan and certain areas of South America, economically depressed portions of the planet, and there is an easy connection to be drawn. It is a reality that people do not have a future. They do not have the opportunity for jobs. There is no tax base. As a consequence, a situation like that needs to be recognized and corrected.

That is why in this legislation, the State of Utah has the flexibility to make the determinations on their own as to what is best for their own people and their own State.

So, Mr. President, we simply must not divorce the concept of environmental protection from the economic

health of our citizens and the communities within which they live. Economic well-being enhances the environment. It certainly does not destroy it. I think you have to have good schools, well-educated young Americans, and good job opportunities. Then we can truly have the means and the knowledge to meet our environmental responsibilities. You do not do it in a vacuum.

Again, Mr. President, the Nation gains some 2 million acres of pristine national treasure; the residents of Utah gain schools, education, and a protected environment. In my opinion, there is no better quid pro quo.

We are going to have an extended debate here, Mr. President. But there are a couple of other things that I would like to add to the opening statement that I think make reference to the realities that we are faced with.

There has been a suggestion by some in the media and some of my colleagues on the other side of the aisle that there have been delays in putting this legislation together and that somehow the responsibility should rest with those of us on this side of the aisle.

Mr. President, I would like to remind my colleagues that the bills in this package have been held in limbo for several months. The end result of this inaction has produced a logjam of legislative proposals that have been collecting sawdust around here. But the reality of this logjam is the fact that Senate passage of one bill will not occur until there is an action on another and then another and so on down the line.

The bottom line is everyone gets something or everyone gets nothing. That is where we are with this package today. As I have indicated, there are some 56 areas that are affected here. If we can take this package together and move it, it will pass and be accepted in the House of Representatives and move on to the President. But if we start unwinding, I can assure you that set of facts is not going to prevail.

The bottom line is that you cannot send the Presidio to the House minus the provisions concerning Utah. I guess we could sit around here today and tomorrow rearranging the deck chairs all we want, but if the Titanic leaves port without that deck chair the results are predictable. Presidio will die and all of the other titles of the bill will die, too.

I am going to be specific because I think it is appropriate relative to the concerns that are going to be expressed today in the extended debate.

I wish to talk specifics about the Utah wilderness bill. I know my colleagues from Utah will go on at great length, but my good friend from New Jersey has made a point of indicating his dissatisfaction with the proposed resolve of 2 million acres being added to the wilderness of Utah, and he has made the point in his press releases that our public lands belong to all Americans. I certainly agree with that. But he goes on to say that they should never be given away to a few special interests.

Mr. President, I do not consider the people of Utah ''a few special interests.'' While I am a Senator from Alaska, I happen to have a little spot in Utah where occasionally I go skiing, so you might say I have my own vested interest in Utah. I am a taxpayer there. I do not pretend to have the expertise of my colleagues who are going to speak later, but by the same token I think I have equal expertise to that of my friend from Utah.

I do not consider the people of Utah a special interest. The residents of Utah are represented by their elected officials. I have a letter which shows that 26 of the 29 State senators support the provisions of this bill. The letter from the house chamber of the Utah State Legislature shows that 64 out of 75 house members support the designation of wilderness in this bill.

Finally, I have a letter which shows that all of the elected county officials, all of the officials in 26 out of the 29 counties support the legislation as written. It is interesting to note that in the 27th county, five out of seven commissioners support the bill. The letter contains over 310 signatures of county elected officials.

Mr. President, I ask unanimous consent that the letters to which I just referred be printed in the RECORD.

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

UTAH STATE LEGISLATURE,
Salt Lake City, UT, February 14, 1996.

Hon. ORRIN G. HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATCH: As legislative leaders, we want to reaffirm the position taken by the Fifty-first Legislature of the State of Utah as it relates to the amount of BLM land designated as wilderness in Utah.

HCR 12, RESOLUTION SUPPORTING WILDERNESS DESIGNATION, by Representative Bradley Johnson, states very clearly the process by which wilderness was to be identified and quantified. That process was followed, and the local political entities acted very responsibly when they recommended that a little more than 1 million acres receive wilderness status.

The addition of acreage bringing the total amount to be added to the wilderness proposal to 1.8 million was an unsettling surprise. Yet, in a spirit of compromise, this total amount would be acceptable. We believe the addition of any more acreage, however, would be an affront to the citizens of this state and the process put in place that made the original recommendation. Furthermore, we believe the addition of more land would be tantamount to surrendering to rhetoric which is without a rational or factual basis.

The Fifty-first Legislature has spoken clearly on BLM wilderness designation. To lock up more land to an uncertain future in a state where 80 percent of the land area is subject to some form of government restriction and control is a policy which lacks sensitivity and foresight. This policy blind spot is simply inappropriate. To shackle future generations in this state with the unbendable restrictions wilderness designation imposes is nothing more than a ''takings'' of the hopes and dreams of Utahns whose heritage and economic roots are tied to these lands. These lands are not threatened and wilderness designation will not provide any additional protection that is already provided for by law governing the management of these lands.

For more than 100 years, there has been a harmony between the land and the land user. A dependence on the part of both has grown up with a healthy mutual respect. Questionable science has been injected into the wilderness decision-making process by those who are disjointed and removed from the land they claim to befriend.

We reaffirm our position on wilderness designation articulated in the last legislative session and as that you consider it to be the position of the State of Utah. If we can be helpful and answer your questions in addressing your concerns relative to this issue, we would be most amenable to doing what is necessary so that your decision is made with the very best, accurate information.

Sincerely,

MELVIN R. BROWN,
Speaker.
R. LANE BEATTIE,
President.

THE TRUTH ABOUT UTAH WILDERNESS

MARCH 22, 1996.

DEAR SENATOR: You recently received a letter dated March 15, 1996 from a group of twenty calling themselves ''The Coalition of Utah Elected Officials,'' asking the ''Utah Congressional Delegation to withdraw S. 884 and reconsider the direction they have taken on wilderness.'' The letter states that ''most Utahns oppose S. 884.'' It further states that ''most local people consider this to be stridently anti-environmental legislation, not the carefully balanced package the Utah Congressional Delegation has been claiming it to be.''

These statements are not only preposterous, but blatantly untrue. The facts are that most Utahns do not want large amounts of acreage designated as wilderness in Utah. We the undersigned Democrats and Republicans strongly support Senator's Hatch and Bennett in their balanced approach to Utah wilderness.

In reality, the Utah State Senate endorsed the provisions contained in the Hatch-Bennett proposal unanimously (27–0), while the Utah State House voted 62–6, or 92% in favor. Across the state, elected commissioners in 27 of 29 counties support this bill. As this letter indicates, over 90% of Utah's elected county leaders support the Utah wilderness proposal now before the Senate.

Early in 1995, the Governor of Utah and all members of the Utah Congressional Delegation specifically tasked the elected county officials in each county where wilderness was being proposed, to hold public hearings and from those public hearings, develop a proposal for wilderness designation on Bureau of Land Management (BLM) Lands in the affected counties. Numerous public hearings were held in every county where lands were proposed for wilderness designation. The country officials then developed their proposals for designating lands as wilderness from the public hearings. In every county where lands were proposed for wilderness designation, the county officials made their recommendations based on what they heard at the hearings. Many county officials recommended more acreage than they knew their citizens wanted, but they knew they had to do so in order to make a bill acceptable to Congress. Some of those county officials have paid a dear political price for their recommendations.

After the county officials made their recommendations, the Governor and Congressional Delegation, held five regional hearings around the state. The environmental community, both in and outside of Utah was well organized and paid its partisans to testify. They even rented busses and vans to transport these people from location to location. The testimony they gave was based on emotion and not the requirements of the Wilderness Act itself. Their testimony ignored the professional recommendations of the BLM which based its proposals on the criteria of the 1964 Wilderness Act.

The Governor and Congressional Delegation then developed what is now Title XX of omnibus package, S. 884. Many in Utah believe it contains too much acreage. It represents more than was recommended by the elected county officials who held the local public hearings. It represents more than the State Legislature has recommended at least twice in the last four years by nearly unanimous votes.

The people of Utah live in a state with approximately 67% federal land ownership and another 13% state ownership, but managed under the federally enacted State Enabling Act. Utah already has millions of acres in Five National Parks, two National Recreation Areas, four National Monuments, thirteen Forest Service wilderness areas, and BLM Areas of Critical Environmental Concern (ACEC). The unelected State Director of the BLM manages more of Utah than does its elected Governor.

The BLM wilderness debate in Utah has dragged on for more than 15 years at a cost to taxpayers of over $10 million. We believe it is time to end the debate, pass the balanced Hatch-Bennett proposal and bring some peace and stability to the people of Utah who must live daily with results of this debate. We the undersigned are a few of the elected officials in Utah who support Title XX of this omnibus bill. We want it passed and enacted into law.

Sincerely,

John Hansen, Millard County Auditor; Linda Carter, Millard County Recorder; Ed Phillips, Millard County Sheriff; LeRay Jackson, Millard County Attorney; John Henrie, Millard County Commissioner; Donovan Dafoe, Mayor, Delta Utah; Merrill Nielson, Mayor, Lynndyl, Utah; Phil Lovell, Mayor, Leamington, Utah; B. DeLyle Carling, Mayor, Meadow, Utah; Terry Higgs, Mayor, Kanosh, Utah; Mont Kimball, Councilman, Konosh, Utah; Roger Phillips, Councilman, Kanosh, Utah; Robert Decker, Councilman Delta, Utah; Gary Sullivan, Beaver County Commissioner; Ross Marshall, Beaver County Commissioner.

Chad Johnson, Beaver County Commissioner; Howard Pryor, Mayor, Minersville Town; Louise Liston, Garfield County Commissioner; Clare Ramsay, Garfield County Commissioner; Guy Thompson, Mayor, Henrieville Town; Shannon Allen, Mayor, Antimony Town; John Mathews, Mayor, Cannonville Town; Julee Lyman, Mayor, Boulder Town; Robert Gardner, Iron County Commissioner; Thomas Cardon, Iron County Commissioner; Worth Grimshaw, Mayor, Enoch City; Dennis Stowell, Mayor, Parowan City; Norm Carroll, Kane County Commissioner; Stephen Crosby, Kane County Commissioner; Viv Adams, Mayor, Kanab City.

Scot Goulding, Mayor, Orderville Town; Gayle Aldred, Washington County Commissioner; Russell Gallian, Washington County Commissioner; Gene Van Wagoner, Mayor, Hurricane City; Chris Blake, Mayor, Ivins Town; Rick Hafen, Mayor, Santa Clara City; Paul Beatty, Mayor, New Harmony Town; Terrill Clove, Mayor, Washington City; David Zitting, Mayor, Hildale City; Ike Lunt, Juab County Commissioner; Martin Jensen, Piute County Commissioner; Joseph Bernini, Juab County Commissioner; J. Keller Christensen, Sanpete County Commissioner; Eddie Cox, Sanpete County Commissioner; Ralph Okerlund, Sevier County Commissioner; Meeks Morrell, Wayne County Commissioner; Stanley Alvey, Wayne County Commissioner; Kevin Young, Mayor, Mona, Utah.

Steve Buchanan, Mayor, Gunnison, Utah; Roger Cook, Mayor, Moroni, Utah; Mary Day, Millard County Treasurer; James Talbot, Millard County Assessor; Marlene Whicker, Millard County Clerk; Lana Moon, Millard County Commissioner; Tony Dearden, Millard County Commissioner; Ken Talbot, Mayor, Hinkley, Utah; Elzo Porter, Mayor, Oak City, Utah; Keith Gillins, Mayor, Fillmore, Utah; Barry Monroe, Mayor, Scipio, Utah; C.R. Charlesworth, Mayor, Holden, Utah; Vicky McKee, Daggett Clerk Treasurer; Bob Nafus, Councilman, Konosh, Utah; Roger Phillips, Councilman, Konosh, Utah.

Chad Johnson, Beaver County Commissioner; James Robinson, Mayor, Beaver City; Mary Wiseman, Mayor, Milford City; Maloy Dodds, Garfield County Commissioner; Jean Seiler, Mayor, Tropic Town; Laval Sawyer, Mayor, Hatch Town; Wade Barney, Mayor, Escalante, Utah; Elaine Baldwin, Mayor, Panguitch, Utah; Roy Urie, Iron County Commissioner; Bill Weymouth, Mayor, Kanarraville Town; Harold Shirley, Mayor, Cedar City; Constance Robinson, Mayor, Pro-Tem, Paragonah; Joe Judd, Kane County Commissioner; Garaldine Rankin, Mayor, Big Water; Eric Brinkerhoff, Mayor, Glendale Town; Orval Palmer, Mayor, Alton Town; Jerry Lewis, Washington County Commissioner.

Daniel McArther, Mayor, City of St. George; A. Morley Wilson, Mayor, Enterprise City; Raymond Jack Eves, Mayor, LaVerkin City; David Everett, Mayor, Toquerville Town; Brent DeMille, Mayor, Leeds Town; Joy Henderlider, Mayor, Virgin Town; Gordon Young, Juab County Commissioner; Paul Morgan, Piute County Commissioner; Don Julander, Piute County Commissioner; Robert Bessey, Sanpete County Commissioner; Tex Olsen, Sevier County Commissioner; Peggy Mason, Sevier County Commissioner; Bliss Brinkerhoff, Wayne County Commissioner; Bob Steele, Mayor, Nephi, Utah; Connie Dubinsky, Mayor, Utah; Kent Larsen, Mayor, Utah; Chesley Christensen, Mayor, Mt. Pleasant, Utah.

Lawrence Mason, Mayor, Aurora, Utah; Eugene Honeycutt, Mayor, Redmond, Utah; James Freeby, Mayor, Sigurd, Utah; Orlin Howes, Mayor, Junction, Utah; Sherwood Albrecht, Mayor, Bicknell, Utah; Dick Davis, Mayor, Lyman, Utah; Mike Milovich, Carbon County Commissioner; Pay Pene, Grand Count Council; Bart Leavitt, Grand County Council; Lou Colisimo, Mayor, Price City; Roy Nikas, Councilman, Price City; Paul Childs, Mayor, Wellington, Utah; Bill McDougald, Councilman, City of Moab; Terry Warner, Councilman, City of Moab; Richard Seeley, Councilman, Green River City; Karen Nielsen, Councilwoman, Cleveland Town; Gery Petty, Mayor, Emery Town; Dennis Worwood, Councilman, Ferron City.

Brenda Bingham, Treasurer, Ferron City; Ramon Martinez, Mayor, Huntington City; Ross Gordon, Councilman, Huntington City; Lenna Romine, Piute County Assessor; Tom Balser, Councilman, Orangeville, City; Richard Stilson, Councilman, Orangeville City; Murene Bean, Recorder, Orangeville City; Carolyn Jorgensen, Treasurer, Castle Dale City; Bevan Wilson, Emery County Commissioner; Donald McCourt, Councilman, East Carbon City; Murray D. Anderson, Councilman East Carbon City; Mark McDonald, Councilman, Sunnyside City; Ryan Hepworth, Councilman, Sunnyside City; Dale Black, Mayor, Monticello City; John Black, Councilman, Monticello City.

Grant Warner, Mayor, Glenwood, Utah; Grant Stubbs, Mayor, Salina, Utah; Afton Morgan, Mayor, Circleville, Utah; Ronald Bushman, Mayor, Marysvale, Utah; Eugen Blackburn, Mayor, Loa, Utah; Robert Allred, Mayor, Spring City, Utah; Neil Breinholt, Carbon County Commissioner; Bill Krompel, Carbon County Commissioner; Dale Mosher, Grand County Councilman; Den Ballentyne, Grand County Councilman; Frank Nelson, Grand County Councilman; Steve Bringhurst, Price City Councilman; Joe Piccolo, Price City Councilman; Tom Stocks, Mayor, City of Moab; Judy Ann Scott Mayor, Green River City; Art Hughes, former Councilman, Green River.

Gary Price, Mayor,, Clawson Town; Marvin Thayne, Councilman Elmo Town; Dale Roper, Mayor, Town of Ferron; Garth Larsen, Ferron Town Council; Paul Kunze, Recorder, Ferron Town; Don Gordon, Huntington City Councilman; Jackie Wilson, Huntington City Council; Howard Tuttle, Councilman, Orangeville City; Dixon Peacock, Councilman, Orangeville City; Roger Warner, Mayor Castle Dale City; Kent Peterson, Grand County Commissioner; Randy Johnson, Grand County Commissioner; L. Paul Clark, Mayor, East Carbon City; Darlene Fivecoat, Councilwoman, East Carbon City; Barbara Fisher, Councilwoman, East Carbon City.

Grant McDonald, Mayor, Sunnyside City; Nick DeGiulio, Councilman, Sunnyside City; Bernie Christensen, Councilwoman, Monticello City; Mike Dalpiaz, Helper City; Lee Allen, Box Elder County Commissioner; Royal K. Norman, Box Elder County Commissioner; Jay E. Hardy, Box Elder County Commissioner; Darrel L. Gibbons, Cache County Councilman; C. Larry Anhder, Cache County Councilman; Guy Ray Pulsipher, Cashe County Councilman; James Briggs, Daggett County Commissioner; Sharon Walters, Daggett County Commissioner; Chad L. Reed, Daggett County Commissioner; Curtiss Dastrup, Duchesne County Commissioner.

Larry Ross, Duchesne County Commissioner; John Swasey; Duchesne County Commissioner; Dale C. Wilson, Morgan County Commissioner; Jan K. Turner, Morgan County Commissioner; Jeff D. London, Morgan County Commissioner; Kenneth R. Brown, Rich County Commissioner; Blair R. Francis, Rich County Commissioner; Keith D. Johnson, Rich County Commissioner; Ty Lewis,

San Juan County Commissioner; Bill Redd, San Juan County Commissioner; Mark Maryboy, San Juan County Commissioner; Sheldon Richins, Summit County Commissioner; Thomas Flinders, Summit County Commissioner; Jim Soter, Summit County Commissioner; Teryl Hunsaker, Tooele County Commissioner; Gary Griffith, Tooele County Commissioner; Lois McArther, Tooele County Commissioner; Odell Russell, Mayor, Rush Valley, Utah; Cosetta Castagno, Mayor, Vernon, Utah; Frank Sharman, Tooele County Sheriff.

Glen Caldwell, Tooele County Auditor; Donna McHendrix, Tooele County Recorder; Gerri Paystrup, Tooele County Assessor; Valerie B. Lee, Tooele County Treasurer; H. Glen McKee, Uintah County Commissioner; Lorin Merrill, Uintah County Commissioner; Lewis G. Vincent, Uintah County Commissioner; Laren Provost, Wasatch County Commissioner; Keith D. Jacobson, Wasatch County Commissioner; Sharron J. Winterton, Wasatch County Commissioner; David J. Gardner, Utah County Commissioner; Jerry D. Grover, Utah County Commissioner; Gary Herbert, Utah County Commissioner; Gayle A. Stevenson, Davis County Commissioner; Dannie R. McConkie, Davis County Commissioner.

Carol R. Page, Davis County Commissioner; Leo G. Kanel, Beaver County Attorney; Monte Munns, Box Elder County Assessor; Gaylen Jarvie, Daggett County Sheriff; Camille Moore, Garfield County Clerk/Auditor; Brian Bremner, Garfield County Engineer; Karla Johnson, Kane County Clerk/Auditor; Richard M. Baily, Director, Administrative Services; Lamar Guymon, Emery County Sheriff; Eli H. Anderson, District 1, Utah State Representative; Peter C. Knudson, District 2, Utah State Representative; Fred Hunsaker, District 4, Utah State Representative; Evan Olsen, District 5, Utah State Representative; Martin Stephens, District 6, Utah State Representative; Joseph Murray, District 8, Utah State Representative; John B. Arrington, District 9, Utah State Representative.

Douglas S. Peterson, District 11, Utah State Representative; Gerry A. Adair, District 12, Utah State Representative; Nora B. Stephens, District 13, Utah State Representative; Don E. Bush, District 14, Utah State Representative; Blake D. Chard, District 15, Utah State Representative; Kevin S. Garn, District 16, Utah State Representative; Marda Dillree, District 17, Utah State Representative; Karen B. Smith, District 18, Utah State Representative; Sheryl L. Allen, District 19, Utah State Representative; Charles E. Bradford, District 20, Utah State Representative; James R. Gowans, District 21, Utah State Representative; Steven Barth, District 26, Utah State Representative; Ron Bigelow, District 32, Utah State Representative; Orville D. Carnahan, District 34, Utah State Representative; Lamont Tyler, District 36, Utah State Representative; Ray Short, District 37, Utah State Representative; Sue Lockman, District 38, Utah State Representative; Michael G. Waddoups, District 39, Utah State Representative.

J. Reese Hunter, District 40, Utah State Representative; Darlene Gubler, District 41, Utah State Representative; David Bresnahan, District 42, Utah State Representative; Robert H. Killpack, District 44, Utah State Representative; Melvin R. Brown, District 45, Utah State Representative; Brian R. Allen, District 46, Utah State Representative; Bryan D. Holladay, District 47, Utah State Representative; Greg. J. Curtis, District 49, Utah State Representative; Lloyd Frandsen, District 50, Utah State Representative; Shirley V. Jensen, District 51, Utah State Representative; R. Mont Evans, District 52, Utah State Representative; David Ure, District 53, Utah State Representative; Jack A. Seitz, District 55, Utah State Representative; Christine Fox, District 56, Utah State Representative; Lowell A. Nelson, District 57, Utah State Representative; John L. Valentine, District 58, Utah State Representative.

Doyle Mortimer, District 59, Utah State Representative; Norm Nielsen, District 60, Utah State Representative; R. Lee Ellertson, District 61, Utah State Representative; Jeff Alexander, District 62, Utah State Representative; Jordan Tanner, District 63, Utah State Representative; Byron L. Harward, District 64, Utah State Representative; J. Brent Hammond, District 65, Utah State Representative; Tim Moran, District 66, Utah State Representative; Bill Wright, District 67, Utah State Representative; Michael Styler, District 68, Utah State Representative; Tom Mathews, District 69, Utah State Representative; Bradley T. Johnson, District 69, Utah State Representative; Keele Johnson, District 71, Utah State Representative; Demar ''Bud'' Bowman, District 72, Utah State Representative; Tom Hatch, District 73, Utah State Representative.

Bill Hickman, District 75, Utah State Representative; Wilford Black, District 2, Utah State Senator; Blaze D. Wharton, District 3, Utah State Senator; Howard Stephenson, District 4, Utah State Senator; Brent Richard, District 5, Utah State Senator; Stephen J. Rees, District 6, Utah State Senator; David L. Buhler, District 7, Utah State Senator; Steve Poulton, District 9, Utah State Senator; L. Alma Mansell, District 10, Utah State Senator; Eddie P. Mayne, District 11, Utah State Senator; George Mantes, District 13, Utah State Senator; Craig A. Peterson, District 14, Utah State Senator; LeRay McAllister, District 15, Utah State Senator; Eldon Money, District 17, Utah State Senator; Nathan Tanner, District 18, Utah State Senator; Robert F. Montgomery, District 19, Utah State Senator; Joseph H. Steel, District 21, Utah State Senator; Craig L. Taylor, District 22, Utah State Senator; Lane Beattie, District 23, Utah State Senator; John P. Holmgren, District 24, Utah State Senator; Lyle W. Hillyard, District 25, Utah State Senator; Alarik Myrin, District 26, Utah State Senator; Mike Dmitrich, District 27, Utah State Senator; Leonard M. Blackham, District 28, Utah State Senator; David L. Watson, District 29, Utah State Senator.

LAWS OF UTAH—1995

H.C.R. 12

Whereas the Bureau of Land Management (BLM) has issued its final Environmental Impact Statement and recommended designating approximately 1.9 million acres of land in Utah as wilderness;

Whereas the state is willing to cooperate with the United States government in the designation process and in protecting Utah's environment;

Whereas designating lands as wilderness affects many communities and residents of the state by permanently prohibiting certain kinds of economic development;

Whereas a federal reservation of water could seriously affect the potential for development in growing areas of the state;

Whereas the designation of wilderness would depreciate the value of state inholdings and adjacent state lands, reducing an important source of revenue for the education of Utah's schoolchildren;

Whereas it is the state's position that there should be no net loss of state or private lands and no increase in federal ownership as a result of wilderness designation;

Whereas lands that may be designated as wilderness are subject to existing rights and uses under current law, such as mining, timber harvesting, and grazing.

Whereas the BLM has extensively studied public lands in Utah for the purpose of determining simtability for wilderness designation;

Whereas it is vitally important for Utah to maintain the ability to develop its mineral resources, such as the Kaparowits Coal Field, for the economic and financial well being of the state, its trust lands, and counties;

Whereas much of Utah's municipal, industrial, and agricultural wear supply comes from public lands, requiring continued management and maintenance of vegetation, reservoirs, and pipelines, and

Whereas the definition of wilderness lands established by Congress in the 1964 Wilderness Act should be used to determine the designation of wilderness lands.

Now, therefore, be it *resolved* that the Legislature of the state of Utah, the Governor concurring therein, encourage the Congress to enact at the earliest possible opportunity a fair and equitable Utah wilderness bill regarding BLM lands, with the Legislature's and Governor's support of the bill contingent upon its containing the following provisions:

(1) that any BLM lands designated as wilderness must meet the legal definition of wilderness lands as contained in the 1964 Wilderness Act;

(2) that all lands not designated as wilderness be released from Wilderness Study Area status and that the BLM be directed to manage those released lands under multiple use sustained yield principles and be prohibited from making or managing further study area designations in Utah without express authorization from Congress;

(3) that no reserve water right be granted or implied in any BLM wilderness bill for Utah inasmuch as federal agencies are able to apply for water through the state appropriations system in keeping with the 1988 opinion of Solicitor Ralph W. Tarr of the United States Department of the Interior.

(4) that federal agencies be required to cooperate with the state in exchanging state lands that are surrounded by or adjacent to or adversely affected by wilderness designation for federal lands of equivalent value; and additionally, because designation of wilderness lands is a federal action, that federal funds be appropriated to pay for appraisals of state lands and federal lands to be exchanged;

(5) that every effort be made to ensure that there be no net loss of state or private lands and no increase in federal ownship as a result of wilderness designation in Utah;

(6) that the designation of wilderness not result in the creation, either formally or informally, of buffer zones and management zones around, contiguous, or on lands affected by wilderness designation;

(7) that all valid existing rights and historical uses be allowed to be fully exercised

without undue restriction or economic hardship on lands designated as wilderness as provided in the Wilderness Act of 1964; and

(8) that management of vegetation, reservoirs, and similar facilities on watershed lands designated as wilderness be continued by state or private means.

Be it further *Resolved* that the Legislature and the Governor conclude that elected country officials, after extensive public input, should develop the wilderness proposals and the conditions for acceptable designation of wilderness lands within their respective counties, with the aggregate of those respective county recommendations constituting the basis of the state proposal for BLM wilderness designation in Utah. The county officials should be consulted regarding any changes to their respective county recommendations.

Be it further *Resolved* that copies of this resolution be sent to President Clinton, the President of the United States Senate, the Speaker of the House of Representatives the Secretary of the Interior, the directors of both the state and federal offices of the Bureau of Land Management, and Utah' congressional delegation.

Mr. MURKOWSKI. Mr. President, over 93 percent of the State legislators and county elected officials in Utah did not misread public opinion at home. If we were talking about New Jersey, the Senator's State, and Federal elected Representatives took the identical stance in support of their constituency, my good friend from New Jersey would occupy the Senate floor for the next month defending their rights, and I would admire that, against the intervention of a Senator from another State who represents only a few special interests.

So let us keep this in perspective, Mr. President. New Jersey has 10,341 acres of wilderness, Arkansas has 127,000, and Utah, with this provision, will have 2.8 million acres of wilderness.

Further, reference has been made by the Senator from New Jersey in a press statement dated March 22 saying that ''20 million acres of Utah lands can never be designated as wilderness in the future.''

He then goes on to say: ''If it becomes law, it would permit the transformation of these lands from wilderness to strip mines, roads and commercial development.''

Come on, Mr. President. These statements are scare tactics. They are untrue. They are unrealistic. Congress, as the Senator from New Jersey knows, can at any time revisit this issue and designate additional wilderness. The field professionals after 15 years of study, review and court cases, found that 20 million acres do not meet the strict definition of wilderness. Under the act, these lands are not wilderness but many do qualify under other designations. The BLM is already using other management schemes on much of this acreage, including designated areas of critical environmental concerns, outstanding natural areas, natural landmarks, research, national areas, wild and scenic rivers, national trails, primitive areas, visual resources, management class 1 areas, and each of these designations offer a host of protected measures.

To suggest that the residents of and visitors to Utah will desecrate these lands or to imply that the Federal managers will turn their eyes when this destruction descends upon us is simply a gross exaggeration of facts. One only has to visit Utah, view the lands, look at the national parks and the forests and the State lands that have been set aside to know that they care about their resources. They were protecting these lands long before the elitists arrived on the scene. For those lands which might be developed, and there will be some, there are additional protections.

To suggest the enactment of this bill would destroy 20 million acres contributes little fact to this debate and only brings it up to a hysteric level. The list of Federal laws and State laws I previously submitted for the RECORD still must be complied with. If these lands will not afford protection, why do we have them?

Further, much has been made of the holds on this legislation and the consequences associated therewith. I have worked with my good friend from New Jersey from time to time, and we have reached accords from time to time, not necessarily all the time by any means. But I noticed a ''Dear Colleague'' the Senator from New Jersey sent around was joined by some 17 Members of this body, and it stated:

Many of us have provisions important to our respective States within the omnibus parks legislation.

The letter goes on to say:

They need to be uncoupled from the Utah wilderness provision.

The majority of these bills were placed on the calendar of the Senate on April 7, 1995, almost a year ago. They have been on the calendar almost a year. The Senator from New Jersey could have let these environmental bills, land bills, make their way to the House and to the President months ago. Unfortunately, for reasons of his own, he chose not to do so. The direct result of those actions is this package. The Senator from New Jersey, by his own actions, is the ghost writer of this bill that we are considering. So as we look at where to finger the delay and why there is a package, I think we should ask the Senator from New Jersey to explain why he would put a hold on virtually every bill of this nature coming through the process starting back to when it was introduced and placed on the calendar in 1995.

I have accommodated many times the Senator from New Jersey on interests of his, certainly on the Sterling Forest, a bill, I might add, that is not totally without some controversy, and, in my opinion, there is reason that he should attempt to accommodate others. When this bill passes, Mr. President, Americans will get 2 million acres of new wilderness, and there is nothing in this legislation that will prevent another Congress from adding additional lands in Utah to the wilderness inventory.

I think it is appropriate that we take this discussion a little further and find out just who and what and why this onslaught of well-financed propaganda by a small group of elitists in opposition to this bill. This has come up in the forms of expensive full-page ads, calls from telephone banks, multicolored brochures, posters, a raft of letter writing campaigns.

There was an editorial from the San Francisco Examiner, one example, suggesting that I am the guy who caused the Presidio bill to be held hostage and added on the riders.

I am not the guy, Mr. President. It suggested that this bill is a Christmas tree of special goodies, including, the inference was, opening up ANWR, the Alaska Arctic oil reserve. This bill does not have anything to do with Alaskan oil. It is not even mentioned in the bill and the San Francisco Examiner should know that. But they chose to make an issue and draw a parallel, when none existed. I think that is irresponsible reporting.

I am attempting to get these bills moving in the direction of the White House. Without this effort, the Presidio will not pass Congress. It needs to be passed, as do other titles, and they are all important to our colleagues. That is just the hard, cold fact existing on the other side, the House side.

There is a small group of elitists, self-anointed saviors of the West, perhaps the Senator from New Jersey is among them, who would prefer to see the entire package of noncontroversial, needed measures simply choked together, because they do not want to see 2 million acres added to the Nation's wilderness inventory. They want 5 million acres, 6 million acres, or nothing.

Environmentalism is big business. I am going to show some charts here, to show just how big it is. The campaigns of this big business enterprise, the environmental lobby, are well financed, well staffed. They attach themselves rapidly to any issue that expands more membership, will raise more money for their coffers. They almost consume their causes. I am not suggesting the causes are not meritorious in many cases. But, by the same token, I do want to point out the significance of just how large these organizations have become and why they would dwell on an issue such as Utah wilderness.

Here we have environmental organizations, their revenues, their expenses, their assets, and the fund balances. These are the 12 major environmental organizations in the United States. There are more. I am not suggesting this is the entire list. We have the Nature Conservancy—these figures are as of fiscal 1993. I suspect they are higher now. These are the last figures we were able to generate. If you look at the revenue generated—$278 million; expenses, $219 million; assets, basically what they own, $915 million; and fund balances, $855 million.

Then you go to the National Wildlife Federation. Let us just look at the fund balances: $13 million; World Wildlife Fund, $39 million; Greenpeace, $23 million; Sierra Club, $14 million; the Sierra Club Legal Defense Fund, $5.9 million; National Audubon Society, $61 million; Environmental Defense Fund, $5 million; Natural Resources Defense Council, $11 million; Wilderness Society, $4 million; National Parks and Conservation Association, $769,000; Friends of the Earth, they are not doing too well looks like; Izaak Walton League of America, $414,000.

If we just look these up we will get an idea of the significance of these groups, in their totality. The revenue, $633 million; expenses, they expend about $556 million. Their assets, what they own, $1.2 billion. That would be among the Fortune 500. Fund balances, over $1 billion.

Let us look at some of the salaries paid, because I think, here again, this reflects on the significance that these groups are big business. The Nature Conservancy, John Sawhill, this is, I believe, as of 1994, $185,000. I think the President's salary is somewhere in the area of a little over $200,000. So here we have salaries, the National Wildlife Federation, Jay Hair, $242,000, more than the President of the United States; World Wildlife Fund, $185,000; Sierra Club Legal Defense Fund, $106,000; Environmental Defense Fund, $193,000; National Resources Defense Council, $145,000; National Parks and Conservation Association, $185,000.

I think these show, in detail, the significance of just how big the environmental communities' efforts and organizations have become.

Mr. President, I have another chart here. While staff is getting it, I want to amplify, again, the fact that these organizations need legitimate causes. The question of how extreme, how far is there room for compromise, is a legitimate question here. The State of Utah has proposed adding 2 million acres. But that is not enough, environmentalists want 5 or 6 million. They generate extreme reasons, in my opinion, inflammatory suggestions, suggesting that the residents of the State cannot be trusted, are irresponsible. I just do not buy that. I think we have to recognize their legitimate contribution, and when they are off line and unrealistic, take them to task.

It is interesting to note the investments of these organizations. I wish I had a third chart to show, but I am going to have it printed in the RECORD of investment summaries, the market value of these organizations as they invest in stocks, bonds. And I am also going to have printed in the RECORD the benefits associated with the officers, directors, the salaries and wages, the pension plans and the other employee benefits which clearly substantiate my claim that this is now big business.

I am also going to have printed in the RECORD the major corporate contributors to these organizations. In some cases that is rather amusing, because we find a direct contrast between the objectives and efforts of some of the organizations and some of the donors who, you would think, would have conflicting points of view. But I will leave that up to them to explain.

So, I ask unanimous consent that a list of the major corporate contributors, the officers' income, staff, wages and benefits, executive compensation, environmental organization incomes, and a list of the top 12 organizations, be printed in the RECORD from the report of the Center for the Defense of Free Enterprise entitled, ''Getting Rich, the Environmental Movement's Income, Salary, Contributor, and Investment Patterns, With an Analysis of Land Trust Transfers of Private Land to Government Ownership.''

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

[From the Center for the Defense of Free Enterprise]

GETTING RICH—THE ENVIRONMENTAL MOVEMENT'S INCOME, SALARY, CONTRIBUTOR, AND INVESTMENT PATTERNS, WITH AN ANALYSIS OF LAND TRUST TRANSFERS OF PRIVATE LAND TO GOVERNMENT OWNERSHIP

INTRODUCTION

The environmental movement is arguably the richest power and pressure center in America. This report examines the question, ''What is the public paying for with its money for the environment?'' It profiles the twelve richest and best-known environmental organizations in the United States, including two subgroups, one within Greenpeace, one related to the Sierra Club. It focuses on their internal finances, how they spend the money the public gives them—usually a well-guarded secret even though the law requires non-profit organizations to make full public disclosure.

Simply put, where does the money go?

Certainly environmental group money goes to programs that ''protect the environment from the ravages of humanity.'' None of the twelve major groups and their subgroups examined here fail to expend substantial funds on their publicly announced programs.

However, none of the groups examined here announce the fat salaries of their executives, the huge amounts paid for staff wages and pensions, or the donations spent playing Wall Street in professionally managed investment portfolios. And few loudly advertise their gifts from large corporations.

In addition, many environmental groups have fallen under control of the nation's richest private foundations. Private foundations have forced their own social-change agendas on many environmental organizations through ''grant driven projects,'' with ominous implications for the unwitting public.

This report also focuses on the most troublesome aspects of a citizen movement grown powerful: the ability of wealthy land trusts to funnel private property into the federal government at prices above the approved appraised value, to ''lowball'' prices paid to private owners based on inside information provided by federal agencies, and to persuade congressional allies to put their properties at the top of the list for federal payments.

ACKNOWLEDGMENTS

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All raw data used in this report were obtained from public records, including IRS Form 990 reports, and annual financial filings required by the States of New York, Virginia, and California. Statistical and political analyses were performed by the Center for the Defense of Free Enterprise.

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THE TWELVE TOP ORGANIZATIONS

1: The Nature Conservancy (Founded 1951).

Annual budget: $278,497,634 (1993).

Staff: 1,150 total.

Members: 708,000 individuals; 405 corporations.

Tax Status: (501)(c)(3).

Headquarters: 1815 North Lynn Street, Arlington, Virginia 22209, Phone: (703) 841–5300 Fax: (703) 841–1283.

2: National Wildlife Federation (Founded 1936).

Annual budget: $82,816,824 (1993).

Staff: 608 total.

Members: 4 million members.

Tax Status: (501)(c)(3).

Headquarters: 1400 16th Street, NW, Washington, D.C. 20036, Phone: (202) 797–6800 Fax: (202) 797–6646.

3: World Wildlife Fund (Founded 1961: predecessor in 1948).

Annual budget: $60,791,945 (1993).

Staff: 244 total—172 professional: 72 support.

Members: 1 million members.

Tax Status: (501)(c)(3).

Headquarters: 1250 24th Street, NW, Washington, D.C. 20037, Phone: (202) 293–4800 Fax: (202) 293–9211.

4: Greenpeace Fund, Inc. (Founded 1971, formerly Greenpeace USA).

Annual budget: $48,777,308 (Combined 1993 with Greenpeace, Inc.), $157 million internationally (1991).

Staff: 250 staff members plus 20 interns (reorganized in 1992), Offices in 30 countries.

Members: 1.7 million members and supporters U.S. (1993), 4.5 million worldwide.

Tax Status: (501)(c)(3) [Greenpeace, Inc. is a (501)(c)(4)].

Headquarters: 1436 U Street, NW, Washington, D.C. 20009, Phone: (202) 462–1177 Fax: (202) 462–4507.

5: Sierra Club (Founded 1892).

Annual budget: $41,716,044 (1992).

Staff: 325 total—180 professional, 145 support, plus volunteers.

Members: 550,000 individuals.

Tax Status: (501)(c)(4); Sierra Club Legal Defense Fund is 501(c)(3).

Headquarters: 730 Polk Street, San Francisco, California 94109, Phone: (415) 776–2211, Fax: (415) 776–0350, and 408 C Street, NE, Washington, D.C. 20002, Phone: (202) 797–6800, Fax: (202) 797–6646.

6: National Audubon Society (Founded 1905, precursors in 1886 and 1896).

Annual budget: $40,081,591 (1992).

Staff: 315 total.

Members: 542,000 individuals (1993).

Tax Status: (501)(c)(3).

Headquarters: 950 Third Avenue, New York, New York 10022, Phone: (212) 832–3200, Fax: (212) 593–6254, and 801 Pennsylvania Avenue

SE, Washington, D.C. 20003, Phone: (202) 547–9009, Fax: (202) 547–9022.

7: Natural Resources Defense Council (Founded 1970).

Annual budget: $20,496,829 (1993).

Staff: 128 total—83 professional; 45 support.

Members: 170,000 individuals.

Tax Status: (501)(c)(3).

Headquarters: 40 West 20th Street, New York, New York 10011, Phone: (212) 727–2700, Fax: (212) 727–1773, and 1350 New York Ave., NW, Suite 300, Washington, D.C. 20005, Phone: (202) 783–7800, Fax: (202) 783–5917.

8: Environmental Defense Fund (Founded 1967).

Annual budget: $17,394,230 (1993).

Staff: 110 total—80 professional, 30 support.

Members: 250,000 individuals (1994) [source: telephone inquiry].

Tax Status: (501)(c)(3).

Headquarters: 257 Park Avenue South, New York, New York 10010, Phone: (212) 505–2100, Fax: (212) 505–2375, and 1616 P Street, NW, Washington, D.C. 20036, Phone: (202) 387–3500, Fax: (202) 234–6049.

9: The Wilderness Society (Founded 1935).

Annual budget: $16,093,764 (1993).

Staff: 136 total.

Members: 293,000 individuals.

Tax Status: (501)(c)(3).

Headquarters: 900 17th Street, NW, Washington, D.C. 20006, Phone: (202) 833–2300 Fax: (202) 429–3959.

10: National Parks and Conservation Association (Founded 1919).

Annual budget: $11,285,639 (1993).

Staff: 43 total.

Members: 400,000 individuals.

Tax Status: 501(c)(3).

Headquarters: 1015 31st Street, NW, Washington, D.C. 20007, Phone: (202) 223–6722 Fax: (202) 944–8535.

11: Friends of the Earth (Founded 1969, reconstituted 1990).

Annual budget: $2,467,775 (1993).

Staff: 45 total—38 professional, 7 support.

Members: 50,000 individuals.

Tax Status: 501(c)(3).

Headquarters: 218 D Street, SE, Washington, D.C. 20003, Phone: (202) 544–2600 Fax: (202) 543–4710.

12: Izaak Walton League of America (Founded 1922).

Annual budget: $2,074,694 (1992).

Staff: 23 total—14 professional, 9 support.

Members: 52,700 individuals.

Tax Status: 501(c)(3).

Headquarters: 1401 Wilson Boulevard, Level B, Arlington, Virginia 22209, Phone: (703) 528–1818 Fax: (202) 528–1836.

ENVIRONMENTAL ORGANIZATION INCOMES

Organization	Revenue	Expenses	Assets	Fund balances
The Nature Conservancy (fiscal 1993)	$278,497,634	$219,284,534	$915,664,531	$855,115,125
National Wilflife Federation (1993)*	82,816,324	83,574,187	52,891,144	13,223,554
World Wildlife Fund (fiscal 1993)*	60,791,945	54,663,771	52,496,808	39,460,024
Greenpeace Fund, Inc. (1992)	11,411,050	7,912,459	25,047,761	23,947,953
(Combined different years)	48,777,308			
Greenpeace Inc. (1993)	37,366,258	38,586,239	5,847,221	5,696,375
Sierra Club (1992)	41,716,044	39,801,921	22,674,244	14,891,959
Sierra Club Legal Defense Fund (1993)	9,539,684	9,646,214	9,561,782	5,901,690
National Audubon Society (fiscal 1992)	40,081,591	36,022,327	92,723,132	61,281,006
Environmental Defense Fund (fiscal 1992)	17,394,230	16,712,134	11,935,950	5,279,329
Natural Resources Defense Council (fiscal 1993)	20,496,829	17,683,883	30,061,269	11,718,666
Wilderness Society (fiscal 1993)	16,093,764	16,480,668	10,332,183	4,191,419
.				
National Parks and Conservation Association (1993)	12,304,124	11,534,183	3,530,881	769,941
Friends of the Earth (1993)	23,467,775	2,382,772	694,386	120,759
Izaak Walton League of America (1992)	2,036,838	2,074,694	1,362,975	414,309
Total	633,014,090	556,359,986	1,234,824,267	1,030,377,841

NOTES: All figures most recent reporting year available. Some organizations had not filed reports for either calendar or fiscal 1993 as of September 1, 1994. Calendar year used unless noted. The Nature Conservancy obtained $76,318,014 of this amount from sale of private land to the government and $20,402,672 from government grants. National Wildlife Federation fiscal year 1993 ended August 31, 1993. World Wildlife Fund fiscal year 1993 ended June 30, 1993. Greenpeace Fund (a 501(c)(3)) and Greenpeace, Inc. (a 501(c)(4)) have substantial financial interactions annually. Most recent Form 990 year avalable for Greenpeace Fund, Inc., is 1992. Greenpeace, Inc. figures are from 1993 financial staement. National Audubon Society icome includes $93,623 in mineral royalties from natural gas wells on its Rainey Wildlife Sanctuary and $505,850 from government grants.

EXECUTIVE COMPENSATION

Organization	Executive	Title	Salary	Benefits	Expense account
The Nature Conservancy	John Sawhill	President and Chief Executive	$185,000	$17,118	None
National Wildlife Federation	Jay Hair	Executive Director	242,060	34,155	$23,661
World Wildlife Fund	Kathryn Fuller	Executive Director	185,000	16,650	None
Greenpeace Fund	Barbara Dudley	Executive Director Acting*	65,000	None	None
Greenpeace Inc	Stephen D'Esposito	Executive Director	82,882	None	None
Sierra Club	Carl Pope	Executive Director	77,142	None	None
Sierra Club Lebal Defense Fund	Vawter Parker	Executive Director	106,507	10,650	None
National Audubon Society	Peter A.A. Berle	President	178,000	21,285	None
Environmental Defense Fund	Fred Krupp	Executive Director	193,558	17,216	None
Natural Resources Defense Council	John H. Adams	Executive Director	145,526	13,214	None
Wilderness Society	Karin Sheldon	Acting President	90,896	22,724	None
National Parks and Conservation Association	Paul C. Pritchard	President	185,531	26,123	None
Friends of the Earth	Jane Perkins	President	74,104	2,812	None
Izaak Walton League of America	Maitland Sharpe	Executive Director	76,052	5,617	None
Total			1,887,258	187,564	23,661

Greenpeace: Stephen D'Esposito subsequently took the position of head of Greenpeace International in Belgium, leaving Barbara Dudley as executive director of both Greenpeace Fund, Inc. and Greenpeace, Inc., according to the Washington office.

OFFICER INCOMES, STAFF WAGES AND BENEFITS

Organization	Officer and director compensation	Other salaries and wages	Pension plan contributions	Other employee benefits
The Nature Conservancy	$1,786,432	$45,824,545	$1,913,453	$3,832,110
National Wildlife Federation	475,512	23,607,589	80,000	640,291
World Wildlife Fund	663,531	11,515,186	None	934,687
Greenpeace Fund (1991)	148,900	5,928,454	None	300,318
Greenpeace Inc. (1991)	35,600	9,904,344	None	545,985
Sierra Club	272,381	8,234,250	73,275	1,011,847
Sierra Club Legal Defense Fund	384,502	3,612,083	447,700	461,607
National Audubon Society	1,010,723	10,382,800	913,397	1,265,623
Environmental Defense Fund	0	6,163,645	220,769	422,141
Natural Resources Defense Council	421,730	8,258,420	None	None
Wilderness Society	757,541	4,470,572	403,581	569,163
National Parks and Conservation Association	185,531	1,864,451	56,195	142,122
Friends of the Earth	74,104	958,580	28,797	123,762
Izaak Walton League of America	0	659,365	31,985	173,958
Total	62,164,487	141,384,284	4,169,152	10,423,614

MAJOR CORPORATE CONTRIBUTORS

Organization	Donor corporation or corporate funded foundation
The Nature Conservancy	Allied-Signal, Inc.; ARCO; Boeing; BP Oil; Chevron; Dow Chemical; DuPont; Enron; Exxon; Newmont Gold Company; Times-Mirror Corporation; others.
National Wildlife Federation	Amoco; ARCO; Coca-Cola; Dow Chemical; DuPont; Exxon; General Electric; General Motors; IBM; Miller Brewing; Mobil Oil; Monsanto; Pennzoil; others.
World Wildlife Fund	ARCO; AT&T; Ford Motor Company; General Electric; H.J. Heinz; Mobil Oil; New York Times Company; Procter & Gamble; Shell Oil; Weyerhaeseser; others.
Greenpeace Fund	Greenpeace, Inc. is a lobbying group not eligible for tax deductible donations.

MAJOR CORPORATE CONTRIBUTORS—Continued

Organization	Donor corporation or corporate funded foundation
Greenpeace Inc	Greenpeace. Inc. is a lobbying group not eligible for tax deductible donations.
Sierra Club	The Sierra Club is a lobbying group not eligible for tax deductible donations.
Sierra Club Legal Defense Fund	New York Times Company.
National Audubon Society	Alcoa; Bank of Boston Corporation; Ford Motor Company; General Electric; H.J. Heinz; Monsanto; New York Times Company; Procter & Gamble; others.
Environmental Defense Fund	Times Mirror Company.
Natural Resources Defense Council	Ametek; Corning Glass Works; Dakin Corporation; Mayfair Supermarkets; Morgan Bank; New England Biolabs; New York Times Company; Dean Witter.
Wilderness Society	Archer Daniels Midland; Guardsmark, Inc.; Morgan Guaranty Trust Co.; New York Times Company; Timberland Co.; Waste Management, Inc.; others.
National Parks and Conservation Association	First National Bank of Boston.
Friends of the Earth	American Railroad Association; Recreational Equipment, Inc.
Izaak Walton League of America	Amoco; Anhaeuser-Busch; ARCO; Chevron USA; DuPont; Exxon; FMC Corp.; Pennzoil; Phillips Petroleum; Procter & Gamble; Tenneco; 3M; Unocal.

INVESTMENT SUMMARIES, MARKET VALUE

Organization	U.S. Government obligations	Common stocks	Bonds, all types	Other	Total investments
The Nature Conservancy	$49,017,000	$138,508,000	$27,262,000	$65,597,600	$245,322,000
National Wildlife Federation	6,739,754	4,592,752	1,426,093	See analysis	12,758,599
World Wildlife Fund	2,704,914	*27,262,802	*6,216,714	*6,760,934	42,945,391
Greenpeace Fund	2,470,393	None	None	1,112,134	3,582,527
Greenpeace Inc	Note 1				
Sierra Club					8,886,605
Sierra Club Legal Defense Fund	Note 1				4,870,716
National Audubon Society	12,366,647	34,237,474	9,640,927	830,425	57,075,473
Environment Defense Fund					2,744,086
Natural Resources Defense Council	2,139,751	155,245	*1,461,277	5,335,167	9,091,440
Wilderness Society	1,808,092	*3,913,949	None	180,000	5,950,957
National Parks and Conservation Association	1,227,342	*728,255	511,889	369,137	2,836,623
Friends of the Earth	Note 1				
Izaak Walton League of America	None	None	72,756	None	72,756
Total	78,473,983	209,398,477	46,591,656	80,563,456	396,137,173

World Wildlife Fund: Common stock entry is listed on Form 990 as ''Equities,'' Bonds entry as ''Corporate obligations,'' and Other entry as ''Cash and cash equivalents.'' Greenpeace Inc. Note 1: Greenpeace Inc. claims to have no investments in securities. Sierra Club Legal Defense Fund Note 1: See Investment Analysis on page 14 for details. *Natural Resources Defense Council-owned corporate obligations may include instruments other than bonds. *Wilderness Society: $3,913,949 is entered as cash equivalents on the balance sheet. The Wilderness Society also maintains a financial reserve called The Wilderness Fund with a 1993 market value of $3,890,898. National Parks and Conservation Association: Stocks: Includes preferred and common stock; Bonds: Includes corporate notes and bonds; Other: See analysis. Friends of the Earth Note 1: FOE claims to have no investments in securities. Izaak Walton League of America owns only these investments in bonds according to their Form 990.

INVESTMENT ANALYSIS

THE NATURE CONSERVANCY

[Fiscal 1993 Form 990, Part IV—Investments Securities, Statement 7]

Description	Beginning of year	End of year
U.S. Obligations		$49,017,000
Bonds		27,017,000
Endowment Investments	$138,228,753	
Planned Giving Investments	26,890,767	
Current & Land Acquisition	102,941,039	
Common Stock		138,508,000
Preferred Stock		976,000
Mutual Funds		29,559,000
Total	268,060,559	245,322,000

(Note: The classification of beginning-of-year figures is different from end-of-year figures in order to reflect groupings previously reported). The Nature Conservancy refused to release its list of investments in corporate stocks.

NATIONAL WILDLIFE FEDERATION

[Taxable Year Ended July 31, 1993—Form 990, Part IV—Invements—Securities, Schedule 9]

Description	Book value	
	FY 1993	FY 1992
U.S. Government and Agency Securities	$6,739,754	$8,216,943
Corporate Stock	4,592,752	4,423,380
Corporate Bonds	1,426,093	3,343,893
Total	12,758,599	15,984,216
Investments-Other Schedule 10		
Investments-Mutual Funds		
Merrill Lynch Investment Portfolio Government Plus	0	206,9999
Merrill Lynch Cash Management Account	378,059	554,666
Total	378,059	761,665

Note: The National Wildlife Federation refused to release its list of investments in corporate stock and corporate bonds.

World wildlife fund

1993 Form 990, Part IV, Line 54-Investments:

Cash and cash equivalents	$6,760,934
Government Securities	2,704,914
Corporate obligations	6,216,714
Equities	27,262,802
Total	42,945,391

Notes to Financial Statements as of June 30, 1993.

Note 1: Summary of Significant Accounting Policies.

Cash and Investment: Investments are recorded in the financial statements at the lower of cost or market value. Investments received as contributions are recorded at their fair market value at the date of donation. Market value of cash and investments at June 30, 1993 and June 30, 1992 were approximately $47,972,000 (1993) and $40,671,000 (1992). The World Wildlife Fund refused to release its list of investments in corporate obligations and equities.

GREENPEACE FUND

[Financial Statement—Note 4—Investments]

	Amortized cost	Market value
At December 31, 1991, investments consist of:		
Current investments:		
Certificates of deposit	$680,000	$680,000
U.S. Government securities	1,134,451	1,152,051
Other	101,765	105,154
Total current investments	1,916,216	1,937,205
Long-term investments:		
Certificates of deposit	90,000	90,000
U.S. Government securities	1,279,703	1,318,342
Municipal Bonds	99,139	95,213
Other	137,965	141,767
Total long-term investments	1,916,216	1,937,205
Total investments	3,523,023	3,582,527

SIERRA CLUB

[1992 Form 990, Page 3, Part IV, Line 54—Investments—Beginning of Year: $7,979,267; End of Year: $8,886,605; Analysis of 1992 Not Available; Most Recent Analysis Available, Year Ended: 09/30/90—Statement 9]

Interest rate	Description	Balance 09/30/89	Balance 09/30/90
15.75	Stripped Coupon Treasury Bonds	$470,867	$470,867
	Cash Held for Investment	384,966	657,718
	Bond Amortization	740,079	1,030,083
	Investment in Subsidiary	250,000	250,000
11.25	Stripped Coupon Treasury Bonds	65,128	65,128
	U.S. Strip Bond	330,278	330,278
	FNMA	175,000	0
6.5	U.S. Treasury Note	229,973	0
8.75	U.S. Treasury Note	201,187	201,187
8.625	U.S. Treasury Note	200,879	0
	U.S. Strip Bond	294,122	294,122
	U.S. Strip Bond	207,493	207,493
	U.S. Strip Bond	181,791	181,791
8.125	U.S. Treasury Note	244,765	244,765
8.25	U.S. Treasury Note	243,125	243,125
8.875	U.S. Treasury Note	246,679	246,679
8.6	U.S. Treasury Note	241,211	241,211
8.25	U.S. Treasury Note	244,414	244,414
8.875	U.S. Treasury Note	295,875	295,875
	U.S. Strip Bond	154,754	154,754
7.15	FHLB	0	246,563
8.05	FHLB	0	329,794
8.913	Resolution Fund	0	169,999
8.7	U.S. Strip Bond	0	369,504
	Total	5,402,586	6,475,328
	Less: Investments held by Affiliate S.C.C.O.P.E.	(237,311)	(83,674)
	Net Investment for Balance Sheet	5,165,275	6,391,654

Note: S.C.C.O.P.E. is the Sierra Club Committee on Political Education, a Political Action Committee.

SIERRA CLUB LEGAL DEFENSE FUND, INC.

[Taxable Year Ended July 31, 1993—Form 990, Part IV—Investments]

Description	Fair market value	
	1993	1992
Bonds	$14,150	$12,975
Mutual Beacon Fund, Inc	97,753	78,530
Mutual Qualified Fund	51,190	42,329
Brown Brothers Harriman	3,374,107	3,181,536
Meritor Mortgage Corp—GNMA	19,564	29,731
U.S. Trust Company	90,648	n/a
U.S. Trust Company	901,078	626,353
Franklin Trust Company	322,586	166,799
Total	4,870,716	4,138,253

NATIONAL AUDUBON SOCIETY

[Form 990, Part IV, Line 54—Investment Securities—6/30/92

Description	Cost	Market
U.S. Government and Agency obligations	$11,789,173	$12,366,647
Money Market Funds	830,425	830,425
Corporate Bonds	9,267,238	9,640,927
Corporate Stock	28,811,560	34,237,474
Total	50,698,396	57,075,473

The National Audubon Society breaks down these funds into two investment pools, general investment and life income trusts. Values of these components were: Current Funds, Cost: $12,716,026, Market, $14,273,514; Endowment and Similar Funds, Cost, $34,147,894, Market, $38,598,119; Life Income Trusts, Cost, $1,689,572, Market, $1,846,105; Non-Pooled Investments, Cost, $2,144,904, Market, $2,357,735. The National Audubon Society refused to release its list of investments in corporate bonds and common stocks.

Environmental defense fund

[Fiscal 1992 Form 990, Part IV—Investments—Securities, Line 54]

Total investments, End of Fiscal Year at September 30, 1992: $2,744,086.

Investments include the following:

Morgan Fixed Fund, Endowment	$8,658
Morgan Fixed Fund, Board Designated Endowments	40,558
Vanguard Fund—GNMA	820,493
Short Term, Vanguard Fund—GNMA	823,773
Vanguard GNMA—Endowment	65,923

Other Investments—Line 56—Form 990.

EDF has invested a portion of its endowment funds in a limited partnership. During the fiscal year ended September 30, 1992, the market value of the partnership investment decreased from $527,882 to $480,454. The assets reported in the financial statements reflect the September 30, 1992 market value.

NATURAL RESOURCES DEFENSE COUNCIL

[Fiscal 1993 Form 990, Part IV—Investments—Securities, Statement 7]

Description	Beginning of year	End of year
Money Market Funds	2,601,982	4,255,984
U.S. Government and Agency Obligations	2,031,624	2,139,751
Corporate Obligations	1,005,222	1,461,277
Common Trust Funds	951,016	1,079,183
Common Stocks	None	155,245
Total	6,589,844	9,091,440

The Natural Resources Defense Council refused to release its list of investments in corporate obligations and common stocks.

WILDERNESS SOCIETY

[Investment in Securities (Most recent year available)]

	Cost	Market value
Investment at September 30, 1988 are as follows:		
Cash Equivalents:		
General Motors Acceptance Corp.—repurchase agreements	385,000	385,000
Kidder, Peabody—premium account	597,030	597,030
Total	982,030	982,030
Principal Cash; Fiduciary Trust Co	4,202	4,202
Securities of U.S. Government and Agencies:		
U.S. Treasury notes, due 5/31/89 8%	200,000	199,688
Federal Home Loan Bank, due 9/25/89, 6.75%	150,541	147,375
Federal Home Loan Bank, due 7/25/91, 7.5%	99,719	96,719
Federal National Mortgage Association, due 12/10/93, 7.375%	149,625	140,156
Federal National Mortgage Association, due 7/10/96, 8%	200,500	187,000
Government National Mortgage Association Guaranteed Mortgage Pool #167158 due 6/15/01, 8%	176,948	173,185
Federal Home Loan Mortgage Corp. Participation Certificate Group #20–0043, due 7/01/01, 9%	153,169	151,153
Total	1,130,502	1,095,276
Debentures:		
General Motors Acceptance Corp., due 3/01/95, 7.25%	46,058	44,375
Pacific Gas & Electric, due 7/1/95, 8.375%	49,688	47,008
Total	95,746	91,383
Convertible Debentures:		
Circle K Corp., due 11/01, 7.25%	18,700	19,600
Dreyers Grand Ice Cream, due 6/01/11 6.5%	18,775	15,800
General Dynamics, due 7/15/11 5.75%	32,887	27,150
Masco Industries, Inc., due 12/15/11, 6%	37,163	30,450
Sci Systems, Inc., Due 3/01/12, 5.625%	30,000	23,400
Total	137,525	116,400
Convertible Preferred Issues:		
Baxter International, Inc	41,560	30,438
Warner Communications, Inc	26,431	25,850
Total	67,991	56,288
Equity Securities:		
Preferred Stocks (Shares and Security):		
1,395 Keland Holding Co., preferred 6%	1,395	87,815
366 Keland Holding Co., 2nd preferred 6.25%	366	23,424
Total	1,761	111,239
Common Stocks (Shares and Security):		
600 AMP, Inc	26,092	25,200
800 AMR Corp	37,546	38,000
640 Abbott Labs	27,415	30,880
600 American International Group	37,169	39,675
800 Apple Computer, Inc	31,800	34,600
900 Baltimore Gas & Electric Co	29,219	28,463
600 Banc One Corp	15,372	15,228
440 Bell Atlantic Corp	29,180	31,680
400 Caterpillar, Inc	25,732	23,000
500 Consolidated Edison Co. of New York	21,313	22,313
1,000 Consolidated Rail Corp	29,370	33,125
1,000 Compania Telefonica Nacional de Espana	20,875	22,625
400 Corestates Financial Corp	15,550	16,400
700 Deere & Co., Inc	25,256	31,063
700 Cummins Engine Co., Inc	37,446	34,037
500 Digital Equipment Corp	51,324	46,938
750 Eaton Corp	39,196	39,094
1,800 Emerson Electric Co	55,110	54,000
1,200 FPI Group, Inc	35,327	37,500
700 Gannett, Inc	24,672	22,925
1,102 General Electric, Inc	44,869	47,799
300 IBM Corp	34,307	34,613
1,000 Illinois Tool Works	20,706	35,125
1,050 Intel Corp	26,089	28,875
400 J. P. Morgan & Co., Inc	24,128	15,050
400 Johnson & Johnson	27,511	34,350
700 Loral Corp	24,584	24,063
750 McDonalds Corp	34,460	35,625
402 Merck & Co., Inc	7,883	23,216
624 Midsouth Corp	4,160	7,020
400 Minnesota Mining & Manufacturing Co	23,424	25,750
600 Nynex Corp	39,272	39,600
1,000 Pacific Telesis Group	23,176	30,750
700 Pepsico, Inc	21,784	27,475
1,000 Policy Management System Corp	21,625	22,375
800 Prime Motor Inns	29,196	27,900
4,166 Prospect Group, Inc	44,998	34,370
800 Reuters Holdings, PLC	18,725	20,700

WILDERNESS SOCIETY—Continued

[Investment in Securities (Most recent year available)]

	Cost	Market value
600 Ryder Systems, Inc	14,832	14,178
700 Sara Lee Corp	23,972	30,188
1,000 Southern California Edison Co	34,183	32,750
800 Tambrands, Inc	49,909	44,000
600 U.S. Bancorp	14,925	14,478
600 Walt Disney Co	25,747	38,925
600 Wells Fargo & Co	27,132	40,500
1,000 Yellow Freight Systems, Inc	36,313	31,500
Total	1,312,874	1,387,921
Other Interests—at nominal value	103	2,770
Total Investment at September 30, 1988	3,732,734	3,847,509
Total investments in securities as displayed on the balance sheet, Exhibit A:		
1988:		
Unrestricted	3,334,858	3,449,633
Endowment Fund	397,876	397,876
Total	3,732,734	3,847,509
1987:		
Unrestricted	3,889,814	4,376,821
Endowment Fund	397,876	397,876
Total	4,287,690	4,774,697
1993 Financial Statements, Note 3: Investment in Securities Investments at September 30, 1993 are as follows:		
Cash equivalents	3,913,949	3,913,949
Certificates of Deposit	180,000	180,000
Securities of U.S. Government and agencies	1,808,092	1,843,776
Total investments at September 30, 1993	5,902,041	5,937,725
Permanent financial reserve, The Wilderness Fund, assets at September 30, 1993, consist of the following:		
Mutual Funds	2,144,923	2,614,602
Charitable remainder unitrusts	858,379	1,232,176
Cash value of life insurance	44,118	44,118
Total	3,047,420	3,890,898

The Wilderness Society has not filed for public inspection a list of investments in securities as displayed above since 1989 in any state jurisdiction investigated (New York, California, Virginia) nor with the IRS.

NATIONAL PARKS AND CONSERVATION ASSOCIATION

[Fiscal 1993 Form 990, Part IV—Investments—Securities—Statement 7]

Description	Beginning of year	End of year
Common and preferred stock	340,048	728,255
U.S. Government securities	737,467	1,227,342
Corporate notes and bonds	684,814	511,889
Short term securities	None	369,137
Total	1,762,329	2,836,623

See next pages for NPCA's Capital Gains and Losses.

NATIONAL PARKS AND CONSERVATION ASSOCIATION

[Form 990, Page 1, Part 1, Line 7—Capital Gains and Losses]

Shares	Security	Date acquired	Date sold	Cost basis	Proceeds	Gain (loss)
6	General Electric		03/30/93	154.50	513.73	359.23
49	New York Times		03/30/93	1,000.00	1,467.83	467.83
27	AT&T		03/30/93	1,000.00	1,519.03	519.03
100	Amerada Hess		03/31/93	5,000.00	5,124.82	124.82
100	Toys R Us		03/29/93	4,266.00	4,346.85	80.85
25	Paramount Comm		03/29/93	1,162.50	1,192.26	29.76
180	FMP International		03/31/93	3,638.10	3,638.10	0.00
18	FMP International		05/21/93	406.50	406.50	0.00
1	Rockwell International			29.63	29.63	0.00
1	Philip Morris			47.00	47.00	0.00
3	General Electric		05/05/93	256.49	256.49	0.00
35,000	Fed Farm Cr Bks Con	02/15/90	09/01/92	35,380.00	35,000.00	(380.00)
300	Citicorp	12/20/91	10/02/92	3,091.00	4,585.00	1,494.00
100	Chem Bank Corp	12/20/91	10/02/92	2,103.00	3,035.00	932.00
35,000	New York Tele Co	06/26/90	10/15/92	35,743.00	30,000.00	(743.00)
100,000	Associates Corp No. Amer	09/12/91	11/16/92	105,619.00	100,000.00	(5,619.00)
300	CSMTX	01/22/92	12/01/92	13,340.00	11,795.00	(1,545.00)
30,000	Federal Home Ln Bks Cons	01/06/91	12/28/92	30,658.00	30,000.00	(658.00)
200	ANR Corps Cel Con	01/22/92	02/10/93	14,240.00	12,425.00	(1,815.00)
200	General Electric	12/20/91	02/10/93	13,615.00	17,276.00	3,650.00
300	Hong Kong Telecommunication	03/04/92	02/10/93	9,750.00	11,174.00	1,424.00
50,000	Sears Med Term Nts	11/27/91	02/16/93	50,102.00	50,490.00	388.00
35,000	United States Treasury	02/13/90	02/16/93	35,792.00	35,000.00	(792.00)
100,000	General Motors Acceptance	11/26/91	03/15/93	103,819.00	100,000.00	(3,819.00)
300	ASTA Research Inc	12/20/91	03/19/93	5,555.00	4,080.00	(1,475.00)
1,000	ASTA Research Inc	12/07/92	03/19/93	20,481.00	13,601.00	(6,880.00)
200	ALZE Corp CL	12/20/91	03/19/93	17,815.00	6,691.00	(11,124.00)
300	ALZE Corp CL	12/07/92	03/19/93	12,206.00	10,037.00	(2,169.00)
300	Glaxo Holdings	03/11/92	03/19/93	8,578.00	5,366.00	(3,212.00)
200	IBM	12/20/91	03/19/93	17,690.00	10,700.00	(6,990.00)
300	Merck & Co Inc	03/11/92	03/19/93	15,446.00	10,732.00	(4,714.00)
100	Merck & Co Inc	12/21/92	03/19/93	4,787.00	3,577.00	(1,210.00)
500	National Health Labs	01/21/92	03/19/93	14,535.00	7,351.00	(7,184.00)
200	National Health Labs	12/21/92	03/19/93	4,710.00	2,940.00	(1,770.00)
300	Price Co	06/15/92	03/19/93	10,165.00	9,809.00	(356.00)
300	Price Co	12/21/92	03/19/93	12,055.00	9,809.00	(2,246.00)
500	Time Warner Inc	03/11/92	03/29/93	25,167.00	25,850.00	683.00
100,000	United States Treasury	08/26/91	03/29/93	100,711.00	103,984.00	3,273.00
35,000	United States Treasury	02/07/90	03/29/93	35,299.00	37,209.00	1,910.00
100,000	United States Treasury	09/18/91	03/29/93	105,802.00	106,312.00	510.00
100,000	Chrysler Corp	02/14/92	04/05/93	93,384.00	104,375.00	10,991.00
20,000	Conner Peripherals	12/03/91	04/05/93	16,172.00	17,850.00	1,678.00

NATIONAL PARKS AND CONSERVATION ASSOCIATION—Continued

[Form 990, Page 1, Part 1, Line 7—Capital Gains and Losses]

Shares	Security	Date acquired	Date sold	Cost basis	Proceeds	Gain (loss)
300	Bombay Co	11/19/92	05/25/93	8,220.00	13,057.00	4,837.00
300	Bombay Co	12/21/92	05/25/93	9,561.00	13,054.00	3,493.00
300	Movell Inc	12/01/92	05/25/93	9,026.00	8,903.00	(123.00)
50,000	Citicorp Sr Nt	11/14/92	06/14/93	50,209.00	52,547.00	2,338.00
500	Bank of Boston Corp	03/11/92	06/29/93	18,188.00	22,802.00	4,614.00
200	Ford Motor Co	11/29/91	06/29/93	10,268.00	17,699.00	7,431.00
200	Aerco Inc	03/11/92	10/02/92	5,927.00	4,738.00	(1,189.00)
300	Bio Magnetic Technologies	03/12/92	10/02/92	4,715.00	2,797.00	(1,918.00)
500	WWC Financial Corp	03/12/92	10/02/92	4,133.00	5,224.00	1,091.00
400	Abbott Labs	03/11/92	02/10/93	12,665.00	10,983.00	(1,682.00)
300	Hechinger Company	11/19/92	03/19/93	3,318.00	2,611.00	(707.00)
400	ICF International	11/19/92	03/19/93	2,857.00	2,494.00	(363.00)
1,000	Naviator Intl	02/26/92	03/19/93	3,841.00	2,547.00	(1,294.00)
100	National Health Labs	12/21/92	03/19/93	2,377.00	1,460.00	(917.00)
25,000	US Treas Secs Stripped	02/15/90	03/29/93	18,878.00	24,640.00	5,762.00
200	Bombay Company	12/17/92	05/25/93	6,708.00	8,687.00	1,979.00
25,000	Citicorp Sr Nt	11/14/91	06/14/93	25,105.00	26,274.00	1,169.00
	Total			1,186,766.72	1,181,801.24	(4,963.48)

FUNDRAISING AND LOBBYING EXPENDITURES

Organization	Four year direct lobbying	Four year grassroots lobbying	Total 4 year lobbying expenditures	Fundraising [1]
The Nature Conservancy	$3,352,135	$12,508	$1,913,453	$24,791,449
National Wildlife Federation	2,334,138	486,947	3,115,866	3,994,986
World Wildlife Fund	7,069	76,792	83,861	4,447,034
Greenpeace Fund	111,992	None	111,992	9,050,944
Greenpeace Inc	[2]	[2]	12,617,895	3,896,596
Sierra Club	[2]	[2]	8,793,421	5,098,599
Sierra Club Legal Defense Fund	165,864	107,027	272,891	1,813,426
National Audubon Society	1,732,047	549,012	2,281,059	4,338,227
Environmental Defense Fund	624,030	None	624,030	3,168,754
Natural Resources Defense Council	246,526	182,821	429,347	2,158,637
Wilderness Society	1,155,264	207,198	1,362,462	2,485,395
National Parks and Conservation Association	192,192	189,235	381,427	988,806
Friends of the Earth	116,378	0	116,378	266,948
Izaak Walton League of America	54,773	2,929	57,702	159,023
Total	10,092,408	1,814,469	32,161,784	66,658,824

[1] Fundraising: amounts shown appear in Line 15, Form 990, "Fundraising."

[2] Greenpeace, Inc. and the Sierra Club are 501(c)(4) lobbying organizations that do not report under Section 501(h) of the U.S. Tax Code. The amounts shown are from Form 990, Part III, under Program Services and may include educational expenses as well as actual lobbying expenses to influence public policy.

MAJOR FOUNDATION DONORS

Organization	Donor foundation
The Nature Conservancy	Mildred Andrews Fund ($10 million in 1989); W. Alton Jones Foundation; MacArthur Foundation; C.S. Mott Foundation; R. K. Mellon Foundation.
National Wildlife Federation	American Conservation Association (Rockefeller); Beldon Fund; W. Alton Jones Foundation; Joyce Foundation; C.S. Mott Foundation; Pew Charitable Trusts.
World Wildlife Fund	Champlin Foundations; Geraldine R. Dodge Foundation; Ford Foundation; W. Alton Jones Foundation; MacArthur Foundation; R.K. Mellon Foundation.
Greenpeace Fund	Bydale Foundation; Cheeryble Foundation; William H. Donner Foundation; Dreyfus Foundation; Fanwood Foundation; Town Creek Foundation.
Greenpeace Inc	Greenpeace, Inc. is a lobbying group not eligible for tax deductible donations.
Sierra Club	The Sierra Club is a lobbying group not eligible for tax deductible donations.
Sierra Club Legal Defense Fund	Compton Foundation; Gerbode Foundation; C.S. Mott Foundation; Mary Flagler Cary Charitable Trust; W. Alton Jones Foundation.
National Audubon Society	Compton Foundation; Ford Foundation; W. Alton Jones Foundation; Joyce Foundation; MacArthur Foundation; C.S. Mott Foundation; Rockefeller Family Fund.
Environmental Defense Fund	Foundation grants 1993, $6,133,625. Ford Foundation, Richard King Mellon Foundation, Rockefeller Family Fund.
Natural Resources Defense Council	Foundation grants 1993, MacArthur Foundation $1,576,403; Beineke Foundation $1,450,000. W. Alton Jones Foundation; Rockefeller Foundation.
Wilderness Society	Foundation grants 1993, $2,285,111. Goldman Foundation; George Gund Foundation; MacArthur Foundation; R.K. Mellon Foundation.
National Parks and Conservation Association	Foundation grants 1993, $196,268. Mary Flagler Cary Charitable Trust; Andrew W. Mellon Foundation.
Friends of the Earth	Foundation grants 1993, $1,573,996. Beldon Fund; C.S. Mott Foundation; Rockefeller Brothers Fund; Rockefeller Family Fund.
Izaak Walton League of America	Foundation grants 1993, $498,309. Beldon Fund; R.K. Mellon Foundation; George Gund Foundation; Joyce Foundation.

FOUNDATION CONTROL OF ENVIRONMENTAL GROUPS

The Surdna Instance

Surdna Foundation, Inc. (a member of Environmental Grantmakers Association), 1155 Avenue of the Americas, 16th Floor) New York, New York 10036, Tel: 212–730–0030 Fax: 212–391–4384.

Contacts: Edward Skloot, Executive Director; Hooper Brooks, Program Officer for the Environment.

The Surdna Foundation, Inc., is a family foundation established in 1917 by John E. Andrus (d. 1934., whose businesses included gold, oil, timber, and real estate. Surdna is Andrus spelled backward. About half of its annual grants go to two programs: Community Revitalization and the Environment.

Documents show that Surdna Foundation, as part of an investment portfolio of $338,074,279 in assets, owns and operates approximately 75,000 acres of timberlands in Northern California. Andrus timber partners also own and operate approximately 90,000 acres of timberlands in Northern California. Frederick F. Moon III is a director of both Surdna Foundation and Andrus timber partners. According to federal tax forms, Surdna Foundation realized $2.7 million income from timber in 1992–93.

Documents show that Surdna Foundation made contributions of $35,000 to Environment Now, an environmental organization that held training seminars teaching activists group leaders how to file appeals to stop federal timber harvest plans. Surdna Foundation grant recipients known to have filed Timber Harvest Plan appeals include Sierra Club ($90,000), Oregon Natural Resources Council, Wilderness Society ($325,000), Western Ancient Forest Campaign ($175,000), Audubon Society ($100,000), and Natural Resources Defense Council ($557,000), stopping timber harvests and log supplies to mills in the Sierra Nevada market area. Thirty-six sawmills in Northern California have shut down because of log shortages since 1990, rendering 8,000 unemployed. As a result, timber prices on Surdna Foundation's private lands have increased dramatically. Some of the Timber Harvest Plans that were appealed lie in the same watershed as the timberlands owned by Surdna Foundation and Andrus timber partners, yet no appeals were filed on the State Timber Harvest Plans submitted by Surdna Foundation under California law.

The sequence of events of Surdna Foundation's grantmaking history shows that they made no grants to groups involved in restricting federal timber supplies in Northern California during 1987–88; during 1988–89 they made a grant to The Nature Conservancy; in 1989–90, grants went to Conservation Law Foundation, 1000 Friends of Oregon. Natural Resources Defense Council, Project LightHawk, Sierra Club, Wilderness Society and Western Ancient Forest Campaign; during 1991–92, grants went to Americans for the Ancient Forest, National Audubon Society, Environment Now, Conservation Law Foundation, Natural Resources Defense Council, Oregon Natural Resources Council, Eco Trust, 1000 Friends of Oregon, Western Ancient Forest Campaign, and the Wilderness Society.

Two Northern California residents filed numerous Timber Harvest Plan appeals on behalf of several groups, and also occupied leadership positions: Linda Blum, leader positions: Western Ancient Forest Campaign; Tulare Audubon Society; Friends of Plumas; Sierra Nevada Alliance; and Wilderness Society. Erin Noel, leader positions; Western Ancient Forest Campaign; Friends of Plumas; Sierra Nevada Issues Group.

During 1992–93 Surdna Foundation realized $2.7 million income from its Northern California timberlands.

A substantial effort to control major nonprofit environmental organizations through

the power of the purse was discussed in the 1992 annual retreat of the:

Environmental Grantmakers Association (Founded 1985).

Budget: $40,000.

Staff: 1, operated by Rockefeller Family fund dba EGA, 1290 Avenue of the Americas, New York, New York 10104. Phone: 212–373–4260 FAX: 212–315–0996.

Pam Maurath, Assistant Coordinator.

The Environmental Grantmakers Association is a coalition of 160 private foundations that provide most of the $340 million in environmental grants each year. The annual retreats are strategy planning sessions during which grantmakers lay their plans for the coming year. The following dialog was transcribed verbatim from tapes of a session titled ''Environmental Legislation.'' Ed Skloot and Hooper Brooks of Surdna Foundation spoke during this panel.

Anne Fitzgerald: Do you detect, though, a resistance in the larger organizations to becoming grant driven?

Donald Ross [Rockefeller Family Fund]: Yeah. I think a lot of them resist.

Chuck Clusen [American Conservation Association]: A number of us have been involved in this, Anne. Yeah. There's definitely a feeling on the part of the not-for-profit organizations that in cases of some of the campaigns like the Ancient Forests Campaign that they resent funders, not just picking the issues, but also being directive in the sense of the kind of campaign, the strategy, the style, and so on. I guess, coming out of the advocacy world, and having spent most of my career doing it, I look at it as, if they're not going to do it on their own, thank God funders are forcing them to start doing it. . . .

Donald Ross: I think that there are things that could be done. I think funders have a major role to play. And I know there are resentments in the community towards funders doing that. And, too bad. We're players, they're players.

But I think we touched on a lot of problems, the internal problems within these big groups, the warring factions within them who are all trying to get resources, and there's too many groups and too few resources, and all that. I think the fundamental effort that has to be made is a reorganization of the movement, whether you're talking—I don't think it's realistic to think that groups like Sierra Club or NRDC are going to disappear and reform into something new. They'll stay, and they'll still send out those newsletters. I think we have to begin to look much more at a task force approach on major issues that is able to pool. And the funders can drive that. And part of the reason these groups have been resistant to work with each other is precisely because they want the credit, they want the name, so they can get more funding, either from us—from foundations—or from members.

And I think there isn't one of them, even the biggest, National Wildlife, or Audubon or Sierra Club, that has the capacity to wage full scale battles on major issues by themselves. They don't have the media, lobbying, grass roots organizing, Washington base, etc., litigation, all wrapped in one organization.

And so the trick, I think, is to figure out how we can duplicate some of the early successes like the Alaska lands fight that you were involved in, Chuck, back in—or this transportation one. I think it can be, where funders can play a real role is helping, is using the money to drive, to create ad hoc efforts in many cases that will have a litigation component coming from one group, a lobbying component coming from another group, a grass roots organizing component coming from yet a third group with a structure that enables them to function well.

Individual audio tapes of all 1992 EGA retreat sessions can be purchased for $11.00 each from Conference Recording Service, 1308 Gilman Street, Berkeley, California 94706, Phone: (510) 527–3600, Fax: (510) 527–8404. The complete conference audio set is available in a vinyl binder for $150 including shipping. If EGA attempts to block release of these tapes by Conference Recording Service, the Center for the Defense of free Enterprise will provide copies to legitimate members of the media. Verbatim transcriptions of major sessions are available from the Center for the Defense of Free Enterprise.

NON-PROFIT LAND TRUSTS SELLING PRIVATE LAND TO GOVERNMENTS

There are presently more than 900 non-profit land trusts in the United States. These land trusts commonly buy property from individual private owners with the understanding that the land will be kept in trust for environmental purposes by the non-profit purchaser. Many non-profit land trusts, in addition to keeping these private purchases in private trusts, also sell purchased private land to government agencies.

Many individual private land owners have complained about non-profit land trust practices and cite numerous abuses that should receive congressional scrutiny and wide public attention. The most commonly cited abuses are:

Failure to advise the individual private seller that his or her land will in turn be sold to a government agency.

Individual land owners are underpaid by non-profit trusts.

Individual land owners are not advised that they may sell directly to the government.

Non-profit land trusts receive inside information from government agencies about ''approved appraised value'' of individual privately owned parcels in advance of purchase, promoting underpayment.

Government agencies secretly request non-profit land trusts to buy desired properties and hold them until congressional appropriations are available to pay for government purchase.

Government agencies pay non-profit land trusts prices ''above approved appraised value.''

Government agencies pay non-profit land trusts additional ''carrying costs'' including interest, travel, telephone, postage, appraisal and survey costs, title premiums, closing costs, property taxes owed, and overhead.

Non-profit land trusts commonly retain all mineral rights and gas and oil rights to properties they sell to the government.

Government agency employees who have arranged favorable purchases for non-profit land trusts for years then accept employment by those non-profit land trusts often takes the property off the tax rolls, harming local and country government revenues.

Sales of non-profit land trust property to government centralizes power and feeds an insatiable appetite for more private property to be nationalized.

Non-profit land trusts keep their government sales quiet and refuse to release details of individual transactions in progress or completed.

Government agencies refuse to release details of land transactions in progress or completed with nonprofit land trusts, claiming private sales to government are exempt from the Freedom of Information Act.

Non-profit land trusts justify their secret complicity with government agencies by pointing out that it is not illegal, setting a standard of behavior of merely avoiding prosecution.

Non-profit land trusts use their reputations to purchase private property for conservation purposes and then convert it to ''trade lands'' which are sold to developers at high profits, using the justification that the funds will eventually be plowed back into purchases of actual conservation lands.

Non-profit land trusts advertise only their private land activities, and do not provide the public with remedial advertising openly describing their extensive land sales to the government, thus leaving the public with a false impression of their real operations.

Government agencies commonly whitewash their abuses in reports written by government appointees formerly employed by environmental organizations and still loyal to those private non-profit organizations.

BAIT AND SWITCH

The Bait: This charming Nature Conservancy ad with its appealing tag line, ''Conservation Through Private Action''.

''We Get a Good Return on Our Investment.

''The Nature Conservancy takes a business approach to protecting our natural world. Each day in the U.S. we invest in over 1,000 additional acres of critical habitat for the survival of rare and endangered species. ''Through creative techniques like debt-for-nature swaps, we are also saving millions of acres of tropical rainforest throughout Latin America and the Caribbean. ''On these protected acres, migratory waterfowl return each year. Trout return to the streams. Antelope return to the grasslands. And in many areas plant and animal species previously driven to the brink of extinction are returning to their native habitats. ''Join us, and make an investment in our natural heritage. Future return, isn't that what investment is all about?

''Conservation Through Private Action.''

The Switch: The Nature Conservancy sells private purchases to the federal government—

Without the prior knowledge of the private land seller;

Often at secret government request;

Using privileged appraisal information supplied by agents of the federal government;

Above ''approved appraised value'';

Paying ''lowball'' prices below ''approved appraisal value'' by offering tax breaks to the seller because of TNC's non-profit tax status;

Keeping the mineral and oil and gas rights;

Taking land off the tax rolls;

Obtaining influence within federal agencies for Congressional appropriations to pay for TNC purchases;

$76,318,014 income from government sales in fiscal 1993;

All at taxpayer expense.

Conservation Through Private Action?

OTHER NON-PROFIT LAND TRUSTS SELLING PRIVATE LAND TO GOVERNMENTS

The Conservation Fund

Staff: 19 professionals on contractual basis.

Non-membership.

Tax Status: 501(c)(3).

1800 N. Kent Street, Suite 1120, Arlington, Virginia 22209, Phone: (703) 522–8008 Fax: (703) 525–4610.

Total revenue, 1993, $13,886,902.

President: Patrick Noonan. Salary, $148,500, Benefits $16,542.

Vice President: David Sutherland, $64,000 salary, $6,426 benefits.

Chief Operating Officer: John Turner, $68,000 salary, $3,743 benefits.

Secretary: Kiku Hoagland Hanes, $55,000 salary, $9,800 benefits.

Assistant Treasurer: Joann Porter, $64,500 salary, $10,000 benefits.

Board Member: Charles Hordan, $14,000 compensation.

Compensation of Officers and Directors, $400,000.

Other Salaries and Wages, $1,084,714.

Pension Plan Contributions, $64,160.

Other Employee Benefits, $86,318.

American Farm and Trust

Total revenue, 1993, $22,744,704.

Total expenses $21,263,591.

Fund balances at end of year, $27,539,148.

Compensation of officers, $1,621,300.

Other salaries and wages, $4,057,727.

Pension plan contributions, $237,343.

Other employee benefits, $1,518,784.

Investments—securities, $15,182,446.

Total assets, $58,840,830.

Grants and conveyances of properties to government and private groups, $4,544,270.

Legal fees, $402,389.

Telephone, $328,335.

Travel and meetings expenses, $726,702.

[Letter from the Deputy Regional Director of the U.S. Fish and Wildlife Service to the Nature Conservancy dated August 30, 1985, showing systematic government request for TNC to buy private land. The government clearly agrees to pay TNC ''your overhead, financing, and handling charges in excess of the approved appraisal value.'' The information in this letter was not made known to private owners who sold to TNC. The practice continues]

U.S. DEPARTMENT OF THE INTERIOR,
FISH AND WILDLIFE SERVICE,
Newton Corner, MA, August 30, 1985.

LA—Connecticut; Connecticut Coastal NWR.

DENNIS WOLKOFF,
The Nature Conservancy, Eastern Regional Office, Boston, MA.

DEAR DENNIS: We are appreciative of The Nature Conservancy's continuing effort to assist the Service in the acquisition of lands for the Connecticut Coastal National Wildlife Refuge. As a result of your assistance and cooperation approximately 90% of the acreage identified in the enabling legislation has received long term protection.

Our appraisal of the tract on Sheffield Island has been completed and we are currently awaiting funding prior to making an offer on the property. We understand that the proceeds from the eventual sale of this parcel to the Service will in turn, be used to purchase the 8-acre Milford Point tract.

Since the availability of additional funding is not currently known, we request that The Nature Conservancy continue their preservation efforts and acquire the Milford Point tract. We will make every effort to purchase the property when funds become available.

It is understood that our purchase price will be based on the Service approved value plus an amount, to be agreed upon, which will cover your overhead, financing, and handling charges in excess of the approved appraisal value. If we are not able to purchase this property within a reasonable period of time, it is further understood that The Nature Conservancy may recover its investment by a sale on the open market.

Your effort to purchase property on Milford Point and to hold for subsequent conveyance to the Service are greatly appreciated.

Sincerely yours,

———— ————,
Deputy Regional Director.

[Letter from TNC legal counsel Philip Tabas to Robert Miller of the U.S. Fish and Wildlife Service showing the elastic payment policy of taxpayer money to a private nonprofit organization. Tabas boasts in a footnote that The Nature Conservancy is the ''Agency with The Most Complete File'' on Milford Point, indicating access to insider information. Miller was later hired by The Nature Conservancy at a high salary.]

THE NATURE CONSERVANCY,
EASTERN REGIONAL BLDG.,
Boston, MA, November 7, 1986.

ROBERT MILLER,
Chief, Realty Division, Fish and Wildlife Service, Newton Corner, MA.

DEAR BOB: Attached please find the so-called letter of intent for Milford Point. It gives you pretty broad authority to pay what we both agree to for the property, even ''. . . in excess of the approved appraisal value.'' Let's talk after you have had a chance to review your files.

I look forward to receiving the FWS appraisal on Milford Point which was done in January 1986 and any revisions thereof.

Best regards.

Sincerely,

PHILIP TABAS,
Legal Counsel, Eastern Region.

P.S. I guess TNC wins the ''Agency with The Most Complete File'' award on this one!

[Letter from TNC Director of Protection Camilla M. Herlevich to Al Bonsack of the U.S. Fish and Wildlife Service showing TNC billing the federal government for numerous expenses involved in a land sale. TNC states that, ''as is customary, the oil and gas rights will not go with the property.'']

THE NATURE CONSERVANCY,
SOUTHEAST REGIONAL OFFICE,
Chapel Hill, NC, December 23, 1988.

A. BONSACK,
U.S. Department of the Interior, Fish and Wildlife Service, Atlanta, GA.

RE: Big Pine Key (Granada Continuing Presbyterian Church), FL—TNC to USFWS.

DEAR MR. BONSACK: The Nature Conservancy acquired the above-referred tract at Big Pine Key on November 15, 1988. We would like to transfer the property to the United States Fish and Wildlife Service by January 31, 1989. Our costs through January 31, 1989 are $78,322.00. Costs would increase in an amount equal to prime plus one percent (1%) per annum times the purchase price for any period of holding after January 31, 1989. Current per diem cost is $23.00. Our costs for this transaction are, itemized as follows:

Purchase price	$73,000.00
Coop interest @ 11.5% 2.5 mos	1,748.00
Travel	50.00
Telephone	50.00
Postage	0.00
Appraisals/surveys	0.00
Title premium	310.00
Closing costs	127.00
Property taxes	846.00
Overhead @ 3% 73,000=	2,190.00
Total	78,322.00

As is customary, the oil and gas rights will not go with the property, although the Conservancy will restrict its mineral activity to subsurface methods.

If you would please indicate the acceptance of The Nature Conservancy's offer by having the appropriate person sign for the United States Fish and Wildlife Service in the space provided below and return to me. A copy is provided for your records.

Best regards,

CAMILLA M. HERLEVICH,
Director of Protection.

[Letter from TNC legal counsel Philip Tabas to Robert Miller of the U.S. Fish and Wildlife Service showing the solicitation of Miller's superiors in the national office to place one of TNC's properties higher on a government purchase priority list to avoid the oversight of a Congressman and ''make the job of securing Congressional funds for this project that much easier.'']

THE NATURE CONSERVANCY,
EASTERN REGIONAL OFFICE
Boston, MA. January 24, 1990.

ROBERT MILLER,
Chief, Reality Division, Fish and Wildlife Service, Newton Corner, MA.

DEAR BOB: * * *

Third, we recently saw the regional LAPS list and, as you may know, the James River Eagle project was ranked #78, I know, that there are logical inconsistencies in the LAPS list process, but this ranking of the James River project is likely to make it difficult for us to secure the support we need in Congress to get the money to fund this project. As you know, Congressman Sisitsky pointed to the LAPS list in the last round as the reason for his failure to support the project and we would like to avoid having to fight with him on that issue again this year. If there is anything you can do with the powers that be in your national office to revise the James River project to a higher ranking, it would make the job of securing Congressional funds for this project that much easier.

Thanks very much for your help on these matters. I look forward to catching up with you when you return from your travels. Best regards.

Sincerely yours,

PHILIP TABAS,
Attorney, Eastern Region.

STATE GOVERNMENT-NON-PROFIT LAND TRUSTS

Scenic Hudson, Inc.

Total revenue, 1993, $1,112,787.
Total expenses, $1,013,288.
Fund balances, $2,398,803.
Salaries and wages, $561,878.
Employee benefits, $51,115.
Investments—securities, $1,667,771.
Total assets, $3,799,224.
Executive Director, Klara Sauer, $72,000 salary, $3,600 benefits.
Land Preservation Director, Steven Rosenberg, $51,500 salary, $2,575 benefits.
Associate Director, Carol Sonderheimer, $49,000 salary, $2,450 benefits.
Environmental Director, Cara Lee Box, $33,897 salary, $1,695 benefits.
Waterfront Specialist, John J. Anzevino, $32,569 salary, $571 benefits.
Deferred grants and contributions $10,000 and over:
Lila Acheson and DeWitt Wallace Fund for the Hudson Highlands, $345,500.
Hudson River Foundation, $14,800.
Surdna Foundation, $26,762.
Compton Foundation, $20,000.
The Cohen Charitable Trust, $10,000.
Total deferred grants and contributions, $428,480.
Investments:
U.S. Treasury Notes, $462,259.
Bonds, $326,107.
Common stock, $644,339.
Preferred stock, $235,066.
Total, $1,667,771.

Scenic Hudson Land Trust Inc.

Land buying affiliate of Scenic Hudson, Inc.
Total revenue, 1993, $4,794,870.
Total expenses, $345,380.
Fund balances, $13,298,300.
Salaries and wages, $13,716.
Employee benefits, $1,001.

Total assets, $17,964,088.

Executive Director Klara Sauer of Scenic Hudson, Inc., is a director of Scenic Hudson Land Trust, Inc.

Foundation and trust grants received, $4,756,694.

Support and revenue designated for future periods: Lila Acheson and DeWitt Wallace Fund for the Hudson Highlands $3,228,095.

STATE GOVERNMENT-PRIVATE LAND TRUSTS

Scenic Hudson, Inc. and Scenic Hudson Land Trust, Inc., based in Poughkeepsie, New York, are operating a secretive land buying operation along the 148-mile Hudson River Valley corridor from New York City to Albany. Some operations are carried out in cooperation with Open Space Institute in Ossining, New York. The organizations are carrying out the plan of ''Conserving Open Space in New York State,'' approved by Governor Mario Cuomo in 1993, a document available only upon special request from the state and not of general knowledge. These organizations are beneficiaries of over $40 million from the Lila Acheson and DeWitt Wallace Fund (the Readers Digest fortune) for the Hudson Highlands.

Once Scenic Hudson holds title to local real estate, its officers and executives demand that municipalities take their ''non-profit'' purchase off the tax rolls—or face devastating lawsuits. The non-profits' financial clout and backing by New York elites gives them leverage against beleaguered municipalities that cannot afford extensive lawsuits.

Scenic Hudson, Inc. enjoys corporate support and invests in corporate stocks. Chevron awarded Scenic Hudson a $2,000 grant in May, 1994. A gift of 400 shares of Chevron common stock to Scenic Hudson on May 25, 1989, netted the non-profit $6,133.07 when sold on May 12, 1992. Scenic Hudson owns substantial oil stock: On August 16, 1990, SH purchased 400 shares of Texaco valued at more than $25,000; two weeks later they bought another 300 shares worth nearly $19,000; in June, 1993, they still owned the 700 shares of Texaco. On May 12, 1992, they bought 400 shares of Exxon ($24,014); on August 7, 1992, 400 shares of Royal Dutch Petroleum (Shell Oil) worth $35,498; on March 10, 1993, 800 shares of Sun America.

Scenic Hudson also acquired 700 shares of Phillip Morris on May 4, 1989, sold 100 of the shares October 13, 1992 at a $5,004.15 profit, and sold the remaining 600 shares in February and April, 1993, reaping $16,987.34. A gift of 600 shares of DuPont stock was reduced by sale of 200 shares on October 5, 1992 for a $5,322.09 profit; Scenic Hudson retained the 400 shares of DuPont at the 1993 tax reporting period. Scenic Hudson held Georgia-Pacific common stock for 15 months before selling it.

Wealthy donors enjoy tax breaks by giving appreciated stock to Scenic Hudson. On April 2, 1989, SH received 500 shares of British Petroleum worth $28,747.50 and sold it 16 months later at a capital gain of $41,563.11.

New York State has targeted for acquisition 157 private properties comprising hundreds of thousands of acres in Westchester, Putnam, Rockland, Orange, Sullivan and Ulster Counties. These properties, combined with the already vast state, county and federally-owned lands in the region, would create a tax free park stretching from the Hudson Highlands through the Adirondacks to the Canadian border, further impoverishing local communities.

DOCUMENTATION

All factual information in this report was taken from public information or published reports readily available to the journalist.

Most financial data were found in U.S. Internal Revenue Service Form 990 annual reports filed by the respective organizations under examination. Other sources include financial statements prepared by the environmental organizations and provided to the Secretary of State of New York, the Division of Consumer Affairs of the Commonwealth of Virginia and the Attorney General's Office of the State of California. Lists of investments were obtained from both of these sources, or from California Attorney General's Office filings on Form CT–2. Many organizations do not file their list of investments with any public agency. In such cases, the authors of this report requested such lists by telephone directly from the environmental organization in question. All organizations thus solicited for investment information refused to divulge it.

Information on Foundation Control of Environmental Groups came from tape recorded discussions among foundation staff and officers at the Environmental Grantmakers Association 1992 Annual Retreat at Rosario Resort in Washington State. Documentation of the Surdna Instance came from U.S. Forest Service timber harvest plans, Form 990 filings, California state filings, and internal documents discovered in public filings.

Major documentation of Non-Profit Land Trust abuses was obtained from the U.S. Fish and Wildlife Service through the Freedom Of Information Act. Additional documentation was obtained from individual land owners in personal interviews or through third-party correspondents.

The Center for the Defense of Free Enterprise is the sole author of this report, and is solely responsible for the accuracy of the data here presented.

Mr. MURKOWSKI. Mr. President, as I indicated, out of necessity, these organizations have to consume their causes, and Utah wilderness currently is one of their causes. We have seen their efforts in mining reform, just last week in grazing reform, and the week before the forest issue. Now they have turned their efforts to Utah wilderness.

I do not mind constructive input. It is invaluable in the development of quality legislation. It is good for everyone, but this type of big business, well-financed campaigns that they establish are really not constructive. It is a case of ''We're going to protect you from yourselves whether it is good for you or not, but we're going to do it at your own expense.''

Mr. President, I think it is time to get real.

I would like to chat a little bit about Sterling Forest, because while I support the proposal of my friend from New Jersey, it is not without some exceptions. The purpose of title XVI is to authorize the Secretary of the Interior to provide funding to the Palisades Interstate Park Commission in order to facilitate the acquisition of the Sterling Forest in New York. I am not sure what the status is, but I am sure my friend from New Jersey will tell us, if this bill goes through, in what status that land will be held.

The 17.5 million dollars authorized by this legislation states that funds may be transferred to the commission only to the extent that they are matched with funds contributed by non-Federal sources. So the State of New York and the State of New Jersey are going to have to, obviously, contribute funds.

The funds may only be used for the procurement of conservation easements along—this is where it gets interesting, Mr. President—along the Appalachian Trail. That is National Park Service administered but privately owned which runs through the Sterling Forest but not in the same watershed that they are currently trying to protect.

So, it is interesting to pick up that difference. In actuality, scarce Federal appropriated funds are being used to trigger the flow of appropriated funds from New York and New Jersey. While the protection of the States' watershed may be meritorious, there are higher priorities currently within the National Park Service that need to be addressed.

Notwithstanding my concerns, the Senator from New Jersey was accommodated, and I support his efforts in this regard because I recognize that he is from that State, he is held responsible by his constituents, and he ought to know what is best for his State and, as a consequence, I am going to support the Sterling Forest, as I have indicated to him. But it is technically not just a home run or a couple of free throws. The Federal funds may only be used for the procurement of conservation easements along the Appalachian Trail, which is Park Service administered but privately owned, which runs through the Sterling Forest but not in the same watershed that they are trying to protect.

So, Mr. President, we have a situation before us where this is really not a debate about the merit of adding 2 million acres of new wilderness to the national inventory. This is really a battle between some of the well-financed elitists and the people who live in the State of Utah.

Would the world be better off with 2 million acres of wilderness? I believe it would. Would we be better off with an additional 3 million acres that did not meet the definition of wilderness? I think not.

Unfortunately, the playing field does not happen to be level. We find ourselves being tied up by a group of elitists. This debate is really a difference of opinion between the well-financed elitist lobby who wants all or nothing and the rest of us who are looking for resource protection and balance and trying to represent the people of the affected States.

As I have indicated and the chart shows, this is a well-financed lobby. Environmentalism is big business, as the chart shows, and, as a consequence, it does show that environmental money does go for the purpose of protecting the environment, while at the same time it shows that little goes to achieve balance, compromise or resolution.

As I have indicated, the environmental community does need a cause for additional membership, for added dollars. As I have indicated, this week it is Utah wilderness, last week it was grazing, before that timber.

Let me reflect, finally, on how the people of Utah, as they look to the future of their State—a relatively large Western State, 52 million acres of land—proposes to increase the wilderness by some 2 million acres, increasing that to a special classification of wilderness which would be BLM wilderness of 2 million acres and Forest Service wilderness of 800,000 acres.

The overwhelming base of support, as evidenced by the statements from those in Utah, and the realization that here we are with a package that can meet its objective in adding wilderness to Utah, that can meet its objective with regard to the concerns of my friend from New Jersey, who, at least to this Senator, has established himself as perhaps the self-anointed savior of the West, but, again, I ask, who does he really represent with regard to this issue? Is it the big environmental groups that have no compassion, no understanding, no willingness to negotiate a reasonable settlement that has been identified time and time again as being in the interest of the people? And is this a continued attack on resource development on public land, whether it be grazing, timber, or mining? Is it going to be concessions next? Is this the attitude prevailing from this administration?

As we look at resource development in this country, we recognize that we are exporting dollars, we are exporting jobs overseas, and as we depend more and more on imports, our current balance-of-payment deficit is half of the cost of imported oil. Fifty-four percent of our oil is now imported. We are increasing our timber and wood fiber imports. We are losing high-paying, blue-collar jobs. Can we not, through science and technology, continue to develop our resources in a responsible manner? That is what the people of Utah are talking about, relative to the additional acreage that they want to use for their school system, for the education of their children.

It seems to me that we should listen to the people of Utah today, Mr. President. They are not extreme. They are not elitists. They are realists. They know what they need for their State. They have recommended 2 million acres of wilderness. It is a responsible compromise.

So, Mr. President, as we go through this debate throughout the day, and perhaps a portion tomorrow, I encourage all Members to look at this package, recognize it for what it is, an attempt to accommodate some 17 or 18, close to 20 States, with individual recommendations on land within their States, recognizing the significance of including the Presidio in this package and the realization that the trust that has been formed to manage the Presidio under the scope of this legislation is realistic, it will work, it will take the burden off of the Federal Government. Last, this legislation will meet the needs of the people of Utah.

MODIFICATIONS TO AMENDMENT NO. 3564

Mr. MURKOWSKI. Mr. President, I send a modification of my amendment to the desk. I ask that each of the measures be added at the appropriate place, and the titles and section numbers be renumbered accordingly.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

Mr. MURKOWSKI. Mr. President, it would add provisions for the Big Thicket in Texas, the Big Horn County school district in Wyoming, a right-of-way in Wyoming, the Tallgrass provisions in Kansas. I think that takes it up to nearly 60, Mr. President. I do not think further reading is required.

The PRESIDING OFFICER. The amendment is so modified.

The modifications follow:

At the appropriate place, insert:

TITLE —

SECTION 1. FINDINGS.

The Congress finds that—

(1) under the Big Thicket National Preserve Addition Act of 1993 (Public Law 103–46), Congress increased the size of the Big Thicket National Preserve through authorized land exchanges;

(2) such land exchanges were not consummated by July 1, 1995, as required by Public Law 103–46; and

(3) failure to consummate such land exchanges by the end of the three-year extension provided by this Act will necessitate further intervention and direction from Congress concerning such land exchanges.

SEC. 2. TIME PERIOD FOR LAND EXCHANGE.

(a) EXTENSION.—The last sentence of subsection (d) of the first section of the Act entitled ''An Act to authorize the establishment of the Big Thicket National Preserve in the State of Texas, and for other purposes'', approved October 11, 1974 (16 U.S.C. 698(d)), is amended by striking out ''two years after date of enactment'' and inserting ''five years after the date of enactment''.

(b) INDEPENDENT APPRAISAL.—Subsection (d) of the first section of such Act (16 U.S.C. 698(d)) is further amended by adding at the end the following: ''The Secretary, in considering the values of the private lands to be exchanged under this subsection, shall consider independent appraisals submitted by the owners of the private lands.''.

(c) LIMITATION.—Subsection (d) of the first section of such Act (16 U.S.C. 698(d)), as amended by subsection (b), is further amended by adding at the end the following: ''The authority to exchange lands under this subsection shall expire on July 1, 1998.''.

SEC. 3. REPORTING REQUIREMENT.

Not later than six months after the date of the enactment of this Act and every six months thereafter until the earlier of the consummation of the exchange or July 1, 1998, the Secretary of the Interior and the Secretary of Agriculture shall each submit a report to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate concerning the progress in consummating the land exchange authorized by the amendments made by Big Thicket National Preserve Addition Act of 1993 (Public Law 103–46).

SEC. 4. LAND EXCHANGE IN LIBERTY COUNTY, TEXAS.

If, within one year after the date of the enactment of this Act—

(1) the owners of the private lands described in subsection (b)(1) offer to transfer all their right, title, and interest in and to such lands to the Secretary of the Interior, and

(2) Liberty County, Texas, agrees to accept the transfer of the Federal lands described in subsection (b)(2),

the Secretary shall accept such offer of private lands and, in exchange and without additional consideration, transfer to Liberty County, Texas, all right, title, and interest of the United States in and to the Federal lands described in subsection (b)(2).

(b) LANDS DESCRIBED.—

(1) PRIVATE LANDS.—The private lands described in this paragraph are approximately 3.76 acres of lands located in Liberty County, Texas, as generally depicted on the map entitled ''Big Thicket Lake Estates Access—Proposed''.

(2) FEDERAL LANDS.—The Federal lands described in this paragraph are approximately 2.38 acres of lands located in Menard Creek Corridor Unit of the Big Thicket National Preserve, as generally depicted on the map referred to in paragraph (1).

(c) ADMINISTRATION OF LANDS ACQUIRED BY THE UNITED STATES.—The lands acquired by the Secretary under this section shall be added to and administered as part of the Menard Creek Corridor Unit of the Big Thicket National Preserve.

At the end of the amendment, add the following:

SEC. ___01. CONVEYANCE OF CERTAIN PROPERTY TO THE BIG HORN COUNTY SCHOOL DISTRICT NUMBER 1, WYOMING.

The Secretary of the Interior shall convey, by quit claim deed, to the Big Horn County School District Number 1, Wyoming, all right, title, and interest of the United States in and to the following described lands in Big Horn County, Wyoming: Lots 19–24 of Block 22, all within the town of Frannie, Wyoming, in the S½NW¼NW¼ and N½SW¼NW¼ of section 31 of T. 58N., R. 97 W., Big Horn County.

At the appropriate place, insert:

SECTION 1. RELINQUISHMENT OF INTEREST.

(a) IN GENERAL.—The United States relinquishes all right, title, and interest that the United States may have in land that—

(1) was subject to a right-of-way that was granted to the predecessor of the Chicago and Northwestern Transportation Company under the Act entitled ''An Act granting to railroads the right of way through the public lands of the United States'', approved March 3, 1875 (43 U.S.C. 934 et seq.), which right of way the Company has conveyed to the city of Douglas, Wyoming; and

(2) is located within the boundaries of the city limits of the city of Douglas, Wyoming, or between the right-of-way of Interstate 25 and the city limits of the city of Douglas, Wyoming,

as determined by the Secretary of the Interior in consultation with the appropriate officials of the city of Douglas, Wyoming.

(b) CONVEYANCE.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall file for recordation in the real property records of Converse County, Wyoming, a deed or other appropriate form of instrument conveying to the city of Douglas, Wyoming, all right, title, and interest in the land described in subsection (a).

At the appropriate place in the amendment, insert the following:

TITLE ___—TALLGRASS PRAIRIE NATIONAL PRESERVE

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Tallgrass Prairie National Preserve Act of 1996''.

SEC. ___02. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) of the 400,000 square miles of tallgrass prairie that once covered the North American Continent, less than 1 percent remains, primarily in the Flint Hills of Kansas;

(2) in 1991, the National Park Service conducted a special resource study of the Spring Hill Ranch, located in the Flint Hills of Kansas;

(3) the study concludes that the Spring Hill Ranch—

(A) is a nationally significant example of the once vast tallgrass ecosystem, and includes buildings listed on the National Register of Historic Places pursuant to section 101 of the National Historic Preservation Act (16 U.S.C. 470a) that represent outstanding examples of Second Empire and other 19th Century architectural styles; and

(B) is suitable and feasible as a potential addition to the National Park System; and

(4) the National Park Trust, which owns the Spring Hill Ranch, has agreed to permit the National Park Service—

(A) to purchase a portion of the ranch, as specified in this title; and

(B) to manage the ranch in order to—

(i) conserve the scenery, natural and historic objects, and wildlife of the ranch; and

(ii) provide for the enjoyment of the ranch in such a manner and by such means as will leave the scenery, natural and historic objects, and wildlife unimpaired for the enjoyment of future generations.

(b) PURPOSES.—The purposes of this title are—

(1) to preserve, protect, and interpret for the public an example of a tallgrass prairie ecosystem on the Spring Hill Ranch, located in the Flint Hills of Kansas; and

(2) to preserve and interpret for the public the historic and cultural values represented on the Spring Hill Ranch.

SEC. ___03. DEFINITIONS.

In this title:

(1) ADVISORY COMMITTEE.—The term ''Advisory Committee'' means the Advisory Committee established under section ___07.

(2) PRESERVE.—The term ''Preserve'' means the Tallgrass Prairie National Preserve established by section ___04.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) TRUST.—The term ''Trust'' means the National Park Trust, Inc., a District of Columbia nonprofit corporation, or any successor-in-interest.

SEC. ___04. ESTABLISHMENT OF TALLGRASS PRAIRIE NATIONAL PRESERVE.

(a) IN GENERAL.—In order to provide for the preservation, restoration, and interpretation of the Spring Hill Ranch area of the Flint Hills of Kansas, for the benefit and enjoyment of present and future generations, there is established the Tallgrass Prairie National Preserve.

(b) DESCRIPTION.—The Preserve shall consist of the lands and interests in land, including approximately 10,894 acres, generally depicted on the map entitled ''Boundary Map, Flint Hills Prairie National Monument'' numbered NM–TGP 80,000 and dated June 1994, more particularly described in the deed filed at 8:22 a.m. of June 3, 1994, with the Office of the Register of Deeds in Chase County, Kansas, and recorded in Book L–106 at pages 328 through 339, inclusive. In the case of any difference between the map and the legal description, the legal description shall govern, except that if, as a result of a survey, the Secretary determines that there is a discrepancy with respect to the boundary of the Preserve that may be corrected by making minor changes to the map, the Secretary shall make changes to the map as appropriate, and the boundaries of the Preserve shall be adjusted accordingly. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service of the Department of the Interior.

SEC. ___05. ADMINISTRATION OF NATIONAL PRESERVE.

(a) IN GENERAL.—The Secretary shall administer the Preserve in accordance with this title, the cooperative agreements described in subsection (f)(1), and the provisions of law generally applicable to units of the National Park System, including the Act entitled ''An Act to establish a National Park Service, and for other purposes'', approved August 25, 1916 (16 U.S.C. 1, 2 through 4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).

(b) APPLICATION OF REGULATIONS.—With the consent of a private owner of land within the boundaries of the Preserve, the regulations issued by the Secretary concerning the National Park Service that provide for the proper use, management, and protection of persons, property, and natural and cultural resources shall apply to the private land.

(c) FACILITIES.—For purposes of carrying out the duties of the Secretary under this title relating to the Preserve, the Secretary may, with the consent of a landowner, directly or by contract, construct, reconstruct, rehabilitate, or develop essential buildings, structures, and related facilities including roads, trails, and other interpretive facilities on real property that is not owned by the Federal Government and is located within the Preserve.

(d) LIABILITY OF LANDOWNERS.—Notwithstanding any other provision of law, no person that owns any land or interest in land within the Preserve shall be liable for injury to, or damages suffered by, any other person that is injured or damaged while on the land within the Preserve if—

(1) the injury or damages result from any act or omission of the Secretary or any officer, employee, or agent of the Secretary or of a person other than the owner, a guest of the owner, or a person having business with the owner; or

(2) the injury or damages are suffered by a visitor to the Preserve, and the injury or damages are not proximately caused by the wanton or willful misconduct of, or a negligent act (as distinguished from a failure to act) of, the person that owns the land.

(e) UNIT OF THE NATIONAL PARK SYSTEM.—The Preserve shall be a unit of the National Park System for all purposes, including the purpose of exercising authority to charge entrance and admission fees under section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a).

(f) AGREEMENTS AND DONATIONS.—

(1) AGREEMENTS.—The Secretary may expend Federal funds for the cooperative management of private property within the Preserve for research, resource management (including pest control and noxious weed control, fire protection, and the restoration of buildings), and visitor protection and use.

(2) DONATIONS.—The Secretary may accept, retain, and expend donations of funds, property (other than real property), or services from individuals, foundations, corporations, or public entities for the purposes of providing programs, services, facilities, or technical assistance that further the purposes of this title.

(g) GENERAL MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than the end of the third full fiscal year beginning after the date of enactment of this Act, the Secretary shall prepare and submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a general management plan for the Preserve.

(2) CONSULTATION.—In preparing the general management plan, the Secretary, acting through the Director of the National Park Service, shall consult with—

(A)(i) appropriate officials of the Trust; and

(ii) the Advisory Committee; and

(B) adjacent landowners, appropriate officials of nearby communities, the Kansas Department of Wildlife and Parks, and the Kansas Historical Society, and other interested parties.

(3) CONTENT OF PLAN.—The general management plan shall provide for the following:

(A) Maintaining and enhancing the tallgrass prairie within the boundaries of the Preserve.

(B) Public access and enjoyment of the property that is consistent with the conservation and proper management of the historical, cultural, and natural resources of the ranch.

(C) Interpretive and educational programs covering the natural history of the prairie, the cultural history of Native Americans, and the legacy of ranching in the Flint Hills region.

(D) Provisions requiring the application of applicable State law concerning the maintenance of adequate fences within the boundaries of the Preserve. In any case in which an activity of the National Park Service requires fences that exceed the legal fence standard otherwise applicable to the Preserve, the National Park Service shall pay the additional cost of constructing and maintaining the fences to meet the applicable requirements for that activity.

(E) Provisions requiring the Secretary to comply with applicable State noxious weed, pesticide, and animal health laws.

(F) Provisions requiring compliance with applicable State water laws and Federal and State waste disposal laws (including regulations) and any other applicable law.

(G) Provisions requiring the Secretary to honor each valid existing oil and gas lease for lands within the boundaries of the Preserve (as described in section ___04(b)) that is in effect on the date of enactment of this Act.

(H) Provisions requiring the Secretary to offer to enter into an agreement with each individual who, as of the date of enactment of this Act, holds rights for cattle grazing within the boundaries of the Preserve (as described in section ___04(b)).

(4) HUNTING AND FISHING.—The Secretary may allow hunting and fishing on Federal lands within the Preserve.

(5) FINANCIAL ANALYSIS.—As part of the development of the general management plan, the Secretary shall prepare a financial analysis indicating how the management of the Preserve may be fully supported through fees, private donations, and other forms of non-Federal funding.

SEC. ___06. LIMITED AUTHORITY TO ACQUIRE.

(a) IN GENERAL.—The Secretary shall acquire, by donation, not more than 180 acres of real property within the boundaries of the Preserve (as described in section ___04(b)) and the improvements on the real property.

(b) PAYMENTS IN LIEU OF TAXES.—For the purposes of payments made under chapter 69 of title 31, United States Code, the real property described in subsection (a)(1) shall be deemed to have been acquired for the purposes specified in section 6904(a) of that title.

(c) PROHIBITIONS.—No property may be acquired under this section without the consent of the owner of the property. The United States may not acquire fee ownership of any lands within the Preserve other than lands described in this section.

SEC. ___07. ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—There is established an advisory committee to be known as the ''Tallgrass Prairie National Preserve Advisory Committee''.

(b) DUTIES.—The Advisory Committee shall advise the Secretary and the Director of the National Park Service concerning the development, management, and interpretation of the Preserve. In carrying out those duties, the Advisory Committee shall provide timely advice to the Secretary and the Director during the preparation of the general management plan under section ___05(g).

(c) MEMBERSHIP.—The Advisory Committee shall consist of 13 members, who shall be appointed by the Secretary as follows:

(1) Three members shall be representatives of the Trust.

(2) Three members shall be representatives of local landowners, cattle ranchers, or other agricultural interests.

(3) Three members shall be representatives of conservation or historic preservation interests.

(4)(A) One member shall be selected from a list of persons recommended by the Chase County Commission in the State of Kansas.

(B) One member shall be selected from a list of persons recommended by appropriate officials of Strong City, Kansas, and Cottonwood Falls, Kansas.

(C) One member shall be selected from a list of persons recommended by the Governor of the State of Kansas.

(5) One member shall be a range management specialist representing institutions of higher education (as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))) in the State of Kansas.

(d) TERMS.—

(1) IN GENERAL.—Each member of the Advisory Committee shall be appointed to serve for a term of 3 years, except that the initial members shall be appointed as follows:

(A) Four members shall be appointed, one each from paragraphs (1), (2), (3), and (4) of subsection (c), to serve for a term of 3 years.

(B) Four members shall be appointed, one each from paragraphs (1), (2), (3), and (4) of subsection (c), to serve for a term of 4 years.

(C) Five members shall be appointed, one each from paragraphs (1) through (5) of subsection (c), to serve for a term of 5 years.

(2) REAPPOINTMENT.—Each member may be reappointed to serve a subsequent term.

(3) EXPIRATION.—Each member shall continue to serve after the expiration of the term of the member until a successor is appointed.

(4) VACANCIES.—A vacancy on the Advisory Committee shall be filled in the same manner as an original appointment is made. The member appointed to fill the vacancy shall serve until the expiration of the term in which the vacancy occurred.

(e) CHAIRPERSON.—The members of the Advisory Committee shall select 1 of the members to serve as Chairperson.

(f) MEETINGS.—Meetings of the Advisory Committee shall be held at the call of the Chairperson or the majority of the Advisory Committee. Meetings shall be held at such locations and in such a manner as to ensure adequate opportunity for public involvement. In compliance with the requirements of the Federal Advisory Committee Act (5 U.S.C. App.), the Advisory Committee shall choose an appropriate means of providing interested members of the public advance notice of scheduled meetings.

(g) QUORUM.—A majority of the members of the Advisory Committee shall constitute a quorum.

(h) COMPENSATION.—Each member of the Advisory Committee shall serve without compensation, except that while engaged in official business of the Advisory Committee, the member shall be entitled to travel expenses, including per diem in lieu of subsistence in the same manner as persons employed intermittently in Government service under section 5703 of title 5, United States Code.

(i) CHARTER.—The rechartering provisions of section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Committee.

SEC. ___08. RESTRICTION ON AUTHORITY.

Nothing in this title shall give the Secretary authority to regulate lands outside the land area acquired by the Secretary under section 6(a).

SEC. ___09. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of the Interior such sums as are necessary to carry out this title.

Mr. MURKOWSKI. Mr. President, I have concluded my remarks. I think the Senator from New Jersey may want to be heard from. If not, there are a couple more of us.

The PRESIDING OFFICER. Who seeks recognition?

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. BRADLEY. Mr. President, I thank the distinguished Senator from Alaska for his statement, and I thank the distinguished Senators from Utah for their strong advocacy of one of the provisions in this bill. I know how much they care about this legislation. I know how long they have worked on it. We have a basic disagreement, which I will try to explore in as much depth as I can for the next—I do not know how long it will take, but I want to do it with comprehensive explanations so they can then respond to what I have said.

I would only make one point with regard to this bill as a package. As one Senator, I am prepared to have virtually every one of the 33 titles, maybe with 2 or 3 exceptions, moved through the Senate right now. I do not oppose those sections. What I have a problem with is the Utah wilderness bill, which I will get to, to explain. So I want the Senate to know that all of the other provisions in this bill I have no objection to passing today on voice vote with the exception of two or three, maybe four maximum, of the titles in the underlying bill.

It is clearly the chairman's prerogative to put these together in a package. I am not sure, if I were someone who was interested in a particular provision—I might say that this bill has several provisions that I want for my State—that it would be the wisest course if the President actually does veto this package. We could get down several months only to find that the President has vetoed not only Utah land, the wilderness bill, but he has vetoed all of the other smaller provisions that are totally noncontroversial that could move through the Senate today and, in some cases, through the House easily.

I think that ought to be established. I think the wiser course here would be to detach from this package the Utah wilderness bill and to have some more time to talk about that, and then move the other elements of this bill. I know there are a number of Senators who are interested in their particular provisions. I have no objection to moving them.

What I would like to do if I could this morning is take my time to really talk a little bit about the history of public lands. I would like to focus on Federal lands in the United States and in Utah. I would like to focus on the economic development pressures in Utah. I would like to talk about sustainable development. I would like to put this bill in the context of how we got here, and how the bill does in relation to the concept of sustainable development. Then I would like to talk about the effect on the rest of the country, and why I think that the Utah wilderness bill is clearly a national bill in a very, very deep sense. I say that with great respect for the knowledge and the commitment of the Senators from Utah, whom I know care as deeply about their State as any Senator in this body cares about his or her own State. So I make these comments with respect for them and at the same time with a very profound disagreement.

Mr. President, the idea that America has public land, public patrimony that belongs to all of us, really began in 1778, when the small State of Maryland led a protest against those States that had made vast claims of territory west of the Appalachian Mountains, our original frontier.

Under their royal charters, Virginia had laid claim to territory reaching to the Mississippi and up to what is now Michigan, and Massachusetts claimed much of what remained in the then United States. The Senators, Congressmen, the statesmen from Maryland had a different idea. They said that the land, which was the defining feature of the new Nation, should be owned and used in common. And Maryland refused to sign the Articles of Confederation until this idea of common land won respect.

By 1802, the young Nation had taken 233 million acres for the public good between the Thirteen Colonies and the Mississippi River, and with the Louisiana Purchase, and over the next 51 years, the common domain grew to more than 1.4 billion acres of public land. While the Nation came together around Maryland's idea of public land, the question of what to do with it remained.

The fundamental conflict between divisions expressed by Thomas Jefferson and Alexander Hamilton dominated this debate, as it did so many others. Jefferson believed that land should be put in the hands of small farmers even if it meant giving it away, while Hamilton believed that land sales could be the steadiest source of income for the Nation.

With the oppressive debt from the Revolutionary War, the Hamilton view prevailed. And the principle for most of the first half of the 19th century was that ''lands were to be sold, and the proceeds appropriated toward shrinking or discharging the debts.'' That was a quote. But the land being what it is,

Jefferson was also correct in his prediction that Americans looking for open space ''would settle the lands in spite of everybody.''

Land sales never made up more than 10 percent of the Federal revenue because people simply laid claim to the lands, moved onto the lands. With the passage of the Preemption Act of 1841, the Jeffersonian view prevailed, giving the land away, in hope that it would extend across the continent a nation of small farmers.

The Homestead Act followed in the 1860's with its promise of 160 acres for a family, a blessing in the fertile ground of the Great Plains—160 acres. Beyond the 100th meridian, the north-south line running roughly from Minot, ND, to Laredo, TX, the 160 acres was almost useless. As Senator William Borah said of the Homestead Act, ''The Government bets 160 acres against the filing fee that the settlers cannot live on the land for 5 years without starving to death.'' Indeed, only 35 percent of the claims ever lived up to full ownership, with the rest left to be assembled in very large parcels.

Just as selling the land did not fulfill Hamilton's vision, giving it away did not live up to Jefferson's vision of a country of independent, self-sufficient young farmers passing their modest legacy of land from generation to generation, renewing themselves by tilling the land. Neither vision, the sale of the land nor giving it away, really lived up to either of the Founders' idea.

Instead, mining interests laid the first claim to the land. Every single major mining strike in the history of the West—gold in California, Colorado, and Montana, silver in Idaho, Nevada—was made on public land. Then ranchers who had quickly exhausted the capacity of the public land of the high plains, moved West, taking vast acreage of thin, fragile grassland in the northern range and fencing it in to keep homesteaders out.

Mr. President, about this time Americans finally began to really look at their land. The reports of the great surveyors, Ferdinand V. Hayden, George M. Wheeler, and John Wesley Powell, these reports came East, along with the photographs of William Henry Jackson and the paintings of Thomas Moran. Tales of great geysers and Powell's vivid descriptions of a canyon opening like a beautiful portal to a region of glory led to a popular campaign to protect something of this legacy.

The creation of Yellowstone National Park, the first national park, in 1872, was a moment of great national pride. The truer reflection of our view toward our national lands, our public lands, in that same year was the passage of the General Mining Act of 1872, setting fees of $2.50 an acre for a permanent mining claim, an error at the time and an outdated disgrace today.

As the new century approached, the parks movement accelerated and the country finally escaped the old question, ''Should we sell it or should we give it away?'' In 1891, the National Forest System was created. By 1907, nearly 10 percent of the Nation's land had been rescued from the cycle of transfer and destruction. The great barbecue, as the historian C. Vernon Parrington called the abuse of the land in the 19th century, had come to an end, but the struggle had really only begun.

Miners, ranchers, farmers, and timber interests began a long fight to reclaim the unlimited gold, silver, copper, grasslands, water, and tall trees which had been given away for so long that they had convinced themselves that they had earned them. In Charles Wilkinson's phrase, the ''Lords of Yesterday,'' the interests and ideas that pull us back toward the 19th century, grew and grew in Washington, especially after Theodore Roosevelt left the White House and Gifford Pinchot left the Interior Department.

In 1920, the Mineral Leasing Act gave oil companies access to petroleum reserves on public lands, even national forests. But the Teapot Dome scandal led President Hoover to ban the oil reserves from exploitation. And the dust storms of the 1930's, which blackened the skies from New Mexico to the Dakotas as a result of overgrazing and overfarming, led to the passage of the Taylor Grazing Act of 1934 which closed 142 million acres of public land and was called ''the Magna Carta of conservation.'' The New Deal economist Rexford Tugwell declared ''the day on which the President signed the Taylor Act * * *. laid in its grave a land policy which had long since been dead and which walked abroad only as a troublesome ghost within a living world.''

Tugwell's analysis was seriously premature. The land policy of the 19th century has not yet been buried. Indeed, it lives on in this bill, in the grazing bill, and in several others before this Congress in this year.

The advocates of a return to the free-for-all of the past used their power in Congress and the appealing image of the brave, solitary westerner—an image at odds with reality then and now—to lead the assault on this protective impulse to protect the land.

Senator Patrick McCarran of Nevada accused the Grazing Service of seeking ''to legislate the trailblazers of the West out of existence,'' and launched what one historian called ''the lengthiest, most concerted, and in some respects, the most successful attempt made in the 20th century by one person to force a reinterpretation of land policy more in accordance with the wishes of the using interests.'' I repeat, ''the using interests.''

McCarran succeeded in turning the bureaucracy in favor of the using interests. He abolished the Grazing Service and merged it with another large agency, creating the Bureau of Land Management. The Bureau of Land Management was given so many responsibilities—leasing of oil, gas, coal, oil, shale, and geothermal sites. Management of hard rock mining claims on its own land, plus on the lands of the national forests, management of 8 million acres of commercial forests, wetlands and fishable streams, thousands of archaeological sites as well as grazing, all of these responsibilities, so much given that McCarran and his backers reasonably assumed that the agency would become ''Unconvincing Goliath,'' in the words of Prof. Sally Fairfax.

By 1973, the BLM had plainly abandoned the task of protecting grazing lands from the next Dust Bowl. Only 16 percent of its rangeland was in good condition. The 341 million acres managed by the BLM are often called the leftover lands or the lands nobody wanted. They are what remains of the 2.1 billion acres that had not been sold, given away, or set aside as national park or national forest.

The BLM does not have the clear sense of mission of the Forest Service or the Park Service. Indeed, in the 1950's, its nickname was the ''Bureau of Livestock and Mining.'' It gives a sense of what the Agency thought its lands were most valuable for in those days. Yet, those lands include some of the most breathtaking and fragile places in the Nation: The Potosi Mountains of Nevada; Glacier Peak in Washington; Mount Lester in Wyoming; California's Lake Ediza; and in Utah, the Valley of Dirty Devil, the Kaiparowits Plateau, Grand Staircase, Escalante Canyon, the Henry Mountains, and many others in the State of Utah. These are lands that if we sacrifice their quiet peace for a short-term economic gain, it will be to the lasting regret—the lasting regret—of many Americans.

Let me just frame that by focusing on one of these areas. The Kaiparowits Plateau in southern Utah, an extraordinary place, is one of the most remote places in the United States. I would like to quote from what one person said about that. His name is Charles Wilkinson, a professor at the University of Colorado. He says:

> Kaiparowits, the interior of the Colorado Plateau, itself the interior of the nation, is not just for coal. Few people come to this southern Utah plateau because modern conveniences are so distant, traditional beauty so scarce, normal recreational opportunities so limited. Precipitation measures ten to twelve inches a year. There are just two or three perennial streams, and they carry little water. One dirt road, usable by passenger cars, runs up to Escalante. Otherwise, it is all jeep trails. Piñon-juniper stands offer almost no cover from the sun. Cross-country backpacking is for experts only. You have to scour the topographic maps, plan your trip with care (being sure to hit the springs), and stock to your plan. Even a short hike is a challenge. From a distance, Kaiparowits looks flat on top but in fact it is up-and-down, chipped-up, confusing. You can get lost, snakebit, or otherwise injured. There's no one to call.
>
> Kaiparowits is, in a word, wild—''wilderness,'' as Raymond Wheeler put it, ''right down to its burning core.'' Eagles, hawks, and peregrines are in here, especially in the wind currents near the cliffs, and so are bighorn sheep, trophy elk, and deer. Archaelologists have recorded some 400 sites

but there are many more—there has been lttle surveying, except near some of the mine sites. From Kaiparowits you are given startling Plateau vistas in all directions, vivid views more than 200 miles if the winds have cleared out the haze, views as encompassing as those from the southern tip of Cedar Mesa, the east flank of Boulder Mountain, the high LeSals, DeadHorse Point, long, stretching expanses of sacred country. If you climb the rocky promontories on top of Kaiparowits, you can see off to Boulder Mountain, the Henrys, Black Mesa, Navajo Mountain, the Kaibab Plateau, the Vermilion Cliffs.

The languid stillness of Kaiparowits turns your mind gently and slowly to wondering about time, to trying to comprehend the long, deep time all of this took, from Cretaceous, from back before Cretaceous, and to comprehend, since Lake Powell and the seventy-story stacks of Navajo Generating Station also now play part of the vista, how it is that our culture has so much might and how it is that we choose to exert it so frantically, with so little regard of the time that you can see, actually see, from here. Perhaps somehow by taking some moments now, here, here in this stark piñon-juniper rockland place, here in this farthest-away place, a person can nurture some of the fibers of constancy and constraint that our people possess in addition to the might. The silence is stunning, the solitude deep and textured.

Kaiparowits makes you decide on the value of wildness and remoteness. Kaiparowits is where the dreams for the West collide. Coal, jobs growth. Long vistas, places to get lost in, places to find yourself in.

The BLM wild lands teach us, also, about the people who once lived and worked and loved and worshipped for such a long time in what has been called BLM land for such a short time.

Last year, my son Seth, then twenty, and I took a long, home-from-college trip to the canyon country. We hiked most of one day up to our calves in a creek that over the course of some seven million years has cut a thousand feet down through the fiery, aeolian Wingate Sandstone and the layers of rock above it.

In a rare wide spot in the canyon, behind a cluster of junipers, we found a panel of pictographs on the Wingate. The artisan painted this row of red and white images—supernatural and life-size—two thousand years ago, perhaps more. The three stolid figures had wide shoulders, narrow waists. We could see straight through the round staring eyes, and the eyes could see through us. We called it ''Dream Panel.''

It would be so contemptuous of time to deal away Kaiparowits and Dream Panel. Perhaps the states would protect these and other wild places of national worth as well as they are protected now. But do we want to risk it?

Mr. President, until the 1960's, none of the public lands were fully protected for mining, automobiles, construction, and other uses. The concept of wilderness did not exist, not only on the BLM lands, but even in the national parks and forests.

As a way of preserving public land, the idea of wilderness really owes its origin to Arthur Carhart, a landscape architect hired by the Forest Service in 1919 and sent to design a road encircling Trappers Lake in Colorado's San Isabel National Forest. Instead of laying out the road, he bombarded his bureaucratic supervisors with memos urging that they abandon the project and retain some area ''to which the lover of the outdoors can return without being confronted by a settlement, a country store, telephone pole, or other sights of civilization.'' After Carhart built a friendship and alliance with Aldo Leopold, the great naturalist and author of ''A Sand County Almanac,'' the Forest Service accepted his idea and made Trappers Lake the first development project it had ever denied because of the threat to the natural integrity of the land.

The legacy of Carhart and Leopold fell to Robert Marshall, a slightly eccentric man, who during college decided to walk 30 miles in every State of the Union, covering that distance in a single day in each State. Once he covered 62 miles in a day. Well, Marshall joined the Forest Service in 1930 and advocated not just protection of some land as wilderness, but the importance of sheer size—vast tracts of wilderness rather than small parks in every State. He compared wilderness to the ''Mona Lisa'' and he said, ''If you cut up the 'Mona Lisa' into little pieces one inch square and distribute them among the art galleries of the world so millions might see it, where hundreds now see it, neither the millions nor the hundreds would get any genuine value.''

The point here is that wilderness has a size factor that is itself valuable. Although Marshall rose to a high position in the Forest Service, his greatest legacy came when he left to found the Wilderness Society in 1935. The society came into its own with the successful fight against a plan to build two major dams on the grounds of Dinosaur National Monument in Utah. Instead of moving from fight to fight against this development or that, the society developed the idea of permanently classifying some portion of the public lands to be protected from development. When Senator Hubert Humphrey introduced such a bill in 1957, not only the commercial interests and the western Senators and Congressmen, but even the Park Service and Forest Service were flatly opposed. Above all, they were offended by the idea that citizens from the areas affected should participate in the decisions about what should be protected.

Senator Arthur Watkins of Utah argued that a permanent wilderness designation would ''hamstring economic development,'' but at the same time, like opponents of the Yellowstone in the 1870's, he insisted that ''Millions of acres are already preserved in the wilderness state and probably always will be.''

The bill which finally passed in 1964 contained the following definition of wilderness:

> A wilderness, in contrast to those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and the community of life are untrammeled by man, where man himself is a visitor who does not remain.

That is the definition of wilderness in the 1964 act. It ordered the agencies that manage Federal land to review their own holdings and recommend those that qualify for wilderness designation—wilderness, a ''community of life untrammeled by man, where man himself is a visitor who does not remain.''

But this review omitted the over 300 million acres managed by the BLM. Those lands came under the purview of the Wilderness Act only in 1976. At that time BLM was given 15 years to review its own holdings and recommend those to be protected. However, Mr. President, that was in 1976. It was not long before James Watt took the reins of the Department of the Interior and in the long tradition of deliberately crippling the bureaucracy at BLM moved the deadline up from 1991 to 1984—one would assume not in an effort to protect the land quickly but to overwhelm the agency and destroy the review process. In other words, what was supposed to take 15 years of careful, painstaking, accurate analysis of public land under the control of BLM with designation of specific wilderness was now contrasted into a very short time. And it is the legacy of that action that brings us to where we are today in consideration of the Utah lands bill.

The Wilderness Act, if it is allowed to work as intended, can be the final step in our escape from the lords of yesterday—the compulsion to transfer lands and to let their soil and mineral resources, their trees and their vistas to be exploited for short-term gain rather than preserved for future generations. Bernard DeVoto urged us to ''maintain portions of the wilderness untouched, so that a tree will rot where it falls, a waterfall will pour its curves without generating electricity, a trumpeter swan may float on uncontaminated water—and moderns may at least see what their ancestors knew in their nerves and in their blood.''

That is what is possible, if the Wilderness Act is allowed to work.

Mr. President, what about the Federal lands generally in the United States and in Utah? The Federal Government currently owns approximately 650 million acres, or nearly 30 percent of the 2.3 billion acre land area of the United States. However, this is far less than the Government has owned in the past. Since 1775 the Federal Government has acquired through purchase and war over 1.8 billion acres, and at various times in U.S. history has held title to nearly 80 percent of the Nation's total area. Nearly two-thirds of the land once owned by the Federal Government has been transferred to the States, or to private interests.

Where did the land come from? Well, the original 13 and the move over to the Mississippi is about 236 million acres. If you add the Louisiana Purchase, you add 529 million acres. If you take the Oregon compromise, you add 183 million acres. If you take the secession from Mexico at the end of the Mexican-United States war, you add 338 million acres. If you take the Alaska purchase, you add 378 million acres.

Those are the main places that the land came from.

How were the Federal lands disposed of? During the 19th century a number of Federal laws encouraged transfer of Federal lands to homesteaders; as I said, earlier, the Homestead Act of 1862 to miners, the Mining Act of 1872, and to railroads and to others. In general, the purpose of the act was to encourage development and settlement of the West. Lands were also sold to raise money and granted to States for specific purposes—funding for education, for example.

As a result of the land acts, over 1.1 billion acres have been transferred out of Federal ownership in the following ways. Homesteaders got 287 million acres. Railroad companies got 94 million acres. As a frame of reference, that is the equivalent of all of the land of Washington and Oregon given to railroad companies. Military bounties got 61 million acres, and grants to States were around 328 million acres. Those were the largest chunks of who got the land—the homesteaders, the railroad companies, military, and States.

Altogether, private interests have acquired title to 69 million acres of Federal lands through patents associated with either extraction of minerals or fossil fuels.

So that is where the Federal lands went.

Who manages these public lands? Four agencies administer 96 percent of the Federal land. For conservation, preservation, or development they are the National Forest Service, the Bureau of Land Management, the Fish and Wildlife Service, and the National Park Service. The majority of lands managed by these agencies are in the West, which is ironically the most urbanized part of the country in terms of per capita.

In 1891, as I pointed out, Congress granted the President the authority—now repealed—to establish forest reserves from the public domain.

In 1906 and 1907, President Theodore Roosevelt more than doubled the acreage of the forest reserves which resulted in Congress limiting the authority of the President to add to the forest system.

Here is one of the more interesting images that I have ever come across. Teddy Roosevelt came to office, and he kept a big chunk of national forest claiming it for national protection. He did that essentially by his Executive power. And then Congress passed an amendment saying that no further Presidential reservations would be permitted unless they were approved by Congress. There was a date by which that was to go into effect. And the story is that the night, or two, before the law was supposed to go into effect, Teddy Roosevelt was in the White House with Gifford Pinchot, his great national forester. They had the maps of all of the West laid out, and by Executive order he cut out of the maps prior to the law going into effect vast acreages that he had then preserved.

At present, the National Forest System includes 155 national forests covering 187 million acres, 20 national grasslands with 4 million acres, and 103 other units such as land utilization projects and research and experimental areas with less than 500,000 acres.

So that is the National Forest System.

The BLM, Bureau of Land Management, again as I said earlier, was created in 1946 as a result of the merger of the General Land Office and the Grazing Service, and the BLM currently manages about 268 million acres, about a third of which is in Alaska. Its lands are used for multiple purposes including grazing and wilderness.

So in addition to the National Forest Service and the Bureau of Land Management is the National Wildlife Refuge System. Following Pelican Island in 1903, the number of refuges continued to grow, and in 1966 the National Wildlife Refuge System was established under the management of the Fish and Wildlife Service of the Department of the Interior, and the Fish and Wildlife Service manages 494 refuges covering 91 million acres.

The National Park Service. The National Park Service manages 368 million units including 55 national parks. The basic mission of the National Park Service is to conserve, preserve, protect, and interpret the natural, cultural, and historic resources of the Nation for the public. To a considerable extent, the Service also contributes to meeting the public demand for certain types of outdoor recreation opportunities. Scientific research is another activity encouraged by the Service in units in the National Park System.

Then the final body is the National Wilderness Preservation System which was established by the Wilderness Act of 1964 and today contains nearly 104 million acres in 44 States.

So these are the four principal land management agencies of the United States. They administer a total of 621 million acres of which 104 million acres or 17 percent is wilderness.

So what about the State of Utah, the public lands of Utah? Of the land that makes up Utah, frankly, along with Nevada, California, and parts of New Mexico, Arizona, Colorado, and South Dakota, totaling 334 million acres, approximately 52 million acres came into Federal ownership when it was ceded to the United States by Mexico in 1848 at a cost of $16 million, roughly.

In 1896, having agreed forever to abandon polygamy, Utah was granted statehood. At that time, in exchange for giving up plural marriage, and because Utah did not receive internal improvement and swampland grants, the Federal Government granted 14 percent of Utah territory's land area to the State. That was substantially more than the 6 to 7 percent that the omnibus States of North Dakota, South Dakota, Montana, and Washington received just 5 years earlier. These land grants were allocated to specific activities, and I ask unanimous consent that this chart be printed in the RECORD.

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

Purpose	*Acreage*
School	5,844,196
Public buildings	64,000
University	156,080
Agricultural college	200,000
Irrigation	500,000
Insane Asylum	100,000
School of Mines	100,000
Deaf and dumb institution	100,000
Reform school	100,000
Institution for the blind	100,000
Miners' hospital (Act Feb. 20, 1929)	50,000
Normal School	100,000

Mr. BRADLEY. Remaining Federal lands currently constitute approximately 32 million acres in Utah or 62 percent of the State. That is what most people in United States do not understand, and that is why when the Senator from an eastern State, particularly one as densely populated as New Jersey, stands up to speak about this subject, they frequently say, ''Well, you don't understand what it means to have 60 percent of your State owned by the Federal Government.''

Indeed, New York State has only 1 percent, Michigan has 9 percent, Nevada has 90 percent, and Utah has 62 percent. Four Federal agencies dominate, and very little land in Utah has been designated as wilderness. In fact, out of the 32 million acres, about 800,000 of those acres have been currently designated as wilderness. The bulk of the land, 22 million acres, is managed by the BLM. Next highest is the Forest Service with about 8 million acres, and the National Park Service about 2 million acres. However, approximately 3.2 million acres in Utah which have not received wilderness designation are currently managed as wilderness. Official wilderness, 800,000 but 3.2 million acres now being managed as wilderness.

What about economic development, the pressures in Utah on economic development? The issue before us is not just what to do with the public lands in Utah, the lands owned by all the taxpayers, but also what is the best path for Utah's future. Utah's economy is being transformed. I am sure the Senators from Utah can speak to this with much more knowledge and probably much more direct interest, so my comments are in the way of observation.

The State is rapidly urbanizing and policies which reflect the old patterns of agriculture and extractive industries have little or nothing to do with the current economic realities. For example, from 1979 to 1993, Utah jobs in mining and agriculture declined by 5,000 while jobs outside these sectors increased by 360,000. In 1993, less than 1 job out of 100 was associated with mineral extraction during a period of rapid expansion in the State economy. The entire spectrum of extractive industries from minerals and agriculture to forestry and wood products has been in

relative decline since the 1960's and contributes just one-eighth as much income as do service industries to the State income. Even worse, many extractive industries such as mining are subject to boom and bust conditions and resulting economic instability.

A study by Prof. Thomas Power, chairman of the department of economics at the University of Montana, found that extractive industries such as agriculture and mining are playing a decreasing role in Utah's economy and that ''wilderness protection does not in any significant way threaten the ongoing development of the Utah economy.''

Wilderness protection is not a threat to the Utah economy. In fact, Power finds that the most likely economic effect of additional wilderness protection will be positive, not negative. While alternative economic uses of wilderness are marginal and primarily the product of speculative mineral activities, additional wilderness designation is linked with more predictable economic activity, the kinds associated with a high quality natural environment which is increasing in demand across America.

Utah's population has also undergone rapid expansion in the last 25 years. While the population as a whole in the United States increased by 29 percent, Utah enjoyed an 80-percent jump. Much of this was directly attributable to the attraction of the State's largely unspoiled environment. For example, St. George grew by 35 percent just in the last 5 years largely due to retirees moving in from California, and I can understand why. It is a beautiful, beautiful place—not so far from the Zion National Park.

Utah's greatest asset is its unique natural beauty, a beauty which draws tourists from around the world. According to Power,

> Lands with wilderness qualities are a relatively scarce resource that has significant alternative uses that satisfy important human needs and desires. . . Wildlands provide a broad range of benefits that make the lives of Utah residents more satisfying and fulfilling in at least the same way that most of their purchases in commercial markets do.

In the competition to attract new businesses and residents, the quality of natural and social environments will be particularly important. Power views wilderness designations themselves as a sort of advertisement that the natural beauty of the State will remain available for future generations.

Preservation of public lands also has direct and measurable economic benefits. Tourism has grown to be Utah's most important industry. Spending by travelers in Utah accounts for roughly 69,000 jobs and the $3.35 billion they spend generates some $247 million in direct tax impact for State and local governments in Utah. The Governor's Office of Planning and Budget expects the State's tourism industry to continue to be one of the fastest growing segments of Utah's economy.

Utah's special attractions lured about 15 million tourists including 1 million foreigners to the State in 1994. Visitation to the State's dozen national parks has increased more than 20 percent in the past 5 years; there has been a corresponding increase in visitation to the surrounding BLM lands, most of which would not be protected under S. 884. In some of the counties with lands under consideration for inclusion in the wilderness system, tourism provides over 60 percent of total jobs.

Wilderness designation has little of the claimed negative effects cited by its most vigorous opponents. When 3.2 million acres were set aside in the wilderness study areas through the BLM's inventory process, agriculture accounted for 1.3 percent of the income earned in Utah. Ten years later the figure was virtually the same. The protection afforded by wilderness management in the study areas had made no change in Utah's agricultural economy.

The same neutral or beneficial effect is also true for grazing. According to a University of Arizona study published in the Journal of Range Management, in designated wilderness in Arizona, forage allocation for grazing has actually increased. And wilderness designation allows the continuation of existing grazing uses.

But even if designation had a significant impact on grazing, the Federal grazing lands in Utah currently contribute just eight hundredths of 1 percent of the total State income.

With mining, too, the impact of wilderness designations is less than might be assumed. Since lands currently being mined are not suitable for wilderness, designation will not result in any losses of existing mining jobs.

Oil and gas drilling are also declining contributors to the State's economy. Utah has the second highest drilling cost per barrel for any State containing significant oil and gas reserves, as a result of difficult access and complex geology. Small decreases in global oil prices have phased-out exploration and production in many parts of Utah.

Utah's demonstrated coal base is significantly smaller than Montana, Wyoming's, Colorado's, and even North Dakota's. Significant advances in longwall mining technologies has increased productivity in Utah's underground coal mines, thereby decreasing the size of coal mining work forces. Thus, while productivity is at its highest in history, coal industry employment has decreased steadily.

Then there is uranium. Huge deposits of uranium ore have been opened in Australia and Canada and Russian uranium may also be coming on to the United States market. U.S. production is more likely to come from the lowest-cost uranium reserves in Wyoming, New Mexico, and northern Arizona, not from wilderness deposits in Utah.

As these figures show, extractive industries are not going to provide, I think, a stable future for the State, that is, simply looking at the data, looking at the materials, looking at where the economic growth has come, looking at where the employment has come. One might conclude, simply looking at the data, that extractive industries are not going to provide a stable future for the State of Utah.

Statistics for Washington County, which is Utah's fastest growing, total and per capita personal income are rising in the region as a direct result of growth in the service sector.

The conservation of 3.2 million acres by the BLM as wilderness study areas in 1980 did not devastate the affected county economies. Growth that occurred in each of these counties through the 1960's and 1970's continued through the 1980's and 1990's despite the negative economic effects caused by the drop in energy prices.

Yet even with the decline in extractive industries and their decreasing impact on job creation, S. 884 was put together to reflect the old economic thinking and old economic patterns with boundaries set to accommodate a series of new extractive developments which threaten currently pristine areas. These include a proposal for a large tar sands mining development on the edge of Glen Canyon National Recreation Area and in the Book Cliffs; a 3,000 megawatt coal-burning power plant in the heart of the Kaiparowits Plateau—as I said earlier, one of the three or four largest undeveloped areas in the lower 48 States—coal strip mining south and west of Bryce Canyon National Park; a petroleum and carbon dioxide gas extraction field in the headwaters of the Escalante River, involving as many as 97 production wells and 11 four-story compressor plants; chaining of thousands of areas of forests, some of which would be visible from Bryce Canyon National Park; and, even construction of a railroad. One tar sands project alone, in the Dirty Devil area, would entail the drilling of 35,000 injection and recovery wells, the construction of at least 100 miles of associated roads, 30,000 acres of soil disturbed, 14,000 acres of vegetation stripped away, and 2,000 archaeological sites disturbed or destroyed. In order to support these projects, hundreds of miles of new roads to gain access and new facilities to feed and house workers would be needed.

The bill itself includes damaging language which allows unprecedented incompatible uses even in supposedly protected areas. These include allowing jeeps, motorcycles, and other off-road vehicles on remote dirt tracks, low-level military overflights which disturb wilderness solitude and even future dams, pipelines, and communications antennas in some areas. Accommodating these proposed uses, no matter how speculative or damaging, was the principal reason many important areas were dropped from consideration for wilderness designation under S. 884. Boundaries seemed to be altered and entire regions omitted in order to permit new, large damaging projects which would fuel yet another cycle of economic boom and bust.

Unfortunately, these projects proposed for the Colorado Plateau look familiar. They are the same types that have failed in the past because of unfavorable world commodity prices, lack of demand, or simply the high cost of doing business in a remote and forbidding area. While it is unlikely that most of them would ever be completed or be economically viable, even preliminary site work, such as roadbuilding, would destroy their wilderness qualities forever.

So, that is what I see is the economic circumstance in Utah. The extractive industries declining both as a percent of the State economic product and the numbers in employment, and this bill going in the direction of trying to keep that future available, to the great detriment of the fastest growing areas, the service sector, and in particular tourism, that is growing every year as more people want to come and see and experience these remarkable lands on the Colorado plateau and in the Basin Range.

The way to look at Utah's future, from my own view, and this is just my view, and the role that this bill will play in that future, is not from an absolutist perspective, however, not from an absolutist perspective that elevates environmental values above economic growth. Development is not wrong, and it has a place in both the publicly held and private lands of Utah. The principle that it must apply, in my view, is that of sustainable development.

(Mr. DEWINE assumed the chair.)

Mr. BRADLEY. Sustainable development is not pure abstraction, but a real plan for action with a specific definition. The definition endorsed by the President's Council on Sustainable Development, in a report issued last month, is as follows:

Sustainable development means:

To meet the needs of the present without compromising the ability of future generations to meet their own needs.

It is a concept with an imperative behind it that is much like the imperative to balance the Federal budget, only much broader. It brings together the idea of a growing economy in which every adult has the opportunity to earn a living and support a family with the promise of a healthy life and a high quality of life for this and future generations.

What does sustainable development mean in the American West? Charles Wilkinson, a law professor and historian of Western lands, puts it well. He says:

Good science, good laws, good economics, and good communities come together in the idea of sustainability. At its core are the responsibilities lodged in the idea of intergenerational equity which [has been described] as the principle that ''every generation receives a natural and cultural legacy in trust from its ancestors and holds it in trust for its descendants.'' Development cannot wear the land and waters down but rather must maintain their vigor. A working policy of sustainability encompasses a practical and phased-in, but still rigorous and comprehensive, program of conservation so that consumption can be reduced. But the obligation to provide for the next generations also includes the duty to maintain a vital economy. Sustainability, then, affirmatively recognizes the need for development. . .

The first step in approaching sustainability is to identify exactly what must be sustained—the ''natural and cultural legacy'' that we have received and must pass on. Traditional extractive development in the West has focused only on the specific resources being extracted. Water projects, for example, were designed to meet only the demand for water, by which was meant water as a commodity—for mining, farming and ranching, energy development, and industrial, municipal, and domestic use. Any other benefits, such as the blue-ribbon trout stream on the Navajo Dam on the San Juan River, were purely secondary and often accidental. Avoidance of negative effects, such as loss of the salmon runs, was largely a matter of luck, as when the Army Corps of Engineers' fish ladder at Bonneville Dam on the Columbia actually turned out to be workable. The overriding goal was to create commodity benefits, which were viewed as being nearly infinitely sustainable in those simpler times. . .

But our thinking has evolved. In many national forests, a broader view of sustainability is not being achieved. Only the specific resources being extracted—commercial timber —is being renewed. Other parts of the forest, which must be taken into account to achieve true sustainability, are in jeopardy. The health of certain fish and wildlife populations. Soil on steep slopes. The recreation economy. Species diversity. The ancient forests. Views. Beauty. Glory. Awe. Sustainability is measured not by board feet but by the whole forest.

Unless you disagree with the concept of sustainable development, that we owe our descendants the legacy we have received from our ancestors, it is imperative to compare the Utah wilderness bill with this idea. Before I go into great detail about the specifics of the bill, I want to briefly consider the question, Does the bill live up to the idea of sustainable development?

First, the bill elevates one set of resources above all others, both within and without the areas designated wilderness. Grazing, mining, timber sales and commercial development are protected. The wilderness designation boundaries creep carefully around the sites of planned development. The wilderness value is secondary and incidental to the other aims, and appears to be almost accidental. All evidence suggests, as I will show later, that the ''using interests'' of Utah, and their friends at the BLM, seem to have asked the question: ''What areas don't we want for mining and development?'' before they asked ''What areas do we want protected for the future?''

Second, the uses that are given priority are not those which will lead Utah to a sustainable, prosperous future. Minerals, timber, water, and grasses are not infinite resources, and cannot be sustained without limits. Mining and agriculture add up to about $800 million of the total income of the State. That is down from $1.1 billion in 1980 and steadily declining. The rest of the Utah's economy, all that earned from other sources, has grown from $20 to $30 billion in the same time. So mining and agriculture, from $1.1 billion to $800 million, the rest of the economy growing from $20 billion to $30 billion at the same time. In extractive industries, it costs more and more to bring fewer and fewer returns as resources are exhausted. The economic values of tourism, quality of life, nonextractive industries, such as software development, high technology, grow and grow as more is invested in them.

Third, the bill not only fails to protect the natural legacy for future generations, it affirmatively denies them the right to protect it for themselves, and that is the section on managing it for suitability for wilderness.

Fourth, there is yet another component which Wilkinson describes as part of sustainable development in the West: the idea that a community can best determine for itself how to preserve its legacy for its children. He writes:

After identifying all economic, environmental, cultural and abstract (or spiritual) elements that need to be sustained, [I envision] a community coming together; identifying problems; setting goals—a vision—for a time period such as twenty or forty years; adopting a program to fulfill those goals; and modifying the program as conditions change.

The process that led to this bill was the opposite of this idea. Instead, an agency in Washington, crippled by politics and captive of interests, decided on its own which elements needed to be sustained. It ignored, denounced, and shouted down the county commissioners and citizens who had other thoughts. Finally, the process brought us a plan that cannot be altered if conditions change.

So now, Mr. President, I want to put the bill in some context. I have already spent some time this morning talking about the history of public lands in our country and how the Federal Government's stewardship of our Nation's environmental heritage has evolved over the years. I think this history provides the context within which to address the situation that faces us today: how do we achieve a balanced, reasonable plan for conserving America's natural heritage while providing opportunity for economic growth and development across our public lands? This is the challenge we face today as we consider the Utah Public Lands Management Act.

This bill—I have not seen all of the changes in the modification that was sent to the desk, so I would add a couple other hundred thousand acres here or there—but this bill would designate between 1.8 and 2 million acres of wilderness in Utah. It would release approximately 20 million BLM acres of land that are not designated as wilderness areas. It would allow the State to exchange land with the Federal Government. It would deny Federal reserved water rights on lands designated as wilderness. It would provide new management directions for the designated wilderness areas, some of

which are exceptions to the standards established in the Wilderness Act of 1964 that would allow military overflights and allow motorized access. It will allow motor boat access in designated areas. The legislation, in my view, fails to strike the balance between using our natural resources, which is the right of all U.S. citizens as stakeholders in a common heritage, and abusing natural resources which are the shared heritage of the entire people of the country.

This legislation designates too little of Utah's spectacular landscape as wilderness. Of the almost 22 million acres of BLM land in Utah, only about 1.8 to 2 million, less than 10 percent, would be designated as wilderness. Vast tracts of America's most magnificent public lands would be left open to development; the wilderness that is designated by the act would be managed in a manner contrary to the protections afforded by the Wilderness Act, and the unprecedented inclusion, now modified somewhat, of hard release language would attempt to bar the rest from forever being protected by the shield of wilderness designation.

Before I begin to talk about the specific shortcomings of the bill—and there are several serious flaws that I want to call to the attention of the Senate—I would like to take a moment to sketch the history of public lands management in Utah since the adoption of the Wilderness Act in 1964, because I think that history paints a clear picture of how we arrived at our present dilemma.

In 1964, Congress enacted what Charles Wilkinson called one of our Nation's noblest, most future-looking innovations. The Wilderness Act of 1964 established the National Wilderness Preservation System and marked the first time any government had ever legislated in favor of wild lands. Today more than 125 other nations protecting more than half a billion acres have followed the lead of the United States in establishing protection for their wilderness acres.

However, the 1964 act did not include, as I said earlier, Bureau of Land Management lands; only national forest, parks, wildlife refuges were covered under the protective umbrella of the act. However, in 1976, in response to concerns raised by citizens in southwestern Utah, Congress finally called for a wilderness study of all BLM lands nationwide. Each BLM State office was directed to inventory all roadless areas with wilderness characteristics. Following on the heels of the inventory, each State office was directed to study, hold hearings, and recommend—after giving full weight to all issues, including economic concerns—which areas in the inventory should be defined as wilderness areas. Every State complied with this directive with the exception of Utah.

BLM officials in Utah failed to produce an initial comprehensive inventory of roadless areas with wilderness characteristics in their State. Instead, they embarked on a course that I think mirrors the debate we have here today. In 1980, after only a 1-year period of study, the Utah BLM eliminated nearly 20 million acres from wilderness consideration. In one fell swoop, the BLM removed an area of land that was five times the size of my own State of New Jersey from wilderness consideration. This move left just 2.6 million acres protected, which was later increased to 3.2 million acres after appeals by Utah conservationists. Finally, in 1991, the Utah BLM delivered its final recommendation of lands to be designated wilderness areas—and that figure was a mere 1.9 million acres. This low-ball figure was derived as a result of the BLM inventory process that was, I think, much too sensitive to the developmental interests.

The history of the BLM inventory is crucial, and it is a crucial part of the story of public lands in Utah. We need to understand that Utah's BLM wilderness inventory was not an unbiased, scientific study, but it was the result of a highly politicized process. The inventory work done in the 1970's and 1980's was politically driven, and the results were seriously flawed. The flawed product, with its recommendations of 1.9 million acres to be designated as wilderness is replicated in the bill S. 884 we are considering today.

Criticism of the BLM inventory process has come from all corners, with the most striking group being BLM employees involved in conducting the inventory.

In response to these criticisms, in August 1980, just prior to the BLM's final inventory decision, Terry Sopher, the national director of the BLM wilderness program, traveled to Utah to investigate charges that the inventory had been misdirected for some reason or another. Sopher reported that, ''Based on what we had seen, there was an egregious violation of policies.'' Sopher returned to the District of Columbia to recommend that the inventory be redone. However, that recommendation and that effort was halted after the 1980 election.

A decade and a half later—go forward a decade and a half; that was 1980—1995, BLM employees were still voicing strong criticisms of the way the inventory process was conducted. On July 7, 1995, Janet Ross, who worked as a BLM employee on the BLM official inventory work in Utah, held a press conference with the former BLM national director, Jim Baca, and coordinator, Keith Corrigan. All three told the press that BLM's wilderness inventory excluded wilderness for reasons that were not exactly clear.

Ms. Ross, now director of the Four Corners School of Outdoor Education located in southern Utah, said,

It is my experience and professional judgment that we did not perform and were not allowed to perform a competent wilderness inventory. The result was that substantial wilderness-quality acreage was arbitrarily excluded from further study and proper consideration.''

Utah newspapers following the inventory process were also extremely critical of the inventory process. Following the inventory work, in August 1982, the Salt Lake City Desert News editorialized against the BLM's work. It wrote, ''* * * there was much Utah land that should have been considered for possible designation as wilderness, but the BLM 'just' did not study it.''

Additionally, in the 1980's, Utah citizens filed a series of legal challenges with the Interior Board of Land Appeals against the BLM's inventory, appeals which covered 925,000 acres in 29 roadless areas. In 1983, the administrative court responded with a stunning indictment of the BLM's work in the largest appeal of its kind in the history of the court. The Utah BLM had been in error, the board ruled, on 90 percent of the lands in question. Citizens were unable to challenge all of the wilderness areas the BLM dropped during the inventory because they faced a 30-day deadline, and a single one of the appeals often required filings that were 2,000 pages, several hundred photographs, and over 100 affidavits.

The belief that the BLM inventory process was seriously flawed was shared by congressional committees that held oversight hearings on the process. In 1984 and 1985, House Public Lands Subcommittee Chairman John Seiberling held a series of oversight hearings to investigate charges that the Utah BLM's inventory was flawed. After the investigation, Seiberling told reporters, ''They've left out areas that obviously qualify for wilderness * * * their position is absolutely absurd.''

Spurred on by the realization that the Utah BLM's erroneous work would result in millions of acres of wild lands being subject to the possibility of development, Utah citizens conducted their own inventory. The citizens' work took years, requiring thousands of hours of field work. Unlike the BLM, these citizens walked every one of the roadless areas on foot and determined that there were actually 5.7 million acres of remaining wilderness. Their work was published in a 400-page book entitled ''Wilderness at the Edge.'' There was a bill that their proposal recommended that was introduced in 1989 by Congressman Wayne Owens. When he left the House, Representative MAURICE HINCHEY reintroduced H.R. 1500.

Now, Mr. President, now that I have had the opportunity to chronicle the controversy that has surrounded the development of this legislation, I want now to discuss the specific flaws in the bill. S. 884 suffers from several major flaws, each of which merits serious consideration.

First, and most alarming, is the hard release language. Not only the 4 million acres which Utahans seek immediate designation, but also the additional 16 million acres of Utah BLM lands. As I heard the modification, the

bill has been modified, and it has been improved. The change is helpful, but I will argue later why that change is not sufficient, and how it is in its present structure, a back-door way for doing the exact thing that the original bill had intended to do, while at the same time doing it a little more skillfully.

Second, the bill leaves nearly 4 million acres of America's Red Rock Wilderness open for development. These 4 million acres, some of our most magnificent national treasures, landscapes that would no longer be protected for our future generations, include Fish and Owl Creek Canyons on the east side of Cedar Mesa, that is the home to 1,500-year-old Anasazi cliff dwellings; the wild country of the Kaiparowits Plateau that I talked about earlier; the heart of the Dirty Devil canyon system; the slopes of the Beaver Dam Mountains; the White Canyon, with its important habitat for desert bighorn sheep and lands adjacent to Zion National Park; and countless others in the basin range region. I will save for another day the discussion of the basin range region.

Third, the bill transfers a large chunk of the Kaiparowits Plateau Wilderness out of Federal ownership to the State of Utah for the development of a coal mine, with no regard for its outstanding actual quality or value.

The Kaiparowits, as I described earlier, is inhabited by a wide variety of wildlife species, including mule deer, mountain lions, coyotes, foxes, and over 210 species of birds. Several areas on the Kaiparowits contain examples of the marine and terrestrial fossils found nowhere else in the world. If the Kaiparowits were to become State land, the national public would have no voice in how the land is managed.

Mr. President, S. 884 would designate no wilderness in the half-million-acre Kaiparowits region of south central Utah between a slice of Fifty Mile Mountain on the east and a sliver of Paria River on the west. Instead, more than 50,000 acres in the heart of this omitted region would be turned over to the State of Utah to facilitate coal development.

Fourth, the bill expressly denies a water right to wilderness areas designated by this act. In the two most recent BLM wilderness bills enacted—for California and Arizona, and I think also in Nevada—Congress reserved a quantity of water sufficient to fulfill the purposes of the act, which is protecting lands designated as wilderness areas. This bill would deny the right to water for lands that are protected under this act, thereby preventing protected lands from having the right to the very water which gives it life. Ironically, one of the reasons for granting wilderness protection to desert wild lands in Utah is to shelter relatively rare riparian ecosystems. Protecting the lands which contain the habitat of species that live on the banks of rivers and lakes without protecting the water which sustains these same systems is shortsighted, to say the least.

Fifth, the bill includes provisions permitting the State of Utah to exchange State land within or adjacent to wilderness areas for Federal lands in other locations, so long as the lands exchanged are of approximate equal value. Taken at face value this would benefit both parties. However, Sylvia Baca, Deputy Assistant Secretary, Land and Minerals Management, at the Department of Interior has testified that ''equal value'':

* * * is clearly not the case when the specific tracts shown on the map are reviewed. The tracts proposed to be obtained by the State have high economic value for mineral, residential, or industrial development. The fair market value of the lands may be 5 to 10 times more than the value of the lands that would be transferred to the Federal Government.

Mr. President, S. 884 also permits partial exchanges that would allow the State to acquire desirable Federal land in exchange for whatever land the State wants to give up. The State gets to arrange, in other words, both sides of the transaction. It identifies both the lands it wants to dispose of and the lands it wants to acquire. The Federal Government must approve the transaction, once again, provided the lands are of approximate equal value.

Sixth, this bill makes broad exceptions to the Wilderness Act of 1964, dangerous precedents, which the act affords protections that preserve the unique and spectacular wilderness qualities of public lands. These exemptions would allow and in some circumstances even encourage new nonwilderness activities in designated wilderness areas.

For example, passage of this bill would restrict the Secretary of Interior's authority to control motorized vehicles in wilderness, even on new routes; allow new dams to be constructed under the guise of modifying existing small spring catchments; allow new water users to dry up wilderness streams; allow the construction of permanent buildings and roads and wilderness under the guise of interpreting cultural resources; allow the military to construct new communication sites in wilderness; and include special unnecessary overbroad language permitting low-level military flights and the establishment of new special-use airspace over wilderness; and provide livestock permittees an argument for special treatment on allotments in wilderness.

Mr. President, those are what I consider to be the major flaws in this bill. I know that some of my colleagues will argue that preservation of Utah's unique national heritage is a matter best left to the State's own delegation with its considerable wisdom and considerable talent. In this case, I have to disagree. Wilderness is a gift we give to our children and grandchildren, a gift that once destroyed can never be reconstructed. The children of New Jersey deserve it, as much as the children of California or Colorado.

As a Southwestern poet, Ann Weilern Walka, has written of southern Utah, this beautiful, vast, unique area of the world:

Why not acknowledge that there is something here more important to our beleaguered society than a marginal mine, an overgrazed permit? A great American myth is embodied in wild lands, and it is myth, ultimately, that holds people together.

The bits of this continent, too formidable to penetrate by road the last of what drew our ancestors to North America, be it ten or ten thousand years ago, an opportunity to breathe deep and re-imagine their lives. The scraps of Eden still afford us awe in an age of cynicism, steady us when human affairs are dizzyingly complicated, reaffirm our eroding sense of American innocence and courage.

Places like these, places to get lost, to become grounded, to meet our Maker, to rediscover our forebears' resourcefulness and grit, to take heart, are promised in our most abiding stories.

I might close my opening statement with a quote from the Oakland Tribune that reminds us that ''The battle over public lands in the West is a battle between two philosophies: one that says untouched land is inherently valuable to all Americans, from those who use it for solitude and recreation to those who simply enjoy knowing that there are still pockets of nature left on the continent; and one that says all lands, including those owned by the public, should be put to work in one way or the other.'' These public lands belong, I believe, to the former group, and so do I.

I yield the floor.

Mr. HATCH. Mr. President, I have been intrigued by the comments and remarks of my colleague from New Jersey. But I have to say that during the course of this debate, we are going to show a number of those remarks to be in error. Let me mention a couple of things right off the top of my head. He mentioned the beauties of the Kaiparowits Plateau, which I have tramped on and been around.

I might add that, in this bill, if you include just Fifty Mile Mountain in that area and the Paria-Hackberry area, you are talking about 220,628 acres out of that area that are going into wilderness. The implication is that we are not doing anything about wilderness. My gosh, almost 221,000 acres. With the Dirty Devil area, which was mentioned, we are designating more than 75,000 acres. We are talking about 2 million acres here. Since the BLM began studying this issue almost 18 years ago, more than than $10 million has been spent, countless hearings held, town meetings scheduled—many efforts to bring people together. The affected county people are upset, many not wanting any acres at all in wilderness. Then, there is the other extreme wanting 5.7 million acres.

The BLM, looking at it all, said that the only acres that even came close to qualifying for true wilderness are 3.2 million. That is the study area. Nobody in their right mind expected that whole

study area to become wilderness. Everybody knows that once it is designated wilderness, it is used only basically for backpacking. You can walk on it, and that is about it.

The people of Utah and everybody else would be basically frozen out from using any mechanization, including a bicycle, on the property. So even if you assume that the whole 3.2 million acres might qualify for wilderness and that the entire amount should be taken, that still is all there would be. These people who are so extreme want 5.7 million acres.

Keep in mind, the definition of wilderness is this. Section 2 of the Wilderness Act of 1964 says: ''A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the Earth and its community of life are untrammeled by man and where man himself is a visitor who does not remain.''

Further, it is defined as:

An area of undeveloped Federal land retaining its primeval character and influence without permanent improvements or human habitation, which is protected by man so as to preserve natural conditions and one, which generally appears to have been affected primarily by the forces of nature with the implants of man where it is substantially unnoticeable; two, has outstanding opportunities for solitude or primitive and unconfined type of recreation; three, has at least 5,000 acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; four, may also contain ecological, geological, or other features of scientific, scenic, or historical value.

Furthermore, it said that you cannot put mechanization on this land. We in Utah understand wilderness. I was one of the pivotal people in getting it passed a number of years ago, along with Senator Garn and Congressman HANSEN. We passed 800,000 acres of Forest Service. There was a lot of screaming and shouting then. Today, virtually everybody admits that was a wonderful bill. It has worked well. We are proud of it. We are proud of our wilderness in Utah. We do not want people from other States coming in and accusing us of raping the land or robbing the people of the country as a whole, or taking away their rights, when we understand our land and we know it. We have been there and we have walked over it and we have driven many of these areas.

Frankly, it does make sense to me for those who come into our State demanding 5.7 million acres when the total study area was only 3.2 million. They should listen to a leading BLM figure, Mr. James Parker, the former Associate and Assistant Director of BLM, former BLM State director for Utah, who stated in testimony before the Senate Subcommittee on Forest and Public Land Management on S. 884, the following:

Based on my personal experience with, and review of, the detailed reports and analysis prepared by the professional staff of BLM and other entities of the Department of Interior, I believe that S. 884 is appropriate and that it includes most of the areas that truly deserve to be designated as wilderness in Utah. I believe the acreage figure is both credible and in line with what meets the criteria for wilderness designation. I also believe that it meets both the spirit and intent of the Wilderness Act of 1964, and the proposed designations fit well into the overall management scheme provided for by FLPMA for management of the public lands.

This is the first time I have heard these indications, except from the most extreme people, that the BLM is an organization that is not tremendously concerned about the environment. It has always been environmentally oriented in our State. With regard to the BLM Utah State process, Mr. Parker said:

The process was open to every citizen of the United States, it was well defined, the criteria well-documented, appeals and protest rights were all publicized and used by groups and individuals on both sides of the issue, and extensive documentation was completed for all aspects of the process. Undoubtedly, this is one of the longest running, most expensive, and most intensive public involvement efforts in the history of Utah.

On the factual aspect of public involvement of this process, Mr. Parker provided the following information:

During the 15 years it took to complete this wilderness process in Utah, more than 16,000 written comments were received, analyzed, and incorporated into the decision process. More than 75 formal public meetings and hearings were held by BLM, and hundreds of face-to-face discussions and workshops were conducted. Thousands of pages of documentation were prepared, printed, and distributed for public review and comment, and countless briefings were held and questions responded to. For the draft environmental impact statement alone, 16 separate hearings were conducted, over 700 people testified, and over 6,000 people commented in writing. The resulting EIS fills 10 large books and consists of 7 volumes, plus analysis of public input and agency response.

Let me make the point that the people arguing against us, have produced a beautiful book that contains their recommendation. It is done in this book here. That is their work. I give them credit for it. It is a beautiful book and there is a lot of good information. But this is just part of the study of the Federal Government and the BLM. Here are some more parts of the study, from the Geological Survey on through. That is what we have gone through, not just the study in the interests of a few, but the interests of everybody.

I am glad that we have done that. The fact is there has been a lot of study there. There has been some suggestion here that the BLM development process was flawed. Let us see what Mr. Parker had to say. We are not quoting some liberal, environmentally-oriented professor from Colorado who does not even live in Utah. We are talking about the head of the Utah State BLM Office.

I came to the conclusion that, while it was not a perfect process, it was carried out in a very open, professional, and orderly manner. The criteria had been adhered to and procedures had been followed.

Just look at it right here.

There was extensive documentation of the decision process.

Just look at it. It is enough to blow your mind.

There had also been a great deal of oversight in testing the decisions by higher levels of the organization, the Department of the Interior, and by special interest groups on both sides of the issue through the appeals and judicial challenges. I believe that the professional staff of BLM and the other agencies involved—

It was not just BLM; there are a number of Federal agencies involved in all these studies.

involved in both Utah and in the headquarters level in Washington. . .

Let us get with it. People here in Washington are not going to let us make mistakes here. The people out there are not going to let us make mistakes. Both areas are environmentally oriented, almost to the extreme in some areas. But Mr. Parker says:

I believe that the professional staff of BLM and the other agencies involved in both Utah and at the headquarters level in Washington and elsewhere did a very credible job in carrying out the mandate of the law.

In the process pursued by the Utah congressional delegation to develop S. 884—remember, this is the head of BLM in Utah, former Associate and Assistant Director of BLM and former BLM State Director for Utah on this process pursued by our Utah congressional delegation—Mr. Parker stated,

I believe the recent process used by the delegation and the Governor was not only appropriate but was a rather gracious gesture—

I have to tell you it was. But let me continue.

given the extent of previous public involvement in the numerous opportunities that have existed over the past 17 years for individuals and groups to become involved in and to impact the process.

Regarding the future use of lands that are not designated in our wilderness bill, S. 884, Mr. Parker continues:

All of the public lands in Utah are covered by land use plans. Some of the plans are not as current as they might be but they do provide protection for the resources. These plans, along with other laws and regulations, provide many options for land managers to use to protect the land and their resources. While allowing for appropriate authorized use and enjoyment of the public lands, no lands in Utah would be unprotected, nor will they be open to uncontrolled development if they are not designated as wilderness.

That says it all. These lands are not going to be ripped off. These lands are not just automatically developed. There are not going to be shopping centers everywhere. The fact is they will be subject to the environmental rules and laws in existence today. Mr. Parker also has written the following in a recent newspaper article about H.R. 1500, the bill which apparently our colleague from New Jersey supports as well as people who have never stepped foot in Utah, who have never looked at it, and who do not understand our State. I might add they include many

environmental organizations that are very sincere in what they are doing, but on this issue they are sincerely wrong:

This ill-conceived proposal—

Mr. Parker is talking about H.R. 1500, the environmental bill that would have 5.7 million acres—

This ill-conceived proposal includes in its boundaries private homes and buildings, cultivated fields, chained areas, thousands of acres of private and school trust lands, and other areas that cannot be designated as wilderness. It also includes hundreds of miles of roads.

In this study book of theirs we have placed a tab demonstrating where there exist many miles of roads. They try to say these roads are abandoned or not used, and so forth—some of them may be. The fact of the matter is that hundreds of miles of roads have been included in their proposed wilderness areas. We have gone over many of those areas. A lot of it is low-lying sagebrush land along highways. That is how ridiculous this is. Mr. Parker goes on to say:

Also included are—

Mr. Parker criticizing H.R. 1500, the environmental bill or I should say the environmentally extreme bill.

Also included are oil and gas wells, hundreds of mineral leases and mining claims, rights of ways, et cetera, all of which would conflict with wilderness designation. Many of the areas in the proposal lack the 5,000-acre minimum specified by the Wilderness Act and are ''cherry stemmed'' in the extreme leaving narrow necks of land that would make them totally unmanageable as wilderness.

That is what a lot of this stuff is. I would prefer to go with these things. I do not always agree with what the Federal Government has done in all of these wilderness studies, but we have spent millions getting to the point where we brought people together from all over the State of Utah and, frankly, from all over the country, to achieve what we have been trying to do.

So you have a study area of 3.2 million acres that is well studied, well documented. It is misleading to indicate that the BLM did not do its job here. In fact, we thought that it did too good of a job. Many people in Utah did.

After reviewing the 3.2 million acres, the BLM in its final recommendation, after all of this work, concluded that we should have 1.9 million acres. That would be the right figure. This bill as originally filed proposed 1.8 million acres, 100,000 acres less than the 1.9 million that the BLM called for. To accommodate our colleagues here in the Senate, because we know that our colleagues are sincere in wanting more wilderness acres, we have gone from 1.8 to 2 million.

Let us take a look at what 2 million acres equals, just so people realize how vast this amount is, and why we are so upset that certain groups are coming into our State and telling us what we can and cannot do in our own State. And, all this after Senator BENNETT, I, and the Members of Congress in the House have worked on this issue for, in my case, 20 years, to get to this point where we can resolve this matter. I should point out that both sides on this issue are mad at us most of the time—those who do not want any acreage and those who want everything, like our friend from New Jersey. The affected counties wanted just over 1 million acres, that is all. They did not want any more, and in some area they did not want that, to be honest with you. They really want zero, especially in the mainly affected counties. But, at the most, we finally got them to agree to 1 million acres.

To those who never have budged from 5.7 million acres, not one acre, we propose an amount of 2 million acres, which is 100,000 above that recommended by the BLM. Look at what it means. Just so you get the idea of how vast this is. Two million acres is equal to 100 percent of the whole State of Delaware—they only have 1.2 million acres in Delaware; 63 percent of the whole State of Connecticut, which is only 3 million acres; 41 percent of Senator BRADLEY's New Jersey—in other words, our 2 million acres is almost half of his State—he has 4.8 million acres in New Jersey; 41 percent of the whole State of Massachusetts; 35 percent of the whole State of New Hampshire; and 34 percent of the whole State of Vermont.

I think people ought to stop and look at this. We live in Utah. We believe it is the most beautiful State in the Union. We do not think there is any question about it. We think many people will confirm that. We think all States have much beauty in them. But the fact of the matter is that after all these years of study, all of these years of conflict, and all these years of having both sides mad at the congressional delegation, with some wanting none and always the environmentalists wanting at least 5.7 million, if not more, since Wayne Owens originally filed the bill in 1988, it is time to settle this matter. Representative Owens' bill totaled 5.2 million, by the way, as I recall. The New York Congressman, who at the time he filed his bill had never stepped foot inside of Utah, introduced a measure to designate 5.7 million acres, and that becomes the battle cry for these people. It is an extreme battle cry.

At the outset, my colleagues should understand one very important fact. We in Utah love our State. We love and cherish our land, which is comprised of some of the most beautiful and picturesque scenery in the world. I am going to get into it in just a few minutes as to what we are doing.

When we talk about the Kaiparowits Plateau, we have 220,000 acres in there, and of the other areas cited by my friend from New Jersey, there are 75,000 acres of the Dirty Devil, and 16,000 acres of the Fish and Owl Creek. Even this proposal is being criticized as well.

Mr. President, I really cannot say how disappointed I am that some of the Members of this body have chosen not only to oppose the Utah wilderness provisions of this bill but also to engage in such questionable debate about it.

My friend from New Jersey, Senator BRADLEY, issued a press release on Friday announcing that he would try to block the Utah wilderness legislation from passing. He has a right to do that if he wants to. Actually, for those of us involved, this is not big news. The Senator from New Jersey has done a pretty good job of blocking it so far, as well as most of the rest of the bills in this amendment, since last April. It is because he has that Chairman MURKOWSKI has included our wilderness bill in this overall package, knowing that it is the just thing to do. It just seems to me that this press release is a public way of throwing down the gauntlet and, believe me, I am sincerely sorry for that. The Senator from New Jersey has announced that he intends to take down legislation that is critical to our State. What am I supposed to do? What would any Member of this body do if he or she found himself or herself in our shoes? If anyone here does not know the answer to that question, he or she does not belong in the Senate.

I have heard all the rhetoric about Utah land belonging to the Nation as a whole. And it may surprise some of my colleagues to hear that to a certain degree I agree with that. I believe certain problems and concerns affecting some States must be shared nationally. But let us get one thing straight. The impact of this legislation, and in fact the adverse impact of failing to pass this bill, is going to fall on Utahns only—not on New Jerseyites, but on Utahns. It will not matter to a citizen of New Jersey or Florida or Wisconsin that a small town in rural Utah like Kanab, UT, dies a slow death because its land has been locked up, unjustly locked up. It will not matter to the average Illinoisan that the town of Summit, UT, faces a water crisis because existing water rights have not been respected in the second driest State in the Union.

Just who do my colleagues think is going to bear the heaviest consequences of our decision with respect to the Utah wilderness issue? In all honesty, this press release sounds like it could have been written by the lobbyists for the National Resources Defense Council. I simply cannot believe Senator BRADLEY would have personally approved its content. It says that ''The current Senate Utah wilderness legislation would direct that 20 million acres of Utah lands can never be designated as wilderness in the future.''

Now, where on Earth did this come from? Neither the original bill that Senator BENNETT and I filed nor the substitute says any such thing. Moreover, the BLM has never even identified 20 million acres of land as wilderness worthy, as I have pointed out earlier. This figure represents 91 percent of the BLM's total landownership in Utah.

(Mr. KYL assumed the chair.)

Mr. HATCH. My friend from New Jersey, Senator BRADLEY, knows the difference between the BLM inventory and the study areas, which is why I really do not believe he really approved of this press release. He goes on to say that ''If the bill becomes law, it would permit the transformation of these lands from pristine wilderness to strip mines, roads and commercial development.''

Now, Mr. President, these statements are patently untrue. Someone in the Senator's office has been grossly misled, and unfortunately these untruths are being distributed to the press as though they are truths. In essence, these are the facts. First, the upper number of acreage involved in this debate is over 5 million, not 20 million. Second, nowhere in our bill does it say that no more wilderness can ever be designated in the future.

Third, the land not designated as wilderness is still managed and controlled by the Federal Government in accordance with Federal land policy laws and regulations. I feel very safe in saying that there will be no environmentally irresponsible activity taking place on these lands now or in the future.

Fourth, there has not been a new strip mine in Utah in many years, even decades, and there will not be even after this bill passes. Yet the opponents of this bill know that using the term ''strip mine'' conjures up all sorts of horrible images. Its use in this debate is simply not justified.

In the same press release from Senator BRADLEY's office, he states that he will continue fighting for legislation to protect 17,500 acres along the New Jersey-New York border, the so-called Sterling Forest bill. The Senator from New Jersey is quite correct that the Sterling Forest bill passed the Senate without an objection. As public lands policy, I do not think the Sterling Forest bill was perfect, but I did not stand in the way of its passage. The Senators from New Jersey, New York, and surrounding areas wanted it. They represent their States. This legislation, the Sterling Forest legislation primarily affects New Jersey. If both Senators from New Jersey believe this legislation is in the best interest of their State and the country, I am going to defer to their judgment. Ditto the legislation for the Presidio and the Taos Pueble land exchange and the Arkansas-Oklahoma land exchange, et cetera, et cetera.

So I am a little annoyed, when Senator BENNETT and I propose legislation that has the support of our Governor, our legislature, our Utah association of counties, our educators throughout the State, and thousands of individual Utahns, that we are being second-guessed by Senators who do not represent this State.

Keep in mind, look at how much acreage we are putting in and how it relates to the States in the northeast where a lot of the complaints are coming from. The fact is that we are being sandbagged not so much by our colleagues but by a well-orchestrated and well-financed campaign staged by huge, huge national environmental lobbies who are pursuing their own national agenda.

Guess what. Their agenda is too much for the rural areas of my State. It would overwhelm them. We cannot support their agenda. And guess what else. The citizens of rural Utah and their local representatives cannot even afford to fight back. The National Resources Defense Council ran a half-page ad in the Washington Post that cost I believe $54,000. Good grief. For that amount Kane County School District could pay three schoolteachers. And that is only one of dozens of full-page ads in newspapers in this area and I guess other areas as well.

Actor Robert Redford has been a spokesperson for the environmentalists. I admire Bob Redford's convictions, but let us face it; what TV station would not want an interview with Robert Redford? The deck is surely stacked against rural Utah. It is an area small in population and small in financial resources and big in tourism, and they have to provide the tax base to provide for all the emergency services—the helicopter services, the hospital services, the law enforcement services, et cetera—in some areas where they just do not have the moneys to do it.

I urge my colleagues not to let these Utahns become victims of election-year politics, and I hope the President is not trying to show how committed he is to the environment on the backs of rural Utahns. I suggest to my friends in these other States that you are going to have peculiar problems in your States that you are going to have to deal with and you are going to have to have good-faith help from other Senators here to be able to resolve them. And we will try to help you resolve them as we Utah Senators always have.

If we allow our rural States to be abused in this manner, if we allow this to happen, then the integrity of this body will have been brought to a new low. We will have allowed the Senate to become a blatant instrument for electioneering. While I am not so naive as to think that political speeches will not be given or that politics does not play a part, I cannot remember a time when the interests of a specific State on a parochial issue were sacrificed in that way. So I really urge my colleagues to support the Utah wilderness provisions in the substitute amendment offered by Senator MURKOWSKI.

Let me, at this point, have printed the press release, so people can read it for themselves. I ask unanimous consent that the press release from Senator BRADLEY's office be printed in the RECORD at this point.

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

[For immediate release: Mar. 22, 1996]

BRADLEY PREPARING TO BLOCK ENVIRONMENTALLY DESTRUCTIVE UTAH WILDERNESS BILL

WASHINGTON, DC.—Senator Bill Bradley (D–NJ) said today he's ready to take the floor on Monday and point out all of the problems with the Utah Wilderness Bill, if it is offered as part of an omnibus lands package.

''The battle to preserve America's wilderness legacy has been joined. The Utah Wilderness bill is so bad for the environment that I will pursue any possible way of stopping it. It contains unprecedented anti-environmental language that must be debated at length,'' Bradley said.

Bradley pointed out that the current Senate Utah Wilderness legislation would direct that 20 million acres of Utah lands can never be designated as wilderness in the future. If it becomes law, it would permit the transformation of these lands from pristine wilderness to strip mines, roads and commercial development.

''It is unfortunate that this bad Utah wilderness provision is being folded into a package with less controversial and much needed legislation such as the already-passed Sterling Forest measure and a bill for the Presidio in the San Francisco Bay area. If passed with the Utah wilderness legislation, the package would set a horrible precedent by making drastic changes to our precious lands policies.''

''It isn't right to swallow a pill that would be poison to so much of America's great western lands just because it is sugar-coated with some good smaller preservation bills. Our public lands belong to all Americans, whether they live in Utah or New Jersey. They should never be given away to a few special interests,'' Bradley stated.

As for Sterling Forest, the Senator was firm in his refusal to give up on the measure that would protect 17,500 acres along the New York-New Jersey border. He pointed out that Sterling Forest has already passed the Senate without a single objection, and is awaiting action in the House of Representatives.

''If Sterling Forest is included in a bill along with this destructive Utah Wilderness measure, I believe President Clinton will veto it. If we are to save Sterling Forest, we must stop the packaging of these bills, which is no more than an attempt to get us to accept a bad public lands bill by wrapping it up in shiny paper.'' Senator Bradley said.

Mr. HATCH. Mr. President, much has been made about Utahns and how they feel about these issues. But my colleagues might say they do not know what Secretary Babbitt has to say about our proposal. That makes 100 of us, because, frankly, I do not know. I do not know what specific problems the Secretary has with our bill. I do not know what his specific thinking is on the water language, the military overflight section, the section dealing with cultural and archeological sites found within designated areas on the State's school trust land exchange, proposed in the bill. I do not know how he might modify them. Honestly, I do not know.

I have used the term AWOL, absent without leadership, on this floor in recent months to describe the administration's efforts in addressing our drug problem. This strategy of criticizing without putting anything positive on the table was also evident during consideration of the budget. It seems to be typical of the Clinton administration across the board.

To date, the Interior Department has not even sent us the letter in which Secretary Babbitt says he will recommend a veto of the omnibus package if the Utah wilderness bill is included. I suppose the Secretary assumed that we would have the privilege of reading his letter in the newspaper, which of course we have. I do not know why the Secretary has not tried to work with us in order to come to an agreement on the many critical issues contained in this measure. We have been working on it, just this measure alone, for the last 20 years; but, in particular, writing it for the last 15 months. The Secretary has not attempted to contact me or to have his staff contact my staff to discuss how certain boundaries for designated areas might pose management problems for his agency, the application of wilderness criteria, the special management directives, or any other concerns he has with this legislation.

It is true that last July, during the Energy Committee's hearing on our bill, Sylvia Baca, the Deputy Assistant Secretary for Land and Minerals Management for the Department of Interior, presented testimony on behalf of the Department and the Secretary on the bill as it was introduced. She included the following statement in her written testimony: ''If the bill were presented to the President in its current form, Secretary Babbitt would recommend that he veto it.'' What is even more amazing to me is that Ms. Baca's explanation for this position is based on the Interior Department's noninvolvement in the wilderness issue. The Department admitted that it has been AWOL on this issue, which is so important to our State.

When Senator CRAIG asked her why the Department did not agree with the 1991 BLM recommendation for wilderness and why there was no attempt by the current administration to modify it, here was her response:

Mr. Chairman, first of all I would like to point out that the Interior Department did not think that wilderness legislation was going to come forward. We did not come here today with a specific wilderness acreage number. I explained earlier that is because we have not been involved in the wilderness issue.

The Secretary has done nothing but criticize. He has offered nothing in the way of constructive suggestions for improving the bill. This can only mean he intended to recommend a veto without regard to what the bill was going to say. This strikes me very much as a knee jerk approach to protecting the environment, and it is as bad as those who say we should have no environmental protection at all—and there are plenty in my State who would like that position.

But we have had to be responsible here. We are the people who have had to handle this issue. We have been blasted by both sides, both extremes on this issue, for the last 20 years—but certainly the last few years in particular.

Fortunately, my colleagues in the Senate have been more helpful and more sincerely interested in resolving this matter. They have offered constructive suggestions for changes, many of which we have incorporated in this bill, many of which have changed some of the areas criticized by the distinguished Senator from New Jersey. Apparently he has not read the bill yet, at least the substitute, but I hope he will.

The bill before us today is not the same bill that was discussed last July. The bill we are debating today is a much changed bill. I am not sure it is better, but for those on the other side of this issue, on the environmental side, it is a better bill. It is fair. It is reasonable. And, above all, it is balanced. And we are trying to bring together everybody in Utah, not just one side of the equation.

The Secretary now thinks this issue of such import that he is threatening a veto of this entire package of public land legislation. This does not square with Ms. Baca's testimony that the Department has just been too busy to focus on wilderness. We in Utah have been focusing on it for 2 decades. We have forged ahead in the 104th Congress, to attempt to resolve this issue once and for all. I would like to have the Secretary with us, I really would. I would have been pleased to work with him every step of the way. I really would.

I know Senator BENNETT feels the same way. But, even as other Senators have offered amendments in the Energy Committee and during informal discussions, Secretary Babbitt is content to be silent except for a veto threat. His position today is the same as it was in July, when Ms. Baca testified for the Clinton administration. This is a little like a country threatening the use of nuclear weapons without bothering to tell the world why it is attacking.

It is time to move ahead with this legislation. The question of wilderness in Utah has gone on long enough. It has been studied to death. We are tired of it. It is time to designate new wilderness in Utah and to remove millions of acres from the regulatory limbo that they have been in. Let us give them legal status as wilderness, or responsibly manage them for other uses. I hope the Secretary will determine this is an important objective, because it is.

Let me answer the question many of my colleagues have posed to me over the past few years and certainly in recent months and that is: Where are the citizens of Utah on this issue? Over the last several days we have seen advertisements in the Washington Post, Washington Times, Rollcall and the Hill magazine, claiming several things. First, there is the claim that 3 out of 4 Utahns support the so-called citizens proposal, that would designate 5.7 million acres of land as wilderness.

Second, it is claimed that Americans are opposed to our program by a margin of 9 to 1.

This first statement refers to the process the Utah congressional delegation and Governor Leavitt followed last year to obtain input from our local citizens. During our statewide regional hearings we requested that any further comments and proposals on the wilderness issue be submitted in writing or by telephone to Governor Leavitt's office. The Governor's office made a tally of these letters and phone calls. The inaccurate claims made in these newspaper advertisements by the opponents of this bill stem from the summary report developed by Governor Leavitt's office on these additional calls and letters. Rather than explain this discrepancy to my colleagues, I have asked Governor Leavitt to tell us in his own words the truth about the comments and calls in his office. His letter says this:

DEAR SENATOR HATCH: As you know, there has been substantial confusion about the public sentiment in Utah concerning the BLM wilderness issue. Please accept this letter as an explanation of the public response which my office received with respect to this issue. Personnel in the Governor's Office of Planning and Budget read, recorded, and responded to each of the 3,031 individual letters which were received last year and also categorized the 551 individual public testimonies received at the public hearings held in Utah last spring and summer.

In examining this information, 51% of these letters and testimonies were in favor of no wilderness designation whatsoever or something less than the 5.7 million acre proposal.

Certain groups throughout the state have publicly stated that support for 5.7 million acres of wilderness has ranged from 70% at a minimum, to upwards of 75%. In Utah and throughout the country, these numbers have been quoted in numerous newspaper stories and in various correspondence, yet no one has ever contacted my office for verification of the numbers. As is evident by the above numbers, this is most definitely a misrepresentation of actual public sentiment.

In addition, there have been numerous surveys conducted on the wilderness issue over the last year. These surveys show that those respondents supporting 5.7 million acres have ranged from 19% to 36% depending on how the survey was structured and the way in which questions were asked. In these same surveys, 29% to 60% favored 2 million acres or less, also depending on survey structure and format of questions.

It is important that lawmakers in Washington have factual information when making decisions as important as this. The information supporting the numbers I have offered is all on file in the Governor's Office of Planning and Budget and available for anyone with questions or concerns. Thank you for your commitment to this issue and for the work you have done in the pursuit of the resolution of the wilderness debate.

Mr. President, this letter is clear enough. The figure utilized by the opponents of our measure misconstrues the information tallied by the Governor's office. It is interesting to note, this figure has mysteriously risen during this debate. First I saw a report that indicated the figure was 68 percent. Then it went to 70 percent. These recent adds have it at 73 percent, and one ad indicated it was 3 out of 4 Utahns, or 75 percent. Where are they getting these numbers?

The second statement that Americans oppose the Utah wilderness bill by a ratio of 9 to 1 comes from a straw vote conducted by USA Weekend. This feature in many of the weekend's Sunday papers asked me to present my position on wilderness opposite Robert Redford, the well-known Utahn who owns the Sundance ski resort, which is located by the way, among some of the most beautiful acres in the world.

At the conclusion of the article, the editors asked readers to write, phone or e-mail their votes for which position they supported.

Similar to the barrage of advertisements, letters and phone calls and mailers my colleagues are receiving, the USA Weekend was bombarded with responses. In fact, the responses were 9 to 1 against the wilderness proposal.

But USA Weekend was careful to point out that this is not a scientific poll. It was self-selected, which is a nice way of saying that people could vote early and often. The results of this call-in were, of course, skewed by those who responded to the urgings of national environmental organizations that they call in. In fact, just one of these groups, the Wilderness Society, has almost four times as many members as I have constituents. Think about that, four times as many members as Senator BENNETT and I have constituents in our whole State. To their credit, they can mobilize these members at a moment's notice, which is what they have been doing on this matter for months—for years now—but certainly over the past few weeks and certainly during that particular USA Weekend article.

Let us talk about real polls.

Dan Jones & Associates, Utah's most prominent and well-respected pollster, who has a tremendous record for accuracy, has conducted several surveys on this matter. Last April, he conducted a poll for Representative WALDHOLTZ, which revealed the following: Survey for Representative WALDHOLTZ, April 26, 1995—Dan Jones & Associates: 36 percent were for 1.2 million acres; 24 percent for 2.0 million acres. We are a little over 2 million acres in the substitute bill that is in the substitute amendment. 23 percent of those polled wanted 5.7 million acres. In other words, a lot more people were for 1.2 million acres or 2.0 million acres than there were for the 5.7 million acres, which received only 23 percent; 17 percent of those polled were not reported.

Later in the year, in May 1995, Dan Jones conducted a poll for the Wilderness Education Project, and the results were generally the same: 21 percent preferred 1 million acres; 16 percent for 1.2 million acres; 20 percent for 1.9 million acres; 15 percent for 2.8 million acres; 19 percent for 5.7 million acres. It actually had gone down; 8 percent did not know.

In June of last year, Dan conducted a poll for the Deseret News, which had the following results: 4 percent for zero acres, which means 4 percent did not want any wilderness at all in Utah; 18 percent were for 1 million acres; 26 percent for 1.8 million acres; 36 percent for 5.7 million acres; 7 percent for other, and 8 percent did not know. The highest percentage it has ever been for 5.7 million acres has been 36 percent, and then only after a massive publicity and advertising campaign done by these environmental organizations who have more money than anybody in Utah, certainly more than anybody on our side, and certainly more than the poor little people in these rural areas. The rural people, for the most part, do not want any or at least want very little acreage, but they have agreed to 1 million acres. And, now reluctantly they have gone along with the delegation—some of them have gone along with the delegation—for the 2 million acres but are very upset about it.

In addition to these polls, KUTV Channel 2 and the Coalition for Utah's Future conducted a poll in May. Their results were similar to the Dan Jones polls. This survey was conducted from May 5 to 17, 1995, by Valley Research: 5 percent for zero acres; 12 percent for 1 million acres; 12 percent for 1.9 million acres; 10 percent for 2.9 million acres; 23 for 3.2 million acres; and 31 percent for 5.7 million acres; 8 percent do not agree with any.

The summary of these polls is twofold. First, a majority of respondents in almost every poll, except for the respondents in the KUTV/Coalition poll, favored a designation of 2 million or fewer acres. In the Waldholtz poll, it was 60 percent; Deseret News, 48 percent; wilderness education was 57 percent.

Second, the 5.7 million acre proposal was not supported by a majority of respondents in any poll: Waldholtz, 23 percent; KUTV, 31 percent; Deseret News, 36 percent; wilderness education, 19 percent.

So, if my colleagues are looking for a definitive answer on how the majority of Utahns feel when it comes to a final acreage figure on BLM designation, these are the more reliable numbers. They are from reputable sources, polling organizations that use scientific methods, from both the left and the right.

I think a far more accurate assessment of where Utahns stand on this issue should be a letter that we recently received, Senator BENNETT and I, dated March 22, last Friday. This letter is on behalf of 300 of Utah's top officials—Democrats, Republicans, moderates, liberals, conservatives—300 of the elected officials in Utah, the vast majority of them:

DEAR SENATOR: You recently received a letter dated March 15, 1996 from a group of twenty calling themselves ''The Coalition of Utah Elected Officials,'' asking the ''Utah Congressional Delegation to withdraw S. 884 and reconsider the direction they have taken on wilderness.'' The letter states, ''most Utahns oppose S. 884.'' It further states that ''most local people consider this to be stridently anti-environmental legislation, not the carefully balanced package the Utah Congressional Delegation has been claiming it to be.

The letter goes on to say this:

These statements are not only preposterous—but blatantly untrue. The facts are that most Utahns do not want large amounts of acreage designated as wilderness in Utah. We the undersigned Democrats and Republicans strongly support Senators Hatch and Bennett in their balanced approach to Utah wilderness.

In reality, the Utah State Senate endorsed the provisions contained in the Hatch-Bennett proposal unanimously (27 to 0)—I might add that the leader of the AFL–CIO in Utah, a member of the Utah State Senate, voted in support of this resolution. . .

While the Utah State house voted 62 to 6, or 92 percent in favor. Across the State, elected commissioners in 27 of 29 counties support this bill. As this letter indicates, over 90 percent of Utah's elected county leaders support the Utah wilderness proposal now before the Senate.

Early in 1995, the Governor of Utah and all members of the Utah Congressional Delegation specifically tasked the elected county officials in each county where wilderness is being proposed, to hold public hearings and from those public hearings, develop a proposal for wilderness designation on the Bureau of Land Management lands in the affected counties. Numerous public hearings were held in every county where lands were proposed for wilderness designation. The county officials then designated their proposals for designating lands as wilderness from the public hearings. In every county where lands were proposed for wilderness designation, the county officials made their recommendations based on what they heard at the hearings. Many county officials recommended more acreage than they knew their citizens wanted, but they knew they had to do so in order to make a bill acceptable to Congress. Some of those county officials have paid a dear political price for their recommendations.

I can certainly affirm that.

After the county officials made their recommendations, the Governor and Congressional Delegation held five regional hearings around the State. The environmental community, both in and outside Utah, was well organized and paid its partisans to testify. They even rented buses and vans to transport these people from location to location.

And I can testify to that. We had almost the same people at every location, demanding to testify, saying the same things each time, and making it look like they had more numbers than they really did.

The testimony they gave was based on emotion and not the requirements of the Wilderness Act itself. Their testimony ignored the professional recommendations of the BLM which based its proposals on the criteria of the 1964 Wilderness Act.

The Governor and Congressional Delegation then developed what is now title XX of omnibus package S. 884. Many in Utah believe it contains too much acreage. It represents more than was recommended by the elected county officials who held the local public hearings. It represents more than the State legislature has recommended at least twice in the last 4 years by nearly unanimous votes.

The people of Utah live in a State with approximately 67 percent Federal land ownership and another 13 percent State ownership, but managed under the Federally enacted

State Enabling Act. Utah already has millions of acres in five National Parks, two National Recreation Areas, four National Monuments, 13 Forest Service wilderness areas, and BLM areas of Critical Environmental Concern. The unelected State Director of the BLM manages more of Utah than does its elected Governor.

The BLM wilderness debate in Utah has dragged on for more than 15 years at a cost to taxpayers of over $10 million. We believe it is time to end the debate, pass the balanced Hatch-Bennett proposal and bring some peace and stability to people of Utah who must live daily with results of this debate. We the undersigned are a few of the elected officials in Utah who support Title XX of this bill. We want it passed and enacted into law.

As I said, there are 300-some Democrat and Republican elected officials who have endorsed this letter. I ask unanimous consent that this letter and the attachments thereto be printed in the RECORD.

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

THE TRUTH ABOUT UTAH WILDERNESS

MARCH 22, 1996

DEAR SENATOR: You recently received a letter dated March 15, 1996 from a group of twenty calling themselves ''The Coalition of Utah Elected Officials,'' asking the ''Utah Congressional Delegation to withdraw S. 884 and reconsider the direction they have taken on wilderness.'' The letter states that ''most Utahns oppose S. 884.'' It further states that ''most local people consider this to be stridently anti-environmental legislation, not the carefully balanced package the Utah Congressional Delegation has been claiming it to be.''

These statements are not only preposterous, but blatantly untrue. The facts are that most Utahns do not want large amounts of acreage designated as wilderness in Utah. We the undersigned Democrats and Republicans strongly support Senators Hatch and Bennett in their balanced approach to Utah wilderness.

In reality, the Utah State Senate endorsed the provisions contained in the Hatch-Bennett proposal unanimously (27–0), while the Utah State House voted 62–6, or 92% in favor. Across the state, elected commissioners in 27 of 29 counties support this bill. As this letter indicates, over 90% of Utah's elected county leaders support the Utah wilderness proposal now before the Senate.

Early in 1995, the Governor of Utah and all members of the Utah Congressional Delegation specifically tasked the elected county officials in each county where wilderness was being proposed, to hold public hearings and from those public hearings, develop a proposal for wilderness designation on Bureau of Land Management (BLM) Lands in the affected counties. Numerous public hearings were held in every county where lands were proposed for wilderness designation. The county officials then developed their proposals for designating lands as wilderness from the public hearings. In every county where lands were proposed for wilderness designation, the county officials made their recommendations based on what they heard at the hearings. Many county officials recommended more acreage than they knew their citizens wanted, but they knew they had to do so in order to make a bill acceptable to Congress. Some of those county officials have paid a dear political price for their recommendations.

After the county officials made their recommendations, the Governor and Congressional Delegation held five regional hearings around the state. The environmental community, both in and outside of Utah was well organized and paid its partisans to testify. They even rented busses and vans to transport these people from location to location. The testimony they gave was based on emotion and not the requirements of the Wilderness Act itself. Their testimony ignored the professional recommendations of the BLM which based its proposals on the criteria of the 1964 Wilderness Act.

The Governor and Congressional Delegation then developed what is now Title XX of omnibus package, S. 884. Many in Utah believe it contains too much acreage. It represents more than was recommended by the elected county officials who held the local public hearings. It represents more than the State Legislature has recommended at least twice in the last four years by nearly unanimous votes.

The people of Utah live in a state with approximately 67% federal land ownership and another 13% state ownership, but managed under the federally enacted State Enabling Act. Utah already has millions of acres in five National Parks, two National Recreation Areas, four National Monuments, thirteen Forest Service wilderness areas, and BLM Areas of Critical Environmental Concern (ACEC). The unelected State Director of the BLM manages more of Utah than does its elected Governor.

The BLM wilderness debate in Utah has dragged on for more than 15 years at a cost to taxpayers of over $10 million. We believe it is time to end the debate, pass the balanced Hatch-Bennett proposal and bring some peace and stability to the people of Utah who must live daily with results of this debate. We the undersigned are a few of the elected officials in Utah who support Title XX of this omnibus bill. We want it passed and enacted into law.

Sincerely,

John Hansen, Millard County Auditor; Linda Carter, Millard County Recorder; Ed Philips, Millard County Sheriff; LeRay Jackson, Millard County Attorney; John Henrie, Millard County Commissioner; Donovan Dafoe, Mayor, Delta Utah; Merrill Nielson, Mayor, Lynndyl, Utah; Phil Lovell, Mayor, Leamington, Utah; B. DeLyle Carling, Mayor, Meadow, Utah; Terry Higgs, Mayor, Kanosh, Utah; Mont Kimball, Councilman, Konosh, Utah; Roger Phillips, Councilman, Konosh, Utah; Robert Decker, Councilman, Delta, Utah; Gary Sullivan, Beaver County Commissioner; Ross Marshall, Beaver County Commissioner.

Chad Johnson, Beaver County Commissioner; Howard Pryor, Mayor, Minversville Town; Louise Liston, Garfield County Commissioner; Clare Ramsay; Garfield County Commissioner; Guy Thompson, Mayor, Henrieville Town; Shannon Allen, Mayor, Antimony Town; John Matthews, Mayor, Cannonville Town; Julee Lyman, Mayor, Boulder Town; Robert Gardner, Iron County Commissioner; Thomas Cardon, Iron County Commissioner; Worth Grimshaw, Mayor, Enoch City; Dennis Stowell, Mayor, Parowan City; Norm Carroll, Kane County Commissioner; Stephen Crosby, Kane County Commissioner; Viv Adams, Mayor, Kanab City; Scot Goulding, Mayor, Orderville Town.

Gayle Aldred, Washington County Commissioner; Russell Gallian, Washington County Commissioner; Gene Van Wagoner, Mayor, Hurricane City; Chris Blake, Mayor, Ivins Town; Rick Hafen, Mayor, Santa Clara City; Paul Beatty, Mayor, New Harmony Town; Terrill Clove, Mayor, Washington City; David Zitting, Mayor, Hildale City; Ike Lunt, Juab County Commissioner; Martin Jensen, Piute County Commissioner; Joseph Bernini, Juab County Commissioner; J. Keller Christensen, Sanpete County Commisssioner; Eddie Cox, Sanpete County Commissioner; Ralph Okerlund, Sevier County Commissioner; Meeks Morrell, Wayne County Commissioner; Stanley Alvey, Wayne County Commissioner; Kevin Young, Mayor, Mona, Utah.

Steve Buchanan, Mayor, Gunnsion, Utah; Roger Cook, Mayor, Moroni, Utah; Mary Day, Millard County Treasurer; James Talbot, Millard County Assessor; Marlene Whicker, Millard County Clerk; Lana Moon, Millard County Commissioner; Tony Dearden, Millard County Commissioner; Ken Talbot, Mayor, Hinkley, Utah; Elzo Porter, Mayor, Oak City, Utah; Keith Gillins, Mayor, Fillmore, Utah; Barry Monroe, Mayor, Scipio, Utah; C. R. Charlesworth, Mayor, Holden, Utah; Vicky McKee, Daggett Clerk Treasurer; Bob Nafus, Councilman, Konosh, Utah; Roger Phillips, Councilman, Konosh, Utah.

Chad Johnson, Beaver County Commissioner; James Robinson, Mayor, Beavuer City; Mary Wiseman, Mayor, Milford City; Maloy Dodds, Garfield County Commissioner; Jean Seiler, Mayor, Tropic Town; Laval Sawyer, Mayor, Hatch Town; Wade Barney, Mayor, Escalante, Utah; Elaine Baldwin, Mayor, Panguitch, Utah; Roy Urie, Iron County Commissioner; Bill Weymouth, Mayor, Kanarraville Town; Harold Shirley, Mayor, Cedar City; Constance Robinson, Mayor Pro-Tem, Paragonah; Joe Judd, Kane County Commissioner; Garaldine Rankin, Mayor, Big Water.

Eric Brinkerhoff, Mayor, Glendale Town; Orval Palmer, Mayor, Alton Town; Jerry Lewis, Washington County Commissioner; Daniel McArther, Mayor, City of St. George; A. Morley Wilson, Mayor, Enterprise City; Raymond Jack Eves, Mayor, LaVerkin City; David Everett, Mayor, Toquerville Town; Brent DeMille, Mayor, Leeds Town; Joy Henderlider, Mayor, Virgin Town; Gordon Young, Juab County Commissioner; Paul Morgan, Piute County Commissioner; Don Julander, Piute County Commissioner; Robert Bessey, Sanpete County Commissioner; Tex Olsen, Sevier County Commissioner; Peggy Mason, Sevier County Commissioner; Bliss Brinkerhoff, Wayne County Commissioner; Bob Steele, Mayor, Nephi, Utah; Connie Dubinsky, Mayor, Levan, Utah; Kent Larsen, Mayor, Manti, Utah; Chesley Christensen, Mayor, Mt. Pleasant, Utah.

Lawrence Mason, Mayor, Aurora, Utah; Eugene Honeycutt, Mayor, Redmond, Utah; James Freeby, Mayor, Sigurd, Utah; Orlin Howes, Mayor, Junction, Utah; Sherwood Albrecht, Mayor, Bicknell, Utah; Dick Davis, Mayor, Lyman, Utah; Mike Milovich, Carbon County Commissioner; Pay Pene, Grand County Council; Bart Leavitt, Grand County Council; Lou Colisimo, Mayor, Price City; Roy Nikas, Councilman, Price City; Paul Childs, Mayor, Wellington, Utah; Bill McDougald, Councilman, City of Moab; Terry Warner, Councilman, City of Moab; Richard Seeley, Councilman, Green River City; Karen Nielsen, Councilwoman, Cleveland Town.

Gary Petty, Mayor Emery Town; Dennis Worwood, Councilman, Ferron City; Brenda Bingham, Treasurer, Ferron City; Ramon Martinez, Mayor, Huntington City; Ross Gordon, Councilman, Huntington City; Lenna Romine, Piute County Assessor; Tom Balser, Councilman, Orangeville City; Richard Stilson, Councilman, Orangeville City; Murene Bean, Recorder, Orangeville City; Carolyn Jorgensen, Treasurer, Castle Dale City; Bevan Wilson, Emery County Commissioner; Donald McCourt, Councilman, East Carbon City; Murray D. Anderson, Councilman, East Carbon City; Mark McDonald, Councilman, Sunnyside City; Ryan Hepworth, Councilman, Sunnyside City; Dale Black, Mayor, Monticello City.

John Black, Councilman, Monticello City; Grant Warner, Mayor, Glenwood, Utah; Grant Stubbs, Mayor, Salina, Utah; Afton Morgan, Mayor, Circleville, Utah; Ronald Bushman, Mayor, Marysvale, Utah; Eugen Blackburn, Mayor, Loa, Utah; Robert Allred, Mayor, Spring City, Utah; Neil Breinholt, Carbon County Commissioner; Bill Krompel, Carbon County Commissioner; Dale Mosher, Grand County Councilman; Den Ballentyne, Grand County Councilman; Frank Nelson, Grant County Councilman; Steve Bainghurst, Price City Councilman; Joe Piccolo, Price City Councilman; Tom Stocks, Mayor, City of Moab; Judy Ann Scott, Mayor, Green River City; Art Hughes, former Councilman, Green River.

Gary Price, Mayor, Clawson Town; Marvin Thayne, Councilman Elmo Town; Dale Roper, Mayor, Town of Ferron; Garth Larsen, Ferron Town Council; Paul Kunze, Recorder, Ferron Town; Don Gordon, Huntington City Councilman; Jackie Wilson, Huntington City Council; Howard Tuttle, Councilman, Orangeville City; Dixon Peacock, Councilman, Orangeville City; Roger Warner, Mayor, Castle Dale City; Kent Peterson, Grand County Commissioner; Randy Johnson, Grand County Commissioner; L. Paul Clark, Mayor, East Carbon City; Darlene Fivecoat, Councilwoman, East Carbon City; Barbara Fisher, Councilwoman, East Carbon City; Grant McDonald, Mayor, Sunnyside City.

Nick DeGiulio, Councilman, Sunnyside City; Bernie Christensen, Councilwoman, Monticello City; Mike Dalpiaz, Helper City; Lee Allen, Box Elder County Commissioner; Royal K. Norman, Box Elder County Commissioner; Jay E. Hardy, Box Elder County Commissioner; Darrel L. Gibbons, Cache County Councilman; C. Larry Anhder, Cache County Councilman; Guy Ray Pulsipher, Cache County Councilman; James Briggs, Daggett County Commissioner; Sharon Walters, Daggett County Commissioner; Chad L. Reed, Daggett County Commissioner; Curtiss Dastrup, Duchesne County Commissioner; Larry Ross, Duchesne County Commissioner; John Swasey, Duchesne County Commissioner; Dale C. Wilson, Morgan County Commissioner.

Jan K. Turner, Morgan County Commissioner; Jeff D. London, Morgan County Commissioner; Kenneth R. Brown, Rich County Commissioner; Blair R. Francis, Rich County Commissioner; Keith D. Johnson, Rich County Commissioner; Ty Lewis, San Juan County Commissioner; Bill Redd, San Juan County Commissioner; Mark Maryboy, San Juan County Commissioner; Sheldon Richins, Summit County Commissioner; Thomas Flinders, Summit County Commissioner; Jim Soter, Summit County Commissioner; Teryl Hunsaker, Tooele County Commissioner; Gary Griffith, Tooele County Commissioner; Lois McArther, Tooele County Commissioner; Odell Russell, Mayor, Rush Valley, Utah; Cosetta Castagno, Mayor, Vernon, Utah; Frank Sharman, Tooele County Sheriff.

Glen Caldwell, Tooele County Auditor; Donna McHendrix, Tooele County Recorder; Gerri Paystrup, Tooele County Assessor; Valerie B. Lee, Tooele County Treasurer; H. Glen McKee, Uintah County Commissioner; Lorin Merill, Uintah County Commissioner; Lewis G. Vincent, Uintah County Commissioner; Laren Provost, Wasatch County Commissioner; Keith D. Jacobson, Wasatch County Commissioner; Sharron J. Winterton, Wasatch County Commissioner; David J. Gardner, Utah County Commissioner; Jerry D. Grover, Utah County Commissioner; Gary Herbert, Uintah County Commissioner; Gayle A. Stevenson, Davis County Commissioner; Dannie R. McConkie, Davis County Commissioner; Carol R. Page, Davis County Commissioner.

Leo G. Kanel, Beaver County Attorney; Monte Munns, Box Elder County Assessor; Gaylen Jarvie, Daggett County Sheriff; Camille Moore, Garfield County Clerk/Auditor; Brian Bremner, Garfield County Engineer; Karla Johnson, Kane County Clerk/Auditor; Richard M. Baily, Director, Administrative Services; Lamar Guymon, Emery County Sheriff; Eli H. Anderson, District 1, Utah State Representative; Peter C. Knudson, District 2, Utah State Representative; Fred Hunsaker, District 4, Utah State Representative; Evan Olsen, District 5, Utah State Representative; Martin Stephens, District 6, Utah State Representative; Joseph Murray, District 8, Utah State Representative; John B. Arrington, District 9, Utah State Representative; Douglas S. Peterson, District 11, Utah State Representative.

Gerry A. Adair, District 12, Utah State Representative; Nora B. Stephens, District 13, Utah State Representative; Don E. Bush, District 14, Utah State Representative; Blake D. Chard, District 15, Utah State Representative; Kevin S. Garn, District 16, Utah State Representative; Marda Dillree, District 17, Utah State Representative; Karen B. Smith, District 18, Utah State Representative; Sheryl L. Allen, District 19, Utah State Representative; Charles E. Bradford, District 20, Utah State Representative; James R. Gowans, District 21, Utah State Representative; Steven Barth, District 26, Utah State Representative; Ron Bigelow, District 32, Utah State Representative; Orville D. Carnahan, District 34, Utah State Representative; Lamont Tyler, District 36, Utah State Representative; Ray Short, District 37, Utah State Representative; Sue Lockman, District 38, Utah State Representative; Michael G. Waddoups, District 39, Utah State Representative.

J. Reese Hunter, District 40, Utah State Representative; Darlene Gubler, District 41, Utah State Representative; David Bresnahan, District 42, Utah State Representative; Robert H. Killpack, District 44, Utah State Representative; Melvin R. Brown, District 45, Utah State Representative; Brian R. Allen, District 46, Utah State Representative; Bryan D. Holladay, District 47, Utah State Representative; Greg. J. Curtis, District 49, Utah State Representative; Lloyd Frandsen, District 50, Utah State Representative; Shirley V. Jensen, District 51, Utah State Representative; R. Mont Evans, District 52, Utah State Representative; David Ure, District 53, Utah State Representative; Jack A. Seitz, District 55, Utah State Representative; Christine Fox, District 56, Utah State Representative; Lowell A. Nelson, District 57, Utah State Representative; John L. Valentine, District 58, Utah State Representative.

Doyle Mortimer, District 59, Utah State Representative; Norm Nielsen, District 60, Utah State Representative; R. Lee Ellertson, District 61, Utah State Representative; Jeff Alexander, District 62, Utah State Representative; Jordan Tanner, District 63, Utah State Representative; Byron L. Harward, District 64, Utah State Representative; J. Brent Hammond, District 65, Utah State Representative; Tim Moran, District 66, Utah State Representative; Bill Wright, District 67, Utah State Representative; Michael Styler, District 68, Utah State Representative; Tom Mathews, District 69, Utah State Representative; Bradley T. Johnson, District 69, Utah State Representative; Keele Johnson, District 71, Utah State Representative; Demar ''Bud'' Bowman, District 72, Utah State Representative; Tom Hatch, District 73, Utah State Representative.

Bill Hickman, District 75, Utah State Representative; Wilford Black, District 2, Utah State Senator; Blaze D. Wharton, District 3, Utah State Senator; Howard Stephenson, District 4, Utah State Senator; Brent Richard, District 5, Utah State Senator; Stephen J. Rees, District 6, Utah State Senator; David L. Buhler, District 7, Utah State Senator; Steve Poulton, District 9, Utah State Senator; L. Alma Mansell, District 10, Utah State Senator; Eddie P. Mayne, District 11, Utah State Senator; George Mantes, District 13, Utah State Senator; Craig A. Peterson, District 14, Utah State Senator; LeRay McAllister, District 15, Utah State Senator.

Eldon Money, District 17, Utah State Senator; Nathan Tanner, District 18, Utah State Senator; Robert F. Montgomery, District 19, Utah State Senator; Joseph H. Steel, District 21, Utah State Senator; Craig L. Taylor, District 22, Utah State Senator; Lane Beattie, District 23, Utah State Senator; John P. Holmgren, District 24, Utah State Senator; Lyle W. Hillyard, District 25, Utah State Senator; Alarik Myrin, District 26, Utah State Senator; Mike Dmitrich, District 27, Utah State Senator; Leonard M. Blackham, District 28, Utah State Senator; David L. Watson, District 29, Utah State Senator.

Mr. HATCH. Just last Sunday we read comments that one large newspaper in the State has editorialized against this. That is true. There is no doubt that they are very sincere in what they are doing. We have respect for them. But the other large newspaper, the other large major newspaper in Utah—we have five that are quite large—but the other major large paper in Utah that has written on this said, ''Let's get off dead center on the Utah

wilderness debate.'' This is the Deseret News editorial. I will just read a little bit of it and then put it in the RECORD as well.

Politics is supposed to involve the art of compromise. But that sensible notion seems to be lost on some members of Congress when it comes to deciding how much public land in Utah should be designated as wilderness.

Consequently, unless some key figures in Washington can be persuaded to change their minds, more federal foot-dragging seems likely even though this controversy has persisted for two decades without a final decision.

The latest development centers on Senator Bill Bradley of New Jersey. Bradley so strongly opposes the 1.8-million-acre proposal drafted by Utah's Republican-dominated congressional delegation that he may seek to scuttle an omnibus parks bill containing it even though such a move would thwart a pet project of his to protect the Sterling Forest along the New York-New Jersey border.

If the Utah proposal survives that challenge, Interior Secretary Bruce Babbitt is threatening to recommend that President Clinton veto it.

But then there's nothing particularly new about the extent and intensity of the emotions aroused by the Utah proposal and the opposing plan offered by environmentalist groups, which insist that 5.7 million acres be designated as wilderness.

Washington is supposed to resolve such controversies, not let them fester. For that to happen, more flexibility is in order—which is exactly what the Utah congressional delegation has been doing. Last year it backed off from some provisions objectionable to the environmentalists involving roads, motorboats, and industries. Now there are indications some members of the delegation may be willing to designate more land as wilderness beyond the additional previously agreed to [which we have].

More than the whole State of Delaware; 63 percent of Connecticut; 41 percent of my friend's State of New Jersey; 41 percent of Massachusetts; 35 percent of New Hampshire; 34 percent of Vermont. That is what our proposal amounts to as compared with other States.

But what flexibility, if any, is there on the part of the environmentalists? Though continuing to speak about the need for compromise, they doggedly insist that their 5.7 million proposal is a compromise.

In sorting through the tangled and overheated controversy, Congress needs to keep a few points firmly in mind.

First, there is no such thing as a Utah wilderness bill that will not antagonize some major segments of the population.

Second, claims that most Utahns want more wilderness are based on self-serving interpretations of polls whose results are at best mixed and somewhat confusing.

Third, the wilderness proposal being pushed by Utah's congressional delegation is an attempt to reach a reasonable middle ground between the 5.7 million acres demanded by the environmentalists and the little or no new wilderness acreage demanded by many officials and citizens alike in rural Utah.

Fourth, the 1.8-million-acre proposal—with its various modifications and additions—is in line with the original recommendation from the Bureau of Land Management. Only years later did the BLM start waffling, opting for what it thought the Clinton administration wanted rather than for what the agency really thought was best.

Fifth, as long as Congress declines to act, the BLM will continue to manage 3.2 million acres of Utah as if it were wilderness—but for no better reason than that this is the amount of land the agency studied for possible wilderness designation. That is more acreage than many Utahns want as wilderness.

To let the dispute over Utah wilderness drag on year after emotion-filled year without a formal and final decision is a sorry reflection on some of this Nation's key figures. They were sent to Washington to act, not temporize. A decision in the direction of the proposal of the Utah delegation would be better than one in the direction of the environmentalists. But whichever way the vote goes, let us bring this long debate to an end and get on to other matters.

Mr. President, I ask unanimous consent that the full editorial be printed in the RECORD.

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

[From the Deseret News, Mar. 23, 1995]

LET'S GET OFF DEAD CENTER ON UTAH WILDERNESS DEBATE

Politics is supposed to involve the art of compromise. But that sensible notion seems to be lost on some members of Congress when it comes to deciding how much public land in Utah should be designated as wilderness.

Consequently, unless some key figures in Washington can be persuaded to change their minds, more federal foot-dragging seems likely even though this controversy has persisted for two decades without a final decision.

The latest development centers on Sen. Bill Bradley of New Jersey. Bradley so strongly opposes the 1.8-million-acre proposal drafted by Utah's Republican-dominated congressional delegation that he may seek to scuttle an omnibus parks bill containing it even though such a move would thwart a pet project of his to protect the Sterling Forest along the New York-New Jersey border.

If the Utah proposal survives that challenge, Interior Secretary Bruce Babbitt is threatening to recommend that President Clinton veto it.

But then there's nothing particularly new about the extent and intensity of the emotions aroused by the Utah proposal and the opposing plan offered by environmentalist groups, which insist that 5.7 million acres be designated as wilderness.

Washington is supposed to resolve such controversies, not let them fester. For that to happen, more flexibility is in order—which is exactly what the Utah congressional delegation has been doing. Last year it backed off from some provisions objectionable to the environmentalists involving roads, motorboats and industries. Now there are indications some members of the delegation may be willing to designate more land as wilderness beyond the additions previously agreed to.

But what flexibility, if any, is there on the part of the environmentalists? Though continuing to speak of the need for compromise, they doggedly insist that their 5.7-million-acre proposal is a compromise.

In sorting through this tangled and overheated controversy. Congress needs to keep a few points firmly in mind.

First, there is no such thing as a Utah wilderness bill that won't antagonize some major segments of the population.

Second, claims that most Utahns want more wilderness are based on self-serving interpretations of polls whose results are at best mixed and somewhat confusing.

Third, the wilderness proposal being pushed by Utah's congressional delegation is an attempt to reach a reasonable middle ground between the 5.7 million acres demanded by the environmentalists and the little or no new wilderness acreage demanded by many officials and citizens alike in rural Utah.

Fourth, the 1.8-million-acre proposal—with its various modifications and additions—is in line with the original recommendation from the Bureau of Land Management. Only years later did the BLM start waffling, opting for what it thought the Clinton administration wanted rather than for what the agency really thought was best.

Fifth, as long as Congress declines to act, the BLM will continue to manage 3.2 million acres of Utah as if it were wilderness—but for no better reason than that this is the amount of land the agency studied for possible wilderness designation. That is more acreage than many Utahns want as wilderness.

To let the dispute over Utah wilderness drag on year after emotion-filled year without a formal and final decision is a sorry reflection on some of this nation's key figures. They were sent to Washington to act, not temporize. A decision in the direction of the proposal of the Utah delegation would be better than one in the direction of the environmentalists. But whichever way the vote goes, let's bring this long debate to an end and get on to other matters.

Mr. HATCH. Mr. President, I am going to ask unanimous consent that the following also be inserted: a letter from the Governor, Mike Leavitt; a letter from the speaker of the Utah House of Representatives and the president of the Utah State Senate, along with a resolution adopted last year by the Utah State Legislature. I also put in the RECORD a letter signed by over 300 elected officials we received just this morning; a letter from the Utah Parent Teacher Association; a letter from the Utah State Board of Education; a letter from the Utah Farm Bureau; and a resolution from the board of trustees of the School and Institutional Trust Lands Administration.

Mr. President, I ask unanimous consent that all of those be printed in the RECORD.

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

STATE OF UTAH,
OFFICE OF THE GOVERNOR,
Salt Lake City, UT, March 14, 1996.

Hon. ORRIN G. HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATCH: Utah is a beautiful and unique state. It comprises 55 million acres of diverse landscapes ranging from high alpine ranges of the Rocky Mountains, red rock wonderlands of the Colorado Plateau, deserts of the Great Basin and rich river valleys. We Utahns feel blessed with what we have been entrusted to care for.

These beautiful lands are attracting millions of visitors and tens of thousands of new residents annually. Due partly to this attraction, Utah is also experiencing an era of robust economic growth. During this time of growth and prosperity it is more evident than ever before that it is our responsibility to preserve and carefully manage these diverse landscapes and eco-systems for current

and future generations of Utahns and all Americans.

Of Utah's 55 million acres, some 37 million acres, or over 67%, is owned or controlled by the Federal Government. Most of these federal lands are managed by the Forest Service, National Park Service and Bureau of Land Management. Much of this public land is already preserved for future generations. Two million acres have been set aside as National Parks, Monuments and Recreation Areas. Another one million acres have been set aside as National Forest Wilderness or as wildlife refuges. However, we do believe that an additional 2 million acres should be protected for America's future.

Wilderness is certainly one important way in which we can and should protect land for the future. However, it is not the only way. Other means of protection include designation as: Areas of Critical Environmental Concern, Wild and Scenic Rivers, Natural Areas, Primitive Areas or withdrawals for specific purposes. Also, the State of Utah has cooperated with organizations such as the Nature Conservancy, the Rocky Mountain Elk Foundation and private land trusts to preserve state and private lands for wildlife habitat and watershed. We believe that land preservation and management must utilize all available tools and be a cooperative process among all federal, local and state agencies as well as involving the general public.

I believe we can all agree that Wilderness is one important tool for protecting public land. How much land should be protected as Wilderness is more difficult. The process of determining how much BLM land in Utah should be preserved as Wilderness has taken more than 17 years, at a total cost of more than $10 million in federal dollars. Many more millions, yet unquantified, have been spent by state and local governments, businesses and the general public. Literally hundreds of hearings have been held and thousands upon thousands of comments written, read and heard.

During the last year along more than 50 public meetings were held in Utah. Seven public meetings were attended by me and members of Utah's Congressional Delegation. Also, two field hearings were held in Utah by the House Subcommittee on National Parks, Forests and Lands. I have received more than 22,000 comments on the issue in my office alone.

What is evident from the discussion over the last year and the last 17 years is that all Utahns care deeply about the land. Yet, there is and will always be a great divisiveness in the eyes of the public on how much Wilderness should be designated. Most citizens of rural Utah, where these lands are located, are strongly opposed to any Wilderness. Yet some citizens of Utah's urban areas would like to protect an additional 5.7 million acres.

Over the last year, Utah's Congressional Delegation and I have attempted to develop a Wilderness proposed which balances these differing points of view. The result is S 884, ''Utah Public Lands Management Act of 1995,'' which has been introduced by Senators Orrin Hatch and Robert Bennett. Senators Hatch and Bennett have worked long and hard with me and many Utahns of diverse opinions to develop this proposal. They deserve a great deal of credit for their diligence.

S 884 is an honest approach to resolving this issue and proposes over 50 Wilderness areas. The bill includes Utah's ''Crown Jewels,'' which are such well known areas as Grand Gulch, Desolation Canyon, San Rafael Swell, Escalante Canyons, Westwater Canyon and Parunuweap Canyon. S 884 includes areas which represent numerous ''eco-systems'' including: high mountain ranges, river canyons, red rock desert and unique areas in Utah's West Desert.

The Utah Congressional Delegation and I have committed considerable time and resources to this process. This bill reflects our commitment to the importance of what is fair, balanced and good for the citizens of Utah and the United States. It will not please either extreme but presents the best solution for Utah and the nation and has the support of the mainstream citizens of our state. As the Governor of the great State of Utah, I fully support S 884 which designates two million acres of BLM land in Utah as Wilderness, an area larger than the State of Delaware. With these lands protected as Wilderness, we as a state will move forward to properly managed and protect all of Utah's diverse public lands in cooperation with federal land agencies. I respectfully encourage you to support S 884.

Sincerely,

MICHAEL O. LEAVITT,
Governor.

UTAH STATE LEGISLATURE,
Salt Lake City, Utah, February 14, 1996.

Hon. ORRIN G. HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATCH: As legislative leaders, we want to reaffirm the position taken by the Fifty-first Legislature of the State of Utah as it relates to the amount of BLM land designated as wilderness in Utah.

HCR 12, Resolution Supporting Wilderness Designation, by Representative Bradley Johnson, states very clearly the process by which wilderness was to be identified and quantified. That process was followed, and the local political entities acted very responsibly when they recommended that a little more than 1 million acres receive wilderness status.

The addition of acreage bringing the total amount to be added to the wilderness proposal to 1.8 million was an unsettling surprise. Yet, in a spirit of compromise, this total amount would be acceptable. We believe the addition of any more acreage, however, would be an affront to the citizens of this state and the process put in place that made the original recommendation. Furthermore, we believe the addition of more land would be tantamount to rhetoric which is without a rational or factual basis.

The Fifty-first Legislature has spoken clearly on BLM wilderness designation. To lock up more land to an uncertain future in a state where 80 percent of the land area is subject to some form of government restriction and control is a policy which lacks sensitivity and foresight. This policy blind spot is simply inappropriate. To shackle future generations in this state with the unbendable restrictions wilderness designation imposes is nothing more than a ''takings'' of the hopes and dreams of Utahns whose heritage and economic roots are tied to these lands. These lands are not threatened and wilderness designation will not provide any additional protection that is already provided for by law governing the management of these lands.

For more than 100 years, there has been a harmony between the land and the land user. A dependence on the part of both has grown up with a healthy mutual respect. Questionable science has been injected into the wilderness decision-making process by those who are disjointed and removed from the land they claim to befriend.

We reaffirm our position on wilderness designation articulated in the last legislative session and as that you consider it to be the position of the State of Utah. If we can be helpful and answer your questions in addressing your concerns relative to this issue, we would be most amenable to doing what is necessary so that your decision is made with the very best, accurate information.

Sincerely,

MELVIN R. BROWN,
Speaker.
R. LANE BEATTIE,
President.

LAWS OF UTAH—1995

H.C.R. 12

Whereas the Bureau of Land Management (BLM) has issued its final Environmental Impact Statement and recommended designating approximately 1.9 million acres of land in Utah as wilderness;

Whereas the state is willing to cooperate with the United States government in the designation process and in protecting Utah's environment;

Whereas designating lands as wilderness affects many communities and residents of the state by permanently prohibiting certain kinds of economic development;

Whereas a federal reservation of water could serious affect the potential for development in growing areas of the state;

Whereas the designation of wilderness would depreciate the value of state inholdings and adjacent state lands, reducing an important source of revenue for the education of Utah's schoolchildren;

Whereas it is the state's position that there should be no net loss of state or private lands and no increase in federal ownership as a result of wilderness designation;

Whereas lands that may be designated as wilderness are subject to existing rights and uses under current law, such as mining, timber harvesting, and grazing;

Whereas the BLM has extensively studied public lands in Utah for the purpose of determining suitability for wilderness designation;

Whereas it is vitally important for Utah to maintain the ability to develop its mineral resources, such as the Kaiparowits Coal Field, for the economic and financial well being of the state, its trust lands, and counties;

Whereas much of Utah's municipal, industrial, and agricultural water supply comes from public lands, requiring continued management and maintenance of vegetation, reservoirs, and pipelines, and

Whereas the definition of wilderness lands established by Congress in 1964 Wilderness Act should be used to determine the designation of wilderness lands:

Now, therefore, be it *RESOLVED* that the Legislature of the state of Utah, the Governor concurring therein, encourage the Congress to enact at the earliest possible opportunity a fair and equitable Utah wilderness bill regarding BLM lands, with the Legislature's and Governor's support of the bill contingent upon its containing the following provisions:

(1) that any BLM lands designated as wilderness must meet the legal definition of wilderness lands as contained in the 1964 Wilderness Act;

(2) that all lands not designated as wilderness be released from Wilderness Study Area status and that the BLM be directed to manage those released lands under multiple use sustained yield principles and be prohibited from making or managing further study area designations in Utah without express authorization from Congress;

(3) that no reserve water right be granted or implied in any BLM wilderness bill for Utah inasmuch as federal agencies are able to apply for water through the state appropriations system in keeping with the 1988 opinion of Solicitor Ralph W. Tarr of the United States Department of the Interior;

(4) that federal agencies be required to cooperate with the state in exchanging state lands that are surrounded by or adjacent to or adversely affected by wilderness designation for federal lands of equivalent value; and additionally, because designation of wilderness lands is a federal action, that federal funds be appropriated to pay for appraisals of state lands and federal lands to be exchanged;

(5) that every effort be made to ensure that there be no net loss of state or private lands and no increase in federal ownership as a result of wilderness designation in Utah;

(6) that the designation of wilderness not result in the creation, either formally or informally, of buffer zones and management zones around, contiguous, or on lands affected by wilderness designation;

(7) that all valid existing rights and historical uses be allowed to be fully exercised without undue restriction or economic hardship on lands designated as wilderness as provided in the Wilderness Act of 1964; and

(8) that management of vegetation, reservoirs, and similar facilities on watershed lands designated as wilderness be continued by state or private means.

Be it further *RESOLVED* that the Legislature and the Governor conclude that elected county officials, after extensive public input, should develop the wilderness proposals and the conditions for acceptable designation of wilderness lands within their respective counties, with the aggregate of these respective county recommendations constituting the basis of the state proposal for BLM wilderness designation in Utah. The county officials should be consulted regarding any changes to their respective county recommendations.

Be it further *RESOLVED* that copies of this resolution be sent to President Clinton, the President of the United States Senate, the Speaker of the House of Representatives, the Secretary of the Interior, the directors of both the state and federal offices of the Bureau of Land Management, and Utah's congressional delegation.

UTAH CONGRESS OF
PARENTS AND TEACHERS, INC.
Salt Lake City, UT, March 20, 1996.

Hon. ORRIN G. HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATCH: Utah PTA encourages your support of S. 884, Utah Public Lands Management Act of 1995. This bill impacts the school of our state. Federal land designations capture school trust lands which were set aside at statehood to support Utah schools because 69% of our state is untaxed. Historically, promises to trade the captured land for land outside those designations have not been honored. We support S. 884 because the bill:

provides a responsible wilderness designation;

provides a process of equitable compensation to the school children;

provides for responsible water development under existing state laws.

We strongly oppose H.R. 1500, America's Redrock Wilderness Act of 1995 because the bill:

captures over a million acres of the school children's land without any provision for exchange;

designates wilderness lands that do not meet the Congressional definition of wilderness;

is not supported by the Utah Congressional delegation.

We rely on your commitment to the future generations of the school children of Utah by supporting S. 884.

Sincerely,

LINDA M. PARKINSON,
President.
PAULA M. PLANT,
Legislative Vice President.

UTAH STATE OFFICE OF EDUCATION,
Salt Lake City, UT, March 20, 1996.

Hon. ORRIN G. HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATCH: I strive to be an advocate for children, as I am sure you do also. I am concerned that Utah's school children stand to lose critical resources which would fund their education under H.R. 1500.

Therefore, I urge your support of S. 884. This legislation includes provisions to protect the school trust lands within Utah. It is vital that these lands be capable of producing income which in turn supports the public education of Utah's children.

Utah receives minimal federal dollars for education when compared to other states. At the same time, we have more children per taxpayer to educate than any other state.

Please align your position on the side of the children. Vote in favor of S. 884.

Sincerely,

JANET A. CANNON,
Member, Utah State Board of Education.

UTAH FARM BUREAU FEDERATION,
Salt Lake City, UT, October 27, 1995.

Re S. 884.

Hon. ORRIN G. HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATCH: This letter is to reaffirm the support of the Utah Farm Bureau Federation for Senate Bill 884, the Utah Wilderness bill introduced by you and Senator Bennett, with a companion bill in the House. The Utah Farm Bureau Federation has nearly 22,000 member families, spread across the entire state with members in every single county of the state. It is responsibly estimated that there are about 93,000 citizens of Utah in these 22,000 families. A large majority of the farms and ranchers in Utah are members of Farm Bureau. Also, we have members who are not currently farming or ranching, but who may be absentee owners of farms or ranches or who are sons and daughters or grandsons and granddaughters of active farmers.

The basic provisions of this bill have been the subject of widespread discussion among our members. Some would have liked an even smaller total acreage than the 1.8 million in the bill. But we recognize this is a good compromise between the radical 5.7 million acre bill proposed by some groups, and the ''zero wilderness'' position of some.

We are particularly pleased with the release language, the effort to protect vitally important water rights, the protection against de-facto buffer zones, and the overall attempt in the bill to comply with the original intent of Congress in the 1964 Wilderness Act. Above all, it is critically important that we end this long, divisive and very costly debate over what is and what is not formally designated wilderness in Utah. Public lands are absolutely essential to the economic viability of rural Utah. We need to get this issue settled.

We compliment you and other sponsors of this legislation. We assure you of our support and urge every effort to obtain passage of the bill.

Sincerely,

C. BOOTH WALLENTINE,
Executive Vice President and Chief Administrative Officer.

RESOLUTION No. 95–05

Whereas, legislation currently pending in Congress, H.R. 1745 and S. 884, would designate wilderness areas on Bureau of Land Management lands in the State of Utah; and

Whereas, the designated wilderness areas would encompass school and institutional trust lands; and

Whereas, said legislation provides for the exchange of the included school and institutional trust lands for other lands owned by the federal government outside of the designated wilderness areas; and

Whereas, the federally-owned lands are currently subject to leasing under the federal Mineral Leasing Act (30 U.S.C. §§180 et seq.); and

Whereas, the federal Mineral Leasing Act provides that the State of Utah shall receive fifty per cent (50%) of the revenues from the leasing or production of minerals on those lands; and

Whereas, the valuation which the School and Institutional Trust Lands Administration has placed upon the lands to be exchanged has taken into account the rights of the state of Utah under the Mineral Leasing Act; and

Whereas, federal and state laws do not currently allow the School and Institutional Trust Lands Administration to sell the mineral estate; and

Whereas, the proposed language in the federal bills would make the obligation to share revenue a valid existing right applicable to all subsequent owners, should the School and Institutional Trust Lands Administration no longer own the mineral estate; and

Whereas, the trust is seeking to acquire the targeted federal lands listed in the federal bills because of the potential for development; and

Whereas, the Board of Trustees desires to ensure that, based upon the valuation provided by the School and Institutional Trust Lands Administration and accepted by this Board as of the date of this resolution, the State of Utah receives revenues from the production of minerals on the lands which become school trust lands as result of the exchange provided for in H.R. 1745 and S. 884.

Therefore, be it *Resolved*, That, subject to the condition that the lands to be exchanged with the federal government as part of the directed exchange currently included in H.R. 1745 and S. 884 are of approximately equal value, as approved by this Board, such valuation taking into account the right of the State of Utah to receive fifty per cent (50%) of the revenue from the production of minerals that are leased pursuant to the federal Mineral Leasing Act (30 U.S.C. §§180 et seq.), the Board of Trustees of the School and Institutional Trust Lands Administration supports the inclusion of language in H.R. 1745 and S. 884 which provides for the distribution of fifty per cent (50%) of the proceeds resulting from the production of leased minerals on the lands acquired by the state, which minerals would have been covered by the federal Mineral Leasing Act (as amended through the date of enactment of H.R. 1745 and S. 884) if the lands had been retained in federal ownership. The Board also supports language in H.R. 1745 and S. 884 which provides that;

1. the proceeds shall be collected by the Administration and distributed, after deduction of a pro rata share of administrative costs, to the state of Utah;

2. disputes concerning the collection and distribution of the revenue shall be resolved pursuant to Utah state law;

3. that such obligation to collect and distribute proceeds shall end if the trust no longer owns the mineral estate; and

4. the collection and sharing of the proceeds from timber production shall also be shared in accordance with current applicable law.

The language supported by the Board is attached hereto and incorporated herein by

this reference, consisting of the Committee Draft of H.R. 1745 and amendments proposed by this Board.

Adopted this 20th day of November, 1996.

Ruland J. Gill, Jr., Chair, Board of Trustees of the School and Institutional Trust Lands Administration.

Mr. HATCH. Mr. President, I have taken a long time here, but, frankly, this needed to be said. I realize that many people on the other side of the issue are very sincere people. I happen to believe in the environment myself. But I also know if we do not worry about human beings, there will not be an environment in the end, because sooner or later someone is going to rise up and an extremist on the other side is going to take control if we act like you cannot have balance on these matters.

All the sincerity in the world does not make it right. I think we have done a very good job of crafting a bill here that brings the vast majority of all people together, while leaving the extremists still screaming at us; but even they will die down once the bill is passed, just like the two ends of the extremist spectrum who moaned and groaned about the Utah Forest Service wilderness proposal.

We went through this with that bill, too, when we came up with 800,000 acres. Once it was passed, the screaming basically went away. Everybody understood that it was a good bill. Today, people are bragging about it all over Utah. The elected leaders and environmentalists are because we did a good job. I was here. I worked on it. I worked on it with Senator Garn and Congressman HANSEN, and others. The fact is, we worked hard to get it done. That is what we have done here. I hope our colleagues will give some credibility to that.

Perhaps the most misunderstood aspect of this bill has been the so-called release language. Let me take a moment to explain this in greater detail. The release language in the bill would release those public lands not designated wilderness by this legislation from any further wilderness study or review by the BLM. In other words, they would fall back into the pool of lands the BLM manages for various purposes but without the official status of wilderness. It would still be managed by the BLM. We would still be subject to the environmental rules and regulations. It just would not be wilderness, which means that it would not be land that only backpackers could walk on. There would be some reasonable use of the land, but very, very stringently controlled by the BLM.

This is an important point. The land is still managed by the BLM. It does not go into private hands. Some would have you believe we are going to build a shopping center on every acre of that land.

Under section 603 of the Federal Land Policy and Management Act of 1976, the Secretary of the Interior studies those roadless areas of 5,000 acres or more and roadless islands of public lands for their wilderness characteristics and reports to the President on the suitability or nonsuitability for each designation of wilderness. The President submits a recommendation to the Congress, and a designation of wilderness shall become effective only if as approved by an Act of Congress.

There was supposed to be a beginning of the study process—initiated by the BLM—and an end. The Wilderness Act of 1964, together with FLPMA, provides the recipe for designating wilderness. This was not a process designed to go on in perpetuity, causing the BLM or the Forest Service to manage lands as if they were wilderness forever, which is what we have been living with in Utah.

Our bill follows the plan for designations set out under these laws. It is a plan that allows lands to be protected for their wilderness values and character and at the same time brings closure and finality to the process.

The conception of releasing lands not chosen for wilderness designation has never been controversial. The Congress has made it through countless bills to designate wilderness in the time I have been a Senator. Each time a bill is passed into law, the lands not designated were released. That is the normal process. Why is release in this bill such a lightning rod issue? I suspect it is because the lands in the study areas have been managed as wilderness for almost 20 years. In addition, the lands included in H.R. 1500, the so-called environmentalist bill—or at least, the environmentalist extreme bill—have been managed as de facto wilderness in recent years.

All it takes for all of this land to be de facto wilderness is to let this process go on forever. Face it, it is hard to let something go once you have it. Environmentalists are loath to pass legislation designating less land in the wilderness than what is already basically wilderness now or de facto wilderness. I am not unsympathetic to their motives, but I disagree with the result. It holds millions of acres in legal limbo, some think illegal limbo; our people in Utah feel illegal limbo.

Our bill contains release language that would have prevented BLM land managers, the on-the-ground professionals, from being able to manage nondesignated lands for their wilderness value and character.

Our concern was the Federal managers would continue to manage land as wilderness even though Congress has made a conscious decision that certain land did not have the wilderness characteristics and values meriting formal designation. We included the term ''nonwilderness'' multiple use in our bill which we believed would accomplish this goal.

As my colleagues know, that phrase in and of itself caused more concerned to be expressed about our bill than possibly any other section in our bill. In fact, it led to a lively debate last December during the full committee markup on our bill.

That was then. This is now.

In today's proposal before this body that term has been eliminated. Our release provision has been modified substantially. The new release language which is contained in the substitute amendment is simple and straightforward. It simply states that the BLM lands located in Utah have been properly studied for their wilderness characteristics, and that those not designated as wilderness by our bill need not be studied or pursued any further by the Secretary.

In addition, these lands will be managed for the full range of multiple use as defined in section 103(C) of FLPMA in accordance with land management plans adopted by the BLM pursuant to section 202 of the Federal Land Policy and Management Act of 1976.

What this says to the Federal managers is that, now that wilderness has been designated, assuming this bill passes, the balance of the land should be managed under existing laws and regulations where appropriate. It is not a signal to the mythical lineup of bulldozers to start their engines, as some might say, because it simply does not leave these lands unprotected.

I repeat, it will not leave nondesignated lands open for unrestrained and uncontrolled development. There are other designations available to the BLM other than wilderness to protect our natural resources from this occurring. These designations are proposed, examined and eventually undertaken through the land use planning process outlined in section 202 of FLPMA.

To give comfort to those who remain convinced that our language will not afford these lands the protection they deserve, let me recount the criteria to be reviewed by the Secretary when developing and revising land use plans. In subsection (c) of section 202, the Secretary shall:

(1) use and observe the principles of multiple use and sustained yield;

(2) achieve integrated consideration of physical, biological, economic, and other sciences;

(3) give priority to the designation and protection of areas of critical and environmental concern;

(4) rely on the inventory of the public lands, their resources and other values;

(5) consider present and potential use of the public lands;

(6) consider the relative scarcity of the values involved and the availability of alternative means and sites for realization of those values;

(7) weigh long-term benefit to the public against short-term benefits;

(8) provide for compliance with applicable pollution control laws, including State and Federal air, water, noise or other pollution standards or implementation plans; and

(9) coordinate the land use inventory, planning, and management activities for such lands with other Federal departments and agencies and of the States and local government within which the lands are located.

Just look at these Bureau of Land Management special designations to which we will be subject to. It is not that the lands are going to be just

opened up for any kind of use. Look at the list of these various things they will be subject to.

Subsection (f) directs the Secretary to provide an opportunity for Federal, State, and local governments and the general public to comment upon and participate in the formulation of plans and programs relating to the management of public lands.

Certainly my colleagues would agree that there is no better way to manage these nondesignated lands than by the book and in accordance with FLPMA. There is not any better way. That is what our release language does. It provides they be managed the way FLPMA says they will be managed.

In Utah, all of the public lands are covered by land use plans developed pursuant to section 202 of FLPMA. I understand some of the plans in Utah are not as current as they might be; but, nevertheless, they provide protection for the resources, particularly those not designated as wilderness. Within each plan, the BLM will consider the resources present in an area and what protection they need.

Last week, I asked the Utah State BLM director to provide me with a summary of those special designations that can be developed through the land use planning process for Federal managers to protect specific resources.

I have produced these two charts that list those special designations and a brief summary of what each designation is for. These designations include:

Areas of critical environmental concern—for those areas that have special unique or rare values;

Outstanding natural areas—to protect unusual natural characteristics for education and recreational purposes;

Visual resources management designations—that are utilized to maintain a landscape that appears unaltered, to retain the existing character of a landscape, and to manage activities that may lead to modifications in that landscape;

Coal management designations—indicating where coal leasing and development can occur and the types of methods that can be used. I might mention in that regard, Utah is the Saudi Arabia of coal. By the way, it is environmentally sound, high-moisture content, low-sulfur content coal that will be necessary to keep the rest of the country environmentally clean.

Continuing with the designations:

Designations for locatable energy and nonenergy leaseable minerals—indicating in what areas the mining laws are open or closed;

Off-highway vehicle designations—I am only listing a few—indicating where such use is open and closed.

These are just a few of the special management designations available to the local BLM manager that can be used to protect this country's resources and our State's resources.

If a designation is made and a particular activity is inconsistent with this designation, it will not occur. The only ''golden arches'' dotting the protected Utah landscape will be the ones covered by the elements over centuries.

While I may not always agree with them, I have faith that our local BLM managers will use these designations in the proper way after establishing their merit through the proper public process.

Again, the substitute bill does not exempt nondesignated wilderness lands from being designated in any of these categories. There are also designations that can be made by Congress or the Secretary of the Interior to establish systems of national importance and to include components within these national systems. The Utah State BLM office provided a list of these authorities, which I have produced on another chart.

These designations include: national wild and scenic rivers, national conservation areas, national outstanding natural areas, critical habitat areas, national historic landmarks, and national scenic areas, just to mention a few. There are others, as well, on the list. There is a wide latitude available to Congress and the Secretary to utilize these designations in a manner befitting the resources and the management scheme they mandate to protect them in their true character.

In addition to all of these designations, there is a plethora of environmental laws and regulations to which the management of our public lands must adhere.

Again, I asked the Utah State BLM Director to provide me with a list of those Federal laws—and I am only talking about Federal laws, not State laws; we have a lot of State laws, too. These are Federal laws that involve BLM activities, to which the BLM managers, as they manage the Federal lands, must adhere. Look at these. We have discussed many of these authorities so far. But, my colleagues need to consider all of these legislative authorities that involve BLM.

An abbreviated list of these laws is located on the two charts I have produced here. I emphasize that these lists are not full lists. I have listed these legislative authorities which I thought were more pertinent to this debate than others. I have not prioritized them in any particular fashion, other than to place them in groups according to their particular management emphasis. I will mention a few that are on this list for the benefit of my colleagues. I understand Senator MURKOWSKI has submitted this list for the RECORD in his remarks, but I will mention a few. These include:

FLPMA; National Environmental Policy Act, or NEPA; Clean Air Act; Federal Water Pollution Control Act, or Clean Water Act; Safe Drinking Water Act; Solid Waste Disposal Act; Resource Conservation and Recovery Act; Superfund; Mining Law; Mineral Leasing Act; Federal Coal Leasing Amendments; Surface Mining Control and Reclamation Act, or SMCRA; Energy Policy Act of 1992;

Public Rangelands Improvement Act; Endangered Species Act; Wild and Free-Roaming Burro Act; Act for protecting Bald and Golden Eagles; Toxic Substances Control Act; Migratory Bird Conservation Act; Federal Insecticide, Fungicide, an Rodenticide Act; Water Resources Development Act; Soil and Water Resources Conservation Act; National Historic Preservation Act; Wild and Scenic Rivers Act; Wilderness Act; Archaeological Resource Protection Act; and Antiquities Act.

This is just to mention a few. It is mind boggling. I am sure my colleagues will agree that this is a ''Who's Who'' list of environmental laws, and the activities that occur on public lands not designated wilderness by our proposal will be subject to each and every one.

I will repeat what I said a moment ago in relation to this list of environmental laws. Our bill does not exempt nondesignated wilderness lands—any of those lands released for regulated multiple use under the bill—from any provision, contained in any of these laws and their corresponding regulations.

Our release language does contain a sentence that has raised questions. This sentence says: ''Such lands shall not be managed for the purpose of protecting their suitability for wilderness designation.'' What does this mean? This means that Federal managers will not manage a tract of land for the purpose of its possible inclusion by Congress within the National Wilderness Preservation System.

As my colleagues will note from the chart listing the special designations available for BLM managers, ''Future wilderness designation'' is not listed because it does not exist. There is no designation or direction from Congress to the agency, outside of section 603(c) of FLPMA, that says you should manage land for the purpose of its future designation as wilderness. There is no such rule or law.

But we have told the agency that we want lands protected for their unique geographical and geological traits, for their special and rare topographical values and qualities, historical values, and so forth.

The way to do this is through the existing authorities and designations available to the BLM.

This sentence in the substitute does not foreclose a Federal manager from managing an area of land to protect its wilderness character. This sentence does not prohibit a BLM district manager from managing an area of land for its wilderness values. Statements to the contrary are false.

And, more importantly, it does not foreclose a future Congress from revisiting this issue and designating additional lands as wilderness. We cannot bind a future Congress, and we do not in our bill.

During last year's markup on our bill, there was lively discussion regarding our release language. On two separate votes, the committee voted to keep our release language in the bill.

However, it was clear from the statements made at the markup, and shortly thereafter to me and Senator BENNETT, that committee members hoped we would address the issues that they raised during the markup.

We have done that with this language. As I said, the term ''nonwilderness'' multiple use has been removed, and there is no language preventing the agency from managing lands to protect their wilderness character.

I want to thank all the members of the Senate Energy Committee, particularly Senators JOHNSTON and BUMPERS and MURKOWSKI, for their constructive criticism of our original language and for their suggestions for ways to amend it. The amendment offered by Senator JOHNSTON at the December markup of the committee provided the impetus for this change.

I must say I agree wholeheartedly with the comment Senator JOHNSTON made prior to the vote on his amendment. He said that the effect of his amendment would be to ''do away with what is a present practice, which is also offending, which is managing for the purpose of some future designation as wilderness.''

That also is the effect of our language. We think it is a worthwhile effect.

Now, I know I have taken enough time. But this is an important issue—one of the most important issues in my whole time in the U.S. Senate. I am hopeful that our colleagues will help Senator BENNETT and myself to get this through. Should it be that they do not, it is going to come back and come back and come back again because we have to get this problem solved in our State.

Frankly, I do not mean to disparage anybody who feels otherwise about this, as there are very sincere people on both extremes of this issue. We have tried to achieve a compromise in the middle, where the vast majority of people can agree. I think people of good will who realize what we are trying to do will agree. I think we have given reason for every one of our colleagues here to consider the hard work we have done and the pain we have been through, and the efforts that we have made to get this done.

In that regard, I want to pay particular tribute to my colleague and my friend from Utah, Senator BENNETT. When he was on this committee, he did yeoman work with other members to apprise them of this matter. Since he has not been on the Energy Committee, he has worked very close with his former colleagues on that committee to help get this done. We have worked side by side, and we are going to continue working side by side. We both have tried to be reasonable in every way in this Congress as we serve here in the Senate. We are going to continue to try and be reasonable.

I want to pay tribute to him because he has been a voice of reason on this issue—an intelligent voice of reason. I personally believe that, when this passes, he will deserve a great deal of the credit, as will our dear friend and colleague, Congressman HANSEN, in the House, who has carried this proposal very strongly over there. Some in the media have said that this cannot pass the House. That is not true. If we pass it, it will pass the House whenever the vote comes.

I hope our colleagues will give some consideration to the efforts we have made, the good faith that we have shown, and the fact that we believe we are representing our State and the Nation in the very best way on this very critical issue to us. This is a very, very important Utah wilderness bill.

I yield the floor.

Mr. CAMPBELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Mr. President, I would like to start by saying how much I admire Senators HATCH and BENNETT for working on this bill—particularly Senator HATCH, who has worked on some form of this bill for almost two decades. Having worked 10 years on the Colorado wilderness bill, I know of the difficulty of doing it, because they are all highly charged, emotional debates.

I think the American public may not quite know what they want with a balanced budget amendment or with health care, but, believe me, they all know what they want when it comes to their land. All of them own the public lands, the areas in or without wilderness, either one. But some want to hunt on it, or run their off-road vehicles on it, and some want to graze on it, and some want to fish or take pictures, or dig for gold and use timber. And they would like everybody else off of it.

Coming from a western State, the Presiding Officer certainly knows the difficulty we get between the special interest groups, who understand that it belongs to everybody, but would prefer that their particular interest gets a priority in using that public land. But it does not happen that way.

For 3½ hours, we have been talking about one section of this bill, really—the title of the Presidio omnibus bill, not the Utah wilderness bill. Utah Wilderness is just 1 title of 33. There are 33 titles in this bill, and all of them are very important. In just title II alone, in fact, there are 16 different areas that probably will not get too much debate because they are not as controversial as the Utah wilderness bill, which is just 1 title. Certainly, when we are something like 30 years behind on finding the money to purchase land that we have already authorized to go into the Park Service and over 20 years behind on the appropriations for building the buildings in the parks, those are all just as important as any other section.

Mr. President, I rise today to call attention to several bills within the Omnibus package that are of particular interest to me and my home State of Colorado. Each of these bills deserves distinction in its own right, being crafted with years of collaborative hard work and dedication. I would like to make brief comments on each of them, and urge my colleagues to support these noncontroversial bills in final passage.

One little section under section 224, ''Volunteers in Parks Increase.'' I do not think anyone has a doubt that in this day of fiscal responsibility that we are supposed to be trying to save some money. But the importance of volunteers throughout America is going up. That probably will not get into the debate today and tomorrow. But there are many others.

Over 50 Senators, it is my understanding, either have sponsored or cosponsored some of these titles, and many of them are extremely important.

The Corinth, MS, Battlefield Act, the Walnut Canyon National Monument Boundary Modification, Greens Creek Land Exchange, Butte County Land Exchange, on and on. Title XXIII, Colonial National Historical Park—all extremely important. And yet, because the Utah wilderness bill, which is just one section, is so controversial, it seems to be getting all of the debate so far.

Let me just talk a little bit about the things that we have worked so hard for in Colorado that are also part of this bill.

Title IV, Rocky Mountain National Park Visitor Center is one of the largest and most visited in America. This bill provides the authority for the National Park Service to use appropriated and donated funds to operate a visitor center outside of the boundary of Rocky Mountain National Park.

We worked on this a number of years. And it is a good bill. But it is only one part of the bigger omnibus bill.

The Park Service has been in need of a visitor's center at the eastern entrance to Rocky for many years now, but due to fiscal constraints, they have been unable to get adequate appropriations. Thanks to a generous private-public partnership proposal, the Park Service has an opportunity to provide a visitor service outside the park boundaries. This legislation would simply make this type of partnership possible for the Park Service. This type of private-public opportunity is exactly what the Federal Government should be taking advantage of these days, and I am encouraged by the proposal for the Fall River visitor center that has been put forth. This center would help the thousands of visitors that flock to the park each year, and would save the Government millions in taxpayer dollars.

TITLE X: CACHE LA POUDRE

This bill would designate approximately 35,000 acres between the cities

of Fort Collins and Greeley, CO, as the Cache La Poudre River National Water Heritage Area.

Senator BROWN, my colleague from Colorado, has worked almost 20 years since he has been in the House and on the Senate side to get that bill passed. It is just one section of this larger omnibus bill.

The headwaters of the streams that flow into this river tell the story of water development and river basin management in the westward expansion of the United States. This historical area holds a special meaning for Coloradans, and we feel that it deserves national recognition as a heritage area. In addition to the designation, this title will help establish a local commission to develop and implement a long term management plan for the area.

This bill holds great distinction for me, for I have been working on it for many years with my good friend and colleague, the senior Senator from Colorado. The good Senator has been trying to get this bill enacted into law for over 20 years now, and each revision of the bill has been a more worthy product than the last. There are always a couple of bills that hold special meaning for us personally, and the Cache La Poudre is a good example of one that the senior Senator from Colorado has a particular interest in. I urge my colleagues to support this worthy bill, and see to it that it is enacted into law before the senior Senator from Colorado retires from our Chamber.

TITLE XI: GILPIN COUNTY, COLORADO LAND EXCHANGE

This bill is a simple, straightforward land exchange bill that will convey 300 acres of Bureau of Land Management lands in Gilpin County, CO, for the acquisition of 8,733 acres of equal value within the State.

I do not think there is any doubt that the Federal Government and the taxpayers of this country get the best of that trade. They are going to get 8,733 acres for just 300 acres of BLM land.

The bill seeks to address a site-specific land management problem that is a result of the scattered mining claims of the 1800's. The Federal selected lands for conveyance are contained within 133 scattered parcels near the communities of Black Hawk and Central City, most of which are less than 1 acre in size. These lands would be exchanged to the cities of Black Hawk and Central City to help alleviate a shortage residential lots.

In return for these selected lands, the Federal Government will receive approximately 8,773 acres of offered lands, which are anticipated to be of approximately equal dollar value to the selected lands. These lands are in three separate locations, described as follows:

Circle C Church Camp: This 40-acre parcel is located within Rocky Mountain National Park along its eastern boundaries, and lies approximately 5 miles south of the well known community of Estes Park. This acquisition can provide additional public camping sites and address a current shortage of employee housing in the popular national park.

Quilan Ranches tract: This 3,993-acre parcel is located in Conejos County, in southern Colorado. This land has excellent elk winter range and other wildlife habitat, and borders State lands, which are managed for wildlife protection.

Bonham Ranch—Cucharas Canyon: This 4,700-acre ranch will augment existing BLM land holdings in the beautiful Cucharas Canyon, identified as an area of critical environmental concern [ACEC]. This ranch has superb wildlife habitat, winter range, riparian areas, raptor nesting, and fledgling areas, as well as numerous riparian areas, raptor nesting, and fledgling areas.

Any equalization funds remaining from this exchange will be dedicated to the purchase of land and water rights—pursuant to Colorado water law—for the Blanca Wetlands Management Area, near Alamosa, CO.

It is clear that the merits of this bill are numerous. Moreover, the bill is noncontroversial, and while it may not have dramatic consequence for people outside of the State of Colorado, it represents a tremendous opportunity for citizens within my State. Due to the time-sensitive and fragile nature of the various components of this bill, I would urge my colleagues to act expeditiously and support this legislation.

TITLE XVIII: SKI FEES

For years a number of us in the west have supported legislation that tries to find some common sense and reason for the administration of Forest Service ski area permits. This title will take the most convoluted, subjective, and bizarre formula for calculating ski fees, developed by the Forest Service, and replace it with a simple, user friendly formula in which the ski areas will be able to figure out their fees with very little effort. We think this is important.

The current formula utilized by the Forest Service is encompassed in 40 pages and contains hundreds of definitions, rulings, and policies. It is simply government bureaucracy at its worst. For the ski industry, this formula is a monstrous burden, and with the expansion and diversification of many ski resorts, this burden grows increasingly more complex each year.

Mr. President, in the 5 years that I have worked on this issue I have heard virtually no opposition to this bill. It enjoys broad bipartisan support, and I hope that my fellow Senators will act swiftly and resoundingly in supporting it.

TITLE XXIX: GRAND LAKE CEMETERY

Mr. President, this title simply directs the Secretary of the Interior to authorize a permit for the town of Grand Lake, CO, to permanently maintain their 5-acre cemetery, which happens to fall within the boundaries of Rocky Mountain National Park. This cemetery has been in use by the town since 1892, and continues to carry strong emotion and sentimental attachments for the residents. This is a little, tiny cemetery near Grand Lake that started over 100 years ago—104 years ago. For 104 years that little cemetery has been in effect. And this cemetery has been used by the town. This portion of the omnibus bill will give the town a long-term permit to maintain that little cemetery.

Currently, the cemetery is operated under a temporary special use permit, which is set to expire this year. By granting permanent maintenance authority to the town, this title creates lasting stability to this longstanding issue. It is completely noncontroversial, and widely supported by both the community and the Park Service.

TITLE XXXI: OLD SPANISH TRAIL

This bill was just introduced a year ago. So it has not been worked as some others have been nearly so long. But we think it is important in this day and age when everybody is trying to preserve the cultural parts of America which is fast declining and going under concrete.

Mr. President, the last bill in this package that I would like to speak on today is another bill that holds special meaning for me. I have been working on this legislation for many years now, and I am pleased to see that this title has seven different cosponsors from both sides of the aisle.

This title would designate the Old Spanish Trail and the northern branch of the Old Spanish Trail for study for potential addition to the National Trails System as a national historic trail.

The Old Spanish Trail has rightly been called ''the longest, crookedest, most arduous pack mule route in the history of America.'' It is that, and more. The Old Spanish Trail tells a dramatic story that spans two centuries of recorded history and originated in prehistoric times. This trail witnessed use by Utes and Navajos, Spaniards, Mexicans, and American trappers, explorers, and settlers, including the Mormons. Its heyday spans the development of the West, from the native on foot to the mounted Spaniard to the coming of the transcontinental railroad. Few routes, if any, pass through as much relatively pristine country. It is time to recognize and celebrate our common heritage, and I would request that my colleagues support this title.

These bills are all noncontroversial and somewhat parochial. They may not mean a whole lot to many Members in this Chamber, but they mean a great deal to me and my constituents. I am not sure what course this debate will take, or even what role I will have in the next few days. But I would like to say for the RECORD, Mr. President, these bills that I have highlighted in my speech today are worthy of passage and are worthy to be enacted into law. Let us not forget the elements of this debate that may not be as star-studded, but are equally important.

Mr. President, I wanted to take a moment to try to add a little bit of perspective to what this bill is all about. It is very complicated. It is tremendously difficult. But the vast majority of the 33 titles have been worked out and have no opposition at all. Very few of them have any opposition. To spend all of the time on one on which I think the majority of the disagreements have been worked out already—which is the Utah wilderness bill—I think is going to be time consuming and not very productive.

So I wanted to add my voice to those who are saying there is more to this bill than just Utah wilderness. Utah wilderness is extremely important. But through the work that Senator HATCH and Senator BENNETT have done I think they have gotten a pretty good compromise. I know from the years that we worked on the Colorado bill that it does not make any difference how much land you put into a wilderness bill. There will be people who say that it is not nearly enough, and that it should be twice the size, or three times the size, or four times the size.

That is what we have gone through in virtually every wilderness bill that we have dealt with here.

I want to compliment Senator BENNETT and Senator HATCH for the work that they have already done on it, and to tell my other colleagues that hopefully we will keep this in perspective and recognize there is an awful lot of other extremely important parts of this omnibus bill.

Thank you, Mr. President. I yield the floor.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Utah.

Mr. BENNETT. Mr. President, I want to thank my colleague from Colorado for giving us that perspective which I think perhaps we needed.

If any of our colleagues are watching in their offices, they may think that the Utah wilderness bill is the only issue and that we are involved in overkill, perhaps. However, there are some things that I think appropriately should be said in this circumstance. And I will do my best not to repeat what has been said by my colleagues, Senator MURKOWSKI, and Senator HATCH.

I would also like to take the opportunity to thank Senator JOHNSTON, my colleague from Louisiana, for his kind words at the beginning of this debate. He provided a tremendous amount of help on this issue when it was before the committee. And, as he said accurately, it was his proposal backed unanimously by all of the Democrats on the committee that became the basis for the final wording of the bill in terms of the release language.

I agree with Senator HATCH—that many of those who are now attacking the bill in newspaper advertisements and elsewhere have not read that language and need to understand that they are attacking a bill that no longer exists. I know that does not meet their needs because their political needs require them to attack the very worst possible bill. I do not happen to think our first proposal was the worst possible bill. But they do, and they can keep the emotion up, if they continue to attack that which we have long since abandoned.

Mr. President, I have a different view perhaps of this issue. And I apologize if this is unduly personal. But this is the only way I can really describe how I come to this issue.

I am a city slicker. That is a term used perhaps in some places. But I grew up in a city, went to school in a city, and raised my family in a city. I knew little or nothing about these issues until I decided to run for the Senate. I came with the perspective of somebody for whom wilderness meant a drive in the country on a Sunday afternoon.

My opponent for the Senate was the author of H.R. 1500, the bill that called for at that point 5.4 million acres of wilderness in Utah, and he was lionized by all of the same groups that are now buying the full-page ads in national publications to attack the bill that we are debating here today.

It was interesting to me to follow him around the State of Utah and see him back away from his original proposal the more exposure he had to real voters.

It is also interesting that now that the voters of Utah decided to retire him from public life that he has become the chairman of the Southern Utah Wilderness Alliance, the group that has been paying for these advertisements around the country. I do not know how much they spent. I would guess it would be millions of dollars, knowing what I do know about the cost of advertisement—perhaps even in the tens of millions of dollars. We will never know. The group will never tell us. The group does not tell us where their financial support comes from. The group does not tell us who is behind their efforts. But they have mounted this effort and run these ads in attack of this bill.

As I say, I am a city slicker. I came to this issue really with no preconceptions one way or the other. I was forced into it by virtue of the fact that my campaign was against Wayne Owens who was the primary mover of this effort, and who continues, as I say, today as one of the primary forces behind it. I decided I had better learn something about the issue. I know that strikes some people as a little strange in politics. But I decided that I was not going to be able to run on discussion of this if I did not know anything about it.

So this is what I did to try to find out about it. The first thing I did was talk to the people who lived on the land.

I went out to the land, and I sat down with the people who live there, and I asked them to tell me about it. I will not bore you with all the things they told me, but one conversation sticks in my mind. A woman down in southeastern Utah walked out with me. We had been in an area where we had been having dinner with a group of people. We walked out into the open air, and she said, ''BOB, look around. What do you see?'' Well, I did not know what I was supposed to see, so I had to make up some kind of comment. I did not know what I was looking for. But she said, ''Look around at this land. What do you see?''

I shrugged my shoulders a little, and I said, ''It's pretty.'' She said, ''It's pristine.'' I said, ''Yes, that's right. It's pristine. That's wonderful.'' She said, ''BOB, my family and I have been making our living off this land for five generations. Tell me we don't love it and we can't take care of it properly.''

So that was the first experience I had as I went out and talked to people who live there and have their feeling of stewardship for the land. It is very real. I submit to the Senator from New Jersey that it is as real as his sense of stewardship or that of anybody else who sends in their subscriptions to the various environmental groups but who has never had the experience of living on the land from generation to generation.

These people are not despoilers. These people are not exploiters. These people are stewards, and they are good stewards, of the land. The reason the land is in the condition it is in that we can be talking about it as needing to be preserved for our children is that these people have preserved it in that condition for five generations and more.

All right. That is the first thing I did. I talked to those who live on the land. Then I decided, well, I better talk to the professional managers, the people who make their living managing this land for the Federal Government. As Governor Leavitt pointed out in his letter that Senator HATCH quoted, the professional managers run more of the State of Utah than the elected Governor does. The head of the BLM in Utah geographically has wider sway than the Governor and the State legislature put together.

So I went and talked to these professional managers, and I asked them to tell me about this wilderness thing, help me understand it. They looked at me. They had to take my measure for a little while. They had to decide whether I was really serious about trying to get their view. When they finally decided that I was serious about wanting to know without any preconception, they said, ''Senator''—by this time I had been elected so they used that term. They said, ''Senator, we can't manage 5.7 million acres of wilderness. You give us 5.7 million acres as wilderness, and we are going to have all kinds of incursion into that land because we don't have enough police force to keep people off land that they have been traditionally entering for many, many years. We are finding it

already in the study areas; the 3.2 million acres that are being studied cannot in perpetuity be managed as wilderness. We are already seeing incursions that we can't control.''

They said, ''One of the reasons the BLM came up with 1.8 million acres of wilderness is that we decided that was the maximum amount we could effectively protect as wilderness. The rest of it simply could not be managed.''

They gave me this example of why some acreage is not appropriate for wilderness. They said the 5.7 proposal talks about land that comes right up to the highway. They said, ''Senator, we cannot stop people out there along the highway from parking their cars on the side of the highway and picnicking on that land.''

Now, the land has no wilderness characteristics in the terms of the bill as Senator HATCH has described; that is, the original Wilderness Act. The reason it is included in the 5.7 is that these people want it as buffer land for wilderness area that is maybe 5, 6, 10, 20 miles away. So they have taken the wilderness area that is 20 miles away from the highway and decided that in order to protect it, in their view, they are going to put the wilderness designation right up to the highway itself.

They said, ''Now, Senator, stop and think about it. Are you getting the wilderness experience in an area untrammeled by man when you are standing 50 feet away from an interstate highway?''

That is not the kind of solitude that the Senator from New Jersey waxed so lyrical about earlier this morning. That land does not qualify in any sense for a wilderness designation, and yet, according to these professional managers, it is included in some of the proposals that we have.

So I thought, well, OK, I have talked to the people who live there. I have talked to the managers. Maybe I ought to go see the land myself. So I went out to see the land, and I discovered something that as a city slicker I would never ever have known, something that I think is being ignored in this debate, something that has been ignored in this Chamber, and something that I would like to talk about as being crucial to this issue, and that is this. I discovered that human beings do not automatically degrade the quality of the environment. Indeed, I discovered that in some circumstances human beings improve the quality of the environment.

Is that not a radical notion? Everything we have been hearing about preserving wilderness is that we have to preserve this in its pristine, magnificent quality, or something really worthwhile will be lost and we will get in place of it something terrible that comes from human beings.

Let me show you some pictures, Mr. President, some that we have brought together and some that I saw for the first time as I was presiding the other night when the Senator from Wyoming was talking about grazing. Let us take first some of the pictures from the Senator from Wyoming because I think there is a significant point to make. I will not go through all of them as he did.

It so happens that in 1870 a photographer got loose in Wyoming, and he went around and took some pictures of areas that he thought were particularly significant. The picture on the top is in Jackson. It was taken on August 12, 1870. In 1976, a little over 100 years later, modern photographers going over these magnificent old photographs decided they wanted to go back to the same place and take a picture of exactly the same scene. So they did.

What do you see between 1870 on the top and 1976 on the bottom? You see a lusher environment. You see more trees, more vegetation, healthier grass than you saw 100 years ago. What is the difference? The difference is that for the succeeding 100 years wise stewardship by human beings has been practiced on that land, and environmentally it has gotten better and not worse.

We have another one by the same process, same photographers. This is also in Wyoming. I wish I had some pictures like this of Utah. I have one that I will get to.

Again, Jackson, August 20, 1870, on the top. You see the kinds of things that we hear on this floor about overgrazing and the range in terrible condition and the grasses having been destroyed, and so on. Now you look at it 100 years later with wise management and you see trees in the riparian area; you see lusher grass; you see healthier plants because human beings have exercised wise stewardship.

Now let us go to the one in Utah. The Senator from Wyoming had a whole series of these and built his whole presentation around them. I was tremendously impressed.

This one is not 100 years. This one is only about 50. I picked this one because the Escalante River is one of the areas of high controversy in this wilderness debate. The top photograph was taken in 1949. It shows the Escalante River. The bottom photograph was taken in 1992. What do you see in the bottom photograph? You see lush vegetation through the riparian area, so lush you cannot even see the river because there is so much foliage there. And where did that come from? That came from human intervention into the area. That came, primarily, from cattle.

We have heard so much about how terrible cattle are for the environment. We heard from the Senator from New Jersey the basic assumption that when cattle get into an area, there is automatic overgrazing. As I said, I walked the land myself. This city slicker went out and went over some land and discovered a fascinating thing that I would never have learned, growing up in Salt Lake City, UT. I had a guide who took me through it and he showed me two tracts of land, side by side. We walked over both. The one tract of land had cattle grazing on it on a regular basis. The vegetation was healthy. The watershed was good. The grasses were healthy and strong and lush.

We then went to another area, which, ironically, was BLM land where cattle permits had been denied. The first piece of land was private land, right next to it a piece of BLM land where permits had been denied. Here the land was beginning to turn to desert. There were no grasses. Such vegetation as was there was scrawny and drying up, showing, if you will, something very similar to the contrast in those two photographs.

I said to the man who was guiding me through, ''All right, now tell me why this is?''

He says, ''It is very simple.'' He said, ''Out here in Utah and Arizona''—actually, this particular tract of land was in Arizona, right on the Utah border—''it is so dry that the land cakes, and when the water finally comes in the infrequent rainstorms, it hits this caked-over land, this dried-over land, and it runs off and does not get in below the surface to nurture anything, unless something comes along to break through the surface of that land.'' He said, ''The something that most often comes along that can do the land most good is a cow.''

When a cow comes along, every time it steps, before a rainstorm, afterward there is a little puddle of water in every one of those steps where the cow goes by. And then the seeds are coming through the air as the wind blows along. And where do those seeds get caught? They get caught in those little indentations made by the places where the cattle have stepped. And if there is water there and seeds there, and then fertilization—the cow carries that process with it and drops it along the way—you begin to get what you see in this patch of land, strong plants and lush grass, rather than the desert effect that you get in this patch of land where the cattle have been kept away.

That is exactly what has happened in the Escalante River. Yet, in the name of protecting the environment and doing what is best for the environment, there are people who would say the top photograph is better than the bottom photograph. The top photograph represents something we must preserve for our children and our grandchildren, and the bottom photograph represents exploitation and despoilation of our natural resources.

That is a moral judgment that I cannot make. I do not find any moral superiority in deserts over vegetation. Some people might be able to make that moral judgment. I cannot.

So I came away from that experience, talking to the people who lived on the land and finding them to be good stewards who loved the land every bit as much as anybody who ever sent off his card to the Sierra Club, talking to the

managers who run the process and finding them to be conscientious and intelligent people who want to do the right thing for the land, and then finally walking the land myself and going through this process, I came away with the conviction that there is no single magic bullet for us to solve our environmental problems, such as slapping a wilderness designation on a map and then saying nature will take care of this and human beings, stay away forever and ever.

Let me give another example of why it is the people of Utah are so concerned about this question. Why do we care? Why do we care whether land is designated as wilderness or left in BLM inventory? What big difference does it make? Let me give one example in Juab County, UT, where there is a little town called Mona.

I have driven through Mona. I would like to say for the sake of this debate I have stayed there and talked with some folks, but I have not. I must be honest. I just kept right on driving, and you get through Mona pretty quick when you are driving. It does not slow you down very much. Mona's secondary source of culinary water is a spring located on Forest Service land. Unfortunately for the people of Mona, this spring extends into the Mt. Nebo Wilderness Area, which was designated in 1984. It is a small spring. It has a flow of only 5 to 20 cubic feet a second, depending on the time of year. The pipeline is operated by the tiny little Mona Irrigation Company.

For the last 2 years, Mona has been prevented by the Forest Service from accessing and maintaining the spring, even though the first historic use of the spring began in 1870.

Under the terms of the Wilderness Act, prior activities are grandfathered in and allowed to go on. If you had a grazing permit, according to the act, you can continue to graze. If you had a mining permit, according to the act, you can continue to mine. In fact, we know that once something is designated as wilderness, all that goes out the window, it is walled off, no human activity whatsoever regardless of what may have been going on there before. The historic use of this spring began in the 1870's. There has been over 120 years of use of this water.

The Forest Service, now, will not give permission for the tiny town of Mona to access and maintain its source of drinking water until an environmental assessment is completed.

I will say the Forest Service has not been obstructionist about this, in any kind of confrontational way. They have simply said this is what the regulations are and we are going to enforce them. We are sorry about it. They have not been particularly cooperative. They have just enforced the rules.

So, for 2 years now, Mona cannot deal with maintaining this source of water that they have been using for 120 years.

I would be a little more sympathetic with the wilderness advocates if this spring were, say, 3 miles inside the wilderness boundary. Mr. President, it is 900 feet from the wilderness boundary. But they are forbidden from crossing that boundary to go provide maintenance on a source of water that they have been using for 120 years. That is the kind of thing that scares the living daylights out of the people in Utah, who live next to these wilderness designations and are saying, ''What is going to happen to us when we start facing the bureaucracy that surrounds the enforcement of a wilderness designation?''

Much has been said about the process. I will not revisit that except to give my version quickly of what happened, and some of the things that we have gone through here.

As Senator HATCH pointed out, the BLM started the study here. I should point out for the sake of partisan clarity that the decision as to what would be studied and what would not was not made by Jim Watt. It was made during the Carter administration by those environmentally friendly folks who President Carter appointed to the Department of the Interior.

They did their study, they came up with their conclusion, and then they opened it up for standard appeals, comments and so on. The Utah Wilderness Association, a group not to be confused with the Southern Utah Wilderness Alliance, protested that the Department of the Interior and the BLM had missed some very significant areas. Their protest was not only heard; it was upheld. Some 800,000 acres were added to the study area in response to the protests of the Utah Wilderness Association. I happen to believe that that protest was wise and that the decision that was made to add those additional acres to the study area was the correct decision.

There were other protests that were made that were defeated in court. I made that point at the press conference where we all got together to announce our intention to try to resolve this issue, and some folks came up to me after the press conference and said, ''Oh, no, no, Senator, we've never lost any of our appeals, we've never lost any of our challenges.''

I said, ''Well, then, my staff is misleading me and the folks at the BLM are misleading me. They said every time you have challenged this original designation you've lost.''

''Well,'' he said, ''we did have to withdraw some of our appeals, but it was withdrawn because we didn't have enough money. We couldn't afford to proceed.''

I find that a very interesting statement in the light of what we have heard on this floor today from the chairman of the committee of roughly $1 billion of liquid assets in the hands of those who are fighting this bill. If they have enough money to buy a full-page ad in the New York Times, they have enough money to pursue their effort in behalf of some of these court challenges.

No, I do not think they withdrew the challenges because they did not have enough money; they withdrew the challenges because they knew they were without merit and they were going to lose and they did not want the embarrassment of having that loss on the record.

We decided—that is, the members of the delegation—in concert with the Governor that we were going to start this whole thing from scratch again. Senator HATCH has described the hearings that were held at the county level, the hearings that were held statewide and all of the rest of that. We are being told now that 75 percent of the people who responded to those hearings were in favor of 5.7 million acres. I can only agree with Senator HATCH that that is an incorrect figure, incorrect statement.

What was very clear to me as we went from place to place was that the caravan of protesters went with us. It became kind of a ballet. As the delegation would move into a new area, then all the protesters would move and they would have the same buttons on. They would come in and demand the places and then tell us the same thing they told us in the previous location. Then we would get in our cars and drive to this location and they would get in their buses and come, and we would go through the same charade.

For them to say 73 percent of the people who testified were all in favor of this other proposal, I would say it is the old story used when you turn down somebody for a job and he said, ''But I've had 10 years experience,'' and the answer is, ''No, you haven't, you've had 1 year experience repeated 10 times.''

We had this same group of people repeating the same arguments over and over and over again. On one occasion, the Governor turned to say something to a member of his staff and the witness stopped and said, ''Governor, I'm speaking to you.'' The Governor turned back and apologized, listened, and then said to me, ''The reason I felt I didn't have to listen to her is because I had heard the same testimony from her four times and I thought I knew what it was she was going to say.''

It was interesting to me that when we were through with this process, we came up with roughly the same result that the BLM had produced in their 15 years of activity. We did not try to do that. We did not deliberately set out to validate what they had done, but we found it fascinating that when we were through, we had the same result.

This is what we were told at those hearings, and we have heard some of it on the floor today. I would like to respond to it. We were told: ''Wilderness will make money.'' We heard that from the Senator from New Jersey. ''Tourists come to Utah, tourism is Utah's No. 1 industry. If we just add wilderness to the mix, we will make money.''

Mr. President, I have a map of the State of Utah, and you will see that it is filled with bright colors. What are

all these bright colors? The yellow is BLM land. You will see if you get close to it that there are a bunch of little tiny squares of purple all the way through there. Those purple squares belong to the State of Utah. Those are the school trust lands that came in the enabling act when the State was created. But all of the yellow you see here is BLM land. This happens to be a military reservation, the Utah Testing and Training Range. I do not recommend you go out there on your vacation; they are likely to drop bombs on you. That is what they do when they take off from the airfield.

The dark blue is water, Utah Lake and Great Salt Lake.

The green is Forest Service land. When we talk about the Federal Government owning 67 percent of the State of Utah, it is the combination of Forest Service land and BLM land.

The salmon color lands are Indian reservations. Interestingly, this area where it shows a great deal of white land is, in fact, an Indian reservation. I will tell you what the white is in just a moment.

This land is national recreation area, also not available for any kind of private development.

The white land that you see left over, that is private land. That is the amount of land that the citizens of Utah own. The Senator from New Jersey says Utah is one of the most urbanized States in the Union. Maybe when you see the land pattern you can understand. There is not any private land available except in the urban areas. That is a bit of an overstatement, but I think it comes closer than some may realize.

You may ask, ''What is all this private land on what is supposed to be an Indian reservation?'' That is land the Indian tribes handed out to their members, so it is still an Indian reservation but it is held by title by the members of the Indian tribe.

So if we are going to talk about exploitation of private landowners, you are going to see that the amount of land that the private owners can exploit is very, very minimal, compared to all of the other land uses.

But I came to the chart for this purpose, because we are talking about the issue of making money off wilderness.

You see this dark green place inside the green Forest Service land. This is wilderness, and that is not obscure wilderness. This is wilderness so popular that the Forest Service has to issue permits to people to go in. They do not want anybody in there in any higher levels of visitation than they are getting right now.

This is wilderness that for its tourist potential has reached the saturation point. The Forest Service will not let anybody else in, and it happens to be in the two poorest counties in the State of Utah. Wilderness has not made them wealthy, the way some of the proponents of this proposal would have you believe.

The other green that you see here in the yellow area is the wilderness that is included in our bill. This is the 2 million acres that we have been talking about, and the various places where it will be, including—yes, including—the Kaiparowits Plateau that we heard so much about earlier in the debate.

Mr. President, I put that out because, again, I am a city slicker. I did not know this until I came to the Senate. I had no understanding of the way the land in Utah is allocated and owned until I came to the Senate and got into this debate. I love to go out into the wilds. I love to go out and commune with nature and have the kinds of experiences that Senator BRADLEY quoted the professor from Colorado was having. ''The silence is stunning,'' he said.

I have had that kind of experience in Utah. I have gone off by myself and had that kind of tremendously uplifting experience. I did not know at the time I had the experience where I was in terms of who owned the land. I have gone back and checked. I was on BLM land. I was on land exploited. Why? Because some cattle had been through there. I did not know that. I had my experience without knowing that.

I guess I am deficient somehow in that I do not require the knowledge that nobody else has ever set foot on the land for me to have that kind of experience on the land. The vast majority of the people who come to Utah to have that kind of experience have it in the green areas, that is, the national forest. We have 8 million acres of national forest in the State of Utah.

The only difference, from my perspective, between the national forest and the other lands that we are talking about setting aside as wilderness is that you can get to the national forest. I can go to the national forest in my automobile. There is no way in the world I am going to be able to go to these areas we have designated as wilderness in an automobile. That is fine. So 2 million acres; it meets the criteria of the Wilderness Act. I agree that that ought to be set aside, primarily for ecological reasons.

But most people who are talking about wanting more wilderness have the mistaken impression that what they are talking about is pretty country. They are saying we want to keep the country pretty and keep away the strip malls and the hamburger stands and so on. There are 8 million acres where there will never be a strip mall or a hamburger stand or any other kind of commercial exploitation in the State of Utah. There are 8 million acres right now in national forests. You add to that the 2 million acres that we have of national parks,—I am surprised at how many of my constituents think wilderness means national parks—add the 2 million acres that we are proposing in wilderness, taken off the BLM land, and you will have 12 million acres of Utah set aside that can never ever be used for any kind of commercial exploitation, plus 20 million acres left to be managed in the way that we saw in the first photograph I showed of Escalante Canyon.

There are 20 million acres left to be exploited, the way that picture on the bottom indicates it is exploited, plus 12 million acres where there will never be any commercial activity of any kind. That comes to 32 million acres. I think that is enough. That all meets the standard of what the law has said that gives us all the legacy that we need to pass on to our children.

Mr. President, I have two other things I want to say that I found as I went around on my odyssey to talk with the people who lived there, talk with the managers, and to look at the land myself.

The first one has to do with the issue that Senator BRADLEY raised with respect to Kaiparowits. As Senator HATCH very appropriately pointed out, our bill protects hundreds of thousands of acres in Kaiparowits. The real issue in Kaiparowits, however—we must be honest about it, Mr. President—is not the number of acres; the real issue of Kaiparowits is called, ''Will we allow any exploitation of the coal reserves that are under the surface in the Kaiparowits Plateau?''

You see the full page ads that talk about ripping out all of this magnificent scenery so that coal can be ripped from the Earth, flung around the world, and as the final statement in the advertisement says, ''A foreign corporation gets all of the profits, and Utah is left with a hole in the ground.''

In the first place, the particular foreign corporation that they are talking about happens to be a very good corporate citizen of the State of Utah and has been mining coal in the State of Utah for close to 100 years.

But, quite aside from that, let us talk about it from the environmental impact standpoint. The Senator from New Jersey talked about long-wall technology in coal mining. I have been down in a coal mine in Utah. I have seen long-wall technology. I say to anybody who has not had that experience, it is one of the most fascinating experiences you are going to have in your life because you cannot conceive, or at least I could not conceive, how any engineer would ever be bright enough to sit down and figure out how that whole thing works. It is just absolutely stunning.

With the long-wall technology that now occurs in coal, it will be possible for the mining company to go into the coal seam at Kaiparowits and take out virtually all of the available coal through a single mine opening. We are not talking about strip mining here. We are not talking about tearing the top off of the Kaiparowits Plateau. We are talking about a hole on the side of a mountain roughly the size from that door to that door in this Chamber and maybe 16 to 20 feet high. That is about all the bigger the hole has to be.

How much coal are we talking about? You figure you have a good seam of

coal if it runs anywhere from 6 to 8 feet in height. The seam under Kaiparowits is about 16 to 18 feet in height, more than twice the size of the coal seam that you would consider very good. There is enough coal under Kaiparowits to provide the power needs of several Western States for the next 100 years.

As Senator HATCH pointed out, it is environmentally friendly coal. It has the right kind of chemical makeup and is the kind of coal you want to burn instead of the kind of coal from other parts of the country, parts that are very well represented in this body, I might add.

How do we get to this opening where this coal can be taken out? In order to get to the opening where the coal can be taken out, you have to go down into a circular canyon. That is good from an environmental standpoint because it means if you are not standing closer than about 100 feet from the edge of the canyon, you cannot see it. How many acres are we talking about? How big a platform? How big a footprint is going to be placed on the land when this thing is fully operative? Forty acres, Mr. President.

At the bottom of this circular canyon, virtually hidden by the nature of the way the canyon was formed, 40 acres at the bottom of this canyon will be admittedly despoiled and exploited, 40 acres will be filled with buildings that are not particularly pretty to look at, 40 acres will be filled with sheds and equipment. And for that 40 acres which cannot be seen anywhere on the Kaiparowits Plateau—I stood on the Kaiparowits Plateau and looked at it directly myself—for that 40 acres that cannot be seen anywhere on the Kaiparowits Plateau, we could produce enough coal to furnish the energy for several Western States for over 100 years.

Now, in this book, ''Wilderness at the Edge,'' where we see the whole 5.7 million acres laid out in all their glory—and it is glory—they tell us all of the places we ought to designate as wilderness that we do not have as wilderness. There is an interesting little suggestion. One of the places they designate as wilderness happens to have a railroad tunnel running underneath it. The railroad tunnel is already in. The trains are already going back and forth. They say it should still be designated wilderness because the activity beneath the surface does not detract from the glorious wilderness experience on top of it.

I say to those who wrote this book, what is the difference between coal mining that is going on underneath the surface, hundreds if not thousands of feet below the magnificent scenery up above, and railroad cars going back and forth? If you can live with railroad cars, saying that does not detract from the experience on the surface, I tell you, you should be able to live with coal mining, particularly with the long wall technology to which the Senator from New Jersey referred.

Now, Mr. President, in conclusion, I know those are very welcome words, and for most of the people who are listening, I go back to the comment made by the Senator from New Jersey in his conclusion. He quoted an editorial from a newspaper, the editors of which, I would guess, have little or no personal experience with any of these issues we have been talking about. The editorial says there are two philosophies, and we have a clash between the two philosophies: Whether we want to support solitude and recreation, one philosophy; or whether all things on the Earth should be exploited for human development, the other philosophy. Of course, they came down on the side of the first, as does the Senator from New Jersey, which is his right. I respect him for it. I respect the thoughtful, intelligent way in which he proposed his arguments.

I suggest, however, based on what I now know about this, that these are not the two philosophies at stake here at all. I suggest, Mr. President, that, yes, this is an argument between two philosophies, but these two philosophies have nothing to do with the question of, are you in favor of solitude and recreation, or are you in favor of human development?

The two philosophies are these, Mr. President: Do you believe that nature is perfect and benign and must be left alone to achieve the highest moral goal; or do you believe that nature is constantly changing, moving from one moral circumstance to the other with such rapidity that there is no moral judgment that can be found, and therefore nature can be managed without any moral implications. Based on what we have seen here, based on what I have seen as I have gone throughout the western lands, I believe that there is moral justification for managing nature, for planting trees where they did not exist before, for running cattle on areas that will produce greater vegetation than was there before. That is my philosophy. I do not run from it nor apologize for it.

I close with this real-life example that illustrates what I am talking about. There is in Utah—there was in Utah; I must put it in the past tense, unfortunately—there was in Utah in Garfield County, one of the counties that would be most affected by this legislation, a magnificent field—beyond field; a magnificent area—filled with buttercups. I did not ever see it myself, but I am told, and I am quoting from those who did see it. It was one of the most awe-inspiring sights anyone could experience, going out and seeing this huge field, lush and gorgeous, at the proper time with buttercups blooming. Cattle grazed in that field, and people who belonged to the organizations listed by the Senator from Alaska decided that field of buttercups was so magnificent that it must be preserved; it must be protected from the degradation of human beings.

Since there was no legislative way to do it, they raised the money—the money presumably they could not find to bring the lawsuits to protect their position elsewhere—they raised the money, purchased this piece of land, and then fenced it off so that the beauties of nature as manifested in these buttercups would be protected forever and ever.

That was just a few years ago, Mr. President. If you were to go to Garfield County today and ask the residents of Garfield County, ''Where are your buttercups,'' they would tell you there are no buttercups. They would take you out to the piece of land that had been fenced off and preserved from any human management. You can see that. What it is filled with is dead grass. Why? Because no longer were human beings allowed to run their cattle through that area, so that the grasses that choked out the buttercups were able to grow up, unmolested and uneaten. The manure that the cattle normally brought with them into the area disappeared, and now the heavy grasses have grown up, choked out all the buttercups, and then, unfertilized themselves, have died, and you have one of the most sterile, uninspiring pieces of real estate on the planet to which somebody paid a fairly pretty penny in order to preserve the buttercups.

Mr. President, human involvement in the environment is not automatically bad for the environment. Human involvement in the environment, if properly managed, can produce good results for the environment. Saying that we are not going to allow someone that does not have any personal stake in this issue to lock up huge chunks of the environment in the name of the environment does not mean we are opposed to the environment.

In my view, Mr. President, sound stewardship by intelligent human beings who love the environment can be good for the environment. Locking humans out arbitrarily by legislative fiat is not automatically the proper environmental thing to do.

I close as I began, Mr. President, by taking you back with me to that moment when I first began my odyssey in understanding this issue, as I stood with this woman in southeastern Utah, looking out over absolutely pristine territory, and having her say to me, ''Look at the land. What do you see? It is pristine. My family and I have been making our livings off of this land for five generations. Tell me we do not love the land and that we cannot be trusted to manage the land.'' I could not tell her that. I cannot tell this Senate that. I cannot tell the President of the United States that.

The bill we have crafted is not only the right bill for the people of Utah, it is, Mr. President, the right bill for the environment and the environmentalists. If they will simply come out of their carports and come away from their mailing lists and come with us, to go through the land and talk with the people who live there and spend time

with the land managers, the true lovers of the environment will come to agree with us that our bill for wilderness in the State of Utah is the proper environmental response.

The PRESIDING OFFICER (Mr. BROWN). The distinguished senior Senator from Utah.

Mr. HATCH. Mr. President, I want to compliment my colleague for his very good remarks and his ability to put into prosaic and also simple terms just what is involved here.

In fact, both of us have been fighting for this for a long time. It is a moderate, reasonable approach. We really appreciate our colleagues who cooperated to help us on this, because it is not going to go away for us or for anybody else here until we get it resolved. It is a reasoned, moderate, decent approach.

Mr. President, I ask unanimous consent to speak as in morning business.

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

JUDICIAL SELECTION

Mr. HATCH. Mr. President, I rise to address an issue that I have discussed recently before the Senate: judicial selection. As I have said before, differences in judicial philosophy can have real and profound consequences for the safety of Americans in their neighborhoods homes and workplaces. Judges are every bit as much a part of the Federal anticrime effort as are U.S. attorneys and FBI and DEA agents.

In my last speech, I drew attention to two Federal district judges appointed by President Clinton—Judges Harold Baer, Jr. and James Beaty. These two judges rendered decisions favorable to criminal defendants based on legal technicalities that had nothing to do with their guilt.

Judge Baer sparked outrage throughout the Nation when he suppressed evidence seized during the stop of an automobile by police who had witnessed four men drop off two bags in the trunk at 5 a.m., without speaking to the driver, and who then rapidly left the scene when they saw a police officer looking at them. The bags turned out to contain about 80 pounds of drugs. Judge Beaty has received similar criticism for releasing a man who murdered his parents in their own bed because a juror had gone to look at a tree where the murder weapon was found.

I was pleased to learn that President Clinton is upset about Judge Baer's outrageous decision. He even momentarily suggested, through his press secretary, that the judge should resign if he does not reverse himself. But President Clinton concern is too little, too late. He should have been more concerned when he nominated this individual to lifetime tenure as a Federal judge. A mistake here lasts a lifetime, not just 4 years. Judge Baer is one of President Clinton's lasting legacies.

And the President's concern comes only after I and many others have criticized the decision literally for weeks.

The President talks about putting cops on the beat, yet he appoints judges who are putting criminals back on the street.

Now that the American people are suffering from the consequences of this administration's judicial nominations, President Clinton's initial solution was to call upon Judge Baer to resign. This was a meaningless gesture that has no practical effect because the only way to remove a judge is to impeach him. President Clinton is now left to hoping Judge Baer will reverse himself. The true check on these solf-on-crime judicial activists is to never appoint them in the first place.

Let me be clear, I did not call for Judge Baer's resignation. I simply pointed out that there is no substitute for the sound exercise of the President's power to appoint judges to lifetime positions.

Let me assure my colleagues, Judge Baer is not the only judge appointed since January, 1993 that, in my view, President Clinton should feel misgivings about.

Will the President chastise Judge Beaty, or does he agree with his decision to release a convicted double murderer on a technicality? I am not alone in my criticism of Judge Beaty—the Wall Street Journal has said that Judge Beaty and his Carter-appointed colleague took ''a view of defendants' rights that is so expansive that they are willing to put a murderer back out on the streets because a juror took a look at a tree.'' The entire fourth circuit has voted to grant en banc review of the case, and I fully expect the court to do the right thing and reverse Judge Beaty's misguided opinion.

But President Clinton has not called upon Judge Beaty to resign. Instead, he is rewarding Judge Beaty by promoting him. He has nominated Judge Beaty to the fourth circuit. While the President cannot force activist, soft-on-crime judges to resign, he can choose to keep them where they are instead of promoting them to the appellate courts, where they can do even more damage to the law and to our communities. Will President Clinton regret Judge Beaty's soft-on-crime decisions if they start to issue from the fourth circuit? Will he then suggest that Judge Beaty resign? Perhaps he ought to withdraw that nomination—it is in is power to do so, removing Judge Baer is not.

To be sure, Republican appointed judges can make erroneous rulings. And, I understand the Clinton administration is on a desperate damage control mission to mention such rulings. That is fine by me, because the more information about the track records of Republican and Democratic appointed judges, the better.

I hardly agree with every decision of a Republican appointed judge. Nor do I disagree with every decision of a Democratic appointed judge.

Nevertheless, there can be little doubt that judges appointed by Republican Presidents will be generally tougher on crime than Democratic appointees. As I will explain in this and subsequent speeches, on the whole judges appointed by Democrat Presidents are invariably more activist and more sympathetic to criminal rights than the great majority of judges appointed by Republican Presidents.

I does little good to ask these judges to resign or to chastise them after they have inflicted harm upon the law and upon the rights of our communities to protect themselves from crime, violence, and drugs. President Clinton's momentary resignation gesture is only the latest example of this administration's eagerness to flip-flop wherever it meets a stiff breeze of public disapproval of its actions.

And what excuse, Mr. President, does President Clinton have for the nomination of Judge J. Lee Sarokin of the U.S. Court of Appeals for the Third Circuit, and Judge Rosemary Barkett of the U.S. Court of Appeals for the Eleventh Circuit? These are two of the most activist friends of criminal rights on our Federal courts of appeals. Their judicial track records were crystal clear at the time President Clinton appointed them. The President nominated Judges Sarokin and Barkett with full knowledge of their records.

I will have more to say about these two judges in the future, but let me remind the Senate and the American people that I led the opposition to these two nominees because of their activist, soft-on-crime approach. The Clinton administration fought hard to get these nominees through the Judiciary Committee and through the Senate, which confirmed both Judge Sarokin and Judge Barkett in 1994.

I regret to say that my predictions about these two judges have been proven correct. Judge Sarokin has repeatedly come down on the side of criminals and prisoners in a series of cases, and he recently voted to overturn the death sentences of two Delaware men who, in separate cases, killed several elderly people. Not to be outdone by her New Jersey colleague, Judge Barkett has continued her tolerant attitude toward drugs in our society and her suspicion of the police. Just last month she argued in an opinion that police could not conduct random roadblocks to prevent traffic violations and to search for drugs—in her words the searches were ''intolerable and unreasonable.''

Luckily, in both of the cases that I have just mentioned, Reagan and Bush appointees formed a majority of the court and ensured that Judges Sarokin and Barkett's views were made known as dissents. But if Judges Sarokin and Barkett and other Clinton nominees had formed a majority on those courts, they would have put the criminals back on the street. If President Clinton should win a second term, he will appoint a majority of the judges on the Federal courts of appeals. Judges Barkett and Sarokin provide a clear

example of what we can expect from the Federal courts should President Clinton appoint judges for 4 more years.

Can the administration name any Reagan or Bush appellate judges who have argued so often and so vigorously in favor of elevating criminal rights above the right of the community to protect itself? I don't think they can. In fact, the record indicates that the current administration has nominated several judges who have ruled in favor of criminals or prisoners clearly and consistently. When they are right, that is fine. In most of these cases they are wrong.

For example, let me tell the American people about the case of *United States* v. *Hamrick*, [43 F.3d 877 (CA4 1995) (en banc)]. While serving time in Federal prison for threatening to kill President Reagan, defendant Rodney Hamrick built several improvised bombs, threatened to destroy a Federal building, shot other inmates with improvised guns, and threatened to kill Federal judges. While serving his various sentences, Hamrick built a letter bomb of materials available in prison that, in the words of Judge Michael Luttig's opinion for the fourth circuit, if fully effective could have produced a 1,000-degree fireball up to 3 feet in diameter. This fireball would have burned the skin and eyes of anyone exposed to it. If those exposed were inhaling when the bomb detonated, the fireball could have seared their lungs, possibly resulting in death.

Hamrick sent the bomb to William Kolibash, the U.S. attorney for the Northern District of West Virginia, whose office was responsible for Hamrick's prosecution. Kolibash opened the package, but the bomb was faulty and only scorched the package instead of detonating. Hamrick put his own return address on the envelope, making his arrest an easy matter since he was in prison. Hamrick confessed and stated that he intended the bomb to go off in retaliation for his prosecution.

Hamrick was convicted by a jury of assault of a U.S. attorney with a deadly or dangerous weapon under 18 U.S. §111(b). Relying upon applicable Supreme Court precedent, Judge Luttig affirmed the conviction for the en banc fourth circuit. He was joined by Judges Russell, Widener, Wilkinson, Wilkins, Niemeyer, and Williams. Judge Hamilton wrote a concurring opinion. All of these judges were appointed by Republican Presidents.

Judge Ervin, then chief judge and an appointee of President Carter, wrote the dissent. He was joined by every Democratic appointed judge on the circuit in arguing that because the bomb was made badly, it could not constitute a deadly or dangerous weapon under the statute. Judge Blane Michael, President Clinton's appointment to the fourth circuit, joined this illogical, unreasonable decision. He joined Chief Judge Ervin's conclusion that because the bomb lacked an igniter, it could not be called a dysfunctional bomb, as the majority concluded, but instead was, in the dissent's phrase, an ''incomplete bomb,'' and hence could not be a dangerous weapon under the statute. Goodness gracious. What if it had been a real bomb?

Mr. President, I imagine that Judge Ervin and Judge Michael also would think that if a defendant pointed a gun at you or me and pulled the trigger, but the gun is defective and doesn't fire, the defendant would not be guilty of attempted murder because he used an incomplete gun. Such sophistic word games demonstrate the eagerness of Judge Michael and his dissenting colleagues to protect criminals at the expense of law enforcement.

Even once the criminals are convicted and sent to prison, the judges nominated by President Clinton continue to adopt a tolerant attitude. These judges are determined to defend prisoners against the rights of society to defend itself from violent crime. These judges should be more concerned about the rights of society to incarcerate convicted criminals and to run orderly prisons before they start wringing their hands about how unfair a punishment it is to be in jail.

On this score, let me just identify one decision out of many that exemplifies the willingness of some activist Clinton judges to protect those who have harmed and attacked our society. Let me tell the American people about Giano versus Senkowski, a case in which an inmate brought a Federal civil right suit against a prison that refused to allow inmates to possess sexually explicit photographs of spouses or girlfriends. The plaintiff somehow felt that his first amendment rights were violated. It is a demonstration of how far activist judges have already expanded the laws that a prisoner can even bring a lawsuit on such a frivolous claim.

The majority, Judges Joseph McLauglin and Dennis Jacobs, both Bush appointees, properly rejected the prisoner's amazing claim that this policy violated his first amendment rights. Under Supreme Court precedent, courts are to uphold prison regulations if they are reasonably related to a legitimate penological interest. This was the case here, especially in light of the duty of the Federal courts to grant prison administrators discretion to run their prisons in a safe, efficient, and orderly way. Convicted criminals are in prison for a reason: punishment. Sometimes, activist judges forget this simple fact.

Unfortunately, Judge Guido Calabresi, a former dean of the Yale Law School who President Clinton appointed to the second circuit, disagreed. He dissented from the majority and asserted that the first amendment provides prisoners with the right to possess such sexually explicit photographs. Judge Calabresi even went so far as to compare his position with the position of the Supreme Court in the Pentagon Papers case, as examples of instances in which the courts courageously resisted scare tactics in the absence of proof.

What the first amendment's plain words—''Congress shall make no law abridging the freedom of speech, or of the press''—has to do with convicted prisoners prossessing sexually explicit pictures is beyond me.

Judge Calabresi argued that the case should be sent back for factfinding—what this factfinding would be I do not want to know—because he thought it possible that these pictures might diminish violence by mollifying prisoners. Gee. What reasoning. Judge Calabresi also saw fit to suggest several alternative policies, such as allowing inmates to be sent photographs but providing that the pictures may be seen only at appointed places, or allowing photographs to be received and seen for a brief time before they must be returned.

It is exactly this intrusiveness that demonstrates the activist stance of the Clinton judiciary. Here we have a Federal judge of the Second Circuit Court of Appeals deciding what policies a prison ought to have regarding sexually explicit photographs. The judge wants factfinding conducted to produce evidence about the link between such photographs and violence. He has ideas about how the pictures are to be provided and used. I am sorry, but this seems like a job for prison administrators, who are expert at these issues and who are accountable to the people. It is the people, after all, who must pay for the costs of incarceration and who ultimately must fund the fanciful policies Judge Calabresi would impose.

Why is this so important? As a practical matter, we in the Senate give the President deference in confirming judicial candidates nominated by the President.

No one can say that I have not been at the forefront to giving deference to this President. I like him personally. I want to help him. I certainly believe he was elected and I believe he has a right to nominate these judges. I might say though that a Republican President would not nominate the same judges that a Democrat would and vice versa.

Indicia of judicial activism or a soft-on-crime outlook are not always present in a nominee's record. But in the cases of Judge Sarokin and Barkett, they were, and we Republicans in the Senate attempted to defeat them on those grounds.

We also now can view the products of the President's choices. We do not just have two trial judges, Judges Baer and Beaty, who have trouble understanding the role of the Federal courts in law enforcement and in the war on crime. President Clinton has sent judicial activists to Federal appellate courts as well, and the effects of his approach to judicial selection are felt even at a court as high as the Supreme Court. This is not good for the Nation, which

must live under the permissive rules set by these liberal judges when they attempt to rid our streets of crime and drugs.

The judicial philosophy of nominees to the Federal bench generally reflects the judicial philosophy of the person occupying the Oval Office. We in Congress have sought to restore and strengthen our Nation's war on crime and on drugs and to guarantee the safety of Americans in their streets, homes, and workplaces. For all of the President's tough-on-crime rhetoric, his judicial nominations too often undermine the fight against crime and drugs.

This is an important issue. It may be the single most important issue in the next Presidential campaign. Frankly, I hope everybody in America will give some thought to it because I for one am tired of having these soft-on-crime judges on the bench. I for one am tired of having people who, as activists, do not understand the nature and role of judging, which is that judges are to interpret the laws that are made by those who are elected to make them. Judges are not elected to anything. They are nominated and confirmed for life. Hopefully, they will be removed from the pressures of politics and will be able to do what is right. I have to say that many of these judges are very sincere. They are kind-hearted, decent, honorable people who are so soft-hearted that they just do not see why we have to punish people because of the crimes they commit, or why we have to be as tough as we have to be. But those of us who really study these areas know that if a person is put in jail—a violent criminal—until they are 50 years of age there is a very high propensity that they will never commit violence after 50. But if we have them going in and out of the doors in those early years when they are violent criminals, they just go from one violent crime to the next, and society is the loser. We understand that here in the District of Columbia, which is sometimes known as ''Murder Capital U.S.A.'' and ''Drug Capital U.S.A.'' That needs to be cleaned up.

That is why I put $20 million in a recent bill to give directly to the chief of police here so that they can acquire the necessary cars and weapons and ammunition and other facilities that they need to be able to run a better police force. Consider that it was the best police force in the Nation 20 years ago; today it is the worst in the Nation. So we put our money where our mouth is, at least as far as the Senate is concerned. I hope that money stays in in the House.

We have to pay attention where judges are concerned, too. We have to get people who really are going to make a difference against the criminal conduct in our society. I am fed up with our streets not being safe. I am fed up with our homes not even being safe. We are becoming a people who have to lock the doors every time we turn around, and I for one think it is time to stop it.

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

The PRESIDING OFFICER. The absence of a quorum has been noted. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Alaska is recognized.

Mr. MURKOWSKI. I thank the Chair.

PRESIDIO PROPERTIES ADMINISTRATION ACT OF 1995

The Senate continued with the consideration of the bill.

Mr. MURKOWSKI. Mr. President, this morning my friend from New Jersey reflected a little history of public lands. I listened intently, and while I appreciate his point of view, I suggest there are two points of view relative to the history of public lands and the transition that has occurred in this country.

Under the Northwest Ordinance, which, as a matter of fact, predated the Constitution, the prevailing philosophy was simply to dispose of lands either to the States or the territories or to private individuals. And as the several States obtained their inheritance, they for obvious reasons began to lose interest in further Federal transfers. In other words, they had achieved what they wanted.

Mr. President, this goes back to the period of about 1788 when this Northwest Ordinance prevailed. So they lost the incentive once they received their land and further Federal transfers simply were not necessary. The State of Arkansas obtained over 11 million acres from the Federal Government, over one-third of its total acreage. Only about 3 percent of New Jersey currently is in Federal ownership.

So the history of public lands is a history of those States, mainly the Eastern States, that have already obtained the lands needed for their schools, their roads, their economy, and other purposes. Then we have the Western States and territories that basically remain captive to the Federal Government and the interests of those Eastern States. The definition of ''West,'' as we all know, steadily moved west. It moved from what was West, in 1790, Ohio, to Utah and my State of Alaska in 1990.

According to the 1984 BLM public lands statistics, Florida obtained over 24 million acres from 1803 to 1984 out of a total of 34 million acres in that entire State. Arkansas, as I mentioned, obtained over one-third of its entire acreage. Now, there was a time when the State of New Jersey looked at the western lands as a source of raising money for needs in New Jersey—roads and docks, the harbors, other public works in New Jersey—and there was a time when New Jersey wanted the western lands basically to feed its industry.

It was a concept that is not unknown to us, Mr. President. The Eastern States had the capital base, and where did they look? They looked to the West to put that capital to work in investments that could generate a handsome return because the money centers at that time were in the East, as they are today for the most part. So the eastern at that time, I think it is fair to say, elitists chose to invest in the West and generate a return, and they could continue to live in the more luxurious lifestyle that existed in the East because the West was considered pretty much a frontier. So States like New Jersey and New York invested in western lands to feed, if you will, the fruits associated with the productivity of the West.

Now we have seen a change in that, a rather remarkable change. Let us be realistic and recognize New Jersey and other States now want western lands not necessarily as a return on the investment that was initially generated there, although some of it is fourth and fifth generation wealth, but they look at the West as a playground, a recreation area for themselves and others of that elitist group.

If the State of Utah is unable to use its school lands to fund education, that is even better, because then Utah will become even more dependent on the Federal Government and the preferred social agenda of Washington, DC. Make no mistake about it. This is not unique to the State of Utah.

Those of us who are westerners question when is enough enough. There has been no change in the policy of some of these eastern seaboard States and many of the other original States from 1790 until now. What has changed is what they want western lands for. There would be a considerable difference if New Jersey as a State were 63 percent owned by the Federal Government, like Utah, but it is not. The State of New Jersey is only 3 percent owned by the Federal Government, so it has the luxury to assume that two-thirds of Utah is, one might interpret, for the private pleasure of the residents of New Jersey.

We can get into a long discussion over the various conservation measures mentioned by the Senator from New Jersey, but I think the Senate should remember that the primary purpose of the national forests—a lot of us seem to have forgotten this—the primary purpose of the national forests, when they were withdrawn from public domain, was simply to ensure a steady supply, a renewable supply, of timber. That is almost seen as a joke today, but that was the concept; the forests were to be conserved, used, and managed to provide a steady supply of timber.

The Wilderness Act, speaking of history, was originally intended to set

aside pristine areas, untrammeled areas where mankind was not evident. Now, in our zealous efforts, we seem to be ready to put almost anything into wilderness—roads, structures. Whatever the objective, a wilderness designation is not to preserve pristine areas but to prevent other uses that some organization or group wants to prevent.

So, I hope, as we reflect on history, we do reflect on this dichotomy associated with the traditions of the influence of the Eastern States, which have virtually no public land in those States, which have virtually no wilderness in those States, setting the precedent for the rest of the Nation.

I am going to try to leave us with a little understanding of what this business of public land and wilderness land is all about, reflecting on how some States, like mine, enjoy a significant amount of wilderness. My State of Alaska has 365 million total acres. We are 2½ times the size of the State of Texas. I am glad my friends from Texas are not here to be reminded of that. Out of that 365 million acres, we have 57.4 million acres of wilderness. That is quite a bit of wilderness. We are proud of that wilderness. We take good care of that wilderness. But we think enough is enough.

If you took the State of Arkansas with 33 million acres of wilderness, you add the State of New Jersey with 4.8 million acres, West Virginia with 15 million acres, Vermont with 5 million acres, you come up with about 57 million acres—equal to what is in my State of Alaska. So there are four States. The difference here is we are not talking about wilderness in Arkansas, New Jersey, West Virginia, or Vermont. We are talking about their total acreage. So I do not want to mislead the Presiding Officer when I say Alaska has 57 million acres of wilderness out of 365 million acres. If you take the entire landmass of the State of Arkansas at 33 million, New Jersey 4.8, West Virginia 15, and Vermont 5, you come up with a combined area of 57.8 million acres for those four States. That equates to what is in my State alone as wilderness.

Let us go one step further. Let us look at some of these States and recognize that Arkansas has 33 million acres in its entire State, 120,378 acres in wilderness—not very much. New Jersey has 4.8 million acres in the entire State, 10,341 acres of wilderness.

Let us compare that with Utah. Utah has 52 million acres in the State, 890,858 acres of wilderness, and we are proposing to add 2 million to that, that would be 2.9 million acres of wilderness in the State, 891,000 managed by the Forest Service and 2 million under BLM wilderness.

I think it is important that we reflect on those comparisons. The States in question with large wilderness acreage, outside of the State of Alaska, include Arizona at 4.5 million acres, California at 5.9 million acres, Colorado at 2.6 million acres, Florida at 1.4 million acres, Idaho at 4 million acres, Minnesota at 805,000, Montana at 3.4 million acres, New Mexico at 1.6 million acres, Oregon at a little over 2 million acres, Washington at 4.2 million acres, and Wyoming at 3 million acres. So, by this action we would be creating in Utah wilderness equal to that existing in Wyoming today.

What about some of the other States? Interestingly enough—and I hope my colleagues from Connecticut, Delaware, Iowa, Kansas, Maryland, and Rhode Island are listening, because these six States that have no wilderness. There is no wilderness in Connecticut, no wilderness in Delaware, no wilderness in Iowa, no wilderness in Kansas, no wilderness in Maryland, and no wilderness in Rhode Island.

How do you suppose that came about? It came about, as I indicated in my opening remarks, when those States that have been around a long time—when the Northwest Ordinance philosophy prevailed, back in 1788—acquired their land. That is where it ended. Now these States are saying we do not want any wilderness in our State. We want the wilderness out West.

I think everybody ought to have a little wilderness. I think, before I get out of this body, I am going to propose some legislation that every State have a little wilderness. They can designate where it is. Maybe Sterling Forest should be a wilderness. Perhaps the States of New York and New Jersey could designate this transfer of land into a wilderness. It is going to be used as a watershed. Why not make it a wilderness?

Another curious consideration is, who owns the States? Alabama is 3 percent owned by the Federal Government, Alaska 68 percent owned by the Federal Government; Arizona, 47 percent; Arkansas, 8 percent; California, 44 percent; Colorado, 36; Connecticut, 1 percent; Delaware, 2 percent; District of Columbia, 26 percent. I am surprised it is not higher. Florida, 9 percent; Georgia, 4 percent owned by the Federal Government; Hawaii, 16 percent. You get to Idaho, 62 percent of Idaho's landmass is owned by the Federal Government; Illinois, 3 percent; Indiana, 2; Iowa, 1; Kansas, 1; Kentucky, 4; Louisiana, 3 percent; Maine, 1 percent; Maryland, 3; Massachusetts, 1; Michigan, 13; Minnesota, 10; Mississippi, 4.

These are extraordinary comparisons with the prevalence of Federal ownership being out West. Missouri is 5 percent owned by the Federal Government; Montana, 28; Nebraska, 1; Nevada, 83 percent owned by the Federal Government; New Hampshire, 13; New Jersey, 2 percent; New Mexico, 33; New York, 1—New York 1—North Carolina, 6; North Dakota, 4; Ohio, 1 percent; Oklahoma, 2 percent; Oregon, 52 percent owned by the Federal Government; Pennsylvania, 2 percent; Rhode Island, 1 percent; South Carolina, 5 percent; South Dakota, 6 percent, Tennessee, 4 percent; Texas, the second largest State in the Union, Mr. President, has only 1 percent of its landmass owned by the Federal Government.

Clearly, when they came into the Union, they made certain conditions prevail relative to ownership, and the Federal Government today owns 1 percent of the land mass of Texas, compared with Utah, which is 64 percent; Vermont, 6 percent; Virginia, 6 percent; Washington, 29 percent owned; West Virginia, 7; Wisconsin, 10; Wyoming, 49.

So there you have it, Mr. President, a comparison of the States. Now we look at the merits of adding 2 million acres to Utah wilderness, as recommended by the delegation from Utah and a vast majority of the Utah Legislature, both the house and senate and the Governor.

I think it is also interesting to note that the process that occurred in Utah did not happen by accident. It happened as a result of a number of meetings that were held and the consensus that was developed there over an extended period of time. As the record indicates, some $10 million was spent reaching the point we are at today, evaluating just what would be appropriate for the State of Utah; 15 years went into that study; 16,000 written comments were processed; 75 formal public hearings were held. This was a process that was open to the public throughout the United States, professionals were hired to make the recommendation of 1.9 million, and today we have a proposal of 2 million acres in the Utah wilderness.

As I indicated to my friend from New Jersey this morning, the matter of Sterling Forest is also somewhat contentious, as evidenced by the consideration of some of the specifics, which I will share with my colleagues. But nevertheless, I support the Senator from New Jersey in his efforts, because I believe he has to answer to his constituents, and I believe it is fair to say that both the Senators from New Jersey support the Sterling Forest. I respect that process. But I think the Record should note who owns the Sterling Forest.

Sterling Forest is currently owned by the Swiss Insurance Group of Zurich. They signed a purchase agreement with the Swiss company for the property in June 1995. What is it valued at? I am told it is valued somewhere between $55 and $65 million. How much would it cost if we were to buy it? The request in the legislation of the Senator from New Jersey is for Federal participation of about $17.5 million. This will be the Federal figure regardless of the total purchase price. The balance of the purchase price is going to be paid by the States of New York and New Jersey and the private sector. I understand about 2,400 acres of Sterling Forest rests in New Jersey. The balance is in New York.

There are those who might think Sterling Forest is just that, an ancient

growth forest, but Sterling Forest has been logged. What you have there today is second growth. Hardwood logging has taken place. I thought I would ask the question, When was it last logged? The answer was, it is currently being logged, Mr. President, by the Sterling Forest Corp., a subsidiary of the Swiss Insurance Group of Zurich.

If the Sterling Forest is acquired, of course, logging is not continued, and that is really the business of the delegation from New Jersey. The primary reason for purchasing Sterling Forest, as I understand, appreciate and support, is to protect the watershed. Hunting would be allowed.

So if anybody wants further information with regard to the situation in Sterling Forest, why, I am sure the Senator from New Jersey will be happy to provide it. If not, we have the address and phone number of the Zurich Reinsurance Center in New York, the principals to contact.

I do not put this out as a criticism; I simply put it out as a reality that here we have an acquisition taking place in the best interest of clearly the State of New York and the State of New Jersey. There are about 30 square miles, 19,200 acres are in New York and about 2,400, as I have mentioned, in New Jersey.

It is also my understanding that what we are purchasing here are certain easements owned and managed by the U.S. Park Service that are in the Appalachian trail area but that triggers, if you will, a process whereby New York and New Jersey will come up with the additional funding, and that would be somewhere in the area of $40 or $45 million to acquire the land.

It is also interesting to note Sterling Forest has roads through it and other access, so it is pretty hard to suggest, perhaps, that it be made a wilderness. Nevertheless, I think it is important that as this watershed is addressed, relative to its use as a watershed, that as much of the wilderness characteristics as possible be retained for the benefit of the citizens of New York, as well as the citizens of New Jersey.

A lot of people do not really appreciate what 1 million acres equates to in size. We are talking about adding 2 million acres of wilderness in Utah. One million acres is equal to the size of the State of Delaware. If we are talking about 2 million acres, we are looking at three times the size of the State of Rhode Island. Two million acres is about half the size of the State of New Jersey, so it is a big chunk of real estate. Unless you have some idea of acreage or the vastness of wilderness, you have no idea as to the significance of what that large a piece of real estate is.

As I indicated in my remarks, for those who come from States that have little or virtually no wilderness or States with little, if any, Federal ownership of their land, it is difficult for those Members to have an appreciation of what it means to designate an additional area the size of 2 million acres. While many of us support adding 2 million acres to wilderness, that is not enough for the advocates here who want 5 to 6 million acres of wilderness.

They do not seem to care about the ability of the State of Utah to support its schools, support its economy. All they see is a vision out there that tells them somehow this is not enough. As I have indicated, Mr. President, as you look at the comparisons, what is enough? What is reasonable? What is balanced? The people of Utah, in their own good judgment, after $10 million and 15 years, have indicated, 1.9 million acres. The legislation proposes 2 million acres.

Mr. President, as we look at the history of Western public lands, little is said about the economy of the region. What happens to the jobs? We cannot all be employed by the Federal Government. Who pays the taxes? We have resources in the West that have fueled the economy of this Nation for a long time.

Where we are lax, Mr. President, is in not recognizing that science and technology has given us the opportunity to develop our resources better, more efficiently, with more compatibility with the environment, the ecology. As we address new and better ways to develop those resources, we seem reluctant to go back and review those of our laws that protect these areas. We did not update our environmental laws. We did not seem eager to look at cost-benefit risk analysis to determine, indeed, if it is practical to develop one resource or another.

So what we have here, Mr. President, is a fast-developing technology. The minute you attempt to look at more efficient ways of cutting timber, of mining, grazing, oil and gas development, it is suggested that you are irresponsibly unwinding the advancements that have been made in the environment.

Mr. President, the water is cleaner, the air is cleaner, we can do a better job. But we still need to maintain a balance. That balance dictates a healthy economy. Only with a healthy economy can we meet our environmental obligations.

So, when I see my good friend, who I know is very dedicated and believes diligently in his point of view, become a self-anointed savior of the West, I have to ask, who is he saving the West from? From other westerners? Or is it really the elitist group, the big business?

Let me refer to the charts back here just very briefly with the realization that these well-meaning groups somehow get a little overly ambitious, in the opinion of the Senator from Alaska—let us recognize them for what they are. They are big businesses, just like a lot of other big businesses. As I indicated earlier, the environmental organization incomes, the 12 major organizations in this country have assets of $1.2 billion. They have fund balances—that means immediate access to cash—of $1.03 billion. There you have it. The revenues, $633 million; their expenses, $556 million; their assets $1.2 billion —the fund balances at $1 billion.

There is nothing wrong with that, but let us keep it in perspective. They have to have a cause. They resolve one issue and they move on to the next so they can generate membership, generate dollars. Let us be honest. They accomplish a lot. But there has to be a balance. That is what is lacking, because if they had their way, the extreme would prevail.

They pay, as big business does, compensation. Several of the individuals who represent these organizations—the National Wildlife Federation, the World Wildlife Fund, the Environmental Defense Fund, the National Parks and Conservation Association—they pay their chief executive officers more than the President of the United States makes. That is neither here nor there, but it points out my contention that it is simply big business. It is just a different type of business. It is worthwhile business, just as are job-developing business is in mining, oil and gas, timber, and grazing.

Some of these people are extremists, though, Mr. President. They have to have a cause. The cause here is not wilderness, because 2 million acres of wilderness has been offered. It is more wilderness. It is 5 or 6 million acres of wilderness.

Where is the balance? They are generating dollars and membership, using scare tactics that suggest that the people of Utah are irresponsible, that they will go out and haphazardly develop their land or overdevelop it, overgraze it, overmine it. That will not happen, Mr. President. It will not happen in any State of the Union. But those are the scare tactics that they use. They say, ''We must save the West from itself.''

There have been abuses in the West, just like there have in the East, but I defy the membership of these organizations to take a look at the east coast. Go up in the train. Look at the aging of America. Take the train from Washington and look through New Jersey, look through Delaware, look out the window, look at New York, go on to Boston. Just look at the mess that you see in the backyards of America.

Where is the energy of these organizations to correct that? It is not there. They want to move out to an area where most people cannot visit, cannot see for themselves, see what the people in these Western States are responsible for. They are doing a good job. They are sensitive. No, they do not want to start near home. They seem to have no concern about the economy, the jobs, the taxes. I find that perplexing, Mr. President. They want to get on their white charger and save the world, but they will not start right in their own backyard.

What we are looking at, Mr. President, is trying to balance this process. As I said, there is nothing wrong with Sterling Forest. I support it. I support

the process that is underway here as far as reaching a compromise.

But we have to recognize reality, Mr. President. We have a trade deficit in this country. Over half of it is the price of imported oil. We have the reserves in this country. We have substantial reserves in my State. We have the technology to do it safely. But the environmental elitists need a cause. They say, ''No, you can't do it. You don't have the science. You don't have the technology.'' So what we are doing is importing it. Fifty-four percent of our oil is imported now. We are bringing it in in foreign tankers.

If you ever have an accident, good luck in trying to find a deep pocket like occurred with the *Exxon Valdez* where you had responsible parties. While the ship was operated irresponsibly, at least the deep pocket was there.

Where are the payrolls going to come from? Are we going to ship our dollars overseas? The interesting thing, Mr. President, is that other countries are not quite so sensitive as ours. Their logging practices, their mining practices do not have the same sensitivity.

So are we not hastening, if you will, by being hellbent to reduce our own resource development the onset of the very problems that we are trying to avoid. Recognizing that we have the science and technology and experience to offset the imports from countries who allow exploitation without responsible resource development technology, without a response to renewable resources? So, are we really accomplishing a meaningful compromise? In many cases, I think not. We have many issues relative to development, private land issues, endangered species, wetland, Superfund.

We talk about cost-benefit risk analysis, the need to review our environmental laws as we look at new technological advances, to better protect our renewable resources. How do we get to a balance, Mr. President? I think we have that balance today in the proposal of 2 million acres of wilderness in the State of Utah.

As we wind up this debate, as least probably for today, I urge my colleagues from the following States to recognize the reality of where we are in this legislation. If this package does not stay together, Colorado, Michigan, Pennsylvania, Utah, Idaho, Arizona, West Virginia, Hawaii, New York, Massachusetts, Kentucky, Virginia, Tennessee, and California will be affected because there are titles for public lands and changes in those States, as well as Georgia, Louisiana, Mississippi, Idaho, Wyoming, Ohio, my State of Alaska, New Mexico—some 56 titles or changes, Mr. President, a pretty significant number.

Now, the Senator from New Jersey said in a dear colleague letter that he had joined with 17 of his colleagues. There are many provisions important to our respective States within this omnibus park legislation. Well, we have plenty of them, Mr. President. As I said earlier today, the majority of these bills were placed on the calendar of the Senate April 7, 1995—almost a year ago. The Senator from New Jersey could have let these environmental bills make their way to the House and go on to the President months ago. Unfortunately, he chose not to do so. Mr. President, the direct result of these actions is this package. The Senator from New Jersey, by his own actions, is in reality the ghost writer of this bill that we are considering today.

As I said earlier, I accommodated the Senator from New Jersey on Sterling Forest because I think it is in the best interest of his State and his constituents. Unfortunately, the Senator from New Jersey and others do not seem to extend the same degree of confidence and respect to the citizens of Utah. I guess that is where we part.

Now, if this bill stays together, Americans are going to get 2 million acres of new wilderness. There is nothing in this legislation that will prevent another Congress, another day, from adding additional wilderness lands in Utah or my State of Alaska. The will of Congress prevails.

The reality is this cannot go piecemeal. One bill cannot go without the other. I guess, to quote the three musketeers, one for all and all for one, or none. I urge my colleagues to support this package as it has been presented, because an awful lot of hard work and an awful lot of benefits to an awful lot of States is at jeopardy here. To suggest it is irresponsible and to threaten the State of Utah because this legislation does not propose enough wilderness, in the opinion of the Senator from Alaska is not only unrealistic and impractical, it is simply absurd.

Mr. President, I encourage my colleagues to recognize while we have had an extended debate here about a lot of titles that are covered under the bill, the success or failure of this bill is related tremendously to the Utah wilderness. I implore my colleagues who have titles and interest in this bill to recognize that this does represent a compromise, a 2-million acre compromise. As we have seen, the intensive lobbying by a relatively small segment of motivated extremists who say 2 million acres is not enough, does not represent the prevailing attitude in Utah by a long shot, nor the prevailing attitude in the West by a long shot. It represents, perhaps some of the elitist Eastern States who simply have their land and do not have a dog in this fight.

This is far too important, Mr. President, to let slide for another Congress—15 years, $10 million expended. We have a solid recommendation and a solid base of support.

Mr. President, as we look forward to another day on this matter, we have attempted to accommodate each State that had an interest in public lands legislation. Now we are down to the point of determining whether or not those Members who have an interest will stick together to keep this legislation in its package form. I have been assured that it will pass in the House if it is kept that way. If it is broken up, if Utah wilderness is stricken from the body, the legislation and the packages as we know it today will fail.

I urge my colleagues, in conclusion, to reflect on the significance of that reality.

CLOTURE MOTION

Mr. MURKOWSKI. Mr. President, I think it is appropriate now, I send a cloture motion to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Murkowski substitute amendment to Calendar No. 300, H.R. 1296, providing for the administration of certain Presidio properties at minimal cost to the Federal taxpayer:

Bob Dole, Frank H. Murkowski, Rick Santorum, Slade Gorton, Trent Lott, Jim Inhofe, Hank Brown, Ted Stevens, Ben Nighthorse Campbell, Conrad Burns, Don Nickles, Larry E. Craig, Jim Jeffords, Judd Gregg, R.F. Bennett, Orrin G. Hatch.

Mr. MURKOWSKI. For the information of all Senators, under the provisions of rule XXII, this cloture vote will occur at Wednesday at a time to be determined by the two leaders, according to rule XXII—whichever.

I believe the Chair understands that.

The PRESIDING OFFICER. The chair understands that the provisions under rule XXII will prevail.

Mr. MURKOWSKI. I see no other Senator wishing to be recognized.

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. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Chair wishes to advise all Members who use time to expedite the debate. In the event Members are not here to debate the issue, we will proceed to the question.

The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak as if in morning business for 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

THE VOID IN MORAL LEADERSHIP—PART III

Mr. GRASSLEY. Mr. President, President Clinton has once again failed to demonstrate leadership to the American people in the budget crisis.

The newspaper stories last week, reporting on the President's budget submission, missed the point. Like a straight man, the media dutifully reported on the budget using the standard White House spin—and with a straight face.

They reported that the budget would balance by 2002, just as the White House claims. Instead, they should have challenged its integrity. The balance part is all smoke and mirrors. Underneath, it is a brandnew box of steroids for big Government.

The media should have cried, ''Stop the presses. Extra, extra, the era of big Government has returned. You see, the President pronounced in his State of the Union Address that the era of big Government is over.

That was 2 months ago. In other words, 2 short months after big Government was pronounced dead, it has miraculously resurrected.

Just look at this budget, Mr. President. Not a single government program terminated. They are all worthwhile—every last one of them, according to the President. Meanwhile, the Federal debt rises from $4.9 to $6.5 trillion in 6 years. Spending rises from $1.6 to $1.9 trillion.

How is it that the era of big Government can be pronounced over with this kind of a budget?

We have all heard the saying, ''Put your money where your mouth is.'' We have also all heard the quote of former Attorney General John Mitchell: ''You will be better advised to watch what we do instead of what we say.'' The budget is the fundamental statement of policy of any administration. In it, an administration puts its money where its mouth is. Except this administration. Its mouth is in shrinking Government; but, its money is in big Government.

With a discrepancy like this, which do we believe? The money or the mouth? Most insiders in this town, like John Mitchell did, know the answer. They know you will be better advised to watch what we do instead of what we say. I would submit, Mr. President, that that is why the presses did not stop when the President submitted his budget. The return of big Government was not big news.

The media must have been pretty skeptical 2 months ago of the President's pronouncement of the end of big government. They did not fall for the old soft shoe routine. They know well enough that, in this town, you watch what we do, not what we say. I have to hand it to fourth estate. They really know politicians.

Of course, they did have some clues about what to expect from the President. On June 4, 1992, Candidate Clinton told the country he would end deficit spending as we know it. He said ''I would present a 5-year plan to balance the budget.'' Since then, he submitted three no-year balanced budgets. Each one had rising deficits as far as the eye could see, usually around the figure of $200 billion.

Even this budget—balanced in name only—will never balance in the real world. It lacks the integrity of true deficit reduction decisionmaking. It is the mañana budget. It puts everything off until mañana. A chimpanzee, banging away at a typewriter, would type out the entire Encyclopedia Britannica before the Clinton budget balances.

There are other clues of the old soft shoe routine. In September 1992, the President wrote, in ''Putting People First,'' the following:

> Middle class taxpayers will have a choice between a children's tax credit or a significant reduction in their income tax rate.

Yet, he just vetoed a children's tax credit. He did not even propose one until Republicans took control of the Congress.

Instead, he increased taxes more than any other President in the history of the Nation. He raised taxes too much. But do not take my word for it. Here is what the President himself said. At a fundraiser in Houston on October 17, 1995, Mr. Clinton said,

> Probably there are people in this room still mad at me at that budget because you think I raised your taxes too much. It might surprise you that I think I raised them too much, too.

Mr. President, saying one thing and doing the opposite undermines one's moral authority to lead. That is the case with this President. There is a void in moral leadership in this White House. A good example for the Nation cannot be set when the President—any President—says one thing and does the opposite so consistently.

It is significant that such leadership has fallen to Congress which, as a body, is generally unsuited for moral leadership. Usually, it is the individual of the President who can hear the discordant voices of the Congress and the country, and unite them into harmony, into a single melody.

But in the absence of moral leadership in this White House, it was Congress—this Congress—that passed a balanced budget. The first balanced budget to be passed by any Congress in 27 years.

It was Congress that passed a children's tax credit. It was Congress that passed welfare reform. It was Congress that passed Medicare and Medicaid reform. It was Congress that passed a budget to end the era of big Government. These are all the items that the President pledged to do, but he did not do them. We did them.

Yet, what did he do in reality? He vetoed them. Balanced budget? Vetoed. Welfare reform? Vetoed. Medicare reform? Vetoed. Medicaid reform? Vetoed. Children's tax credits? Vetoed. This is the ''Veto President.'' His policy is ''Just Say No.'' This is the ''Do-Nothing Presidency.'' The reason is simple—there is no moral leadership coming from the White House.

Some of us have tried to work with the President. I have found that, when he does what he says, we can work together. An example of that is the President's national service program, AmeriCorps. I have been warning the administration for 2 years that AmeriCorps needed to be reinvented. Arrogance appeared to be in the way. For 2 years, the administration resisted the obvious need for reform.

But any program that pays close to $30,000 for a volunteer is in bad need of reinvention. AmeriCorps was giving boondoggles at the Pentagon a run for their money.

Under the new leadership of Harris Wofford—a former colleague of ours in the Senate—AmeriCorps is finally being reinvented. Two weeks ago, we held a joint press conference to announce the reinvention, and I pledged my support for their budget this year. We have heard lots about reinventing Government from this administration. They have done some good things. But they are just tinkering around the edges.

The Balanced Budget Act, passed last fall by this Congress, was a blueprint to reinvent the whole Federal Government. It did not have to be done our way. We would have worked with the White House on an alternative. But the White House refused to work for a real, credible balanced budget. There was a battle royale in the White House over the mind and soul of the President. The budget wonks lost out to the political operators.

The politicos argued that doing nothing would allow them to fund their special interests and maintain their voting base. Forget what is good for the country. They simply put reelection over reform. So the President followed the advice of the political operatives. The bloated ship of state steams along, on a rising tide of debt. Special interests are at the helm.

One of our colleagues in this body, Mr. President, understood this leadership problem in the White House last year. On October 21 of last year, he is quoted in the New York Times saying of President Clinton,

> What troubles me is that after three years as president, he doesn't appear to know where he wants to lead America.

That quote is from a member of our President's own party, Mr. President. It is a quote from Senator BOB KERREY of Nebraska. I agree with him.

Even more to the point is the inability of the President to lead. And every time says one thing and does the opposite, he further erodes it.

It should have come as no surprise that politics would win out over fiscal sanity with this administration. Many of us had hoped a balanced budget was possible. We could have saved ourselves the trouble if we were not quite so optimistic. We should have done what the fourth estate did. We should have watched the President's actions, not his words.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

MORNING BUSINESS

Mr. GRAMS. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Minnesota has the floor.

Mr. GRAMS. Mr. President, I thank you very much. On the heels of that request, I also ask unanimous consent I be allowed to speak in morning business for up to 20 minutes to give two statements for the RECORD.

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

FARM BILL CONFERENCE REPORT

Mr. GRAMS. Mr. President, as farmers in Minnesota and across the Nation enter this year's planting season, I rise today in support of the farm bill conference report Congress will consider later this week.

In the coming days, the Senate and the House, and ultimately the President, will have to make a choice: we will either revolutionize Federal agriculture policies as outlined in this conference report, or we will continue the failed, Washington-knows-best policies of the past 60 years. But that choice should be very clear, Mr. President.

After considerable delay, this much-needed legislation will give our agriculture communities a reasonable and responsible policy roadmap for the future.

In the short term, decisions about planting, equipment purchases, fertilizer and seed sales, and credit will no longer hang in the balance. In the long term, farmers will have less Government interference from Washington, giving them the flexibility to plant for what the marketplace demands—not what traditional Government crop payments have dictated.

I am also proud to note that this legislation is comprehensive and balanced when it comes to protecting our environmentally sensitive lands.

Foremost among these environmental provisions is the Conservation Reserve Program, more commonly known as the CRP. I have heard from many of my Minnesota constituents, including farmers and sportsmen and women, who are pleased to see that the CRP and Wetlands Reserve Program were recognized, maintained, and strengthened because of their high success rates. In Minnesota, these programs will further protect our highly erodible lands while expanding hunting and fishing opportunities.

Mr. President, overall this bill offers tremendous benefits to Minnesota's agriculture community, which already ranks among the Nation's most productive in many of the traditional raw and processed commodities.

For individual Minnesota farmers, this legislation will help meet the needs of the growing number of value-added cooperatives and their customers who benefit from products such as ethanol. This in turn will help Minnesota's rural communities, which depend on high-output agriculture and value-added products for a large portion of income and jobs.

Farmers and others dedicated to protecting the environment will not be the only individuals helped by this legislation. The American taxpayers will also benefit from the $2 billion in total budget savings that will go toward balancing the Federal budget.

No longer will this portion of the agricultural budget serve as a potential runaway entitlement, as we saw happen after the 1985 farm bill. Instead, taxpayers and farmers will now know well in advance the specific amount of Federal dollars involved in food production.

But while I enthusiastically support much of this bill because it works on behalf of both Minnesota's farm community and the American taxpayers, I must raise my strong concerns about its potential harm to Minnesota's dairy industry.

For years, dairy producers and processors in the Upper Midwest have struggled against the harmful impact of the archaic Federal milk marketing order scheme. This complex set of regulations has played a key role in the loss of over 10,000 dairy farms in Minnesota over the last decade—an average of nearly three farms every day.

I am pleased to see that this legislation pays some attention to reform of those archaic Federal dairy policies, specifically with the proposed consolidation of milk marketing orders and the elimination of costly budget assessments on producers. However, I must state for the record that continuation of milk marketing orders makes little sense, particularly when most other commodities in the bill are subject to declining Federal payments over a 7-year period.

Continuing the milk marketing orders is disappointing, but the bill's inclusion of the Northeast Dairy Compact provokes even greater concern among the members of Minnesota's dairy industry.

It should trouble my colleagues and their respective dairy industries when Congress authorizes more regulatory burdens and interstate trade barriers.

Unfortunately, that is exactly what happened during conference negotiations on the farm bill with the mysterious resurrection of the Northeast Dairy Compact.

Mr. President, many of my colleagues rightly thought the compact idea to be effectively defeated after we voted 50 to 46 to strike it out of the Senate's farm bill.

However, despite the clear message sent by the Senate, the compact has reappeared in the conference report.

Many of the compact's supporters will say that this is a compromise. After all, the Secretary of Agriculture will now have to decide whether to allow the New England States to create a compact.

If authorized by the Secretary, the compact would only exist until the implementation of milk marketing orders takes place, which is 3 years from now.

Perhaps they are right. But we are still creating a bad precedent by making it easier for any region to set up its own monopoly. The Senate previously voted against the compact because it would ultimately result in a proliferation of antitrade barriers between the States and regions. At a time when we are trying to open up global markets for our Nation's farmers, it makes no sense to encourage protectionism within our own borders. Yet, that is exactly what the dairy compact would do.

In response to the compact, other regions will work to get similar regional monopolies enacted. For far too long, regional politics have made many farm programs the way they are today—archaic, unfair, unwise, and unworkable.

The purpose of this farm bill is to remove Government interference in the agricultural decisionmaking process and reduce the regional conflicts that have plagued our farm policy for years.

Creation of the Northeast Dairy Compact would accomplish just the opposite—it would expand the role of government across America at the expense of free-trade opportunities.

I will not stand for that and neither should any other Senator who voted against the compact last month. I urge my colleagues to join me in standing up for small dairy farmers across the country by cosponsoring a bill which I am introducing today to repeal the Northeast Dairy Compact.

Instead of compromising on free-market principles and retreating into the past, my bill will move America's dairy industry forward.

Mr. President, let me conclude by saying that the farm bill before us is obviously not a perfect piece of legislation. It does indeed have weaknesses, but I believe those weaknesses are outweighed by those provisions which move us in a more market-oriented direction.

For this reason, I urge my colleagues to support the conference report on behalf of rural America, and on behalf of the taxpayers.

THE DEPARTMENT OF ENERGY AND THE PRESIDENT'S BUDGET

Mr. GRAMS. Mr. President, they are going to be handing out the Oscars tonight in Hollywood, honoring the film industry's best efforts at creating fantasy and make-believe. Well, we create a lot of that in Washington, too, and if it were a movie, the latest Clinton budget would be taking home the award for ''Best Special Effects.''

After all, it is a document that makes the impossible appear possible. It disguises reality with the smoke and mirrors that are staples of any good special effects team.

It is such a creative effort, in fact, that you have to wonder whether Steven Spielberg and George Lucas somehow had a hand in it.

Yes, the President's budget would be right at home amongst the glitzy phoniness of Tinseltown. And at a cost to the taxpayers of more than $1.6 billion this year, it is a big-budget production that makes the $175 million lavished on ''Waterworld'' look like a drop in a water bucket.

But like any movie, the more often you see it, the more you start noticing the special effects and the more time you spend trying to figure out how they did. And suddenly it is not all so magical anymore.

Unfortunately for President Clinton, the American taxpayers have had almost a week to study his proposed budget for fiscal year 1997, and I think they have begun to figure it out.

After eight earlier tries by the President over the last 13 months, the taxpayers were hoping this budget would reflect the changes they called for in 1994: They want a workable balanced budget, real tax relief for middle-class Americans, an end to welfare as we know it, and the reforms needed to save entitlement programs from bankruptcy.

But after carefully reviewing the President's recommendations, I have to report that this budget does not deliver. In fact, as hard as it is to believe, President Clinton's budget takes the status quo and makes it even worse.

He requests over $61 billion more in nonentitlement spending than he proposed in his own minibudget last month. He pays for that increased spending by raising taxes and fees by more than $60 billion. Furthermore, he delays nearly 60 percent of his promised spending reductions until the last 2 years of his plan, making this a paper budget only, with no hope of ever being implemented.

By perpetuating bigger government, more spending, and higher taxes, this document is an affront to the American taxpayers.

One area of this budget I find particularly frustrating is the funding for the Cabinet-level Department of Energy. If we have indeed entered a time in which ''the era of Big Government is over,'' as President Clinton proclaimed in his State of the Union Address, there should be no place in the budget for this $16 billion relic.

At a time when taxpayers are demanding that Congress be accountable for each and every dollar we spend, Secretary O'Leary and the President have submitted a budget plan that ensures the continuation of DOE's bloated bureaucracy at the expense of responsible, accountable Government.

Perhaps they believe that spending enormous amounts of tax dollars on DOE will mask the fact that the Energy Department no longer has an energy mission of its own. Since the oil crisis that led to its creation in the 1970's evaporated, DOE has expended its resources in a perpetual attempt to expand its reach and justify its existence. Today, in fact, 85 percent of DOE's annual budget is spent on activities entirely unrelated to national energy policy.

That trend would continue under the President's budget, beginning with the administration's proposal to increase DOE's overhead costs by more than 38 percent next year. At the same time, DOE is boasting of personnel decreases of nearly 20 percent. But if you examine the budget carefully, looking beyond the summary pages delivered to Congress which list nearly 19,000 full-time personnel, the actual decrease is only about 6 percent from this year.

Of course, those 19,000 individuals represent just full-time workers. DOE employs another 150,000 contract employees at its labs and cleanup sites across the country.

If you are looking for a more in-depth breakdown of Energy Department personnel, you will not find it within the pages of the President's budget. The agency does not even rate an individual listing in the historical tables for the executive branch—instead, it's lumped into the ''other'' category. One can only assume that the White House doesn't want the taxpayers to realize just how large the DOE bureaucracy really is.

There are numerous other examples of how this latest budget symbolizes the wasteful spending that has plagued DOE throughout its search to re-invent itself.

DOE's research, which includes the development of alternative sources of energy such as solar power, has cost the taxpayers more than $70 billion since the agency's creation in 1977.

But during testimony before Congress last year, Jerry Taylor of the Cato Institute said:

> Virtually all economists who have looked at those programs agree that federal energy R&D investments have proven to be a spectacular failure.

The taxpayers have financed a great deal of pork with their $70 billion investment, but few meaningful scientific breakthroughs. That reckless spending on renewable energy sources is slated to continue. For example, by DOE's own accounts, the fiscal year 1997 request includes an increase of 157 percent in subsidies to the solar building technology industry. Contrary to what this administration would have us believe, however, the solar industry is already competitive, and as a former solar-home builder myself, I can tell you that such an overwhelming increase in a single year is not necessary.

The Department of Energy has proven to be more of a hindrance than a help in making technologies self-sustaining and independent of taxpayer assistance. It is time for the Federal Government to get out of the business of directing market forces in the renewable area.

Rather than spending billions of taxpayer dollars to promote particular industries within the private sector, DOE should be funding basic research which actually breaks our growing dependence upon foreign oil. Minnesotans recognize that conservation and renewables alone will not heat a home in the winter—it is time this administration owns up to that fact as well.

The President is also requesting $651 million—a 9-percent increase over 1996—to fund DOE's nondefense environmental management programs. It is all part of the agency's environmental and nuclear waste cleanup efforts. Yet the budget increase comes on the heels of a report issued just last month by the National Research Council which criticized DOE's waste disposal program as being too bureaucratic with too many layers.

Beyond the bloated bureaucracy and questionable spending, the President's budget plan reflects policies which are inconsistent with current law, pending legislation, or at times, even common sense.

For example, the President proposes to delay until 2002 the sale of the Naval Petroleum Reserve oil located at Elk Hills. This is in direct contradiction to legislation enacted last year as part of the President's fiscal year 1996 budget which called for the sale to take place this year. In an effort to continue to milk the NPR for money to pay for additional DOE spending, this administration is rejecting current law, ignoring the fact that there is gross mismanagement at the facility.

And what about the back-loaded savings from the sale of the United States Enrichment Corporation? Under the President's budget, a portion of the proceeds were shifted to 2002. Obviously, he was not watching floor consideration of the most recent omnibus spending bill when this body used those same proceeds to pay for the additional education funding President Clinton demanded. Again, they are trying to spend the same dollars once, twice, three, four, five times.

Then there are the policies which defy common sense. We have all heard about the environmental hazards resulting from leaking oil at the Weeks Island facility. The Energy Department is currently removing over 70 million barrels from there and transferring them to other strategic petroleum reserve facilities —only to be sold in 2002. But again, a portion of the proceeds from the sale have already been spent, targeted to offset the additional spending requested by the President in the omnibus appropriations bill. Again, trying to spend the same dolalrs more than once, it is smoke and mirrors, trying to balance the budget at the taxpayer's expense.

Furthermore, why does DOE not prioritize the Weeks Island reserve for immediate sale, rather than moving it to another facility, storing it, and then selling it? If the Secretary of Energy believes we will not need this oil in 2002, I am certain we don't need it now.

Mr. President, under this budget, the potential for even further abuses would

continue, because it does nothing to rein in DOE's ever-present search for something to do, someplace to spend the taxpayers' hard-earned dollars. There would be nothing to stop the extravagant, taxpayer-funded foreign excursions, or the use of tax dollars to investigate reporters and their stories, or the other wasteful spending that has become all too common at the Energy Department.

The Department would be left to operate mostly as it has in the past—free to pursue its own supposed manifest destiny through expansion, reinvention, and constantly redefining its missions. That kind of freedom has allowed DOE's budget to grow 235 percent since 1977, even in the absence of another energy crisis like the one that led to its creation.

At a time when the people are demanding a balanced budget and justification for every dollar spent by the Federal Government, can any of us in good conscience claim that business as usual at the Department of Energy is how the taxpayers ought to be served?

Mr. President, in presenting its budget to Congress, DOE's chief financial officer testified last week that the document demonstrates a new commitment to streamlining its operations. ''More than ever,'' he said, ''American citizens are holding us accountable for superior results with increasingly limited resources. The Department of Energy is meeting these expectations. We are improving our process efficiency and effectiveness.''

Mr. President, whether or not DOE is meeting these expectations is a question clearly open to debate. I believe they are falling short, way short. And I am afraid that improving process efficiency and effectiveness will not ensure accountability or solve the fundamental problems that rack the Department of Energy.

President Clinton's budget feeds DOE's problems through more spending. But when will the big spenders here realize that the time-honored Washington tradition of throwing money at a problem does not make the problem go away—that it only perpetuates the status quo and aggravates the damage?

Mr. President, I believe the solution lies in less spending and ultimately, elimination of the Department of Energy. Without a specific and defined mission to guide it, the agency will remain a taxpayers boondoggle for years to come, a burden the taxpayers are no longer willing to bear.

Mr. President, I yield the floor, and 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. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

THE SITUATION IN BURUNDI

Mr. PELL. Mr. President, I bring to the attention of my colleagues Burundi, a small Central African country. There are 6 million people who live in Burundi. Each week, a civil insurgency tightens its grip on this poor African nation, causing the deaths of hundreds of people. The killing frenzy in Burundi has barely touched international headlines, as it has been dwarfed by the calamities striking Israel and Bosnia. But consider the situation if it were to occur in the United States. The United States has a population of about 260 million. Sliding the scale to the figures of the United States, we would see 30,000 Americans dying a week; 1,560,000 a year. Burundi, my colleagues, is on the brink of national suicide.

The hostilities in Burundi are between the Tutsi-controlled army and Hutu rebels. The current turmoil is the fallout of the explosion of tensions between Tutsi's and Hutu's in 1993. That year, the country's first popularly elected President, a Hutu, was assassinated. In the chaotic aftermath of his death, tens of thousands of Burundians were killed, hundreds of thousands were displaced. Today, Burundi is ruled by a coalition of moderate Hutus and Tutsis who agreed to share power through the mediation of U.N. Secretary General's former special representative, Ambassador Ahmedou Abdallah. The moderates who lead this Government have tried to contain the violence. Their efforts, however, continue to be threatened by extremists on both sides.

A breakdown in Burundi could have catastrophic effects in the country, the region, and in the international community. The world witnessed at great length the tragedy that wrecked Rwanda 2 years ago. Rwanda shares the ethnic makeup of Burundi and is just barely coming to grips with the horror it endured. A collapse in Burundi could crack the fragile peace now established in Rwanda and even worse, could trigger a regional genocide. The international community cannot afford to sit back and watch another egregious slaughter.

The international community, with leadership from the United States, can help. First, we should support last Saturday's meeting of African leaders in Tunis. This meeting was brokered by former President Jimmy Carter. Second, there must be diplomatic efforts to persuade the extremists on both sides that violence is not a credible option. If violence resumes, the United States, in conjunction with its European allies, should be prepared to impose an arms embargo, block international financial transactions by Burundi's extremists and stop all trade with Burundi with the exception of humanitarian relief. And third, we, the Congress, should stand behind the State Department, the U.S. Agency for International Development, and private American voluntary and relief projects whose programs promote peace and national reconciliation.

Burundi represents a great opportunity for the world community to exercise preventative diplomacy. The United States should do its share of constructive engagement and assist in heading off a regional genocide before it is too late.

TRIBUTE TO DIANE KASEMAN

Mr. HEFLIN. Mr. President, I am proud to pay tribute today to a dear friend to me and my wife, Elizabeth Ann, Diane Kaseman. Diane is a longtime employee of the Senate Service Department, where her friendliness, dedication, and charming personality have become familiar to many Members of this body and our staffs. Unfortunately for us, she will be retiring from her position in the Service Department after an incredible 43 years of service to the U.S. Congress.

Diane Kaseman is one of those individuals who takes extreme pride in her work and who truly loves the Senate as an institution. She and her loyal canine pets have become welcome sights to the many hundreds of staff members who routinely seek assistance from the Service Department. She never fails to express genuine concern when one of us, our spouses, or our staff members is under the weather. Her kind words and thoughtful notes never fail to improve our spirits.

Diane is a Rochester, NY native, and began her Capitol Hill career as a receptionist for the late Congressman and Senator Kenneth Keating of New York. She began work on March 27, 1953. Eventually, she moved over to the Senate, where she served on the staff of former Kentucky Senator John Sherman Cooper. Since then, she has served under 11 Senate Sergeants-at-Arms, working with the service and computer facilities.

Not surprisingly, Diane has devoted much of her time over the years to volunteer and community service activities. Early on in her career, she helped establish the Senate Staff Club. Since its founding in 1954, it has sponsored a wide variety of social, civic, and philanthropic projects. She served as the organization's first treasurer. Today, it has over 3,000 members.

One of the Staff Club's major activities has been its blood donor drives, begun in 1978. Diane has been a driving force behind this campaign and has dedicated many hours of hard work and energy to see that the Senate meets its goals. My wife has worked with Diane on many of these blood drives.

In 1981, she received the Sid Yudain Award, which recognized ''her dedication to the well-being of her coworkers and for the generous expenditure of her time, talent, and personal resources in the service of the congressional community.'' These few words are perhaps the best that can be offered to summarize her outstanding career and selfless service.

Diane Kaseman is truly a Senate institution who will be sorely missed

after she leaves the Senate at the end of this month. I join my colleagues in thanking her, commending her, and wishing her all the best as she embarks upon a well-earned retirement.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, March 22, 1996, the Federal debt stood at $5,062,405,341,134.69.

On a per capita basis, every man, woman, and child in America owes $19,139.65 as his or her share of that debt.

EVENTS IN ASIA

Mr. THOMAS. Mr. President, I rise today as the chairman of the Subcommittee on East Asian and Pacific Affairs to briefly address two events which transpired in Asia over the weekend, one which bodes well for the continued growth and vitality of democracy in Asia and one which, unfortunately, does not.

First, as I'm sure my colleagues are by now aware, despite unprecedented military threats and vituperative media pressure from the People's Republic of China, the people of Taiwan have elected Lee Teng-hui as their President. The election, aside from its practical result, was important for several reasons. First, for the first time in its almost 5,000 year history, China—or, more precisely, a portion thereof—has elected its paramount leader in a free, fair, and open democratic election. With the election, the ideals of human rights and representative democracy—which some in Asia, especially authoritarian regimes, have argued are peculiarly Western inventions with little or no applicability in their region—have taken a dramatic step toward universality.

Second, Taiwan's electorate clearly demonstrated to Beijing that its bellicose campaign of threats and intimidation was ill-conceived and ineffectual. Rather than diminishing support for President Lee, as Beijing and the PLA had hoped, the People's Republic of China's recent round of missile tests and live-fire military exercises seems only to have served to solidify his support; President Lee won with some 54 percent of the vote. In other words, the People's Republic of China's plans backfired, much as I and others of my colleagues predicted. I would hope that they come away from the past month having learned that the best course is not one of brazen threats, but open bilateral dialog across the Taiwan Strait.

I wish to convey my personal congratulations to the Government and people of Taiwan, and hope to do so in person to President Lee when I travel to the People's Republic of China and then on to Taipei next week.

Mr. President, in contrast the second issue I'd like to discuss today is not so encouraging. On Sunday at its second plenary session, China's Hong Kong Preparatory Committee—the body charged by Beijing with overseeing the transition of the British Colony to a Special Administrative Region of the People's Republic of China in 1997—voted by a margin of 148 to 1 to scrap the elected Legislative Council and install in its place an appointed body.

Members of Hong Kong's Legislative Council, or Legco, have traditionally been elected not by universal suffrage but by a narrow group of functional constituencies. In other words, the trade unions had a certain number of votes, the civil service had a certain number of votes, lawyers had a certain number of votes, et cetera. Last year, in a move to increase the representation of the average citizen on the Council, a number of changes were made by the colonial government in the way elections are conducted.

Beijing objected to the changes in the election process, ostensibly because they were made unilaterally by the British; of course, Beijing overlooked the fact that they themselves had refused to seriously negotiate on the issue. However, most observers—correctly I believe—felt that the real reason for Beijing's opposition was that the changes made the Legco even more democratic, a status that they would then be forced to acquiesce to after 1997.

The reason that increased democracy is a problem for the People's Republic of China is fairly obvious; the government presently installed in Beijing is antithetical to democracy. Despite lip service to its promises that it would ensure the continuation of Hong Kong's rights and civil liberties after 1997, the People's Republic of China has taken a number of steps over the last 2 years to call that commitment to democratic norms into serious question. It's opposition to the reconstituted Legco is one of the more visible.

Another is the fate of the lone dissenting vote, by Mr. Frederick Fung, in the 148 to 1 vote tally on the Legco question. As a result of his dissenting vote, the head of the Preparatory Committee—Lu Ping—announced that because of his vote Mr. Fung should be disqualified from the transitional bodies planning Hong Kong's post-1997 government and from any governing role after the British withdraw. What does this petty and vindictive statement say about the People's Republic of China's commitment to democracy; that instead of tolerating dissent the Chinese will seek to punish those who express their opinions and fail to follow the party line.

Actions and statements such as this are not, sadly, surprising. The People's Republic of China has made several moves in the past year to exclude pro-democracy figures from the transition process; it even prevented one pro-democracy legislator from entering China to attend a conference, solely on the basis of his being a critic of the Government in Beijing. I believe that moves like these call into question the People's Republic of China's commitment to the Basic Law, and its commitment to safeguard the rights of Hong Kong's citizens after retrocession. It would behoove them to remember that each move they make is under very close scrutiny by Hong Kong's—and the world's—commercial community. How Beijing acts will be directly reflected in that community's confidence, or lack thereof, and its willingness to maintain its investments there.

This is the People's Republic of China's reaction.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO ANGOLA—MESSAGE FROM THE PRESIDENT—PM 134

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

I hereby report to the Congress on the developments since September 26, 1995, concerning the national emergency with respect to Angola that was declared in Executive Order No. 12865 of September 26, 1993. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c).

On September 26, 1993, I declared a national emergency with respect to Angola, invoking the authority, *inter alia*, of the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) and the United Nations Participation Act of 1945 (22 U.S.C. 287c). Consistent with United Nations Security Council Resolution 864, dated September 15, 1993, the order prohibited the sale or supply by United States persons or from the United States, or using U.S.-registered vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles, equipment and spare parts, and petroleum and petroleum products to the territory of Angola

other than through designated points of entry. The order also prohibited such sale or supply to the National Union for the Total Independence of Angola (''UNITA''). United States persons are prohibited from activities that promote or are calculated to promote such sales or supplies, or from attempted violations, or from evasion or avoidance or transactions that have the purpose of evasion or avoidance, of the stated prohibitions. The order authorized the Secretary of the Treasury, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, as might be necessary to carry out the purposes of the order.

1. On December 10, 1993, the Treasury Department's Office of Foreign Assets Control (''FAC'') issued the UNITA (Angola) Sanctions Regulations (the ''Regulations'') (58 *Fed. Reg.* 64904) to implement the President's declaration of a national emergency and imposition of sanctions against Angola (UNITA). There have been no amendments to the Regulations since my report of September 18, 1995.

The Regulations prohibit the sale or supply by United States persons or from the United States, or using U.S.-registered vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles, equipment and spare parts, and petroleum and petroleum products to UNITA or to the territory of Angola other than through designated points. United States persons are also prohibited from activities that promote or are calculated to promote such sales or supplies to UNITA or Angola, or from any transaction by any United States persons that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in the Executive order. Also prohibited are transactions by United States persons, or involving the use of U.S.-registered vessels or aircraft, relating to transportation to Angola or UNITA of goods the exportation of which is prohibited.

The Government of Angola has designated the following points of entry as points in Angola to which the articles otherwise prohibited by the Regulations may be shipped: *Airports:* Luanda and Katumbela, Benguela Province; *Ports:* Luanda and Lobito, Benguela Province; and Namibe, Namibe Province; and *Entry Points:* Malongo, Cabinda Province. Although no specific license is required by the Department of the Treasury for shipments to these designated points of entry (unless the item is destined for UNITA), any such exports remain subject to the licensing requirements of the Departments of State and/or Commerce.

2. The FAC has worked closely with the U.S. financial community to assure a heightened awareness of the sanctions against UNITA—through the dissemination of publications, seminars, and notices to electronic bulletin boards. This educational effort has resulted in frequent calls from banks to assure that they are not routing funds in violation of these prohibitions. United States exporters have also been notified of the sanctions through a variety of media, including special fliers and computer bulletin board information initiated by FAC and posted through the U.S. Department of Commerce and the U.S. Government Printing Office. There have been no license applications under the program.

3. The expenses incurred by the Federal Government in the 6-month period from September 18, 1995, through March 25, 1996, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to Angola (UNITA) are reported to be about $226,000, most of which represents wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the U.S. Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel) and the Department of State (particularly the Office of Southern African Affairs).

I will continue to report periodically to the Congress on significant developments, pursuant to 50 U.S.C. 1703(c).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 25, 1996*.

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 4, 1995, the Secretary of the Senate, on March 22, 1996, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House disagrees to the amendment of the Senate to the bill (H.R. 3019) making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House:

For consideration of the House bill (except for section 101(c)) and the Senate amendment (except for section 101(d)), and modifications committed to conference: Mr. LIVINGSTON, Mr. MYERS of Indiana, Mr. YOUNG of Florida, Mr. REGULA, Mr. LEWIS of California, Mr. PORTER, Mr. ROGERS, Mr. SKEEN, Mr. WOLF, Mrs. VUCANOVICH, Mr. LIGHTFOOT, Mr. CALLAHAN, Mr. WALSH, Mr. OBEY, Mr. YATES, Mr. STOKES, Mr. BEVILL, Mr. MURTHA, Mr. WILSON, Mr. DIXON, Mr. HEFNER, and Mr. MOLLOHAN.

For consideration of section 101(c) of the House bill, and section 101(d) of the Senate amendment, and modifications committed to conference: Mr. PORTER, Mr. YOUNG of Florida, Mr. BONILLA, Mr. ISTOOK, Mr. MILLER of Florida, Mr. DICKEY, Mr. RIGGS, Mr. WICKER, Mr. LIVINGSTON, Mr. OBEY, Mr. STOKES, Mr. HOYER, Ms. PELOSI, and Mrs. LOWEY.

ENROLLED JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker has signed the following enrolled joint resolutions:

H.J. Res. 165. Joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes.

S.J. Res. 38. Joint resolution granting the consent of Congress to the Vermont-New Hampshire Interstate Public Water Supply Compact.

Under the authority of the order of the Senate of January 4, 1995, the enrolled joint resolutions were signed subsequently on March 22, 1996, during the adjournment of the Senate, by the President pro tempore [Mr. THURMOND].

MESSAGES FROM THE HOUSE

At 10:02 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the House:

H.R. 2969. An act to eliminate the Board of Tea Experts by repealing the Tea Importation Act of 1897.

The message also announced that the House agrees to the resolution (H. Res. 387) returning to the Senate the bill (S. 1518) to eliminate the Board of Tea Experts by prohibiting funding for the Board and by repealing the Tea Importation Act of 1987, in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill be respectfully returned to the Senate.

At 1:46 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 125. An act to repeal the ban on semiautomatic assault weapons and the ban on large capacity ammunition feeding devices.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 125. An act to repeal the ban on semiautomatic assault weapons and the ban on large capacity ammunition feeding devices; to the Committee on the Judiciary.

REPORTS OF COMMITTEE

The following report of committee was submitted:

By Mr. HATFIELD, from the Committee on Appropriations:

Special Report entitled ''Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1996'' (Rept. No. 104–243).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BRADLEY: S. 1640. A bill to prohibit the possession and transfer of non-sporting handguns, and for other purposes; to the Committee on the Judiciary.

By Mr. GRAMS (for himself and Mr. PRESSLER): S. 1641. A bill to repeal the consent of Congress to the Northeast Interstate Dairy Compact, and for other purposes; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BRADLEY:

S. 1640. A bill to prohibit the possession and transfer of nonsporting handguns, and for other purposes; to the Committee on the Judiciary.

THE DOMESTIC SATURDAY NIGHT SPECIAL ACT OF 1996

Mr. BRADLEY. Mr. President, I rise today to introduce a measure designed to ban the sale and possession of domestic Saturday night specials, which are inexpensive, short-barreled—4″ or shorter, easily concealed handguns that are made from inferior materials and lack any sporting purpose. These handguns have flooded the black market and are disproportionately used in violent criminal activity. These weapons are poorly made, unreliable and, in some cases, unsafe. They are cheap to build, cheap to purchase, and are roughly 3.4 times more likely to be involved in violent crimes than are handguns from other major manufacturers. Their destructive impact on the lives of American citizens must be stopped.

Mr. President, in the aftermath of the assassinations of Robert F. Kennedy and Martin Luther King, Jr., Congress passed the Gun Control Act of 1968, which targeted small caliber, easily concealable, and poorly made imported handguns named Saturday night specials. It was Congress' intent to eliminate imported guns which were believed to be disproportionately involved in crime. Specifically, the legislation banned the importation of handguns not particularly suitable for or readily adaptable to sporting purposes. Congress, however, exempted domestic manufacturers from the legislation, resulting in the creation of a protected domestic industry that produces and markets small, poorly made, easily concealable handguns.

Today, Mr. President, six handgun manufacturers in southern California dominate the production of Saturday night specials. In 1992, they made over 80 percent of the .25 ACP, .32 ACP, and .380 ACP pistols manufactured in this country. Indeed, in 1992 these companies manufactured 685,934 handguns, or 34 percent of all handguns made in the United States. According to 1993 figures, one of the Saturday night special manufacturers, Lorcin Engineering Inc., is the leading pistol manufacturer in America.

In 1968, ''the American Rifleman''—a publication of the National Rifle Association, in arguing in favor of a ban on Saturday night special imports, noted that such weapons were ''miserably made, potentially defective arms that contribute so much to rising violence.'' This statement is equally applicable today to domestically manufactured Saturday night specials.

The carnage and killing that occur in our Nation's towns and cities are directly related to the proliferation of these weapons of destruction on the streets of America. According to a Wall Street Journal investigation, these pistols are purchased in bulk at retail by illegal dealers and smuggled by bus or train to urban centers for resale on the street.

Once they reach the streets, domestic Saturday night specials, which sell for as low as $35, are the starter guns of choice for criminals and the very young. For example, in 1990, a 5-year-old from the Bronx, NY, carried in his pocket a loaded domestic Saturday night special to kindergarten. In 1992, a 15-year-old aimed a domestic Saturday night special from the roof of a New York apartment building and shot a policeman in the ankle.

Mr. President, these guns are disproportionately used in robberies and murders. From 1990 to 1992, the Bureau of Alcohol, Tobacco and Firearms [ATF] traced approximately 24,000 handguns sold after 1986 and used in murders and other crimes. Saturday night specials produced by three southern California companies accounted for 27 percent of the traces, as compared to 11 percent for the much larger Smith and Wesson Company. According to the Wall Street Journal, police in Houston confiscated nearly 1,000 guns used in crimes in 1991. Three Saturday night specials produced by southern California companies—the Raven .25 ACP, the Davis .380 ACP, and the Davis .32 ACP—ranked as the top three guns confiscated. The same year in Cleveland, police confiscated more than 2,000 handguns; the Raven .25 ACP ranked second.

The Washington Post reported in June 1994 that of all 21,744 guns seized at crime scenes and traced by ATF during 1991 through 1993, an astounding 62 percent—or 13,559 handguns—were produced by a southern California manufacturer of Saturday night specials. ABC television's ''Day One'' reported that in 1994, the Lorcin .380 ACP was the single firearm most frequently submitted to ATF for tracing. Thus, there is no question that these weapons are the weapons of choice of criminals.

Of significant concern is also the threat that these guns pose to law enforcement. The single gun with the greatest number of police homicides per number of guns in circulation is the .32 caliber pistol. As of 1992, nearly 90 percent of these guns were manufactured by the southern California gun makers. Mr. President, for the sake of the American public and the law enforcement community, it is time that Congress take action to get these killing machines off the streets of America.

Mr. President, under the 1968 Gun Control Act, ATF has developed an elaborate scheme to determine whether foreign firearms should be classified as Saturday night specials. To gain entry into the U.S. market, imported guns must meet minimum size and safety specifications and pass a battery of individual design, performance, and materials standards. The ATF classification scheme considers the quality of the metal used to construct the weapon, as well as the combined height and length, weight, caliber, safety features, and accessory features of the weapon. By the mid-1970's, ATF estimated that over half of all of the handguns produced domestically could not legally have been imported.

Domestic Saturday night specials are cheaply made and unreliable. Large domestic handgun manufacturers—such as Smith and Wesson—produce small quantities of guns because their production process is labor intensive. On average, these guns retail for $600. By contrast, the Saturday night specials are assembled in mere minutes using cheap materials, yielding high volumes that sell for as little as $35 per gun. The results are predictable. For example, the zinc alloy used in many of the Saturday night specials is so soft that it can be shaved with a knife. Moreover, the alloy begins to distort at 700 degrees Fahrenheit, compared to 2,400 degrees for the stainless steel in quality guns.

In addition, while the Saturday night specials typically have minimal safety devices that block the trigger from being pulled, they lack safety equipment found on higher quality guns, such as firing pin blocks that help prevent accidental discharge. Indeed, officials at ATF have indicated that the Raven .25 ACP pistol produced by one of the southern California companies can discharge if it is loaded and dropped to the floor, thereby failing ATF's drop test. The quality and reliability of domestic Saturday night specials is so atrocious that Edward Owen, Jr., Chief of the Firearms Technology Branch at ATF, has stated: ''If someone gave me one as a gift, I would throw it away.''

The unreliability of these guns, Mr. President, highlights the fact that they have no sporting purpose and cannot be depended on for self-defense. This fact was illustrated in a May 1994 segment of ABC television's ''Day One''. A Colorado Springs gun shop owner is firing one of the domestic Saturday night specials when it jams. As she attempts to clear the weapon, the correspondent asks her what would happen at that moment if she was relying on the gun for protection. She answers, ''Well, I just got killed.''

In independent tests of domestic Saturday night specials by ''Gun Tests'', Lorcin's .22 caliber pistol, the L–22, was found unacceptable. In test firing, evaluators ''experienced 20 misfires due to light firing-pin strikes and 36 failures to completely lock into battery, and—the gun—failed to feed truncated-nose ammunition about 25 percent of the time.'' Indeed, according to the Wall Street Journal, many gun-store owners have decided not to sell domestic Saturday night specials because ''the quality is too poor, replacement parts are too hard to obtain, and the dollar profit per gun is too small.''

Mr. President, since these weapons are useless for self-defense and have no sporting purpose, the present legislation would apply the Gun Control Act of 1968 to domestic Saturday night specials, thereby banning the possession and sale of these weapons shipped or transported in interstate or foreign commerce. Specifically, the present ATF import classification scheme—which considers the quality of the metal used to construct the weapon, as well as the combined height and length, weight, caliber, safety features and accessory features of the weapon—would be applicable to domestic Saturday night Specials.

Mr. President, the focus of this bill is to ban inexpensive, short-barreled, easily concealed handguns that are made from inferior materials and lack any sporting purpose. Thus, this legislation would not ban high quality, domestic snub-nosed revolvers and derringers containing adequate safety features that would otherwise be banned because of their size. Moreover, this legislation would exempt from coverage those high quality, domestic handguns that meet the overall ATF size requirement, but would otherwise fail the ATF test because of their light weight and low caliber.

Mr. President, the Justice Department recently released a report concluding that 86 percent of all firearm-related crimes occurring in 1993 were carried out with a handgun. This represents an 18 percent increase from 1992. Also, of the more than 24,500 murders in 1993, 16,189—(70 percent)—were committed with firearms, and four out of every five firearm murders involved the use of a handgun. The evidence is clear that domestic Saturday night specials—inexpensive, poorly made handguns that lack any sporting purpose—are disproportionately involved in criminal activity and pose a significant threat to the safety of American citizens. Mr. President, it is time to stop the carnage in our Nation's streets caused by these killing machines.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1640

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Domestic Saturday Night Special Act of 1996''.

SEC. 2. PROHIBITION AGAINST POSSESSION OR TRANSFER OF NON-SPORTING HANDGUNS.

(a) IN GENERAL.—Section 922 of title 18, United States Code, is amended by adding at the end the following:

''(y)(1) It shall be unlawful for any person to possess or transfer a non-sporting handgun that has been shipped or transported in interstate or foreign commerce.

''(2) Paragraph (1) shall not apply to the possession of a sporting handgun, or the continuous and otherwise lawful possession of a non-sporting handgun by a person during any period that began before the effective date of this subsection.

''(3) Paragraph (1) shall not prohibit the sale and transfer if—

''(A) a revolver with a barrel length of not less than 2 inches, if such revolver could otherwise be imported into the United States on the basis of a determination by the Secretary under section 925(d)(3); or

''(B) a handgun which, if designed to use a larger caliber ammunition, could otherwise be imported into the United States on the basis of a determination by the Secretary under section 925(d)(3).''.

''(b) NON-SPORTING HANDGUN DEFINED.—Section 921(a) of such title is amended by adding at the end the following:

''(33)(A) The term 'non-sporting handgun' means—

''(i) a firearm that—

''(I) is designed to be fired by the use of a single hand; and

''(II) is not a sporting handgun; and

''(ii) any combination of parts from which a firearm described in clause (i) can be assembled.

''(B) The term 'sporting handgun' means a firearm that—

''(i) is designed to be fired by the use of a single hand; and

''(ii) the Secretary has determined, using the criteria applied in making determinations under section 925(d)(3), to be of a type generally recognized as particularly suitable for or readily adaptable to sporting purposes.''.

(c) PENALTY.—Section 924(a)(1)(B) of such title is amended by striking ''or (w)'' and inserting ''(w), or (y)''.

AMENDMENTS SUBMITTED

THE PRESIDIO PROPERTIES ADMINISTRATION ACT OF 1996

MURKOWSKI AMENDMENT NO. 3564

Mr. MURKOWSKI proposed an amendment to the bill (H.R. 1296) to provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer; as follows:

In lieu of the matter proposed, to be inserted, insert the following:

TITLE I—THE PRESIDIO OF SAN FRANCISCO

SECTION 101. FINDINGS.

The Congress finds that—

(1) the Presidio, located amidst the incomparable scenic splendor of the Golden Gate, is one of America's great natural and historic sites;

(2) the Presidio is the oldest continuously operated military post in the Nation dating from 1776, and was designated a National historic Landmark in 1962;

(3) preservation of the cultural and historic integrity of the Presidio for public use recognizes its significant role in the history of the United States;

(4) the Presidio, in its entirety, is a part of the Golden Gate National Recreation Area, in accordance with Public Law 92–589;

(5) as part of the Golden Gate National Recreation Area, the Presidio's significant natural, historic, scenic, cultural, and recreational resources must be managed in a manner which is consistent with sound principles of land use planning and management, and which protects the Presidio from development and uses which would destroy the scenic beauty and historic and natural character of the area and cultural and recreational resources;

(6) removal and/or replacement of some structures within the Presidio must be considered as a management option in the administration of the Presidio; and

(7) the Presidio will be managed through an innovative public/private partnership that minimizes cost to the United States Treasury and makes efficient use of private sector resources.

SEC. 102. AUTHORITY AND RESPONSIBILITY OF THE SECRETARY OF THE INTERIOR.

(a) INTERIM AUTHORITY.—The Secretary of the Interior (hereinafter in this Act referred to as the ''Secretary'') is authorized to manage leases in existence on the date of this Act for properties under the administrative jurisdiction of the Secretary and located at the Presidio. Upon the expiration of any such lease, the Secretary may extend such lease for a period terminating not later than 6 months after the first meeting of the Presidio Trust. The Secretary may not enter into any new leases for property at the Presidio to be transferred to the Presidio Trust under this Title, however, the Secretary is authorized to enter into agreements for use and occupancy of the Presidio properties which are assignable to the Trust and are terminable within 30 days notice by the Trust. Prior to the transfer of administrative jurisdiction over any property to the Presidio Trust, and notwithstanding section 1341 of title 31 of the United States Code, the proceeds from any such lease shall be retained by the Secretary and such proceeds shall be available, without further appropriation, for the preservation, restoration, operation and maintenance, improvement, repair and related expenses incurred with respect to Presidio properties. The Secretary may adjust the rental charge on any such lease for any amounts to be expended by the lessee for preservation, maintenance, restoration, improvement, repair and related expenses with respect to properties and infrastructure within the Presidio.

(b) PUBLIC INFORMATION AND INTERPRETATION.—The Secretary shall be responsible, in cooperation with the Presidio Trust, for providing public interpretive services, visitors orientation and educational programs on all lands within the Presidio.

(c) OTHER.—The lands and facilities within the Presidio that are not transferred to the administrative jurisdiction of the Presidio Trust shall continue to be managed by the Secretary. The Secretary and the Presidio Trust shall cooperate to ensure adequate public access to all portions of the Presidio. Any infrastructure and building improvement projects that were funded prior to the enactment of this Act shall be completed by the National Park Service.

(d) PARK SERVICE EMPLOYEES.—(1) Any career employee of the National Park Service,

employed at the Presidio at the time of the transfer of lands and facilities to the Presidio Trust, shall not be separated from the Service by reason of such transfer, unless such employee is employed by the Trust, other than on detail. The Trust shall have sole discretion over whether to hire any such employee or request a detail of such employee.

(2) Any career employee of the National Park Service employed at the Presidio on the date of enactment of this Title shall be given priority placement for any available position within the National Park System notwithstanding any priority reemployment lists, directive, rules, regulations or other orders from the Department of the Interior, the Office of Management and Budget, or other federal agencies.

SEC. 103. ESTABLISHMENT OF THE PRESIDIO TRUST.

(a) ESTABLISHMENT.—There is established a wholly owned government corporation to be known as the Presidio Trust (hereinafter in this Title referred to as the ''Trust'').

(b) TRANSFER.—(1) Within 60 days after receipt of a request from the Trust for the transfer of any parcel within the area depicted as Area B on the map entitled ''Presidio Trust Number 1,'' dated December 7, 1995, the Secretary shall transfer such parcel to the administrative jurisdiction of the Trust. Within one year after the first meeting of the Board of Directors of the Trust, the Secretary shall transfer to the Trust administrative jurisdiction over all remaining parcels within Area B. Such map shall be on file and available for public inspection in the offices of the Trust and in the offices of the National Park Service, Department of the Interior. The Trust and the Secretary may jointly make technical and clerical revisions in the boundary depicted on such map. The Secretary shall retain jurisdiction over those portions of the building identified as number 102 as the Secretary deems essential for use as a visitor center. The Building shall be named the ''William Penn Mott Visitor Center''. Any parcel of land, the jurisdiction over which is transferred pursuant to this subsection, shall remain within boundary of the Golden Gate National Recreation Area. With the consent of the Secretary, the Trust may at any time transfer to the administrative jurisdiction of the Secretary any other properties within the Presidio which are surplus to the needs of the Trust and which serve essential purposes of the Golden Gate National Recreation Area. The Trust is encouraged to transfer to the administrative jurisdiction of the Secretary open space areas which have high public use potential and are contiguous to other lands administered by the Secretary.

(2) Within 60 days after the first meeting of the Board of Directors of the Trust, the Trust and the Secretary shall determine cooperatively which records, equipment, and other personal property are deemed to be necessary for the immediate administration of the properties to be transferred, and the Secretary shall immediately transfer such personal property to the Trust. Within one year after the first meeting of the Board of Directors of the Trust, the Trust and the Secretary shall determine cooperatively what, if any, additional records, equipment, and other personal property used by the Secretary in the administration of the properties to be transferred should be transferred to the Trust.

(3) The Secretary shall transfer, with the transfer of administrative jurisdiction over any property, the unobligated balance of all funds appropriated to the Secretary, all leases, concessions, licenses, permits, and other agreements affecting such property.

(4) At the request of the Trust, the Secretary shall provide funds to the Trust for preparation of such plan, hiring of initial staff and other activities deemed by the Trust as essential to the establishment of the Trust prior to the transfer of properties to the Trust.

(c) BOARD OF DIRECTORS.—

(1) IN GENERAL.—The powers and management of the Trust shall be vested in a Board of Directors (hereinafter referred to as the ''Board'') consisting of the following 7 members:

(A) the Secretary of the Interior or the Secretary's designee; and

(B) six individuals, who are not employees of the federal Government, appointed by the President, who shall possess extensive knowledge and experience in one or more of the fields of city planning, finance, real estate development, and resource conservation. At least one of these individuals shall be a veteran of the Armed Services. At least 3 of these individuals shall reside in the San Francisco Bay Area. The President shall make the appointments referred to in this subparagraph within 90 days after the enactment of this Act and shall ensure that the fields of city planning, finance, real estate development, and resource conservation are adequately represented. Upon establishment of the Trust, the Chairman of the Board of Directors of the Trust shall meet with the Chairman of the Energy and Natural Resources Committee of the United States Senate and the Chairman of the Resources Committee of the United States House of Representatives.

(2) TERMS.—Members of the Board appointed under paragraph (1)(B) shall each serve for a term of 4 years, except that of the members first appointed, 3 shall serve for a term of 2 years. Any vacancy on the Board shall be filled in the same manner in which the original appointment was made, and any member appointed to fill a vacancy shall serve for the remainder of the term for which his or her predecessor was appointed. No appointed member may serve more than 8 years in consecutive terms.

(3) QUORUM.—Four members of the Board shall constitute a quorum for the conduct of business by the Board.

(4) ORGANIZATION AND COMPENSATION.—The Board shall organize itself in such a manner as it deems most appropriate to effectively carry out the authorized activities of the Trust. Board members shall serve without pay, but may be reimbursed for the actual and necessary travel and subsistence expenses incurred by them in the performance of the duties of the Trust.

(5) LIABILITY OF DIRECTORS.—Members of the Board of Directors shall not be considered federal employees by virtue of their membership on the Board, except for purposes of the Federal Tort Claims Act and the Ethics in Government Act, and the provisions of chapter 11 of title 18, United States Code.

(6) MEETINGS.—The Board shall meet at least three times per year in San Francisco and at least two of those meetings shall be open to the public. Upon a majority vote, the Board may close any other meetings to the public. The Board shall establish procedures for providing public information and opportunities for public comment regarding policy, planning, and design issues through the Golden Gate National Recreation Area Advisory Commission.

(7) STAFF.—The Trust is authorized to appoint and fix the compensation and duties of an executive director and such other officers and employees as it deems necessary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may pay them without regard to the provisions of chapter 51, and subchapter III of chapter 53, title 5, United States Code, relating to classification and General Schedule pay rates.

(8) NECESSARY POWERS.—The Trust shall have all necessary and proper powers for the exercise of the authorities vested in it.

(9) TAXES.—The Trust and all properties administered by the Trust shall be exempt from all taxes and special assessments of every kind by the State of California, and its political subdivisions, including the City and County of San Francisco.

(10) GOVERNMENT CORPORATION.—(A) The Trust shall be treated as a wholly owned Government corporation subject to chapter 91 of title 31, United States Code (commonly referred to as the Government Corporation Control Act). Financial statements of the Trust shall be audited annually in accordance with section 9105 of title 31 of the United States Code.

(B) At the end of each calender year, the Trust shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the House of Representatives a comprehensive and detailed report of its operations, activities, and accomplishments for the prior fiscal year. The report also shall include a section that describes in general terms and Trust's goals for the current fiscal year.

SEC. 104. DUTIES AND AUTHORITIES OF THE TRUST.

(a) OVERALL REQUIREMENTS OF THE TRUST.—The Trust shall manage the leasing, maintenance, rehabilitation, repair and improvement of property within the Presidio under its administrative jurisdiction using the authorities provided in this section, which shall be exercised in accordance with the purposes set forth in section 1 of the Act entitled ''An Act to established the Golden Gate National Recreation Area in the State of California, and for other purposes,'' approved October 27, 1972 (Public Law 92–589; 86 Stat. 1299; 16 U.S.C. 460bb), and in accordance with the general objectives of the General Management Plan (hereinafter referred to as the ''management plan'') approved for the Presidio.

(b) The Trust may participate in the development of programs and activities at the properties transferred to the Trust. The Trust shall have the authority to negotiate and enter into such agreements, leases, contracts and other arrangements with any person, firm, association, organization, corporation or governmental entity, including, without limitation, entities of federal, State and local governments as are necessary and appropriate to finance and carry out its authorized activities. Any such agreement may be entered into without regard to section 321 of the Act of June 30, 1932 (40 U.S.C. 303b). The Trust shall establish procedures for lease agreements and other agreements for use and occupancy of Presidio facilities, including a requirement that in entering into such agreements the Trust shall obtain reasonable competition. The Trust may not dispose of or convey fee title to any real property transferred to it under this Title. Federal laws and regulations governing procurement by Federal agencies shall not apply to the Trust. The Trust, in consultation with the Administrator of Federal Procurement Policy, shall establish and promulgate procedures applicable to the Trust's procurement of goods and services including, but not limited to, the award of contracts on the basis of contractor qualifications, price, commercially reasonable buying practices, and reasonable competition. Such procedures shall conform to laws and regulations related to federal government contracts governing working conditions and wage scales, including the provisions of 40 U.S.C. Sec. 276a–276a6 (Davis-Bacon Act).

(c) The Trust shall develop a comprehensive program for management of those lands and facilities within the Presidio which are transferred to the administrative jurisdiction of the Trust. Such program shall be designed to reduce expenditures by the National Park Service and increase revenues to the federal government to the maximum extent possible. In carrying out this program, the Trust shall be treated as a successor in interest to the National Park Service with respect to compliance with the National Environmental Policy Act and other environmental compliance statutes. Such program shall consist of—

(1) demolition of structures which in the opinion of the Trust, cannot be cost-effectively rehabilitated, and which are identified in the management plan for demolition,

(2) evaluation for possible demolition or replacement those buildings identified as categories 2 through 5 in the Presidio of San Francisco Historic Landmark District Historic American Buildings Survey Report, dated 1985,

(3) new construction limited to replacement of existing structures of similar size in existing areas of development, and

(4) examination of a full range of reasonable options for carrying out routine administrative and facility management programs.

The Trust shall consult with the Secretary in the preparation of this program.

(d) To augment or encourage the use of non-federal funds to finance capital improvements on Presidio properties transferred to its jurisdiction, the Trust, in addition to its other authorities, shall have the following authorities subject to its other authorities, shall have the following authorities subject to the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.):

(1) The authority to guarantee any lender against loss of principal or interest on any loan, provided that (A) the terms of the guarantee are approved by the Secretary of the Treasury, (B) adequate subsidy budget authority is provided in advance in appropriations acts, and (C) such guarantees are structured so as to minimize potential cost to the federal Government. No loan guarantee under this Title shall cover more than 75 percent of the unpaid balance of the loan. The Trust may collect a fee sufficient to cover its costs in connection with each loan guaranteed under this Act. The authority to enter into any such loan guarantee agreement shall expire at the end of 15 years after the date of enactment of this title.

(2) The authority, subject to appropriations, to make loan to the occupants of property managed by the Trust for the preservation, restoration, maintenance, or repair of such property.

(3) The authority to issue obligations to the Secretary of the Treasury, but only if the Secretary of the Treasury agrees to purchase such obligations after determining that the projects to be funded from the proceeds thereof are credit worthy and that a repayment schedule is established and only to the extent authorized in advance in appropriations acts. The Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under chapter 31 of title 31, United States Code, and the purposes for which securities may be issued under such chapter are extended to include any purchase of such notes or obligations acquired by the Secretary of the Treasury under this subsection. Obligations issued under this subparagraph shall be in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary of the Treasury, and shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. No funds appropriated to the Trust may be used for repayment of principal or interest on, or redemption of, obligations issued under this paragraph.

(4) The aggregate amount of obligations issued under this subsection which are outstanding at any one time may not exceed $50,000,000.

(e) The Trust may solicit and accept donations of funds, property, supplies, or services from individuals, foundations, corporations, and other private or public entities for the purpose of carrying out its duties. The Trust shall maintain a liaison with the Golden Gate National Park Association.

(f) Notwithstanding section 1341 of title 31 of the United States Code, all proceeds received by the Trust shall be retained by the Trust, and such proceeds shall be available, without further appropriation, for the administration, preservation, restoration, operation and maintenance, improvement, repair and related expenses incurred with respect to Presidio properties under its administrative jurisdiction. Upon the Request of the Trust, the Secretary of the Treasury shall invest excess moneys of the Trust in public debt securities with maturities suitable to the needs of the Trust.

(g) The Trust may sue and be sued in its own name to the same extent as the federal government. Litigation arising out of the activities of the Trust shall be conducted by the Attorney General; except that the Trust may retain private attorneys to provide advice and counsel. The District Court for the Northern District of California shall have exclusive jurisdiction over any suit filed against the Trust.

(h) The Trust shall enter into a Memorandum of Agreement with the Secretary, acting through the Chief of the United States Park Police, for the conduct of law enforcement activities and services within those portions of the Presidio transferred to the administrative jurisdiction of the Trust.

(i) The Trust may adopt, amend, repeal and enforce bylaws, rules and regulations governing the manner in which its business may be conducted and the powers vested in it may be exercised. The Trust is authorized, in consultation with the Secretary, to adopt and to enforce those rules and regulations that are applicable to the Golden Gate National Recreation Area and that may be necessary and appropriate to carry out its duties and responsibilities under this Title. The Trust shall give notice of the adoption of such rules and regulations by publication in the Federal Register.

(j) For the purpose of compliance with applicable laws and regulations concerning properties transferred to the Trust by the Secretary, the Trust shall negotiate directly with regulatory authorities.

(k) INSURANCE.—The Trust shall require that all leaseholders and contractors procure proper insurance against any loss in connection with properties under lease or contract, or the authorized activities granted in such lease or contract, as is reasonable and customary.

(l) BUILDING CODE COMPLIANCE.—The Trust shall bring all properties under its administrative jurisdiction into compliance with federal building codes and regulations appropriate to use and occupancy within 10 years after the enactment of this Title to the extent practicable.

(m) LEASING.—In managing and leasing the properties transferred to it, the Trust consider the extent to which prospective tenants contribute to the implementation of the General Management Plan for the Presidio and to the reduction of cost to the Federal Government. The Trust shall give priority to the following categories of tenants: tenants that enhance the financial viability of the Presidio and tenants that facilitate the cost-effective preservation of historic buildings through their reuse of such buildings.

(n) REVERSION.—If, at the expiration of 15 years, the Trust has not accomplished the goals and objectives of the plan required in section (105)(b) of this Title, then all property under the administrative jurisdiction of the Trust pursuant to section (103)(b) of this Title shall be transferred to the Administrator of the General Services Administration to the Administrator of the General Services Administration to be disposed of in accordance with the procedures outlined in the Defense Authorization Act of 1990 (104 Stat. 1809), and any real property so transferred shall be deleted from the boundary of the Golden Gate National Recreation Area. In the event of such transfer, the terms and conditions of all agreements and loans regarding such lands and facilities entered into by the Trust shall be binding on any successor in interest.

SEC. 105. LIMITATIONS ON FUNDING.

(a)(1) From amounts made available to the Secretary for the operation of areas within the Golden Gate National Recreation Area, not more than $25,000,000 shall be available to carry out this Title in each fiscal year after the enactment of this Title until the plan is submitted under subsection (b). Such sums shall remain available until expended.

(2) After the plan required in subsection (b) is submitted, and for each of the 14 fiscal years thereafter, there are authorized to be appropriated to the Trust not more than the amounts specified in such plan. Such sums shall remain available until expended. Of such sums, not more than $3 million annually shall be available through the Trust for law enforcement activities and services to be provided by the United States Park Police at the Presidio in accordance with section 104(h) of this Title.

(b) Within one year after the first meeting of the Board of Directors of the Trust, the Trust shall submit to Congress a plan which includes a schedule of annual decreasing federally appropriated funding that will achieve, at a minimum, self-sufficiency for the Trust within 15 complete fiscal years after such meeting of the Trust.

(c) The Administrator of the General Services Administration shall provide necessary assistance to the Trust in the formulation and submission of the annual budget request for the administration, operation, and maintenance of the Presidio.

SEC. 106. GENERAL ACCOUNTING OFFICE STUDY.

(a) Three years after the first meeting of the Board of Directors of the Trust, the General Accounting Office shall conduct an interim study of the activities of the Trust and shall report the results of the study to the Committee on Energy and Natural Resources and the Committee on Appropriations of the United States Senate, and the Committee on Resources and Committee on Appropriations of the House of Representatives. The study shall include, but shall not be limited to, details of how the Trust is meeting its obligations under this Title.

(b) In consultation with the Trust, the General Accounting Office shall develop an interim schedule and plan to reduce and replace the federal appropriations to the extent practicable for interpretive services conducted by the National Park Service, and law enforcement activities and services, fire and public safety programs conducted by the Trust.

(c) Seven years after the first meeting of the Board of Directors of the Trust, the General Accounting office shall conduct a comprehensive study of the activities of the

Trust, including the Trust's progress in meeting its obligations under this Title, taking into consideration the results of the study described in subsection (a) and the implementation of plan and schedule required in subsection (b). The General Accounting Office shall report the results of the study, including any adjustments to the plan and schedule, to the Committee on Energy and Natural Resources and the Committee on Appropriations of the United States Senate, and the Committee on Resources and Committee on Appropriations of the House of Representatives.

TITLE II—MINOR BOUNDARY ADJUSTMENTS AND MISCELLANEOUS PARK AMENDMENTS

SEC. 201. YUCCA HOUSE NATIONAL MONUMENT BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—The boundaries of Yucca House National Monument are revised to include the approximately 24.27 acres of land generally depicted on the map entitled ''Boundary—Yucca House National Monument, Colorado'', numbered 318/80,001–B, and dated February 1990.

(b) MAP.—The map referred to in subsection (a) shall be on file and available for public inspection in appropriate offices of the National Park Service of the Department of the Interior.

(c) ACQUISITION.—

(1) IN GENERAL.—Within the lands described in subsection (a), the Secretary of the Interior may acquire lands and interests in lands by donation.

(2) The Secretary of the Interior may pay administrative costs arising out of any donation described in paragraph (1) with appropriated funds.

SEC. 202. ZION NATIONAL PARK BOUNDARY ADJUSTMENT.

(a) ACQUISITION AND BOUNDARY CHANGE.—The Secretary of the Interior is authorized to acquire by exchange approximately 5.48 acres located in the SW¼ of Section 28, township 41 South, Range 10 West, Salt Lake Base and Meridian. In exchange therefor the Secretary is authorized to convey all right, title, and interest of the United States in and to approximately 5.51 acres in Lot 2 of Section 5, Township 41 South, Range 11 West, both parcels of land being in Washington County, Utah. Upon completion of such exchange, the Secretary is authorized to revise the boundary of Zion National Park to add the 5.48 acres in section 28 to the park and to exclude the 5.51 acres in section 5 from the park. Land added to the park shall be administered as part of the park in accordance with the laws and regulations applicable thereto.

(b) EXPIRATION.—The authority granted by this section shall expire two years after the date of the enactment of this Title.

SEC. 203. PICTURED ROCKS NATIONAL LAKESHORE BOUNDARY ADJUSTMENT.

The boundary of Pictured Rocks National Lakeshore is hereby modified as depicted on the map entitled ''Area Proposed for Addition to Pictured Rocks National Lakeshore,'' numbered 625–80, 043A, and dated July 1992.

SEC. 204. INDEPENDENCE NATIONAL HISTORICAL PARK BOUNDARY ADJUSTMENT.

The administrative boundary between Independence National Historical Park and the United States Customs House along the Moravian Street Walkway in Philadelphia, Pennsylvania, is hereby modified as generally depicted on the drawing entitled ''Exhibit 1, Independence National Historical Park, Boundary Adjustment'', and dated May 1987, which shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The Secretary of the Interior is authorized to accept and transfer jurisdiction over property in accord with such administrative boundary, as modified by this section.

SEC. 205. CRATERS OF THE MOON NATIONAL MONUMENT BOUNDARY ADJUSTMENT.

(a) BOUNDARY REVISION.—The boundary of Craters of the National Monument, Idaho, is revised to add approximately 210 acres and to delete approximately 315 acres as generally depicted on the map entitled ''Craters of the Moon National Monument, Idaho, Proposed 1987 Boundary Adjustments'', numbered 131–80,008, and dated October 1987, which map shall be on file and available for public inspection in the office of the National Park Service, Department of the Interior.

(b) ADMINISTRATION AND ACQUISITION.—Federal lands and interests therein deleted from the boundary of the national monument by this section shall be administered by the Secretary of the Interior through the Bureau of Land Management in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and Federal lands and interests therein added to the national monument by this section shall be administered by the Secretary as part of the national monument, subject to the laws and regulations applicable thereto. The Secretary is authorized to acquire private lands and interests therein within the boundary of the national monument by donation, purchase with donated or appropriated funds, or exchange, and when acquired they shall be administered by the Secretary as part of the national monument, subject to the laws and regulations applicable thereto.

SECTION 206. HAGERMAN FOSSIL BEDS NATIONAL MONUMENT BOUNDARY ADJUSTMENT.

Section 302 of the Arizona-Idaho Conservation Act of 1988 (102 Stat. 4576) is amended by adding the following new subsection:

''(d) To further the purposes of the monument, the Secretary is also authorized to acquire from willing sellers only, by donation, purchase with donated or appropriated funds, or exchange not to exceed 65 acres outside the boundary depicted on the map referred to in section 301 and develop and operate thereon research, information, interpretive, and administrative facilities. Lands acquired and facilities developed pursuant to this subsection shall be administered by the Secretary as part of the monument. The boundary of the monument shall be modified to include the lands added under this subsection as a noncontiguous parcel.''.

SEC. 207. WUPATKI NATIONAL MONUMENT BOUNDARY ADJUSTMENT.

The boundary of the Wupatki National Monument, Arizona, is hereby revised to include the lands and interests in lands within the area generally depicted as ''Proposed Addition 168.89 Acres'' on the map entitled ''Boundary—Wupatki and Sunset Crater National Monuments, Arizona'', numbered 322–80,021, and dated April 1989. The map shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. Subject to valid existing rights, Federal lands and interests therein within the area added to the monument by this section are hereby transferred without monetary consideration or reimbursement to the administrative jurisdiction of the National Park Service, to be administered as part of the monument in accordance with the laws and regulations applicable thereto.

SEC. 208. NEW RIVER GORGE NATIONAL RIVER.

Section 1101 of the National Parks and Recreation Act of 1978 (16 U.S.C. 460m–15) is amended by striking out ''NERI–80,023, dated January 1987'' and inserting ''NERI–80,028, dated January 1993''.

SEC. 209. GAULEY RIVER NATIONAL RECREATION AREA.

(a) Section 201(b) of the West Virginia National Interest River Conservation Act of 1987 (16 U.S.C. 460ww(b)) is amended by striking out ''NRA–GR/20,000A and dated July 1987'' and inserting ''GARI–80,001 and dated January 1993''.

(b) Section 205(c) of the West Virginia National Interest River Conservation Act of 1987 (16 U.S.C. 460ww–4(c)) is amended by adding the following at the end thereof: ''If project construction is not commenced within the time required in such license, or if such license is surrendered at any time, such boundary modification shall cease to have any force and effect.''.

SEC. 210. BLUESTONE NATIONAL SCENIC RIVER.

Section 3(a)(65) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(65) is amended by striking out ''WSR–BLU/20,000, and dated January 1987'' and inserting ''BLUE–80,004, and dated January 1993''.

SEC. 211. ADVISORY COMMISSIONS.

(a) KALOKO-HONOKOHAU NATIONAL HISTORICAL PARK.—(1) This subsection under this Title may be cited as the ''Na Hoa Pili Kaloko-Honokohau Re-establishment Act of 1995''.

(2) Notwithstanding section 505 (f)(7) of Public Law 95–625 (16 U.S.C. 396d(7)), the Na Hoa Pili O Kaloho-Honokohau, the Advisory Commission for Kaloko-Honokohau National Historical Park, is hereby re-established in accordance with section 505 (f), as amended by paragraph (3) of this section.

(3) Section 505(f)(7) of Public Law 95–625 (16 U.S.C. 396d(7)), is amended by striking ''this Act'' and inserting in lieu thereof, ''the NA Hoa Pili Kaloko-Honokohau Re-establishment Act of 1995''.

(b) WOMEN'S RIGHTS NATIONAL HISTORICAL PARK.—(1) This subsection under this Title may be cited as the ''Women's Rights National Historical Park Advisory Commission Re-establishment Act of 1995''.

(2) Notwithstanding section 1601 (h)(5) of Public Law 96-607 (16 U.S.C. 41011(h)(5)), the advisory commission for Women's Rights National Historical Park is hereby re-established in accordance with section 1601(h), as amended by paragraph (3) of this section.

(3) Section 1601(h)(5) of Public Law 96–607 (16 U.S.C. 41011(h)(5)), is amended by striking ''this section'' and inserting in lieu thereof, ''the Women's Rights National Historical Park Advisory Commission Re-establishment Act of 1995''.

SEC. 212. AMENDMENT TO BOSTON NATIONAL HISTORIC PARK ACT.

Section 3(b) of the Boston National Historical Park Act of 1974 (16 U.S.C. 410z-1(b)) is amended by inserting ''(1)'' before the first sentence thereof and by adding the following at the end thereof:

''(2) The Secretary of the Interior is authorized to enter into a cooperative agreement with the Boston Public Library to provide for the distribution of information and interpretive material relating to the park and to the Freedom Trail.''.

SEC. 213. CUMBERLAND GAP NATIONAL HISTORICAL PARK.

(a) REMOVAL OF RESTRICTIONS.—The first section of the Act of June 11, 1940, entitled ''An Act to provide for the establishment of the Cumberland Gap National Historical Park in Tennessee, Kentucky, and Virginia; (54 Stat. 262, 16 U.S.C. 261 et seq.) is amended by striking out everything after the words ''Cumberland Gap National Historical Park'' and inserting a period.

(b) USE OF APPROPRIATED FUNDS.—Section 3 of such Act (16 U.S.C. 263) is amended by inserting ''or with funds that may be from time to time appropriated for the purpose,'' after ''funds''.

SEC. 214. WILLIAM O. DOUGLAS OUTDOOR CLASSROOM.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Director of the National Park Service, is authorized to enter into cooperative agreements, as specified as subsection (b), relating to Santa Monica Mountains National Recreation Area (hereafter in this Title referred to as ''recreation area'') in accordance with this section.

(b) COOPERATIVE AGREEMENTS.—The cooperative agreements referred to in subsection (a) are as follows:

(1) A cooperative agreement with appropriate organizations or groups in order to promote education concerning the natural and cultural resources of the recreation area and lands adjacent thereto. Any agreement entered into pursuant to this paragraph—

(A) may provide for Federal matching grants of not more than 50 percent of the total cost of providing a program of such education;

(B) shall provide for visits by students or other beneficiaries to federally owned lands within the recreation area;

(C) shall limit the responsibility of the Secretary to providing interpretation services concerning the natural and cultural resources of the recreation area; and

(D) shall provide that the non-Federal party shall be responsible for any cost of carrying out the agreement other than the cost of providing interpretation services under subparagraph (C).

(2) A cooperative agreement under which—

(A) the Secretary agrees to maintain the facilities at 2600 Franklin Canyon Drive in Beverly Hills, California, for a period of 8 fiscal years beginning with the first fiscal year for which funds are appropriated pursuant to this section, and to provide funding for programs of the William O. Douglas Outdoor Classroom or its successors in interest that utilize those facilities during such period; and in return; or

(B) the William O. Douglas Outdoor Classroom, for itself and any successors in interest with respect to such facilities, agrees that at the end of the term of such agreement all right, title, and interest in and to such facilities will be donated to the United States for addition and operation as part of the recreation area.

(c) EXPENDITURE OF FUNDS.—Federal funds may be expended on non-Federal property located within the recreation area pursuant to the cooperative agreement described in subsection (b)(2).

(d) LIMITATIONS.—(1) The Secretary may not enter into the cooperative agreement described in subsection (b)(2) unless and until the Secretary determines that acquisition of the facilities described in such subsection would further the purposes of the recreation area.

(2) This section shall not be construed as authorizing an agreement by the Secretary for reimbursement of expenses incurred by the William O. Douglas Outdoor Classroom or any successor in interest that are not directly related to the use of such facilities for environmental education and interpretation of the resources and values of the recreation area and associated lands and resources.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the 8-year period beginning October 1, 1995, not to exceed $2,000,000 to carry out this section.

Sec. 215. Miscellaneous Provisions.

(a) NEW RIVER CONFORMING AMENDMENTS.—Title XI of the National Parks and Recreation Act of 1978 (16 U.S.C. 460m—15et seq.) is amended by adding the following new section at the end thereof:

''SEC. 1117. APPLICABLE PROVISIONS OF OTHER LAW.

''(a) COOPERATIVE AGREEMENTS.—The provisions of section 202(e)(1) of the West Virginia National Interest River Conservation Act of 1987 (16 U.S.C. 460ww–1(e)(1)) shall apply to the New River Gorge National River in the same manner and to the same extent as such provisions apply to the Gauley River National Recreation Area.

''(b) REMNANTS OF LANDS.—The provisions of the second sentence of section 203(a) of the West Virginia National Interest River Conservation Act of 1987 (16 U.S.C. 460ww–2(a)) shall apply to tracts of land partially within the boundaries of the New River Gorge National River in the same manner and to the same extent as such provisions apply to the tracts of land only partially within the Gauley River National Recreation Area.''.

(b) BLUESTONE RIVER CONFORMING AMENDMENTS.—Section 3(a)(65) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(65)) is amended by striking ''leases'' in the fifth sentence and inserting in lieu thereof ''the lease'' and in the seventh sentence by striking ''such management may be continued pursuant to renewal of such lease agreement. If requested to do so by the State of West Virginia, the Secretary may not terminate such leases and assume administrative authority over the areas concerned.'' and inserting in lieu thereof the following' ''if the State of West Virginia so requests, the Secretary shall renew such lease agreement with the same terms and conditions as contained in such lease agreement on the date of enactment of this paragraph under which the State management shall be continued pursuant to such renewal. If requested to do so by the State of West Virginia, or as provided in such lease agreement, the Secretary may terminate or modify the lease and assume administrative authority over all or part of the areas concerned.''.

SEC. 216. GAULEY ACCESS.

Section 202(e) of the West Virginia National Interest River Conservation Act of 1987 (16 U.S.C. 460ww–1(e) is amended by adding the following new paragraph at the end thereof:

''(4) ACCESS TO THE RIVER.—Within 90 days after the date of enactment of this subsection, the Secretary shall submit a report to the Committee on Energy and Natural Resources of the Senate setting forth a plan to provide river access for non-commercial recreational users within the Gauley River National Recreational Area. The plan shall provide that such access shall utilize existing public roads and rights-of-way to the maximum extent feasible and shall be limited to providing access for such non-commercial users.''.

SEC. 217. VISITOR CENTER.

The Secretary of the Interior is authorized to construct a visitor center and such other related facilities as may be deemed necessary to facilitate visitor understanding and enjoyment of the New River Gorge National River and the Gauley River National Recreation Area in the vicinity of the confluence of the New and Gauley Rivers. Such center and related facilities are authorized to be constructed at a site outside of the boundary of the New River Gorge National River or Gauley River National Recreation Area unless a suitable site is available within the boundaries of either unit.

SEC. 218. EXTENSION.

For a 5-year period following the date of enactment of this Act, the provisions of the Wild and Scenic Rivers Act applicable to river segments designated for study for potential addition to the wild and scenic rivers system under subsection 5(b) of that Act shall apply to those segments of the Bluestone and Meadow Rivers which were found eligible in the studies completed by the National Park Service in August 1983 but which were not designated by the West Virginia National Interest River Conservation Act of 1987 as part of the Bluestone National Scenic River or as part of the Gauley National Recreational Area, as the case may be.

SEC. 219. BLUESTONE RIVER PUBLIC ACCESS.

Section 3(a)(65) of the Wild and Scenic Rivers Act (16 U.S.C. 1271 and following) is amended by adding the following at the end thereof: ''In order to provide reasonable public access and vehicle parking for public use and enjoyment of the river designated by this paragraph, consistent with the preservation and enhancement of the natural and scenic values of such river, the Secretary may, with the consent of the owner thereof, negotiate a memorandum of understanding or cooperative agreement, or acquire lands or interests in such lands, or both, as may be necessary to allow public access to the Bluestone River and to provide, outside the boundary of the scenic river, parking and related facilities in the vicinity of the area known as Eads Mill.''.

SEC. 220. LIMITATION ON PARK BUILDINGS.

The 10th undesignated paragraph (relating to a limitation on the expenditure of funds for park buildings) under the heading ''**MISCELLANEOUS OBJECTS, DEPARTMENT OF THE INTERIOR",** which appears under the heading ''**UNDER THE DEPARTMENT OF THE INTERIOR",** as contained in the first section of the Act of August 24, 1912 (37 Stat. 460), as amended (16 U.S.C. 451), is hereby repealed.

SEC. 221. APPROPRIATIONS FOR TRANSPORTATION OF CHILDREN.

The first section of the Act of August 7, 1946 (16 U.S.C. 17j–2), is amended by adding at the end the following:

''(j) Provide transportation for children in nearby communities to and from any unit of the National Park System used in connection with organized recreation and interpretive programs of the National Park Service.''.

SEC. 222. FERAL BURROS AND HORSES.

Section 9 of the Act of December 15, 1971 (16 U.S.C. 1338a), is amended by adding at the end thereof the following: ''Nothing in this Title shall be deemed to limit the authority of the Secretary in the management of units of the National Park System, and the Secretary may, without regard either to the provisions of this Title, or the provisions of section 47(a) of title 18, United States Code, use motor vehicles, fixed-wing aircraft, or helicopters, or to contract for such use, in furtherance of the management of the National Park System, and section 47(a) of title 18, United States Code, shall be applicable to such use.''.

SEC. 223. AUTHORITIES OF THE SECRETARY OF THE INTERIOR RELATING TO MUSEUMS.

(a) FUNCTIONS.—The Act entitled ''An Act to increase the public benefits from the National Park System by facilitating the management of museum properties relating thereto, and for other purposes'' approved July 1, 1955 (16 U.S.C. 18f), is amended—

(1) in paragraph (b) of the first section, by striking out ''from such donations and bequests of money''; and

(2) by adding at the end thereof the following:

''SEC. 2. ADDITIONAL FUNCTIONS.

''(a) In addition to the functions specified in the first section of this Act, the Secretary of the Interior may perform the following functions in such manner as he shall consider to be in the public interest:

''(1) Transfer museum objects and museum collections that the Secretary determines are no longer needed for museum purposes to qualified Federal agencies that have programs to preserve and interpret cultural or

natural heritage, and accept the transfer of museum objects and museum collections for the purposes of this Act from any other Federal agency, without reimbursement. The head of any other Federal agency may transfer, without reimbursement, museum objects and museum collections directly to the administrative jurisdiction of the Secretary of the Interior for the purposes of this Act.

''(2) Convey museum objects and museum collections that the Secretary determines are no longer needed for museum purposes, without monetary consideration but subject to such terms and conditions as the Secretary deems necessary, to private institutions exempt from Federal taxation under section 501(c)(3) of the Internal Revenue Code of 1986 and to non-Federal governmental entities if the Secretary determines that the recipient is dedicated to the preservation and interpretation of natural or cultural heritage and is qualified to manage the property, prior to any conveyance under this subsection.

''(3) Destroy or cause to be destroyed museum objects and museum collections that the Secretary determines to have no scientific, cultural, historic, educational, esthetic, or monetary value.

''(b) The Secretary shall ensure that museum collections are treated in a careful and deliberate manner that protects the public interest. Prior to taking any action under subsection (a), the Secretary shall establish a systematic review and approval process, including consultation with appropriate experts, that meets the higher standards of the museum profession for all actions taken under this section.''.

(b) APPLICATION AND DEFINITIONS.—The Act entitled ''An Act to increase the public benefits from the National Park System by facilitating the management of museum properties relating thereto, and for other purposes'' approved July 1, 1955 (16 U.S.C. 18f), as amended by subsection (a), is further amended by adding the following:

''SEC. 3. APPLICATION AND DEFINITIONS.

''(a) APPLICATION.—Authorities in this Act shall be available to the Secretary of the Interior with regard to museum objects and museum collections that were under the administrative jurisdiction of the Secretary for the purposes of the National Park System before the date of enactment of this section as well as those museum objects and museum collections that may be acquired on or after such date.

''(b) DEFINITIONS.—For the purposes of this Act, the terms 'museum objects' and 'museum collections' mean objects that are eligible to be or are made part of a museum, library, or archive collection through a formal procedure, such as accessioning. Such objects are usually movable and include but are not limited to prehistoric and historic artifacts, works of art, books, documents, photographs, and natural history specimens.''.

SEC. 224. VOLUNTEERS IN PARKS INCREASE.

Section 4 of the Volunteers in the Parks Act of 1969 (16 U.S.C. 18j.) is amended by striking out ''1,000,000'' and inserting in lieu thereof ''$1,750,000''.

SEC. 225. COOPERATIVE AGREEMENTS FOR RESEARCH PURPOSES.

Section 3 of the Act entitled ''An Act to improve the administration of the National Park System by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes'' approved August 18, 1970 (16 U.S.C. 1a–2), is amended—

(1) in paragraph (i), by striking the period at the end and thereof and inserting in lieu thereof ''; and''; and

(2) by adding at the end thereof the following:

''(j) enter into cooperative agreements with public or private educational institutions, States, and their political subdivisions, or private conservation organizations for the purpose of developing adequate, coordinated, cooperative research and training programs concerning the resources of the National Park System, and, pursuant to any such agreements, to accept from and make available to the cooperator such technical and support staff, financial assistance for mutually agreed upon research projects, supplies and equipment, facilities, and administrative services relating to cooperative research units as the Secretary deems appropriate; except that this paragraph shall not waive any requirements for research projects that are subject to the Federal procurement regulations.''.

SEC. 226. CARL GARNER FEDERAL LANDS CLEANUP DAY.

The Federal Lands Cleanup Act of 1985 (Public Law 99–402; U.S.C. 169i–169i–1) is amended by striking the terms ''Federal Lands Cleanup Day'' or ''Federal Lands National Cleanup Day'' each place they occur and inserting in lieu thereof, ''Carl Garner Federal Lands Cleanup Day.''

SEC. 227. PORT PULASKI NATIONAL MONUMENT, GA.

Section 4 of the Act of June 26, 1936 (ch. 844; Stat. 1979), is amended by striking '': Provided, That'' and all that follows and inserting a period.

SEC. 228. LAURA C. HUDSON VISITOR CENTER.

(a) DESIGNATION.—The visitor center at Jean Lafitte National Historical Park, located at 419 Rue Decatur in New Orleans, Louisiana, is hereby designated as the ''Laura C. Hudson Visitor Center.''

(b) LEGAL REFERENCES.—Any reference in any law, regulation, paper, record, map, or any other document of the United States to the visitor center referred to in subsection (a) shall be deemed to be a reference to the ''Laura C. Hudson Visitor Center''.

SEC. 229. UNITED STATES CIVIL WAR CENTER.

(a) FINDINGS.—The Congress finds that—

(1) the sesquicentennial of the beginning of the Civil War will occur in the year 2011;

(2) the sesquicentennial will be the last significant opportunity for most Americans alive in the year 2011 to recall and commemorate the Civil War;

(3) the Civil War Center in Louisiana State University in Baton Rouge, Louisiana, has as its principal missions to create a comprehensive database that contains all Civil War materials and to facilitate the study of the Civil War from the perspectives of all ethnic cultures and all professions; academic disciplines, and occupation;

(4) the two principal missions of the Civil War Center are consistent with commemoration of the sesquicentennial;

(5) the missions of the Civil War Institute at Gettysburg College parallel those of the Civil War Center; and

(6) advance planning to facilitate the four-year commemoration of the sesquicentennial is required.

(b) DESIGNATION.—The Civil War Center, located on Raphael Semmes Drive at Louisiana State University in Baton Rouge, Louisiana, (hereinafter in this section referred to as the ''center'') shall be known and designated as the ''United States Civil War Center''.

(c) LEGAL REFERENCES.—Any reference in any law, regulation, paper, record, map, or any other document of the United States to the center referred to in subsection (b) shall be deemed to be a reference to the ''United States Civil War Center''.

(d) FLAGSHIP INSTITUTIONS.—The center and the Civil War Institute of Gettysburg College, located at 233 North Washington Street in Gettysburg, Pennsylvania, shall be the flagship institutions for planning and sesquicentennial commemoration of the Civil War.

TITLE III—ROBERT J. LAGOMARSINO VISITOR CENTER

SEC. 301. DESIGNATION.

The visitor center at the Channel Islands National Park, California, is designated as the ''Robert J. Lagomarsino Visitor Center''.

SEC. 302. LEGAL REFERENCES.

Any reference in any law, regulation, document, record, map, or other paper of the United States to the visitor center referred to in section 301 is deemed to be a reference to the ''Robert J. Lagomarsino Visitor Center''.

TITLE IV—ROCKY MOUNTAIN NATIONAL PARK VISITOR CENTER

SEC. 401. VISITOR CENTER.

The Secretary of the Interior is authorized to collect and expend donated funds and expend appropriated funds for the operation and maintenance of a visitor center to be constructed for visitors to and administration of Rocky Mountain National Park with private funds on lands located outside the boundary of the park.

TITLE V—CORINTH, MISSISSIPPI, BATTLEFIELD ACT

SEC. 501. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the sites located in the vicinity of Corinth, Mississippi, that were Designated as a National Historic Landmark by the Secretary of the Interior in 1991 represent nationally significant events in the Siege and Battle of Corinth during the Civil War; and

(2) the landmark sites should be preserved and interpreted for the benefit, inspiration, and education of the people of the United States.

(b) PURPOSE.—The purpose of this Title is to provide for a center for the interpretation of the Siege and Battle of Corinth and other Civil War actions in the Region and to enhance public understanding of the significance of the Corinth Campaign in the Civil War relative to the Western theater of operations, in cooperation with State or local governmental entities and private organizations and individuals.

SEC. 502. ACQUISITION OF PROPERTY AT CORINTH, MISSISSIPPI.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this Title as the ''Secretary'') shall acquire by donation, purchase with donated or appropriated funds,or exchange, such land and interests in land in the vicinity of the Corinth Battlefield, in the State of Mississippi, as the Secretary determines to be necessary for the construction of an interpretive center to commemorate and interpret the 1862 Civil War Siege and Battle of Corinth.

(b) PUBLICLY OWNED LAND.—Land and interests in land owned by the State of Mississippi or a political subdivision of the State of Mississippi may be acquired only by donation.

SEC. 503. INTERPRETIVE CENTER AND MARKING.

(a) INTERPRETIVE CENTER.—

(1) CONSTRUCTION OF CENTER.—The Secretary shall construct, operate, and maintain on the property acquired under section 502 a center for the interpretation of the Siege and Battle of Corinth and associated historical events for the benefit of the public.

(2) DESCRIPTION.—The center shall contain approximately 5,300 square feet, and include interpretive exhibits, an auditorium, a parking area, and other features appropriate to public appreciation and understanding of the site.

(b) MARKING.—The Secretary may mark sites associated with the Siege and Battle of Corinth National Historic Landmark, as designated on May 6, 1991, if the sites are determined by the Secretary to be protected by State or local governmental agencies.

(c) ADMINISTRATION.—The land and interests in land acquired, and the facilities constructed and maintained pursuant to this Title, shall be administered by the Secretary as a part of Shiloh National Military Park, subject to the appropriate laws (including regulations) applicable to the Park, the Act entitled ''An Act to establish a National Park Service, and for other purposes,'' approved August 25, 1916 (16 U.S.C. 1 et Seq.), and the Act entitled ''An Act to provide for the preservation of historic american sites, buildings, objects, and antiquities of national significance, and for other purposes,'' approved August 21, 1935 (16 U.S.C. 461 et seq.).

SEC. 504. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subject to subsection (b), there are authorized to be appropriated such sums as are necessary to carry out this Title.

(b) CONSTRUCTION.—Of the amounts made available to carry out this Title, not More than $6,000,000 may be used to carry out section 503(a).

TITLE VI—WALNUT CANYON NATIONAL MONUMENT BOUNDARY MODIFICATION

SEC. 601. FINDINGS AND PURPOSE.

(A) FINDINGS.—The Congress finds that:

(1) Walnut Canyon National Monument was established for the preservation and interpretation of certain settlements and land use patterns associated with the prehistoric Sinaguan culture of northern Arizona.

(2) Major cultural resources associated with the purposes of Walnut Canyon National Monument are near the boundary and are currently managed under multiple-use objectives of the adjacent national forest. These concentrations of cultural resources, often referred to as ''forts'', would be more effectively managed as part of the National Park System.

(b) PURPOSE.—The purpose of this Title is to modify the boundaries of the Walnut Canyon National Monument (hereafter in this Title referred to as the ''national monument'') to improve management of the national monument and associated resources.

SEC. 602. BOUNDARY MODIFICATION.

Effective on the date of enactment of this Act, the boundaries of the national monument shall be modified as depicted on the map entitled ''Boundary Proposal—Walnut Canyon National Monument, Coconino County, Arizona'', numbered 360/80,010, and dated September 1994. Such map shall be on file and available for public inspection in the offices of the Director of the National Park Service, Department of the Interior. The Secretary of the Interior, in consultation with the Secretary of Agriculture, is authorized to make technical and clerical corrections to such map.

SEC. 603. ACQUISITION AND TRANSFER OF PROPERTY.

The Secretary of the Interior is authorized to acquire lands and interest in lands within the national monument, by donation, purchase with donated or appropriated funds, or exchange. Federal property within the boundaries of the national monument (as modified by this Title) is hereby transferred to the administrative jurisdiction of the Secretary of the Interior for management as part of the national monument. Federal property excluded from the monument pursuant to the boundary modification under section 603 is hereby transferred to the administrative jurisdiction of the Secretary of Agriculture to be managed as a part of the Coconino National Forest.

SEC. 604. ADMINISTRATION.

The Secretary of the Interior, acting through the Director of the National Park Service, shall manage the national monument in accordance with this Title and the provisions of law generally applicable to units of the National Park Service, including An Act to establish a National Park Service, and for other purposes approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4).

SEC. 605 AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated such sums as may be necessary to carry out this Title.

TITLE VII—DELAWARE WATER GAP

SEC. 701. PROHIBITION OF COMMERCIAL VEHICLES.

(a) IN GENERAL.—Effective at noon on September 30, 2005, the use of Highway 209 within Delaware Water Gap National Recreation Area by commercial vehicles, when such use is not connected with the operation of the recreation area, is prohibited, except as provided in subsection (b).

(b) LOCAL BUSINESS USE PROTECTED.—Subsection (a) does not apply with respect to the use of commercial vehicles to serve businesses located or in the vicinity of the recreation area, as determined by the Secretary.

(c) CONFORMING PROVISIONS.—

(1) Paragraph (1) through (3) of the third undersigned paragraph under the heading ''administrative provisions'' in chapter VII of title I of Public Law 98–63 (97 Stat. 329) are repealed, effective September 30, 2005.

(2) Prior to noon on September 30, 2005, the Secretary shall collect and utilize a commercial use fee from commercial vehicles in accordance with paragraphs (1) through (3) of such third undesignated paragraph. Such fee shall not exceed $25 per trip.

TITLE VIII—TARGHEE NATIONAL FOREST LAND EXCHANGE

SEC. 801. AUTHORIZATION OF EXCHANGE.

(a) CONVEYANCE.—Notwithstanding the requirements in the Act entitled ''An Act to Consolidate National Forest Lands'', approved March 20, 1922 (16 U.S.C. 485), and section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)) that Federal and non-Federal lands exchanged for each other must be located within the same state, the Secretary of Agriculture may convey the Federal lands described in section 802(a) in exchange for the non-Federal lands described in section 802(b) in accordance with the provisions of this Title.

(b) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Except as otherwise provided in this title, the land exchange authorized by this section shall be made under the existing authorities of the Secretary.

(c) ACCEPTABILITY OF TITLE AND MANNER OF CONVEYANCE.—The Secretary shall not carry out the exchange described in subsection (a) unless the title to the non-Federal lands to be conveyed to the United States, and the form and procedures of conveyance, are acceptable to the Secretary.

SEC. 802. DESCRIPTION OF LANDS TO BE EXCHANGED.

(a) FEDERAL LANDS.—The Federal lands referred to in this Title are located in the Targhee National Forest in Idaho, are generally depicted on the map entitled ''Targhee Exchange, Idaho-Wyoming—Proposed, Federal Land'', dated September 1994, and are known as the North Fork Tract.

(b) NON-FEDERAL LANDS.—The non-Federal lands referred to in this Title are located in the Targhee National Forest in Wyoming, are generally depicted on the map entitled ''Non-Federal Land, Targhee Exchange, Idaho-Wyoming—Proposed'', dated September 1994, and are known as the Squirrel Meadows Tract.

(c) MAPS.—The maps referred to in subsections (a) and (b) shall be on file and available for inspection in the office of the Targhee National Forest in Idaho and in the office of the Chief of the Forest Service.

SEC. 803. EQUALIZATION OF VALUES.

Prior to the exchange authorized by section 801, the values of the Federal and non-Federal lands to be so exchanged shall be established by appraisals of fair market value that shall be subject to approval by the Secretary. The values either shall be equal or shall be equalized using the following methods:

(1) ADJUSTMENT OF LANDS.—

(A) PORTION OF FEDERAL LANDS.—If the Federal lands are greater in value than the non-Federal lands, the Secretary shall reduce the acreage of the Federal lands until the values of the Federal lands closely approximate the values of the non-Federal lands.

(B) ADDITIONAL FEDERALLY-OWNED LANDS.—If the non-Federal lands are greater in value than the Federal lands, the Secretary may convey additional federally owned lands within the Targhee National Forest up to an amount necessary to equalize the values of the non-Federal lands and the lands to be, transferred out of Federal ownership. However, such additional federally owned lands shall be limited to those meeting the criteria for land exchanges specified in the Targhee National Forest Land and Resource Management Plan.

(2) PAYMENT OF MONEY.—The values may be equalized by the payment of money as provided in section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

SEC. 804. DEFINITIONS.

For purposes of this Title:

(1) The term ''Federal lands'' means the Federal lands described in section 802(a).

(2) The term ''non-Federal lands'' means the non-Federal lands described in section 802(b).

(3) The term ''Secretary'' means the Secretary of Agriculture.

TITLE IX—DAYTON AVIATION

Section 201(b) of the Dayton Aviation Heritage Preservation Act of 1992 (Public Law 102–419, approved October 16, 1992), is amended as follows:

(1) In paragraph (2), by striking ''from recommendations'' and inserting ''after consideration of recommendations''.

(2) In paragraph (4), by striking ''from recommendations'' and inserting ''after consideration of recommendations''.

(3) In paragraph (5), by striking ''from recommendations'' and inserting ''after consideration of recommendations''.

(4) In paragraph (6), by striking ''from recommendations'' and inserting ''after consideration of recommendations''.

(5) In paragraph (7), by striking ''from recommendations'' and inserting ''after consideration of recommendations''.

TITLE X—CACHE LA POUDRE

SEC. 1001. PURPOSE.

The purpose of this Title is to designate the Cache La Poudre River National Water Heritage Area within the Cache La Poudre River Basin and to provide for the interpretation, for the educational and inspirational benefit of present and future generations, of the unique and significant contributions to our national heritage of cultural and historical lands, waterways, and structures within the Area.

SEC. 1002. DEFINITIONS.

As used in this Title:

(1) AREA.—The term ''Area'' means the Cache La Poudre River National Water Heritage Area established by section 1003(a).

(2) COMMISSION.—The term ''Commission'' means the Cache La Poudre River National Water Heritage Area Commission established by section 1004(a).

(3) GOVERNOR.—The term ''Governor'' means the Governor of the State of Colorado.

(4) PLAN.—The term ''Plan'' means the water heritage area interpretation plan prepared by the Commission pursuant to section 1008(a).

(5) POLITICAL SUBDIVISION OF THE STATE.—The term ''political subdivision of the State'' means a political subdivision of the State of Colorado, any part of which is located in or adjacent to the Area, including a county, city, town, water conservancy district, or special district.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 1003. ESTABLISHMENT OF THE CACHE LA POUDRE RIVER NATIONAL WATER HERITAGE AREA.

(a) ESTABLISHMENT.—There is established in the State of Colorado the Cache La Poudre River National Water Heritage Area.

(b) BOUNDARIES.—The boundaries of this Area shall include those lands within the 100-year flood plain of the Cache La Poudre River Basin, beginning at a point where the Cache La Poudre River flows out of the Roosevelt National Forest and continuing east along said floodplan to a point one quarter of one mile west of the confluence of the Cache La Poudre River and the South Platte Rivers in Weld County, Colorado, comprising less than 35,000 acres, and generally depicted as the 100-year flood boundary on the Federal Flood Insurance maps listed below:

(1) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, CO.—Community-Panel No. 080101 0146B, April 2, 1979. United States Department of Housing and Urban Development, Federal Insurance Administration.

(2) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, CO.—Community-Panel No. 080101 0147B, April 2, 1979. United States Department of Housing and Urban Development, Federal Insurance Administration.

(3) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, CO.—Community-Panel No. 080101 0162B, April 2, 1979. United States Department of Housing and Urban Development, Federal Insurance Administration.

(4) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, CO.—Community-Panel No. 080101 0163C, March 18, 1986. Federal Emergency Management Agency, Federal Insurance Administration.

(5) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, CO.—Community-Panel No. 080101 0178C, March 18, 1986. Federal Emergency Management Agency, Federal Insurance Administration.

(6) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, CO.—Community-Panel No. 080102 0002B, February 15, 1984. Federal Emergency Management Agency, Federal Insurance Administration.

(7) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, CO.—Community-Panel No. 080101 0179C, March 18, 1986. Federal Emergency Management Agency, Federal Insurance Administration.

(8) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, CO.—Community-Panel No. 080101 0193D, November 17, 1993. Federal Emergency Management Agency, Federal Insurance Administration.

(9) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, CO.—Community-Panel No. 080101 0194D, November 17, 1993. Federal Emergency Management Agency, Federal Insurance Administration.

(10) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, CO.—Community-Panel No. 080101 0208C, November 17, 1993. Federal Emergency Management Agency, Federal Insurance Administration.

(11) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, CO.—Community-Panel No. 080101 0221C, November 17, 1993. Federal Emergency Management Agency, Federal Insurance Administration.

(12) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, CO.—Community-Panel No. 080266 0605D, September 27, 1991. Federal Emergency Management Agency, Federal Insurance Administration.

(13) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, CO.—Community-Panel No. 080264 0005A, September 27, 1991. Federal Emergency Management Agency, Federal Insurance Administration.

(14) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, CO.—Community-Panel No. 080266 0608D, September 27, 1991. Federal Emergency Management Agency, Federal Insurance Administration.

(15) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, CO.—Community-Panel No. 080266 0609C, September 28, 1982. Federal Emergency Management Agency, Federal Insurance Administration.

(16) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, CO.—Community-Panel No. 080266 0628C, September 28, 1982. Federal Emergency Management Agency, Federal Insurance Administration.

(17) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, CO.—Community-Panel No. 080184 0002B, July 16, 1979. United States Department of Housing and Urban Development, Federal Insurance Administration.

(18) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, CO.—Community-Panel No. 080266 0636C, September 28, 1982. Federal Emergency Management Agency, Federal Insurance Administration.

(19) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, CO.—Community-Panel No. 080266 0637C, September 28, 1982. Federal Emergency Management Agency, Federal Insurance Administration.

As soon as practicable after the date of enactment of this Title, the Secretary shall publish in the Federal Register a detailed description and map of the boundaries of the Area.

(c) PUBLIC ACCESS TO MAPS.—The maps shall be on file and available for public inspection in—

(1) the offices of the Department of the Interior in Washington, District of Columbia, and Denver, Colorado; and

(2) local offices of the city of Fort Collins, Larimer County, the city of Greeley, and Weld County.

SEC. 1004. ESTABLISHMENT OF THE CACHE LA POUDRE RIVER NATIONAL WATER HERITAGE AREA COMMISSION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the Cache La Poudre River National Water Heritage Area Commission.

(2) FUNCTION.—The Commission, in consultation with appropriate Federal, State, and local authorities, shall develop and implement an integrated plan to interpret elements of the history of water development within the Area.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 15 members appointed not later than 6 months after the date of enactment of this Title. Of these 15 members—

(A) 1 member shall be a representative of the Secretary of the Interior which member shall be an ex officio member;

(B) 1 member shall be a representative of the Forest Service, appointed by the Secretary of Agriculture, which member shall be a ex officio member;

(C) 3 members shall be recommended by the Governor and appointed by the Secretary, of whom—

(i) 1 member shall represent the State;

(ii) 1 member shall represent Colorado State University in Fort Collins; and

(iii) 1 member shall represent the Northern Colorado Water Conservancy District;

(D) 6 members shall be representatives of local governments who are recommended by the Governor and appointed by the Secretary, of whom—

(i) 1 member shall represent the city of Fort Collins:

(ii) 2 members shall represent Larimer County, 1 of which shall represent agriculture or irrigated water interests;

(iii) 1 member shall represent the city of Greeley;

(iv) 2 members shall represent Weld County, 1 of which shall represent agricultural or irrigated water interests; and

(v) 1 member shall represent the city of Loveland; and

(E) 3 members shall be recommended by the Governor and appointed by the Secretary, and shall—

(i) represent the general public;

(ii) be citizens of the State; and

(iii) reside within the Area.

(2) CHAIRPERSON.—The chairperson of the Commission shall be elected by the members of the Commission from among members appointed under subparagraph (C), (D), or (E) of paragraph (1). The chairperson shall be elected for a 2-year term.

(3) VACANCIES.—A vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(c) TERMS OF SERVICE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), each member of the Commission shall be appointed for a term of 3 years and may be reappointed.

(2) INITIAL MEMBERS.—The initial members of the Commission first appointed under subsection (b)(1) shall be appointed as follows:

(A) 3-YEAR TERMS.—The following initial members shall serve for a 3-year term:

(i) The representative of the Secretary of the Interior.

(ii) 1 representative of Weld County.

(iii) 1 representative of Larimer County.

(iv) 1 representative of the city of Loveland.

(v) 1 representative of the general public.

(B) 2-YEAR TERMS.—The following initial members shall serve for a 2-year term.

(i) The representative of the Forest Service.

(ii) The representative of the State.

(iii) The representative of Colorado State University.

(iv) The representative of the Northern Colorado Water Conservancy District.

(C) 1-YEAR TERMS.—The following initial members shall serve for a 1-year term.

(i) 1 representative of the city of Fort Collins.

(ii) 1 representative of Larimer County.

(iii) 1 representative of the city of Greeley.

(iv) 1 representative of Weld County.

(v) 1 representative of the general public.

(3) PARTIAL TERMS.—

(A) FILLING VACANCIES.—A member of the Commission appointed to fill a vacancy occurring before the expiration of the term for which a predecessor was appointed shall be appointed only for the remainder of their term.

(B) EXTENDED SERVICE.—A member of the Commission may serve after the expiration of that member's term until a successor has taken office.

(d) COMPENSATION.—Members of the Commission shall receive no compensation for their service on the Commission.

(e) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government

service are allowed expenses under section 5703 of title 5, United States Code.

SEC. 1005. STAFF OF THE COMMISSION.

(a) STAFF.—The Commission shall have the power to appoint and fix the compensation of such staff as may be necessary to carry out the duties of the Commission.

(1) APPOINTMENT AND COMPENSATION.—Staff appointed by the Commission—

(A) shall be appointed without regard to the city service laws and regulations; and

(B) shall be compensated without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(b) EXPERTS AND CONSULTANTS.—Subject to such rules as may be adopted by the Commission, the Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(c) STAFF OF OTHER AGENCIES.—

(1) FEDERAL.—Upon request of the Commission, the head of a Federal agency may detail, on a reimbursement basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out the Commission's duties. The detail shall be without interruption or loss of civil service status or privilege.

(2) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of the General Services Administration shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(3) STATE.—The Commission may—

(A) accept the service of personnel detailed from the State, State agencies, and political subdivisions of the State; and

(B) reimburse the State, State agency, or political subdivision of the State for such services.

SEC. 1006. POWERS OF THE COMMISSION.

(a) HEARINGS.—

(1) IN GENERAL.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers necessary to carry out this Title.

(2) SUBPOENAS.—The Commission may not issue subpoenas or exercise any subpoena authority.

(b) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(c) MATCHING FUNDS.—The Commission may use its funds to obtain money from any source under a program or law requiring the recipient of the money to make a contribution in order to receive the money.

(d) GIFTS.—

(1) IN GENERAL.—Except as provided in subsection (e) (3), the Commission may, for the purpose of carrying out its duties, seek, accept, and dispose of gifts, bequests, or donations of money, personal property, or services received from any source.

(2) CHARITABLE CONTRIBUTIONS.—For the purpose of section 170(c) of the Internal Revenue Code of 1986, a gift to the Commission shall be deemed to be a gift to the United States.

(e) REAL PROPERTY.—

(1) IN GENERAL.—Except as provided in paragraph (2) and except with respect to a leasing of facilities under section 6(c)(2), the Commission may not acquire real property or an interest in real property.

(2) EXCEPTION.—Subject to paragraph (3), the Commission may acquire real property in the Area, and interests in real property in the Area—

(A) by gift or devise;

(B) by purchase from a willing seller with money that was given or bequeathed to the Commission; or

(C) by exchange.

(3) CONVEYANCE TO PUBLIC AGENCIES.—Any real property or interest in real property acquired by the Commission under paragraph (2) shall be conveyed by the Commission to an appropriate non-Federal public agency, as determined by the Commission. The conveyance shall be made—

(A) As soon as practicable after acquisition;

(B) without consideration; and

(C) on the condition that the real property or interest in real property so conveyed is used in furtherance of the purpose for which the Area is established.

(f) COOPERATIVE AGREEMENTS.—For the purpose of carrying out the Plan, the Commission may enter into cooperative agreements with Federal agencies, State agencies, political subdivisions of the State, and persons. Any such cooperative agreement shall, at a minimum, establish procedures for providing notice to the Commission of any action that may affect the implementation of the Plan.

(g) ADVISORY GROUPS.—The Commission may establish such advisory groups as it considers necessary to ensure open communication with, and assistance from Federal agencies, State agencies, political subdivisions of the State, and interested persons.

(h) MODIFICATION OF PLANS.—

(1) IN GENERAL.—The Commission may modify the Plan if the Commission determines that such modification is necessary to carry out this Title.

(2) NOTICE.—No modification shall take effect until—

(A) any Federal agency, State agency, or political subdivision of the State that may be affected by the modification receives adequate notice of, and an opportunity to comment on, the modification;

(B) if the modification is significant, as determined by the Commission, the Commission has—

(i) provided adequate notice of the modification by publication in the area of the Area; and

(ii) conducted a public hearing with respect to the modification; and

(C) the Governor has approved the modification.

SEC. 1007. DUTIES OF THE COMMISSION.

(a) PLAN.—The Commission shall prepare, obtain approval for, implement, and support the Plan in accordance with section 9.

(b) MEETINGS.—

(1) TIMING.—

(A) INITIAL MEETING.—The Commission shall hold its first meeting not later than 90 days after the date on which its last initial member is appointed.

(B) SUBSEQUENT MEETINGS.—After the initial meeting, the Commission shall meet at the call of the chairperson or 7 of its members, except that the commission shall meet at least quarterly.

(2) QUORUM.—Ten members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(3) BUDGET.—The affirmative vote of not less than 10 members of the Commission shall be required to approve the budget of the Commission.

(c) ANNUAL REPORTS.—Not later than May 15 of the year, following the year in which the members of the Commission have been appointed, the Commission shall publish and submit, to the Secretary and to the Governor, an annual report concerning the Commission's activities.

SEC. 1008. PREPARATION, REVIEW, AND IMPLEMENTATION OF THE PLAN.

(a) PREPARATION OF PLAN.—

(1) IN GENERAL.—Not later than 2 years after the Commission conducts its first meeting, the Commission shall submit to the Governor a Water Heritage Area Interpretation Plan.

(2) DEVELOPMENT.—In developing the Plan, the Commission shall—

(A) consult on a regular basis with appropriate officials of any Federal or State agency, political subdivision of the State, and local government that has jurisdiction over or an ownership interest in land, water, or water rights within the Area; and

(B) conduct public hearings within the Area for the purpose of providing interested persons the opportunity to testify about matters to be addressed by the Plan.

(3) RELATIONSHIP TO EXISTING PLANS.—The Plan—

(A) shall recognize any existing Federal, State, and local plans;

(B) shall not interfere with the implementation, administration, or amendment of such plan; and

(C) to the extent feasible, shall seek to coordinate the plans and present a unified interpretation plan for the Area.

(b) REVIEW OF PLAN.—

(1) IN GENERAL.—The Commission shall submit the Plan to the Governor for his review.

(2) GOVERNOR.—The Governor may review the Plan and if he concurs in the Plan, may submit the Plan to the Secretary, together with any recommendations.

(3) SECRETARY.—The Secretary shall approve or disapprove the Plan within 90 days. In reviewing the Plan, the Secretary shall consider the adequacy of—

(A) public participation; and

(B) the Plan in interpreting, for the educational and inspirational benefit of present and future generations, the unique and significant contributions to our national heritage of cultural and historical lands, waterways, and structures within the Area.

(c) DISAPPROVAL OF PLAN.—

(1) NOTIFICATION BY SECRETARY.—If the Secretary disapproves the Plan, the Secretary shall, not later than 60 days after the date of disapproval, advise the Governor and the Commission of the reasons for disapproval, together with recommendations for revision.

(2) REVISION AND RESUBMISSION TO GOVERNOR.—Not later than 90 days after receipt of the notice of disapproval, the Commission shall revise and resubmit the Plan to the Governor for review.

(3) RESUBMISSION TO SECRETARY.—If the Governor concurs in the revised Plan, he may submit the revised Plan to the Secretary who shall approve or disapprove the revision within 60 days. If the Governor does not concur in the revised Plan, he may resubmit it to the Commission together with his recommendations for further consideration and modification.

(d) IMPLEMENTATION OF PLAN.—After approval by the Secretary, the Commission shall implement and support the Plan as follows:

(1) CULTURAL RESOURCES.—

(A) IN GENERAL.—The Commission shall assist Federal agencies, State agencies, political subdivisions of the State, and nonprofit organizations in the conservation and interpretation of cultural resources within the Area.

(B) EXCEPTION.—In providing the assistance, the Commission shall in no way infringe upon the authorities and policies of a Federal agency, State agency, or political subdivision of the State concerning the administration and management of property,

water, or water rights held by such agency, political subdivision, or private persons or entities, or affect the jurisdiction of the State of Colorado over any property, water, or water rights within the Area.

(2) PUBLIC AWARENESS.—The Commission shall assist in the enhancement of public awareness of, and appreciation for, the historical, recreational, architectural, and engineering structures in the Area, and the archaeological, geological, and cultural resources and sites in the Area—

(A) by encouraging private owners of identified structures, sites, and resources to adopt voluntary measures for the preservation of the identified structure, site, or resource; and

(B) by cooperating with Federal agencies, State agencies, and political subdivisions of the State in acquiring, on a willing seller basis, any identified structure, site, or resource which the Commission, with the concurrence of the Governor, determines should be acquired and held by an agency of the State.

(3) RESTORATION.—The Commission may assist Federal agencies, State agencies, political subdivisions of the State, and nonprofit organizations in the restoration of any identified structure or site in the Area with consent of the owner. The assistance may include providing technical assistance for historic preservation, revitalization, and enhancement efforts.

(4) INTERPRETATION.—The Commission shall assist in the interpretation of the historical, present, and future uses of the Area—

(A) by consulting with the Secretary with respect to the implementation of the Secretary's duties under section 1010;

(B) by assisting the State and political subdivisions of the State in establishing and maintaining visitor orientation centers and other interpretive exhibits within the Area;

(C) by encouraging voluntary cooperation and coordination, with respect to ongoing interpretive services in the Area, among Federal agencies, State agencies, political subdivisions of the State, nonprofit organizations, and private citizens, and

(D) by encouraging Federal agencies, State agencies, political subdivisions of the State, and nonprofit organizations to undertake new interpretive initiatives with respect to the Area.

(5) RECOGNITION.—The Commission shall assist in establishing recognition for the Area by actively promoting the cultural, historical, natural, and recreational resources of the Area on a community, regional, statewide, national, and international basis.

(6) LAND EXCHANGES.—The Commission shall assist in identifying and implementing land exchanges within the State of Colorado by Federal and State agencies that will expand open space and recreational opportunities within the flood plain of the Area.

SEC. 1009. TERMINATION OF TRAVEL EXPENSES PROVISION.

Effective on the date that is 5 years after the date on which the Secretary approves the Plan, section 5 is amended by striking subsection (e).

SEC. 1010. DUTIES OF THE SECRETARY.

(a) ACQUISITION OF LAND.—The Secretary may acquire land and interests in land within the Area that have been specifically identified by the Commission for acquisition by the Federal government and that have been approved for such acquisition by the Governor and the political subdivision of the State where the land is located by donation, purchase with donated or appropriated funds, or exchange. Acquisition authority may only be used if such lands cannot be acquired by donation or exchange. No land or interest in land may be acquired without the consent of the owner.

(b) TECHNICAL ASSISTANCE.—The Secretary shall, upon the request of the Commission, provide technical assistance to the Commission in the preparation and implementation of the Plan pursuant to section 1008.

(c) DEAIL.—Each fiscal year during the existence of the Commission, the Secretary shall detail to the Commission, on a nonreimbursable basis, 2 employees of the Department of the Interior to enable the Commission to carry out the Commission's duties under section 1007.

SEC. 1011. OTHER FEDERAL ENTITIES.

(a) DUTIES.—Subject to section 1001, a Federal entity conducting or supporting activities directly affecting the flow of the Cache La Poudre River through the Area, or the natural resources of the Area shall consult with the Commission with respect to such activities;

(b) AUTHORIZATION.—

(1) IN GENERAL.—The Secretary or Administrator of a Federal agency may acquire land in the flood plain of the Area by exchange for other lands within such agency's jurisdiction within the State of Colorado, based on fair market value: Provided, That such lands have been identified by the Commission for acquisition by a Federal agency and the Governor and the political subdivision of the State or the owner where the lands are located concur in the exchange. Land so acquired shall be used to fulfill the purpose for which the Area is established.

(2) AUTHORIZATION TO CONVEY PROPERTY.—The first sentence of section 203(k)(3) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)(3)) is amended by striking ''historic monument, for the benefit of the public'' and inserting ''historic monument or any such property within the State of Colorado for the Cache La Poudre River National Water Heritage Area, for the benefit of the public''.

SEC. 1012. EFFECT ON ENVIRONMENTAL AND OTHER STANDARDS, RESTRICTIONS, AND SAVINGS PROVISIONS.

(a) EFFECT ON ENVIRONMENTAL AND OTHER STANDARDS.—

(1) VOLUNTARY COOPERATION.—In carrying out this Title, the Commission and Secretary shall emphasize voluntary cooperation.

(2) RULES, REGULATIONS, STANDARDS, AND PERMIT PROCESSES.—Nothing in this Title shall be considered to impose or form the basis for imposition of any environmental, occupational, safety, or other rule, regulation, standard, or permit process that is different from those that would be applicable had the Area not been established..

(3) ENVIRONMENTAL QUALITY STANDARDS.—Nothing in this Title shall be considered to impose the application or administration of any Federal or State environmental quality standard that is different from those that will be applicable had the Area not been established.

(4) WATER STANDARDS.—Nothing in this Title shall be considered to impose any Federal or State water use designation or water quality standard upon uses of, or discharges to, waters of the State or waters of the United States, within or adjacent to the Area, that is more restrictive than those that would be applicable had the Area not been established.

(5) PERMITTING OF FACILITIES.—Nothing in the establishment of the Area shall abridge, restrict, or alter any applicable rule, regulation, standard, or review procedure for permitting of facilities within or adjacent to the Area.

(6) WATER FACILITIES.—Nothing in the establishment of the Area shall affect the continuing use and operation, repair, rehabilitation, expansion, or new construction of water supply facilities, water and wastewater treatment facilities, stormwater facilities, public utilities, and common carriers.

(7) WATER AND WATER RIGHTS.—Nothing in the establishment of the Area shall be considered to authorize or imply the reservation or appropriation of water or water rights for any purpose.

(b) RESTRICTIONS ON COMMISSION AND SECRETARY.—Nothing in this Title shall be construed to vest in the Commission or the Secretary the authority to—

(1) require a Federal agency, State agency, political subdivision of the State, or private person (including an owner of private property) to participate in a project or program carried out by the Commission or the Secretary under the Title;

(2) intervene as a party in an administrative or judicial proceeding concerning the application or enforcement of a regulatory authority of a Federal agency, State agency, or political subdivision of the State, including, but not limiting to, authority relating to—

(A) land use regulation;
(B) environmental quality;
(C) licensing;
(D) permitting;
(E) easement;
(F) private land development; or
(G) other occupational or access issue;

(3) establish or modify a regulatory authority of a Federal agency, State agency, or political subdivision of the State, including authority relating to—

(A) land use regulation;
(B) environmental quality; or
(C) pipeline or utility crossings;

(4) modify a policy of a Federal agency, State agency, or political subdivision of the State;

(5) attest in any manner the authority and justification of the State with respect to the acquisition of lands or water, or interest in lands or water;

(6) vast authority to reserve or appropriate water or water rights in any entity for any purpose;

(7) deny, condition, or restrict the construction, repair, rehabilitation, or expansion of water facilities, including stormwater, water, and wastewater treatment facilities; or

(8) deny, condition, or restrict the exercise of water rights in accordance with the substantive and procedural requirements of the laws of the State.

(c) SAVINGS PROVISION.—Nothing in this Title shall diminish, enlarge, or modify a right of a Federal agency, State agency, or political subdivision of the State—

(1) to exercise civil and criminal jurisdiction within the Area; or

(2) no tax persons, corporations, franchises, or property, including minerals and other interests in or on lands or waters within the urban river corridor portions of the Area.

(d) ACCESS TO PRIVATE PROPERTY.—Nothing in this Title requires an owner of private property to allow access to the property by the public.

SEC. 1013. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated not to exceed $50,000 to the Commission to carry out this Act.

(b) MATCHING FUNDS.—Funds may be made available pursuant to this section only to the extent they are matched by equivalent funds or in-kind contributions of services or materials from non-Federal sources.

TITLE XI—GILPIN COUNTY, COLORADO LAND EXCHANGE

SEC. 1101. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds and declares that—

(1) certain scattered parcels of Federal land located within Gilpin County, Colorado, are currently administered by the Secretary of the Interior as part of the Royal Gorge Resource Area, Canon City District, United States Bureau of Land Management;

(2) these land parcels, which comprises approximately 133 separate tracts of land, and range in size from approximately 38 acres to much less than an acre have been identified as suitable for disposal by the Bureau of Land Management through its resource management planning process and are appropriate for disposal; and

(3) even though the Federal land parcels in Gilpin County, Colorado, are scattered and small in size, they nevertheless by virtue of their proximity to existing communities appear to have a fair market value which may be used by the Federal Government to exchange for lands which will better lend themselves to Federal management and have higher value for future public access, use and enjoyment, recreation, the protection and enhancement of fish and wildlife and fish and wildlife habitat, and the protection of riparian lands, wetlands, scenic beauty and other public values.

(b) PURPOSE.—It is the purpose of this Title to authorize, direct, facilitate and expedite the land exchange set forth herein in order to further the public interest by disposing of Federal lands with limited public utility and acquire in exchange therefor lands with important values for permanent public management and protection.

SEC. 1102. LAND EXCHANGE.

(A) IN GENERAL.—The exchange directed by this Title shall be consummated if within 90 days after enactment of this Act, Lake Gulch, Inc., a Colorado Corporation (as defined in section 1104 of this Title) offers to transfer to the United States pursuant to the provisions of this Title the offered lands or interests in land described herein.

(b) CONVEYANCE BY LAKE GULCH.—Subject to the provisions of section 1103 of this Title, Lake Gulch shall convey to the Secretary of the Interior all right, title, and interest in and to the following offered lands—

(1) certain lands comprising approximately 40 acres with improvements thereon located in Larimer County, Colorado, and lying within the boundaries of Rocky Mountain National Park as generally depicted on a map entitled ''Circle C Church Camp'', dated August 1994, which shall upon their acquisition by the United States and without further action by the Secretary of the Interior be incorporated into Rocky Mountain National Park and thereafter be administered in accordance with the laws, rules and regulations generally applicable to the National Park System and Rocky Mountain National Park;

(2) certain lands located within and adjacent to the United States Bureau of Land Management San Luis Resource Area in Conejos County, Colorado, which comprise approximately 3,993 acres and are generally depicted on a map entitled ''Quinlan Ranches Tract'', dated August 1994; and

(3) certain lands located within the United States Bureau of Land Management Royal Gorge Resource Area in Huerfano County, Colorado, which comprise approximately 4,700 acres and are generally depicted on a map entitled ''Bonham Ranch—Cucharas Canyon'', dated June 1995: Provided, however, That it is the intention of Congress that such lands may remain available for the grazing of livestock as determined appropriate by the Secretary in accordance with applicable laws, rules, and regulations: Provided further, That if the Secretary determines that certain of the lands acquired adjacent to Cucharas Canyon hereunder are not needed for public purposes they may be sold in accordance with the provisions of section 302 of the Federal Land Policy and Management Act of 1976 and other applicable law.

(c) SUBSTITUTION OF LANDS.—If one or more of the precise offered land parcels identified above is unable to be conveyed to the United States due to appraisal or other problems, Lake Gulch and the Secretary may mutually agree to substitute therefore alternative offered lands acceptable to the Secretary.

(d) CONVEYANCE BY THE UNITED STATES.—(1) Upon receipt of title to the lands identified in subsection (a) the Secretary shall simultaneously convey to Lake Gulch all right, title, and interest of the United States, subject to valid existing rights, in and to the following selected lands—

(A) certain surveyed lands located in Gilpin County, Colorado, Township 3 South, Range 72 West, Sixth Principal Meridian, Section 18, Lots 118–220, which comprise approximately 195 acres and are intended to include all federally owned lands in section 18, as generally depicted on a map entitled ''Lake Gulch Selected Lands'', dated July 1994;

(B) certain surveyed lands located in Gilpin County, Colorado, Township 3 South, Range 72 West, Sixth Principal Meridian, Section 17, Lots 37, 38, 39, 40, 52, 53, and 54, which comprise approximately 96 acres, as generally depicted on a map entitled ''Lake Gulch Selected Lands'', dated July 1994; and

(C) certain unsurveyed lands located in Gilpin County Colorado, Township 3 South, Range 73 West, Sixth Principal Meridian, Section 13, which comprise approximately 11 acres, and are generally depicted as parcels 302-304, 306 and 308-326 on a map entitled ''Lake Gulch Selected Lands'', dated July 1994; Provided, however, That a parcel or parcels of land in section 13 shall not be transferred to Lake Gulch if at the time of the proposed transfer the parcel or parcels are under formal application for transfer to a qualified unit of local government. Due to a small and unsurveyed nature of such parcels proposed for transfer to Lake Gulch in section 13, and the high cost of surveying such small parcels, the Secretary is authorized to transfer such section 13 lands to Lake Gulch without survey based on such legal or other description as the Secretary determines appropriate to carry out the basic intent of the map cited in this subparagraph.

(2) If the Secretary and Lake Gulch mutually agree, and the Secretary determines it is in the public interest, the Secretary may utilize the authority and direction of this Title to transfer to Lake Gulch lands in sections 17 and 13 that are in addition to those precise selected lands shown on the map cited herein, and which are not under formal application for transfer to a qualified unit of local government, upon transfer to the Secretary of additional offered lands acceptable to the Secretary or upon payment to the Secretary by Lake Gulch of cash equalization money amounting to the full appraised fair market value of any such additional lands. If any such additional lands are located in section 13 they may be transferred to Lake Gulch without survey based on such legal or other description as the Secretary determines appropriate as long as the Secretary determines that the boundaries of any adjacent lands not owned by Lake Gulch can be property identified so as to avoid possible future boundary conflicts or disputes. If the Secretary determines surveys are necessary to convey any such additional lands to Lake Gulch, the costs of such surveys shall be paid by Lake Gulch but shall not be eligible for any adjustment in the value of such additional lands pursuant to section 206(f)(2) of the Federal Land Policy and Management Act of 1976 (as amended by the Federal Land Exchange Facilitation Act of 1988) (43 U.S.C. 1716(f)(2)).

(3) Prior to transferring out of public ownership pursuant to this Title or other authority of law any lands which are contiguous to North Clear Creek southeast of the City of Black Hawk, Colorado in the County of Gilpin, Colorado, the Secretary shall notify and consult with the County and City and afford such units of local government an opportunity to acquire or reserve pursuant to the Federal Land Policy and Management Act of 1976 or other applicable law, such easements or rights-of-way parallel to North Clear Creek as may be necessary to serve public utility line or recreation path needs: Provided, however, that any survey or other costs associated with the acquisition or reservation of such easements or rights-of-way shall be paid for by the unit or units of local government concerned.

SEC. 1103. TERMS AND CONDITIONS OF EXCHANGE.

(a) EQUALIZATION OF VALUES.—

(1) The values of the lands to be exchanged pursuant to this Title shall be equal as determined by the Secretary of the Interior utilizing comparable sales of surface and subsurface property and nationally recognized appraisal standards, including, to the extent appropriate, the Uniform Standards for Federal Land Acquisition, the Uniform Standards of Professional Appraisal Practice, the provisions of section 206(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(d)), and other applicable law.

(2) In the event any cash equalization or land sale moneys are received by the United States pursuant to this Act, any such moneys shall be retained by the Secretary of the Interior and may be utilized by the Secretary until fully expended to purchase from willing sellers land or water rights, or a combination thereof, to augment wildlife habitat and protect and restore wetlands in the Bureau of Land Management's Blanca Wetlands, Alamosa County, Colorado.

(3) Any water rights acquired by the United States pursuant to this section shall be obtained by the Secretary of the Interior in accordance with all applicable provisions of Colorado law, including the requirement to change the time, place, and type of use of said water rights through the appropriate State legal proceedings and to comply with any terms, conditions, or other provisions contained in an applicable decree of the Colorado Water Court. The use of any water rights acquired pursuant to this section shall be limited to water that can be used or exchanged for water that can be used on the Blanca Wetlands. Any requirement or proposal to utilize facilities of the San Luis Valley Project, Closed Basin Diversion, in order to effectuate the use of any such water rights shall be subject to prior approval of the Rio Grande Water Conservation District.

(b) RESTRICTIONS ON SELECTED LANDS.—(1) Conveyance of the selected lands to Lake Gulch pursuant to this Title shall be contingent upon Lake Gulch executing an agreement with the United States prior to such conveyance, the terms of which are acceptable to the Secretary of the Interior, and which—

(A) grant the United States a covenant that none of the selected lands (which currently lie outside the legally approved gaming area) shall ever be used for purposes of gaming should the current legal gaming area ever be expanded by the State of Colorado; and

(B) permanently hold the United States harmless for liability and indemnify the United States against all costs arising from any activities, operations (including the storing, handling, and dumping of hazardous

materials or substances) or other acts conducted by Lake Gulch or its employees, agents, successors or assigns on the selected lands after their transfer to Lake Gulch: *Provided*, *however*, That nothing in this Title shall be construed as either diminishing or increasing any responsibility or liability of the United States based on the condition of the selected lands prior to or on the date of their transfer to Lake Gulch.

(2) Conveyance of the selected lands to Lake Gulch pursuant to this Title shall be subject to the existing easement for Gilpin County Road 6.

(3) The above terms and restrictions of this subsection shall not be considered in determining, or result in any diminution in, the fair market value of the selected land for purposes of the appraisals of the selected land required pursuant to section 1102 of this Title.

(c) REVOCATION OF WITHDRAWAL.—The Public Water Reserve established by Executive order dated April 17, 1926 (Public Water Reserve 107), Serial Number Colorado 17321, is hereby revoked insofar as it affects the NW ¼ SW ¼ of Section 17, Township 3 South, Range 72 West, Sixth Principal Meridian, which covers a portion of the selected lands identified in this Title.

SEC. 1104. MISCELLANEOUS PROVISIONS.

(a) DEFINITIONS.—As used in this Title:

(1) The term ''Secretary'' means the Secretary of the Interior.

(2) The term ''Lake Gulch'' means Lake Gulch, Inc., a Colorado corporation, or its successors, heirs or assigns.

(3) The term ''offered land'' means lands to be conveyed to the United States pursuant to this Title.

(4) The term ''selected land'' means lands to be transferred to Lake Gulch, Inc., or its successors, heirs or assigns pursuant to this Title.

(5) The term ''Blanca Wetlands'' means an area of land comprising approximately 9,290 acres, as generally depicted on a map entitled ''Blanca Wetlands'', dated August 1994, or such land as the Secretary may add thereto by purchase from willing sellers after the date of enactment of this Act utilizing funds provided by this Title or such other moneys as Congress may appropriate.

(b) TIME REQUIREMENT FOR COMPLETING TRANSFER.—It is the intent of Congress that unless the Secretary and Lake Gulch mutually agree otherwise the exchange of lands authorized and directed by this Title shall be completed not later than 6 months after the date of enactment of this Act. In the event the exchange cannot be consummated within such 6-month-time period, the Secretary, upon application by Lake Gulch, is directed to sell to Lake Gulch at appraised fair market value any or all of the parcels (comprising a total of approximately 11 acres) identified in section 1102(d)(1)(C) of this Title as long as the parcel or parcels applied for are not under formal application for transfer to a qualified unit of local government.

(c) ADMINISTRATION OF LANDS ACQUIRED BY UNITED STATES.—In accordance with the provisions of section 206(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(c)), all lands acquired by the United States pursuant to this Title shall upon acceptance of title by the United States and without further action by the Secretary concerned become part of and be managed as part of the administrative unit or area within which they are located.

TITLE XII—BUTTE COUNTY, CALIFORNIA LAND CONVEYANCE

SEC. 1201. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds and declares that—

(1) certain landowners in Butte County, California who own property adjacent to the Plumas National Forest have been adversely affected by certain erroneous surveys;

(2) these landowners have occupied or improved their property in good faith and in reliance on erroneous surveys of their properties that they believed were accurate; and

(3) the 1992 Bureau of Land Management dependent resurvey of the Plumas National Forest will correctly establish accurate boundaries between such forest and private lands.

(b) PURPOSE.—It is the purpose of this Title to authorize and direct the Secretary of Agriculture to convey, without consideration, certain lands in Butte County, California, to persons claiming to have been deprived of title to such lands.

SEC. 1202. DEFINITIONS.

For the purpose of this Title—

(1) the term ''affected lands'' means those Federal lands located in the Plumas National Forest in Butte County, California, in sections 11, 12, 13, and 14, township 21 north, range 5 East, Mount Diablo Meridian, as described by the dependent resurvey by the Bureau of Land Management conducted in 1992, and subsequent Forest Service land line location surveys, including all adjoining parcels where the property line as identified by the 1992 BLM dependent resurvey and National Forest boundary lines before such dependent resurvey are not coincident;

(2) the term ''claimant'' means an owner of real property in Butte County, California, whose real property adjoins Plumas National Forest lands described in subsection (a), who claims to have been deprived by the United States of title to property as a result of previous erroneous surveys; and

(3) the term ''Secretary'' means the Secretary of Agriculture.

SEC. 1203. CONVEYANCE OF LANDS.

Notwithstanding any other provisions of law, the Secretary is authorized and directed to convey, without consideration, all right, title, and interest of the United States in and to affected lands as described in section 1202(1), to any claimant or claimants, upon proper application from such claimant or claimants, as provided in section 1204.

SEC. 1204. TERMS AND CONDITIONS OF CONVEYANCE.

(A) NOTIFICATION.—Not later than 2 years after the date of enactment of this Act, claimants shall notify the Secretary, through the Forest Supervisor of the Plumas National Forest, in writing of their claim to affected lands. Such claim shall be accompanied by—

(1) a description of the affected lands claimed;

(2) information relating to the claim of ownership of such lands; and

(3) such other information as the Secretary may require.

(b) ISSUANCE OF DEED.—(1) Upon a determination by the Secretary that issuance of a deed for affected lands is consistent with the purpose and requirements of this Title, the Secretary shall issue a quitclaim deed to such claimant for the parcel to be conveyed.

(2) Prior to the issuance of any such deed as provided in paragraph (1), the Secretary shall ensure that—

(A) the parcel or parcels to be conveyed have been surveyed in accordance with the Memorandum of Understanding between the Forest Service and the Bureau of Land Management, dated November 11, 1989;

(B) all new property lines established by such surveys have been monumented and marked; and

(C) all terms and conditions necessary to protect third party and Government Rights-of-Way or other interests are included in the deed.

(3) The Federal Government shall be responsible for all surveys and property line markings necessary to implement this subsection.

(c) NOTIFICATION TO BLM.—The Secretary shall submit to the Secretary of the Interior an authenticated copy of each deed issued pursuant to this Title no later than 30 days after the date such deed is issued.

SEC. 1205. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as necessary to carry out the purposes of this Title.

TITLE XIII—CARL GARNER FEDERAL LANDS CLEANUP DAY

SEC.1301.—

The Federal Lands Cleanup Act of 1985 (36 U.S.C. 169i–169i–1) is amended by striking the terms ''Federal Lands Cleanup Day'' each place it appears and inserting ''Carl Garner Federal Lands Cleanup Day''.

TITLE XIV—ANAKTUVUK PASS LAND EXCHANGE

SEC. 1401. FINDINGS.

The Congress makes the following findings:

(1) The Alaska National Interest Lands Conservation Act (94 Stat. 2371), enacted on December 2, 1980, established Gates of the Arctic National Park and Preserve and Gates of the Arctic Wilderness. The village of Anaktuvuk Pass, located in the highlands of the central Brooks Range, is virtually surrounded by these national park and wilderness lands and is the only Native village located within the boundary of a National Park System unit in Alaska.

(2) Unlike most other Alaskan Native communities, the village of Anaktuvuk Pass is not located on a major river, lake, or coastline that can be used as a means of access. The residents of Anaktuvuk Pass have relied increasingly on snow machines in winter and all-terrain vehicles in summer as their primary means of access to pursue caribou and other subsistence resources.

(3) In a 1983 land exchange agreement, linear easements were reserved by the Inupiat Eskimo people for use of all-terrain vehicles across certain national park lands, mostly along stream and river banks. These linear easements proved unsatisfactory, because they provided inadequate access to subsistence resources while causing excessive environmental impact from concentrated use.

(4) The National Park Service and the Nunamiut Corporation initiated discussions in 1985 to address concerns over the use of all-terrain vehicles on park and wilderness land. These discussions resulted in an agreement, originally executed in 1992 and thereafter amended in 1993 and 1994, among the National Park Service, Nunamiut Corporation, the City of Anaktuvuk Pass, and Arctic Slope Regional Corporation. Full effectuation of this agreement, as amended, by its terms requires ratification by the Congress.

SEC. 1402. RATIFICATION OF AGREEMENT.

(a) RATIFICATION.—

(1) IN GENERAL.—The terms, conditions, procedures, covenants, reservations and other provisions set forth in the document entitled ''Donation, Exchange of Lands and Interests in Lands and Wilderness Redesignation Agreement Among Arctic Slope Regional Corporation, Nunamiut Corporation, City of Anaktuvuk Pass and the United States of America'' (hereinafter referred to in this Title as ''the Agreement''), executed by the parties on December 17, 1992, as amended, are hereby incorporated in this Title, are ratified and confirmed, and set forth the obligations and commitments of the United States, Arctic Slope Regional Corporation, Nunamiut Corporation and the City of Anaktuvuk Pass, as a matter of Federal law.

(2) LAND ACQUISITION.—Lands acquired by the United States pursuant to the Agreement shall be administered by the Secretary

of the Interior (hereinafter referred to as the ''Secretary'') as part of Gates of the Arctic National Park and Preserve, subject to the laws and regulations applicable thereto.

(b) MAPS.—The maps set forth as Exhibits C1, C2, and D through I to the Agreement depict the lands subject to the conveyances, retention of surface access rights, access easements and all-terrain vehicle easements. These lands are depicted in greater detail on a map entitled ''Land Exchange Actions, Proposed Anaktuvuk Pass Land Exchange and Wilderness Redesignation, Gates of the Arctic National Park and Preserve'', Map No. 185/80,039, dated April 1994, and on file at the Alaska Regional Office of the National Park Service and the offices of Gates of the Arctic National Park and Preserve in Fairbanks, Alaska. Written legal descriptions of these lands shall be prepared and made available in the above offices. In case of any discrepancies, Map No. 185/80,039 shall be controlling.

SEC. 1403. NATIONAL PARK SYSTEM WILDERNESS.

(a) GATES OF THE ARCTIC WILDERNESS.—

(1) REDESIGNATION.—Section 710(2) of the Alaska National Interest Lands Conservation Act (94 Stat. 2371, 2417) establishing the Gates of the Arctic Wilderness is hereby amended with the addition of approximately 56,825 acres as wilderness and the rescission of approximately 73,993 acres as wilderness, thus revising the Gates of the Arctic Wilderness to approximately 7,034,832 acres.

(2) MAP.—The lands redesignated by paragraph (1) are depicted on a map entitled ''Wilderness Actions, Proposed Anaktuvuk Pass Land Exchange and Wilderness Redesignation, Gates of the Arctic National Park and Preserve'', Map No. 185/80,040, dated April 1994, and on file at the Alaska Regional Office of the National Park Service and the office of Gates of the Arctic National Park and Preserve in Fairbanks, Alaska.

(b) NOATAK NATIONAL PRESERVE.—Section 201(8)(a) of the Alaska National Interest Land Conservation Act (94 Stat. 2380) is amended by—

(1) striking ''approximately six million four hundred and sixty thousand acres'' and inserting in lieu thereof ''approximately 6,477,168 acres''; and

(2) inserting ''and the map entitled ''Noatak National Preserve and Noatak Wilderness Addition'' dated September 1994'' after ''July 1980''.

(c) NOATAK WILDERNESS.—Section 701(7) of the Alaska National Interest Lands Conservation Act (94 Stat. 2417) is amended by striking ''approximately five million eight hundred thousand acres'' and inserting in lieu thereof ''approximately 5,817,168 acres''.

SEC. 1404. CONFORMANCE WITH OTHER LAW.

(a) ALASKA NATIVE CLAIMS SETTLEMENT ACT.—All of the lands, or interests therein, conveyed to and received by Arctic Slope Regional Corporation or Nunamiut Corporation pursuant to the Agreement shall be deemed conveyed and received pursuant to exchanges under section 22(f) of the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601, 1621(f)). All of the lands or interests in lands conveyed pursuant to the Agreement shall be conveyed subject to valid exiting rights.

(b) ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT.—Except to the extent specifically set forth in this Title or the Agreement, nothing in this Title or in the Agreement shall be construed to enlarge or diminish the rights, privileges, or obligations of any person, including specifically the preference for subsistence uses and access to subsistence resources provided under the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.).

TITLE XV—ALASKA PENINSULA SUBSURFACE CONSOLIDATION

SECTION 1501. DEFINITIONS.

As used in this Title.

(1) AGENCY.—The term agency—

(A) means—

(i) any instrumentality of the United States; and

(ii) any Government corporation (as defined in section 9101(1) of title 31, United States Code); and

(B) includes any element of an agency.

(2) ALASKA NATIVE CORPORATION.—The term ''Alaska Native Corporation'' has the same meaning as is provided for ''Native Corporation'' in section 3(m) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)).

(3) FEDERAL LANDS OR INTEREST THEREIN.—The term ''Federal lands or interests therein'' means any lands or properties owned by the United States (i) which are administered by the Secretary, or (ii) which are subject to a lease to third parties, or (iii) which have been made available to the Secretary for exchange under this section through the concurrence of the director of the agency administering such lands or properties; provided, however, excluded from such lands shall be those lands which are within an existing conservation system unit as defined in section 102(4) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3102(4)), and those lands the mineral interest for which are currently under mineral lease.

(4) KONIAG.—The term ''Koniag'' means Koniag, Incorporated, which is a regional Corporation.

(5) REGIONAL CORPORATION.—The term ''Regional Corporation'' has the same meaning as is provided in section 3(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(g)).

(6) SECRETARY.—Except as otherwise provided, the term ''Secretary'' means the Secretary of the Interior.

(7) SELECTION RIGHTS.—The term ''selection rights'' means those rights granted to Koniag pursuant to subsections (a) and (b) of section 12, and section 14(h)(8), of the Alaska Native Claims Settlement Act (43 U.S.C. 1611 and 1613(h)(8)), to receive title to the oil and gas rights and other interests in the subsurface estate of the approximately 275,000 acres of public lands in the State of Alaska identified as ''Koniag Selections'' on the map entitled ''Koniag Interest Lands, Alaska Peninusula'', dated May 1989.

SEC. 1502. VALUATION OF KONIAG SELECTION RIGHTS.

(a) Pursuant to subsection (b) hereof, the Secretary shall value the Selection Rights which Koniag possesses within the boundaries of Aniakchak National Monument and Preserve, Alaska Peninsula National Wildlife Refuge, and Becharof National Wildlife Refuge.

(b) VALUE.—

(1) IN GENERAL.—The value of the selection rights shall be equal to the fair market value of—

(A) the oil and gas interests in the lands or interests in lands that are the subject of the selection rights; and

(B) in the case of the lands or interests in lands for which Koniag is to receive the entire subsurface estate, the subsurface estate of the lands or interests in lands that are the subject of the selection rights.

(2) APPRAISAL.—

(A) SELECTION OF APPRAISER.—

(i) IN GENERAL.—Not later than 90 days after the date of enactment of this Title the Secretary and Koniag shall meet to select a qualified appraiser to conduct an appraisal of the selection rights. Subject to clause (ii), the appraiser shall be selected by the mutual agreement of the Secretary and Koniag.

(ii) FAILURE TO AGREE.—If the Secretary and Koniag fail to agree on an appraiser by the date that is 60 days after the date of the initial meeting referred to in clause (i), the Secretary and Koniag shall, by the date that is not later than 90 days after the date of the initial meetings, each designate an appraiser who is qualified to perform the appraisal. The 2 appraisers so identified shall select a third qualified appraiser who shall perform the appraisal.

(B) STANDARDS AND METHODOLOGY.—The appraisal shall be conducted in conformity with the standards of The Appraisal Foundation (as defined in section 1121(9) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3350(9)).

(C) SUBMISSION OF APPRAISAL REPORT.—Not later than 180 days after the selection of an appraiser pursuant to subparagraph (A), the appraiser shall submit to the Secretary and to Koniag a written appraisal report specifying the value of the selection rights and the methodology used to arrive at the value.

(3) DETERMINATION OF VALUE.—

(A) DETERMINATION BY THE SECRETARY.—Not later than 60 days after the date of the receipt of the appraisal report under paragraph (2)(c), the Secretary shall determine the value of the selection rights and shall notify Koniag of the determination.

(B) ALTERNATIVE DETERMINATION OF VALUE.—

(i) IN GENERAL.—Subject to clause (ii), if Koniag does not agree with the value determined by the Secretary under subparagraph (A), the procedures specified in section 206(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716 (d)) shall be used to establish the value.

(ii) AVERAGE VALUE LIMITATION.—The average value per acre of the selection rights shall not be less than the value utilizing the risk adjusted discount cash flow methodology, but in no event may exceed $300.

SEC. 1502. KONIAG ACCOUNT.

(a) IN GENERAL.—

(1) The Secretary shall enter into negotiations for an agreement or agreements to exchange Federal lands or interests therein which are in the State of Alaska for the Selection Rights.

(2) If the value of the federal property to be exchanged is less than the value of the Selection Rights established in section 1501, and if such federal property to be exchanged is not generating receipts to the federal government in excess of one million dollars per year, then the Secretary may exchange the federal property for that portion of the Selection Rights having a value equal to that of the federal property. The remaining selection rights shall remain available for additional exchanges.

(3) For the purposes of any exchange to be consummated under this Title II, if less than all the selection rights are being exchanged, then the value of the selection rights being exchanged shall be equal to the number of acres of selection rights being exchanged multiplied by a fraction, the numerator of which is the value of all the selection rights as determined pursuant to Section 202 hereof and the denominator of which is the total number of acres of selection rights.

(B) ADDITIONAL EXCHANGES.—If, after ten years from the date of the enactment of this Title, the Secretary has been unable to conclude such exchanges as may be required to acquire all of the selection rights, he shall conclude exchanges for the remaining selection rights for such federal property as may be identified by Koniag, which property is available for transfer to the administrative jurisdiction of the Secretary under any provision of law and which property, at the time of the proposed transfer to Koniag is not

generating receipts to the federal government in excess of one million dollars per year. The Secretary shall keep Koniag advised in a timely manner as to which properties may be available for such transfer. Upon receipt of such identification by Koniag, the Secretary shall request in a timely manner the transfer of such identified property to the administrative jurisdiction of the Department of the Interior. Such property shall not be subject to the geographic limitations of section 206(b) of the Federal Land Policy and Management Act and may be retained by the Secretary solely for the purposes of transferring it to Koniag to complete the exchange. Should the value of the property so identified by Koniag be in excess of the value of the remaining selection rights, then Koniag shall have the option of (i) declining to proceed with the exchange and identifying other property or (ii) paying the difference in value between the property rights.

(c) REVENUES.—Any property received by Koniag in an exchange entered into pursuant to subsection (a) or (b) of this section shall be deemed to be an interest in the subsurface for purposes of section 7(i) of the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) provided, however, should Koniag make a payment to equalize the value in any such exchange, then Koniag will be deemed to hold an undivided interest in the property equal in value to such payment which interest shall not be subject to the provisions of section 9(j).

SEC. 1504. CERTAIN CONVEYANCES.

(a) INTERESTS IN LAND.—For the purposes of section 21 (c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1620 (e)), the receipt of consideration, including, but not limited to, lands, cash or other property, by a Native Corporation for the relinquishment to the United States of land selection rights granted to any Native Corporation under such Act shall be deemed to be an interest in land.

(b) AUTHORITY TO APPOINT AND REMOVE TRUSTEE.—In establishing a Settlement Trust under such section 39 of such Act (43 U.S.C. 1629c), Koniag may delegate, in whole or in part, the authority granted by Koniag under subsection (b)(2) of such section to any entity that Koniag may select without affecting the status of the trust as a Settlement Trust under such section.

TITLE XVI—STERLING FOREST

SEC. 1601. FINDINGS.

The Congress finds that—

(1) the Palisades Interstate Park Commission was established pursuant to a joint resolution of the 75th Congress approved in 1937 (Public Resolution No. 65; ch. 706; 50 Stat. 710), and chapter 170 of the Laws of 1937 of the State of New York and chapter 148 of the Laws of 1937 of the State of New Jersey;

(2) the Palisades Interstate Park Commission is responsible for the management of 23 parks and historic sites in New York and New Jersey, comprising over 82,000 acres.

(3) over 8,000,000 visitors annually seek outdoor recreational opportunities within the Palisades Park System;

(4) Sterling Forest is a biologically diverse open space on the New Jersey border comprising approximately 17,500 acres, and is a highly significant watershed area for the State of New Jersey, providing the source for clean drinking water for 25 percent of the State;

(5) Sterling Forest is an important outdoor recreational asset in the northeastern United States, within the most densely populated metropolitan region in the Nation;

(6) Sterling Forest supports a mixture of hardwood forests, wetlands, lakes, glaciated valleys, is strategically located on a wildlife migratory route, and provides important habitat for 27 rare or endangered species;

(7) the protection of Sterling Forest would greatly enhance the Appalachian National Scenic Trail, a portion of which passes through Sterling Forest, and would provide for enhanced recreational opportunities through the protection of lands which are an integral element of the trail and which would protect important trail viewsheds;

(8) stewardship and management costs for units of the Palisades Park System are paid for by the States of New York and New Jersey; thus, the protection of Sterling Forest through the Palisades Interstate Park Commission will involve a minimum of Federal funds;

(9) given the nationally significant watershed, outdoor recreational, and wildlife qualities of Sterling forest, the demand for open space in the northeastern United States, and the lack of open space in the densely populated tri-state region, there is a clear Federal interest in acquiring the Sterling Forest for permanent protection of the watershed, outdoor recreational resources, flora and fauna, and open space; and

(10) such an acquisition would represent a cost effective investment, as compared with the costs that would be incurred to protect drinking water for the region should the Sterling Forest be developed.

SEC. 1602. PURPOSES.

The purposes of this title are—

(1) to establish the Sterling Forest Reserve in the State of New York to protect the significant watershed, wildlife, and recreational resources within the New York-New Jersey highlands region;

(2) to authorize Federal funding, through the Department of the Interior, for a portion of the acquisition costs for the Sterling Forest Reserve;

(3) to direct the Palisades Interstate Park Commission to convey to the Secretary of the Interior certain interests in lands acquired within the Reserve; and

(4) to provide for the management of the Sterling Forest Reserve by the Palisades Interstate Park Commission.

SEC. 1603 DEFINITIONS.

In this title:

(1) COMMISSION.—The term ''Commission'' means the Palisades Interstate park commission established pursuant to Public Resolution No. 65 approved August 19, 1937 (ch. 707; 50 State 719).

(2) RESERVE.—The term ''Reserve'' means the Sterling Forest Reserve.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 1604. ESTABLISHMENT OF THE STERLING FOREST RESERVE.

(a) ESTABLISHMENT.—Upon the certification by the Commission to the Secretary that the Commission has acquired sufficient lands or interests therein to constitute a manageable unit, there is established the Sterling Forest Reserve in the State of New York.

(b) MAP.—

(1) COMPOSITION.—the Reserve shall consist of lands and interests therein acquired by the Commission within the approximately 17,500 acres of lands as generally depicted on the map entitled ''Boundary Map. Sterling Forest Reserve'', numbered SFR–60,001 and dated July 1, 1994.

(2) AVAILABILITY FOR PUBLIC INSPECTION.—The map described in paragraph (1) shall be on file and available for public inspection in the offices of the Commission and the appropriate offices of the National Park Service.

(c) TRANSFER OF FUNDS.—Subject to subject in (d), the Secretary shall transfer to the Commission such funds as are appropriated for the acquisition of lands and interests therein within the Reserve.

(d) CONDITIONS OF FUNDING.—

(1) AGREEMENT BY THE COMMISSION.—Prior to the receipt of any Federal funds authorized by this Title, the Commission shall agree to the following:

(A) CONVEYANCE OF LANDS IN EVENT OF FAILURE TO MANAGE.—If the Commission fails to manage the lands acquired within the Reserve in a manner that is consistent with this Title, the Commission shall convey fee title to such lands to the United States, and the agreement stated in this subparagraph shall be recorded at the time of purchase of all lands acquired within the Reserve.

(B) CONSENT OF OWNERS.—No lands or interest in land may be acquired with any Federal funds authorized or transferred pursuant to this title except with the consent of the owner of the land or interest in land.

(C) INABILITY TO ACQUIRE LANDS.—If the Commission is unable to acquire all of the lands within the Reserve, to the extent Federal funds are utilized pursuant to this title, the Commission shall acquire all or a portion of the lands identified as ''National Park Service Wilderness Easement Lands'' and ''National Park Service Conservation Easement Lands'' on the map described in section 1604(b) before proceeding with the acquisition of any other lands within the Reserve.

(D) CONVEYANCE OF EASEMENT.—Within 30 days after acquiring any of the lands identified as ''National Park Service Wilderness Easement Lands'' and ''National Park Service Conservation Easement Lands'' on the map described in section 1604(b), the Commission shall convey to the United States:

(i) conservation easements on the lands described as ''National Park Service Wilderness Easement Lands'' on the map described in section 1604(b), which easements shall provide that the lands shall be managed to protect their wilderness character; and

(ii) conservation easements on the lands described as ''National Park Service Conservation Easement Lands'' on the map described in section 1604(b), which easements shall restrict and limit development and use of the property to that development and use that is—

(I) compatible with the protection of the Appalachian National Scenic Trail; and

(II) consistent with the general management plan prepared pursuant to section 1605(b).

(2) MATCHING FUNDS.—Funds may be transferred to the Commission only to the extent that they are matched from funds contributed by non-Federal sources.

SEC. 1605. MANAGEMENT OF THE RESERVE.

(a) IN GENERAL.—The Commission shall manage the lands acquired within the Reserve in a manner that is consistent with the Commission's authorities and with the purposes of this title.

(b) GENERAL MANAGEMENT PLAN.—Within 3 years after the date of enactment of this title, the Commission shall prepare a general management plan for the Reserve and submit the plan to the Secretary for approval.

SEC. 1606. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this title, to remain available until expended.

(b) LAND ACQUISITION.—Of amounts appropriated pursuant to subsection (a), the Secretary may transfer to the Commission not more than $17,500,000 for the acquisition of lands and interests in land within the Reserve.

TITLE XVII—TAOS PUEBLO LAND TRANSFER

SEC. 1701. LAND TRANSFER.

(a) TRANSFER.—The parcel of land described in subsection (b) is hereby transferred without consideration to the Secretary of the Interior to be held in trust for

the Pueblo de Taos. Such parcel shall be a part of the Pueblo de Taos Reservation and shall be managed in accordance with section 4 of the Act of May 31, 1933 (48 Stat. 108) (as amended, including as amended by Public Law 91–550 (84 Stat. 1437)).

(b) LAND DESCRIPTION.—The parcel of land referred to in subsection (a) is the land that is generally depicted on the map entitled ''Lands transferred to the Pueblo of Taos—proposed'' and dated September 1994, comprises 764.33 acres, and is situated within sections 25, 26, 35, and 36, Township 27 North, Range 14 East, New Mexico Principal Meridian, within the Wheeler Peak Wilderness, Carson National Forest, Taos County, New Mexico.

(c) CONFORMING BOUNDARY ADJUSTMENTS.—The boundaries of the Carson National Forest and the Wheeler Peak Wilderness are hereby adjusted to reflect the transfer made by subsection (a).

(d) RESOLUTION OF OUTSTANDING CLAIMS.—The Congress finds and declares that, as a result of the enactment of this Act, the Taos Pueblo has no unresolved equitable or legal claims against the United States on the lands to be held in trust and to become part of the Pueblo de Taos Reservation under this Title.

TITLE XVIII—SKI FEES

SEC. 1801.—SKI AREA PERMIT RENTAL CHARGE.

(a) The Secretary of Agriculture shall charge a rental charge for all ski area permits issued pursuant to section 3 of the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b), the Act of March 4, 1915 (38 Stat. 1101, chapter 144; 16 U.S.C. 497), or the 9th through 20th paragraphs under the heading ''SURVEYING THE PUBLIC LANDS'' under the heading ''UNDER THE DEPARTMENT OF THE INTERIOR'' in the Act of June 4, 1897 (30 Stat. 34, chapter 2), on National Forest System lands. Permit rental charges for permits issued pursuant to the National Forest Ski Area Permit Act of 1986 shall be calculated as set forth in subsection (b). Permit rental charges for existing ski area permits issued pursuant to the Act of March 4, 1915, and the Act of June 4, 1897, shall be calculated in accordance with those existing permits: *Provided*, That a permittee may, at the permittee's option, use the calculation method set forth in subsection (b).

(b)(1) The ski area permit rental charge (SAPRC) shall be calculated by adding the permittee's gross revenues from lift ticket/year-round ski area use pass sales plus revenue from ski school operations (LT+SS) and multiplying such total by the slope transport feet percentage (STFP) on National Forest System land. That amount shall be increased by the gross year-round revenue from ancillary facilities (GRAF) physically located on national forest land, including all permittee or subpermittee lodging, food service, rental shops, parking and other ancillary operations, to determine the adjusted gross revenue (AGR) subject to the permit rental charge. The final rental charge shall be calculated by multiplying the AGR by the following percentages for each revenue bracket and adding the total for each revenue bracket:

(A) 1.5 percent of all adjusted gross revenue below $3,000,000;

(B) 2.5 percent for adjusted gross revenue between $3,000,000 and $15,000,000;

(C) 2.75 percent for adjusted gross revenue between $15,000,000 and $50,000,000; and

(D) 4.0 percent for the amount of adjusted gross revenue that exceeds $50,000,000.

Utilizing the abbreviations indicated in this subsection the ski area permit fee (SAPR) formula can be simply illustrated as:

SAPF=((LT+SS)STFP)+GRAF=AGR;

AGR% BRACKETS

(2) In cases where ski areas are only partially located on national forest lands, the slope transport feet percentage on national forest land referred to in subsection (b) shall be calculated as generally described in the Forest Service Manual in effect as of January 1, 1992. Revenues from Nordic ski operations shall be included or excluded from the rental charge calculation according to the percentage of trails physically located on national forest land.

(3) In order to ensure that the rental charge remains fair and equitable to both the United States and ski area permittees, the adjusted gross revenue figure for each revenue bracket in paragraph (1) shall be adjusted annually by the percent increase or decrease in the national Consumer Price Index for the preceding calendar year. No later than 5 years after the date of enactment of this Act and every 10 years thereafter the Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives a report analyzing whether the ski area permit rental charge legislated by this Act is returning a fair market value rental to the United States together with any recommendations the Secretary may have for modifications of the system.

(c) The rental charge set forth in subsection (b) shall be due on June 1 of each year and shall be paid or pre-paid by the permittee on a monthly, quarterly, annual or other schedule as determined appropriate by the Secretary in consultation with the permittee. Unless mutually agreed otherwise by the Secretary and the permittee, the payment or prepayment schedule shall conform to the permittee's schedule in effect prior to enactment of this Act. To reduce costs to the permittee and the Forest Service, the Secretary shall each year provide the permittee with a standardized form and worksheets (including annual rental charge calculation brackets and rates) to be used for rental charge calculation and submitted with the rental charge payment. Information provided on such forms shall be compiled by the Secretary annually and kept in the Office of the Chief, U.S. Forest Service.

(b) The ski area permit rental charge set forth in this section shall become effective on June 1, 1996 and cover receipts retroactive to June 1, 1995: *Provided*, *however*, That if a permittee has paid rental charges for the period June 1, 1995, to June 1, 1996, under the graduated rate rental charge system formula in effect prior to the date of enactment of this Act, such rental charges shall be credited toward the new rental charge due on June 1, 1996. In order to ensure increasing rental charge receipt levels to the United States during transition from the graduated rate rental charge system formula to the formula of this Act, the rental charge paid by any individual permittee shall be—

(1) for the 1995–1996 permit year, either the rental charge paid for the preceding 1994–1995 base year or the rental charge calculated pursuant to this Act, whichever is higher;

(2) for the 1996–1997 permit year, either the rental charge paid for the 1994–1995 base year or the rental charge calculated pursuant to this Act, whichever is higher;

(3) for the 1997–1998 permit year, either the rental charge for the 1994–1995 base year or the rental charge calculated pursuant to this Act, whichever is higher.

If an individual permittee's adjusted gross revenue for the 1995–1996, 1996–1997, or 1997–1998 permit years falls more than 10 percent below the 1994–1995 base year, the rental charge paid shall be the rental charge calculated pursuant to this Act.

(e) Under no circumstances shall revenue, or subpermittee revenue (other than lift ticket, area use pass, or ski school sales) obtained from operations physically located on non-national forest land be included in the ski area permit rental charge calculation.

(f) To reduce administrative costs of ski area permittees and the Forest Service the terms ''revenue'' and ''sales'', as used in this section, shall mean actual income from sales and shall not include sales of operating equipment, refunds, rent paid to the permittee by sublessees, sponsor contributions to special events or any amounts attributable to employee gratuities or employee lift tickets, discounts, or other goods or services (except for bartered goods and complimentary lift tickets) for which the permittee does not receive money.

(g) In cases where an area of national forest land is under a ski area permit but the permittee does not have revenue or sales qualifying for rental charge payment pursuant to subsection (a), the permittee shall pay an annual minimum rental charge of $2 for each national forest acre under permit or a percentage of appraised land value, as determined appropriate by the Secretary.

(h) Where the new rental charge provided for in subsection (b)(1) results in an increase in permit rental charge greater than one half of one percent of the permittee's adjusted gross revenue as determined under subsection (b)(1), the new rental charge shall be phased in over a five year period in a manner providing for increases of approximately equal increments.

(i) To reduce federal costs in administering the provisions of this Act, the reissuance of a ski area permit to provide activities similar in nature and amount to the activities provided under the previous permit shall not constitute a major Federal action for the purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.).

SEC. 1802. WITHDRAWALS.

Subject to valid existing rights, all lands located within the boundaries of ski area permits issued prior to, on or after the date of enactment of this Act pursuant to authority of the Act of March 4, 1915 (38 Stat. 1101, chapter 144; 16 U.S.C. 497), and the Act of June 4, 1897, or the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b) are hereby and henceforth automatically withdrawn from all forms of appropriation under the mining laws and from disposition under all laws pertaining to mineral and geothermal leasing and all amendments thereto. Such withdrawal shall continue for the full term of the permit and any modification, reissuance, or renewal thereof. Unless the Secretary requests otherwise of the Secretary of the Interior, such withdrawal shall be canceled automatically upon expiration or other termination of the permit and the land automatically restored to all appropriation not otherwise restricted under the public land laws.

TITLE XIX—THE SELMA TO MONTGOMERY NATIONAL HISTORIC TRAIL

SEC. 1901. That section 5(b) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding at the end thereof the following new paragraph.

''(20) The Selma to Montgomery National Historic Trail, consisting of 54 miles of city streets and United States Highway 80 from Brown Chapel A.M.E. Church in Selma to the State Capitol Building in Montgomery, Alabama, traveled by voting rights advocates during March 1965 to dramatize the need for voting rights legislation, as generally described in the report of the Secretary of the Interior prepared pursuant to subsection (b) of this section entitled ''Selma to Montgomery'' and dated April 1993. Maps depicting the route shall be on file and available for public inspection in the Office of the National Park

Service, Department of the Interior. The trail shall be administered in accordance with this Act, including section 7(h). The Secretary of the Interior, acting through the National Park Service, which shall be the lead Federal agency, shall cooperate with other Federal, State and local authorities to preserve historic sites along the route, including (but not limited to) the Edmund Pettus Bridge and the Brown Chapel A.M.E. Church.''

TITLE XX. UTAH PUBLIC LANDS MANAGEMENT ACT.

SEC. 2001. DESIGNATION OF WILDERNESS.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the following lands in the State of Utah are hereby designated as wilderness and therefore as components of the National Wilderness Preservation System:

(1) Certain lands in the Desolation Canyon Wilderness Study Area comprised of approximately 291,130 acres, as generally depicted on a map entitled ''Desolation Canyon Proposed Wilderness'' and dated December 3, 1995, and which shall be known as the Desolation Canyon Wilderness.

(2) Certain lands in the San Rafael Reef Wilderness Study Area comprised of approximately 57,982 acres, as generally depicted on a map entitled ''San Rafael Reef Proposed Wilderness'' and dated December 12, 1995, and which shall be known as the San Rafael Reef Wilderness.

(3) Certain lands in the Horseshoe Canyon Wilderness Study Area (North) comprised of approximately 26,118 acres, as generally depicted on a map entitled ''Horseshoe Labyrinth Canyon Proposed Wilderness'' and dated October 3, 1995, and which shall be known as the Horseshoe Labyrinth Canyon Wilderness.

(4) Certain lands in the Crack Canyon Wilderness Study Area comprised of approximately 20,293 acres, as generally depicted on a map entitled ''Crack Canyon Proposed Wilderness'' and dated September 18, 1995, and which shall be known as the Crack Canyon Wilderness.

(5) Certain lands in the Muddy Creek Wilderness Study Area comprised of approximately 37,245 acres, as generally depicted on a map entitled ''Muddy Creek Proposed Wilderness'' and dated September 18, 1995, and which shall be known as the Muddy Creek Wilderness.

(6) Certain lands in the Sids Mountain Wilderness Study Area comprised of approximately 44,308 acres, as generally depicted on a map entitled ''Sids Mountain Proposed Wilderness'' and dated December 12, 1995, and which shall be known as the Sids Mountain Wilderness.

(7) Certain lands in the Mexican Mountain Wilderness Study Area comprised of approximately 33,558 acres, as generally depicted on a map entitled ''Mexican Mountain Proposed Wilderness'' and dated September 18, 1995, and which shall be known as the Mexican Mountain Wilderness.

(8) Certain lands in the Phipps-Death Hollow Wilderness Study Area comprised of approximately 41,445 acres, as generally depicted on a map entitled ''Phipps-Death Hollow Proposed Wilderness'' and dated October 3, 1995, and which shall be known as the Phipps-Death Hollow Wilderness.

(9) Certain lands in the Steep Creek Wilderness Study Area comprised of approximately 21,277 acres, as generally depicted on a map entitled ''Steep Creek Proposed Wilderness'' and dated September 18, 1995, and which shall be known as the Steep Creek Wilderness.

(10) Certain lands in the North Escalante Canyons/The Gulch Wilderness Study Area comprised of approximately 101,896 acres, as generally depicted on a map entitled ''North Escalante Canyons/The Gulch Proposed Wilderness'' and dated October 3, 1995, and which shall be known as the North Escalante Canyons/The Gulch Creek Wilderness.

(11) Certain lands in the Scorpion Wilderness Study Area comprised of approximately 16,693 acres, as generally depicted on a map entitled ''Scorpion Proposed Wilderness'' and dated September 18, 1995, and which shall be known as the Scorpion Wilderness.

(12) Certain lands in the Mt. Ellen-Blue Hills Wilderness Study Area comprised of approximately 65,355 acres, as generally depicted on a map entitled ''Mt. Ellen-Blue Hills Proposed Wilderness'' and dated September 18, 1995, and which shall be known as the Mt. Ellen-Blue Hills Wilderness.

(13) Certain lands in the Bull Mountain Wilderness Study Area comprised of approximately 11,424 acres, as generally depicted on a map entitled ''Bull Mountain Proposed Wilderness'' and dated September 18, 1995, and which shall be known as the Bull Mountain Wilderness.

(14) Certain lands in the Fiddler Butte Wilderness Study Area comprised of approximately 22,180 acres, as generally depicted on a map entitled ''Fiddler Butte Proposed Wilderness'' and dated September 18, 1995, and which shall be known as the Fiddler Butte Mountain Wilderness.

(15) Certain lands in the Mt. Pennell Wilderness Study Area comprised of approximately 18,619 acres, as generally depicted on a map entitled ''Mt. Pennell Proposed Wilderness'' and dated September 18, 1995, and which shall be known as the Mt. Pennell Wilderness.

(16) Certain lands in the Mt. Hillers Wilderness Study Area comprised of approximately 14,746 acres, as generally depicted on a map entitled ''Mt. Hillers Proposed Wilderness'' and dated September 18, 1995, and which shall be known as the Mt. Hillers Wilderness.

(17) Certain lands in the Little Rockies Wilderness Study Area comprised of approximately 49,001 acres, as generally depicted on a map entitled ''Little Rockies Proposed Wilderness'' and dated September 18, 1995, and which shall be known as the Little Rockies Wilderness.

(18) Certain lands in the Mill Creek Canyon Wilderness Study Area comprised of approximately 7,846 acres, as generally depicted on a map entitled ''Mill Creek Canyon Proposed Wilderness'' and dated September 18, 1995, and which shall be known as the Mill Creek Canyon Wilderness.

(19) Certain lands in the Negro Bill Canyon Wilderness Study Area comprised of approximately 8,321 acres, as generally depicted on a map entitled ''Negro Bill Canyon Proposed Wilderness'' and dated September 18, 1995, and which shall be known as the Negro Bill Canyon Wilderness.

(20) Certain lands in the Floy Canyon Wilderness Study Area comprised of approximately 28,794 acres, as generally depicted on a map entitled ''Floy Canyon Proposed Wilderness'' and dated October 3, 1995, and which shall be known as the Floy Canyon Wilderness.

(21) Certain lands in the Coal Canyon Wilderness Study Area and the Spruce Canyon Wilderness Study Area comprised of approximately 56,673 acres, as generally depicted on a map entitled ''Coal/Spruce Canyon Proposed Wilderness'' and dated September 18, 1995, and which shall be known as the Coal/Spruce Canyon Wilderness.

(22) Certain lands in the Flume Canyon Wilderness Study Area comprised of approximately 47,247 acres, as generally depicted on a map entitled ''Flume Canyon Proposed Wilderness'' and dated December 12, 1995, and which shall be known as the Flume Canyon Wilderness.

(23) Certain lands in the Westwater Canyon Wilderness Study Area comprised of approximately 26,657 acres, as generally depicted on a map entitled ''Westwater Canyon Proposed Wilderness'' and dated December 12, 1995, and which shall be known as the Westwater Canyon Wilderness.

(24) Certain lands in the Beaver Creek Wilderness Study Area comprised of approximately 24,620 acres, as generally depicted on a map entitled ''Beaver Creek Proposed Wilderness'' and dated October 3, 1995, and which shall be known as the Beaver Creek Wilderness.

(25) Certain lands in the Fish Springs Wilderness Study Area comprised of approximately 36,142 acres, as generally depicted on a map entitled ''Fish Springs Proposed Wilderness'' and dated September 18, 1995, and which shall be known as the Fish Springs Wilderness.

(26) Certain lands in the Swasey Mountain Wilderness Study Area comprised of approximately 34,803 acres, as generally depicted on a map entitled ''Swasey Mountain Proposed Wilderness'' and dated September 18, 1995, and which shall be known as the Swasey Mountain Wilderness.

(27) Certain lands in the Parunuweap Canyon Wilderness Study Area comprised of approximately 19,107 acres, as generally depicted on a map entitled ''Parunuweap Canyon Proposed Wilderness'' and dated October 3, 1995, and which shall be known as the Parunuweap Wilderness.

(28) Certain lands in the Canaan Mountain Wilderness Study Area comprised of approximately 32,395 acres, as generally depicted on a map entitled ''Canaan Mountain Proposed Wilderness'' and dated September 18, 1995, and which shall be known as the Canaan Mountain Wilderness.

(29) Certain lands in the Paria-Hackberry Wilderness Study Area comprised of approximately 94,805 acres, as generally depicted on a map entitled ''Paria-Hackberry Proposed Wilderness'' and dated December 3, 1995, and which shall be known as the Paria-Hackberry Wilderness.

(30) Certain lands in the Escalante Canyon Tract 5 Wilderness Study Area comprised of approximately 756 acres, as generally depicted on a map entitled ''Escalante Canyon Tract 5 Proposed Wilderness'' and dated September 18, 1995, and which shall be known as the Escalante Canyon Tract 5 Wilderness.

(31) Certain lands in the Fifty Mile Mountain Wilderness Study Area comprised of approximately 125,823 acres, as generally depicted on a map entitled ''Fifty Mile Mountain Proposed Wilderness'' and dated September 18, 1995, and which shall be known as the Fifty Mile Mountain Wilderness.

(32) Certain lands in the Howell Peak Wilderness comprised of approximately 14,518 acres, as generally depicted on a map entitled ''Howell Peak Proposed Wilderness'' and dated September 18, 1995, and which shall be known as the Howell Peak Wilderness.

(33) Certain lands in the Notch Peak Wilderness Study Area comprised of approximately 17,678 acres, as generally depicted on a map entitled ''Notch Peak Proposed Wilderness'' and dated September 18, 1995, and which shall be known as the Notch Peak Wilderness.

(34) Certain lands in the Wah Wah Mountains Wilderness Study Area comprised of approximately 41,311 acres, as generally depicted on a map entitled ''Wah Wah Mountains Proposed Wilderness'' and dated September 18, 1995, and which shall be known as the Wah Wah Wilderness.

(35) Certain lands in the Mancos Mesa Wilderness Study Area comprised of approximately 48,269 acres, as generally depicted on a map entitled ''Mancos Mesa Proposed Wilderness'' and dated September 18, 1995, and

which shall be known as the Mancos Mesa Wilderness.

(36) Certain lands in the Grand Gulch Wilderness Study Area comprised of approximately 52,821 acres, as generally depicted on a map entitled ''Grand Gulch Proposed Wilderness'' and dated October 3, 1995, and which shall be known as the Grand Gulch Wilderness.

(37) Certain lands in the Dark Canyon Wilderness Study Area comprised of approximately 67,099 acres, as generally depicted on a map entitled ''Dark Canyon Proposed Wilderness'' and dated September 18, 1995, and which shall be known as the Dark Canyon Wilderness.

(38) Certain lands in the Butler Wash Wilderness Study Area comprised of approximately 24,888 acres, as generally depicted on a map entitled ''Butler Wash Proposed Wilderness'' and dated September 18, 1995, and which shall be known as the Butler Wash Wilderness.

(39) Certain lands in the Indian Creek Wilderness Study Area comprised of approximately 6,742 acres, as generally depicted on a map entitled ''Indian Creek Proposed Wilderness'' and dated September 18, 1995, and which shall be known as the Indian Creek Wilderness.

(40) Certain lands in the Behind the Rocks Wilderness Study Area comprised of approximately 14,169 acres, as generally depicted on a map entitled ''Behind the Rocks Proposed Wilderness'' and dated September 18, 1995, and which shall be known as the Behind the Rocks Wilderness.

(41) Certain lands in the Cedar Mountains Wilderness Study Area comprised of approximately 25,647 acres, as generally depicted on a map entitled ''Cedar Mountains Proposed Wilderness'' and dated October 3, 1995, and which shall be known as the Cedar Mountains Wilderness.

(42) Certain lands in the Deep Creek Mountains Wilderness Study Area comprised of approximately 70,735 acres, as generally depicted on a map entitled ''Deep Creek Mountains Proposed Wilderness'' and dated October 3, 1995, and which shall be known as the Deep Creek Mountains Wilderness.

(43) Certain lands in the Nutters Hole Wilderness Study Area comprised of approximately 3,688 acres, as generally depicted on a map entitled ''Nutters Hole Proposed Wilderness'' and dated September 18, 1995, and which shall be known as the Nutters Hole Wilderness.

(44) Certain lands in the Cougar Canyon Wilderness Study Area comprised of approximately 4,370 acres, including those lands located in the State of Nevada, as generally depicted on a map entitled ''Cougar Canyon Proposed Wilderness'' and dated September 18, 1995, and which shall be known as the Cougar Canyon Wilderness.

(45) Certain lands in the Red Mountain Wilderness Study Area comprised of approximately 9,216 acres, as generally depicted on a map entitled ''Red Mountain Proposed Wilderness'' and dated September 18, 1995, and which shall be known as the Red Mountains Wilderness.

(46) Certain lands in the Deep Creek Wilderness Study Area comprised of approximately 3,063 acres, as generally depicted on a map entitled ''Deep Creek Proposed Wilderness'' and dated September 18, 1995, and which shall be known as the Deep Creek Wilderness.

(47) Certain lands within the Dirty Devil Wilderness Study Area comprised of approximately 75,301 acres, as generally depicted on a map entitled ''Dirty Devil Proposed Wilderness'' and dated September 18, 1995, and which shall be known as the Dirty Devil Wilderness.

(48) Certain lands within the Horseshoe Canyon South Wilderness Study Area comprised of approximately 11,393 acres, as generally depicted on a map entitled ''Horseshoe Canyon South Proposed Wilderness'' and dated September 18, 1995, and which shall be known as the Horseshoe Canyon South Wilderness.

(49) Certain lands in the French Spring-Happy Canyon Wilderness Study Area comprised of approximately 13,766 acres, as generally depicted on a map entitled ''French Spring-Happy Canyon Proposed Wilderness'' and dated September 18, 1995, and which shall be known as the French Spring-Happy Canyon Wilderness.

(50) Certain lands in the Road Canyon Wilderness Study Area comprised of approximately 33,783 acres, as generally depicted on a map entitled ''Grand Gulch Proposed Wilderness'' and dated December 8, 1995, and which shall be known as the Road Canyon Wilderness.

(51) Certain lands in the Fish & Owl Creek Wilderness Study Area comprised of approximately 16,562 acres, as generally depicted on a map entitled ''Grand Gulch Proposed Wilderness'' and dated December 8, 1995, and which shall be known as the Fish & Owl Creek Wilderness.

(52) Certain lands in the Turtle Canyon Wilderness Study Area comprised of approximately 27,480 acres, as generally depicted on a map entitled ''Desolation Canyon Proposed Wilderness'' and dated December 3, 1995, and which shall be known as the Turtle Canyon Wilderness.

(53) Certain lands in the The Watchman Wilderness Study Area comprised of approximately 664 acres, as generally depicted on a map entitled ''The Watchman Proposed Wilderness'' and dated December 8, 1995, and which shall be known as The Watchman Wilderness.

(b) MAP AND DESCRIPTION.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior (hereinafter in this Title referred to as the ''Secretary'') shall file a map and a legal description of each area designated as wilderness by subsection (a) with the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. Each such map and description shall have the same force and effect as if included in this Title, except that corrections of clerical and typographical errors in each such map and legal description may be made. Each such map and legal description shall be on file and available for public inspection in the office of the Director of the Bureau of Land Management, and the office of the State Director of the Bureau of Land Management in the State of Utah, Department of the Interior.

SEC. 2002. ADMINISTRATION OF WILDERNESS AREAS.

(a) IN GENERAL.—Subject to valid existing rights, each area designated by this Title as wilderness shall be administered by the Secretary in accordance with this Title, the Wilderness Act (16 U.S.C. 1131 et seq.), and section 603 of the Federal Land Policy and Management Act of 1976. Any valid existing rights recognized by this Title shall be determined under applicable laws, including the land use planning process under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712). Any lands or interest in lands within the boundaries of an area designated as wilderness by this Title that is acquired by the United States after the date of enactment of this Act shall be added to and administered as part of the wilderness area within which such lands or interests in lands are located.

(b) MANAGEMENT PLANS.—The Secretary shall, within five years after the date of the enactment of this Act, prepare plans to manage the areas designated by this Title as wilderness.

(c) LIVESTOCK.—(1) Grazing of livestock in areas designated as wilderness by this Title, where established prior to the date of the enactment of this Act, shall—

(A) continue and not be curtailed or phased out due to wilderness designation or management; and

(B) be administered in accordance with section 4(d) (4) of the Wilderness Act (16 U.S.C. 1133(d)(4)) and the guidelines set forth in House Report 9601126.

(2) Wilderness shall not be used as a suitability criteria for managing any grazing allotment that is subject to paragraph (1).

(d) STATE FISH AND WILDLIFE.—In accordance with section 4(d)(7) of the Wilderness Act (16 U.S.C. 1131(D)(7)), nothing in this Title shall be construed as affecting the jurisdiction or responsibilities of the State of Utah with respect to fish and wildlife management activities, including water development for fish and wildlife purposes, predator control, transplanting animals, stocking fish, hunting, fishing and trapping.

(e) PROHIBITION OF BUFFER ZONES.—The Congress does not intend that designation of an area as wilderness by this Title lead to the creation of protective perimeters or buffer zones around the area. The fact that nonwilderness activities or uses can be seen, heard, or smelled from areas within a wilderness shall not preclude such activities or uses up to the boundary of the wildnerness area.

(f) OIL SHALE RESERVE NUMBER TWO.—The area known as ''Oil Shale Reserve Number Two'' within Desolation Canyon Wilderness (as designated by section 2001(a)(1)), located in Carbon County and Unitah County, Utah, shall not be reserved for oil shale purposes after the date of the enactment of this Title and shall be under the sole jurisdiction of and managed by the Bureau of Land Management.

(g) ROADS AND RIGHTS-OF-WAY AS BOUNDARIES.—Unless depicted otherwise on a map referred to by this Title, where roads from the boundaries of the areas designated as wilderness by this Title, the wilderness boundary shall be set back from the center line of the road as follows:

(1) 300 feet for high standard roads such as paved highways.

(2) 100 feet for roads equivalent to high standard logging roads.

(3) 30 feet for all unimproved roads not referred to in paragraphs (1) or (2).

(h) CHERRY-STEMMED ROADS.—(1) The Secretary may not close or limit access to any non-Federal road that is bounded on one or both sides by an area designated as wilderness by this Title, as generally depicted on a map referred to in section 2002, without first obtaining written consent from the State of Utah or the political subdivision thereof with general jurisdiction over roads in the area.

(2) Any road described in paragraph (1) may continue to be maintained and repaired by any such entity.

(I) ACCESS.—Reasonable access, including the use of motorized equipment were necessary or customarily or historically employed, shall be allowed on routes within the areas designated wilderness by this Title in existence as of the date of enactment of this Act for the exercise of valid-existing rights, including, but not limited to, access to existing water diversion, carriage, storage and ancillary facilities and livestock grazing improvements and structures. Existing routes as of such date may be maintained and repaired as necessary to maintain their customary and historic uses.

(j) LAND ACQUISITION BY EXCHANGE OR PURCHASE.—The Secretary may offer to acquire nongovernmental entities lands and interests in lands within or adjacent to areas designated as wilderness by this Title. Lands

may be acquired under this subsection only by exchange, donation, or purchase from willing sellers.

(k) MOTORBOATS.—As provided in section 4(d)(1)—of the Wilderness Act, within areas designated as wilderness by this Title, the use of motorboats, where such use was established as of the date of enactment of this Act, may be permitted to continue subject to such restrictions as the Secretary deems desirable.

(l) DISCLAIMER.—Nothing in this Title shall be construed as establishing a precedent with regard to any future wilderness designation, nor shall it constitute an interpretation of any other Act or any wilderness designation made pursuant thereto.

SEC. 2003. WATER RIGHTS.

(a) NO FEDERAL RESERVATION.—Nothing in this Act or any other Act of Congress shall constitute or be construed to constitute either an express or implied Federal reservation of water or water rights for any purpose arising from the designation of areas as wilderness by this Title.

(b) ACQUISITION AND EXERCISE OF WATER RIGHTS UNDER UTAH LAW.—The United States may acquire and exercise such water rights as it deems necessary to carry out its responsibilities on any lands designated as wilderness by this Title pursuant to the substantive and procedural requirements of the State of Utah. Nothing in this Title shall be construed to authorize the use of eminent domain by the United States to acquire water rights for such lands. Within areas designated as wilderness by this Title, all rights to water granted under the laws of the State of Utah may be exercised in accordance with the substantive and procedural requirements of the State of Utah.

(c) EXERCISE OF WATER RIGHTS GENERALLY UNDER UTAH LAWS.—Nothing in this Title shall be construed to limit the exercise of water rights as provided under Utah State laws.

(d) CERTAIN FACILITIES NOT AFFECTED.—Nothing in this Title shall affect the capacity, operation, maintenance, repair, modification, or replacement of municipal, agricultural, livestock, or wildlife water facilities in existence as of the date of enactment of this Act within the boundaries of areas designated as wilderness by this Title.

(e) WATER RESOURCE PROJECTS.—Nothing in this Title or the Wilderness Act shall be construed to limit or to be a consideration in Federal approvals or denials for access to or use of the Federal lands outside areas designated wilderness by this Title for development and operation of water resource projects, including (but not limited to) reservoir projects. Nothing in this subsection shall create a right of access through a wilderness area designated pursuant to this Title for the purposes of such projects.

SEC. 2004. CULTURAL, ARCHAEOLOGICAL, AND PALEONTOLOGICAL RESOURCES.

The Secretary is responsible for the protection (including through the use of mechanical means) and interpretation (including through the use of permanent improvements) of cultural, archaeological, and paleontological resources located within areas designated as wilderness by this Title.

SEC. 2005. NATIVE AMERICAN CULTURAL AND RELIGIOUS USES.

In recognition of the past use of portions of the areas designated as wilderness by this Title by Native Americans for traditional cultural and religious purposes, the Secretary shall assure nonexclusive access from time to time to those sites by Native Americans for such purposes, including (but not limited to) wood gathering for personal use or collecting plants or herbs for religious or medicinal purposes. Such access shall be consistent with the purpose and intent of the Act of August 11, 1978 (42 U.S.C. 1996; commonly referred to as the ''American Indian Religious Freedom Act'').

SEC. 2006. MILITARY OVERFLIGHTS.

(a) OVERFLIGHTS NOT PRECLUDED.—Nothing in this Title, the Wilderness Act, or other land management laws generally applicable to the new areas of the Wilderness Preservation System (or any additions to existing areas) designated by this Title, shall restrict or preclude overflights of military aircraft over such areas, including military overflights that can be seen or heard within such units.

(b) SPECIAL USE AIRSPACE.—Nothing in this Title, the Wilderness Act, or other land management laws generally applicable to the new areas of the Wilderness Preservation System (or any additions to existing areas) designated by this Title, shall restrict or preclude the designation of new units of special use airspace or the use or establishment of military flight training rules over such areas.

(c) COMMUNICATIONS OR TRACKING SYSTEMS.—Nothing in this Title, the Wilderness Act, or other land management laws generally applicable to new areas of the Wilderness Preservation System (or any additions to existing areas) designated by this Title shall be construed to require the removal of existing communication or electronic tracking systems within such new wilderness areas, or to prevent the installation of portable electronic communication or tracking systems in support of military operations so long as installation, maintenance, and removal of such systems does not require construction of temporary or permanent roads.

SEC. 2007. AIR QUALITY.

(a) IN GENERAL.—The Congress does not intend that designation of wilderness areas in the State of Utah by this Title lead to reclassification of any airshed to a more stringent Prevention of Significant Deterioration (PSD) classification.

(b) ROLE OF STATE.—Air quality reclassification for the wilderness areas established by this Title shall be the prerogative of the State of Utah. All areas designated as wilderness by this Title are and shall continue to be managed as PSD Class II under the Clean Air Act unless they are reclassified by the State of Utah in accordance with the Clean Air Act.

(c) INDUSTRIAL FACILITIES.—Nothing in this Title shall be construed to restrict or preclude construction, operation, or expansion of industrial facilities outside of the areas designated as wilderness by this Title, including the Hunter Power Facilities, the Huntington Power Facilities, the Intermountain Power Facilities, the Bonanza Power Facilities, the Continental Lime Facilities, and the Brush Wellman Facilities. The permitting and operation of such projects and facilities shall be subject to applicable laws and regulations.

SEC. 2008. WILDERNESS RELEASE.

(a) FINDING.—The Congress finds and directs that all public lands in the State of Utah administered by the Bureau of land Management have been adequately studied for wilderness designation pursuant to sections 202 and 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712 and 1782).

(b) RELEASE.—Except as provided in subsection (c), any public lands administered by the Bureau of Land Management in the State of Utah not designated wilderness by this Title are no longer subject to section 603(c) of the Federal Lands Policy and Management Act of 1976 (43 U.S.C. 1783(c)). Such lands shall be managed for the full range of uses as defined in section 103(c) of said Act (43 U.S.C. 1702(c)) and in accordance with land management plans adopted pursuant to section 202 of such Act (43 U.S.C. 1712). Such lands shall not be managed for the purpose of protecting their suitability for wilderness designation.

(c) CONTINUING WILDERNESS STUDY AREAS STATUS.—The following wilderness study areas which are under study status by States adjacent to the State of Utah shall continue to be subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)):

(1) Bull Canyon; UT00800419/CO00100001.

(2) Wrigley Mesa/Jones Canyon/Black Ridge Canyon West; UT00600116/117/CO00700113A.

(3) Squaw/Papoose Canyon; UT00600227/CO00300265A.

(4) Cross Canyon; UT00600229/CO00300265.

SEC. 2009. EXCHANGE RELATING TO SCHOOL AND INSTITUTIONAL TRUST LANDS.

(a) FINDINGS.—The Congress finds that—

(1) approximately 242,000 acres of school and institutional trust lands are located within or adjacent to areas designated as wilderness by this Title, including 15,000 acres of mineral estate;

(2) such lands were originally granted to the State of Utah for the purpose of generating support for the public schools through the development of natural resources and other methods; and

(3) it is in the interest of the State of Utah and the United States for such lands to be exchanged for interests in Federal lands located outside of wilderness areas to accomplish this purpose.

(b) EXCHANGE.—The Secretary is authorized to accept on behalf of the United States title to all school and institutional trust lands owned by the State of Utah described in subsection (c)(1) that may be exchanged for lands or interests therein owned by the United States described in subsection (c)(2) as provided in this section. The exchange of lands under this section shall be subject to valid existing rights, including (but not limited to) the right of the State of Utah to receive, and distribute pursuant to State law, 50 percent of the revenue, less a reasonable administrative fee, from the production of minerals that are leased or would have been subject to leasing pursuant to the Mineral Leasing Act (30 U.S.C. 191 et seq.).

(c) STATE AND FEDERAL EXCHANGE LANDS DESCRIBED.—(1) SCHOOL AND INSTITUTIONAL TRUST LANDS.—The school and institutional trust lands referred to in this section are those lands generally depicted as ''Surface and Mineral Offering'' on the map entitled ''Proposed Land Exchange Utah (H.R. 1745)'' and dated December 6, 1995, which—

(A) are located within or adjacent to areas designated by this Title as wilderness; and

(B) were granted by the United States in the Utah Enabling Act to the State of Utah in trust and other lands which under State law must be managed for the benefit of the public school system or the institutions of the State which are designated by the Utah Enabling Act.

(2) FEDERAL LANDS.—The Federal lands referred to in this section are the lands located in the State of Utah which are generally depicted as ''Federal Exchange Lands'' on the map referred to in paragraph (1).

(d)(1) LAND EXCHANGE FOR EQUAL VALUE.—The lands exchanged pursuant to this section shall be of approximate equal value as determined by nationally recognized appraisal standards.

(2) PARTIAL EXCHANGES.—If the State of Utah so desires, it may identify from time to time by notice to the Secretary portions of the lands described in subsection (c)(1) which it is prepared to exchange together with a list of the portion of lands in subsection

(c)(2) which it intends to acquire in return. In making its selections, the State shall work with the Secretary to minimize or eliminate the retention of Federal inholdings or other unmanageable Federal parcels as a consequence of the transfer of Federal lands, or interests therein, to the State. Upon receipt of such notice, the Secretary shall immediately proceed to conduct the necessary valuations. The valuations shall be completed no later than six months following the State's notice. the Secretary shall then enter into good faith negotiations with the state concerning the value of the lands, or interests therein, involved in each proposed partial exchange. If the value of the lands or interests therein are not approximately equal, the Secretary and the State of Utah shall either agree to modify the lands to be exchanged within the partial exchange or shall provide for a cash equalization payment to equalize the value. Any cash equalization payment shall not exceed 25 percent of the value of the land to be conveyed. The State shall submit all notices of exchange within four years of the date of enactment of this Act.

(3)(i) DEADLINE AND DISPUTE RESOLUTION.—If, after one year from the date of enactment of this Act, the Secretary and the State of Utah have not agreed upon the final terms of some or all of the individual exchanges initiated by the state pursuant to subsection (d)(2), including the value of the lands involved, notwithstanding any other provisions of law, the United States District Court for the District of Utah, Central Division, shall have jurisdiction to hear, determine, and render judgment on the value of any and all lands, or interests therein, involved in the exchange.

(ii) No action provided for in this subsection may be filed with the court sooner than one year and later than five years after the date of enactment of this Act. Any decision of the District Court under this section may be appealed in accordance with the applicable laws and rules.

(4) TRANSFER OF TITLE.—The transfer of lands or cash equalizations shall take place within sixty days following agreement on an individual partial exchange by the Secretary and the Governor of the State of Utah, or acceptance by the Governor of the terms of an appropriate order of judgment entered by the district court affecting that partial exchange. The Secretary and the State shall each convey, subject to valid existing rights, all right, title and interest to the lands or interests therein involved in each partial exchange.

(e) DUTIES OF THE PARTIES AND OTHER PROVISIONS RELATING TO THE EXCHANGE.—

(1) MAP AND LEGAL DESCRIPTION.—The State of Utah and the Secretary shall each provide to the other legal descriptions of the lands under their respective jurisdictions which are to be exchanged under this section. The map referred to in subsection (c)(1) of the legal descriptions provided under this subsection shall be on file and available for public inspection in the office of the Director of the Bureau of Land Management, and the office of the State Director of the Bureau of Land Management in the State of Utah, Department of the Interior.

(2) HAZARDOUS MATERIALS.—The Secretary and the State of Utah shall inspect all pertinent records and shall conduct a physical inspection of the lands to be exchanged pursuant to this Title for the presence of any hazardous materials as presently defined by applicable law. The results of those inspections shall be made available to the parties. The responsibility for costs of remedial action related to such materials shall be borne by those entities responsible under existing law.

(3) PROVISIONS RELATING TO FEDERAL LANDS.—(A) The enactment of this Act shall be construed as satisfying the provisions of section 206(a) of the Federal Land Policy and Management Act of 1976 requiring that exchanges of lands be in the public interest.

(B) The transfer of lands and related activities required of the Secretary under this section shall not be subject to National Environmental Policy Act of 1969.

(C) The value of Federal lands transferred to the State under this section shall be adjusted to reflect the right of the State of Utah under Federal law to share the revenues from such Federal lands, and the conveyances under this section to the State of Utah shall be subject to such revenue sharing obligations as a valid existing right.

(D) Subject to valid existing rights, the Federal lands described in subsection (c)(2) are hereby withdrawn from disposition under the public land laws and from location, entry, and patent under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, from operation of the Geothermal Steam Act of 1970, and from the operation of the Act of July 31, 1947, commonly known as the Materials Act of 1947 (30 U.S.C. 601 and following). The Secretary shall have the authority to extend any existing leases on such Federal lands prior to consummation of the exchange.

(4) PROCEEDS FROM LEASE AND PRODUCTION OF MINERALS AND SALES AND HARVESTS OF TIMBER.—

(A) COLLECTION AND DISTRIBUTION.—The State of Utah, in connection with the management of the school and institutional trust lands described in subsections (c)(2) and (d), shall upon conveyance of such lands, collect and distribute all proceeds from the lease and production of minerals and the sale and harvest of timber on such lands as required by law until the State, as trustee, no longer owns the estate from which the proceeds are produced.

(B) DISPUTES.—A dispute concerning the collection and distribution of proceeds under subparagraph (A) shall be resolved in accordance with State law.

(f) ADMINISTRATION OF LANDS ACQUIRED BY THE UNITED STATES.—The lands and interests in lands acquired by the United States under this section shall be added to and administered as part of areas of the public lands, as indicated on the maps referred to in this section or in section 2002, as applicable.

SEC. 2010. LAND APPRAISAL.

Lands and interests in lands acquired pursuant to this Title shall be appraised without regard to the presence of a species listed as threatened or endangered pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SEC. 2011. SAND HOLLOW LAND EXCHANGE.

(a) DEFINITIONS.—As used in this section:

(1) DISTRICT.—The term ''District'' means the Water Conservancy District of Washington, County, Utah.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) BULLOCH SITE.—The term ''Bulloch Site'' means the lands located in Kane County, Utah, adjacent to Zion National Park, comprised of approximately 1,380 acres, as generally depicted on a map entitled ''Washington County Water Conservancy District Exchange Proposal'' and dated July 24, 1995.

(4) SAND HOLLOW SITE.—The term ''Sand Hollow Site'' means the lands located in Washington County, Utah, comprised of approximately 3,000 acres, as generally depicted on a map entitled ''Washington County Water Conservancy District Exchange Proposal'' and dated July 24, 1995.

(5) QUAIL CREEK PIPELINE.—The term ''Quail Creek Pipeline'' means the lands located in Washington County, Utah, comprised of approximately 40 acres, as generally depicted on a map entitled ''Washington County Water Conservancy District Exchange Proposal'' and dated July 24, 1995.

(6) QUAIL CREEK RESERVOIR.—The term ''Quail Creek Reservoir'' means the lands located in Washington County, Utah, comprised of approximately 480.5 acres, as generally depicted on a map entitled ''Washington County Water Conservancy District Exchange Proposal'' and dated July 24, 1995.

(7) SMITH PROPERTY.—The term ''Smith Property'' means the lands located in Washington County, Utah, comprised of approximately 1,550 acres, as generally depicted on a map entitled ''Washington County Water Conservancy District Exchange Proposal'' and dated July 24, 1995.

(b) EXCHANGE.—

(1) IN GENERAL.—Subject to the provisions of this Title, if within 18 months after the date of the enactment of this Act, the Water Conservancy District of Washington County, Utah, offers to transfer to the United States all right, title, and interest of the District in and to the Bulloch Site, and Secretary of the Interior shall, in exchange, transfer to the District all right, title, and interest of the United States in and to the Sand Hollow Site, the Quail Creek Pipeline and Quail Creek Reservoir, subject to valid existing rights.

(2) WATER RIGHTS ASSOCIATED WITH THE BULLOCH SITE.—The water rights associated with the Bulloch Site shall not be included in the transfer under paragraph (1) but shall be subject to an agreement between the District and the Secretary that the water remain in the Virgin River as an instream flow from the Bulloch Site through Zion National Park to the diversion point of the District at the Quail Creek Reservoir.

(3) WITHDRAWAL OF MINERAL INTERESTS.—Subject to valid existing rights, the mineral interests underlying the Sand Hollow Site, the Quail Creek Reservoir, and the Quail Creek Pipeline are hereby withdrawn from disposition under the public land laws and from location, entry, and patent under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, from the operation of the Geothermal Steam Act of 1970, and from the operation of the Act of July 31, 1947, commonly known as the ''Materials Act of 1947'' (30 U.S.C. 601 et seq.).

(4) GRAZING.—The exchange of lands under paragraph (1) shall be subject to agreement by the District to continue to permit the grazing of domestic livestock on the Sand Hollow Site under the terms and conditions of existing Federal grazing leases or permits, except that the District, upon terminating any such lease or permit, shall fully compensate the holder of the terminated lease or permit.

(c) EQUALIZATION OF VALUES.—The value of the lands transferred out of Federal ownership under subsection (b) either shall be equal to the value of the lands received by the Secretary under subsection (c) or, if not, shall be equalized by—

(1) to the extent possible, transfer of all right, title, and interest of the District in and to lands in Washington County, Utah, and water rights of the District associated thereto, which are within the area providing habitat for the desert tortoise, as determined by the Director of the Bureau of Land Management;

(2) transfer of all right, title, and interest of the District in and to lands in the Smith Site and water rights of the District associated thereto; and

(3) the payment of money to the Secretary, to the extent that lands and rights transferred under paragraphs (1) and (2) are not sufficient to equalize the values of the lands exchanged under subsection (b).

(d) MANAGEMENT OF LANDS ACQUIRED BY UNITED STATES.—Lands acquired by the Secretary under this section shall be administered by the Secretary, acting through the Director of the Bureau of Land Management, in accordance with the provisions of law generally applicable to the public lands, including the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(e) NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.—The exchange of lands under this section is not subject to section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

TITLE XXI—FORT CARSON—PINON CANYON MILITARY LANDS WITHDRAWAL

SEC. 2101. WITHDRAWAL AND RESERVATION OF LANDS AT FORT CARSON MILITARY RESERVATION.

(a) WITHDRAWAL.—Subject to valid existing rights and except as otherwise provided in this Title, the lands at the Fort Carson Military Reservation that are described in subsection (c) are hereby withdrawn from all forms of appropriations under the public lands laws, including the mining laws, the mineral and geothermal leasing laws, and the mineral materials disposal laws.

(B) RESERVATION.—The lands withdrawn under subsection (a) are reserved for use by the Secretary of the Army—

(1) for military maneuvering, training, and weapons firing; and

(2) for other defense related purposes consistent with the uses specified in paragraph (1).

(C) LAND DESCRIPTION.—The lands referred to in subsection (a) comprise approximately 3,133.02 acres of public land and approximately 11,415.16 acres of federally-owned minerals in El Paso, Pueblo, and Fremont Counties, Colorado, as generally depicted on the map entitled ''Fort Carson Proposed Withdrawal—Fort Carson Base'', dated March 2, 1992, and filed in accordance with section 2003.

SEC. 2102. WITHDRAWAL AND RESERVATION OF LANDS AT PINON CANYON MANEUVER SITE.

(a) WITHDRAWAL.—Subject to valid existing rights and except as otherwise provided in this Title, the lands at the Pinon Canyon Maneuver Site that are described in subsection (c) are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, the mineral and geothermal leasing laws, and the mineral materials disposal laws.

(b) RESERVATION.—The lands withdrawn under subsection (a) are reserved for use by the Secretary of the Army—

(1) for military maneuvering and training; and

(2) for other defense related purposes consistent with the uses specified in paragraph (1).

(c) LAND DESCRIPTION.—The lands referred to in subsection (a) comprise approximately 2,517.12 acres of public lands and approximately 130,139 acres of federally-owned minerals in Los Animas County, Colorado, as generally depicted on the map entitled ''Fort Carson Proposed Withdrawal—Fort Carson Maneuver Area—Pinon Canyon Site'', dated March 2, 1992, and filed in accordance with section 2003.

SEC. 2103. MAPS AND LEGAL DESCRIPTIONS.

(a) PREPARATION.—As soon as practicable after the date of enactment of this Title, the Secretary of the Interior shall publish in the Federal Register a notice containing the legal description of the lands withdrawn and reserved by this Act.

(b) LEGAL EFFECT.—Such maps and legal descriptions shall have the same force and effect as if they were included in this Title, except that the Secretary of the Interior may correct clerical and typographical errors in such maps and legal descriptions.

(c) LOCATION OF MAPS.—Copies of such maps and legal descriptions shall be available for public inspection in the offices of the Colorado State Director and the Canon City District Manager of the Bureau of Land Management, and the Commander, Fort Carson, Colorado.

(d) COSTS.—The Secretary of the Army shall reimburse the Secretary of the Interior for the costs of implementing this section.

SEC. 2104. MANAGEMENT OF WITHDRAWN LANDS.

(a) MANAGEMENT GUIDELINES.—(1) Except as provided in section 2005, during the period of withdrawal the Secretary of the Army shall manage for military purposes the lands covered by this Title and may authorize use of such lands covered by the other military departments and agencies of the Department of Defense, and the National Guard, as appropriate.

(2) When military operations, public safety, or national security, as determined by the Secretary of the Army, require the closure of roads or trails on the lands withdrawn by this Title commonly in public use, the Secretary of the Army is authorized to take such action, except that such closures shall be limited to the minimum areas and periods required for the purposes specified in this subsection. Appropriate warning notices shall be kept posted during closures.

(3) The Secretary of the Army shall take necessary precautions to prevent and suppress brush and range fires occurring within and outside the lands as a result of military activities and may seek assistance from the Bureau of Land Management in suppressing such fires. The memorandum of understanding required by this subsection (c) shall provide for Bureau of Land Management assistance in the suppression of such fires, and for the, (a) transfer of funds from the Department of the Army to the Bureau of Land Management as compensation for such assistance.

(b) MANAGEMENT PLAN.—Not later than 5 years after the date of enactment of this Act, the Secretary of the Army, with the concurrence of the Secretary of the Interior, shall develop a plan for the management of acquired lands and lands withdrawn under sections 2001 and 2002 of this Title for the period of the withdrawal. Such plan shall—

(1) be consistent with applicable law;

(2) include such provisions as may be necessary for proper resource management and protection of the natural, cultural, and other resources and values of such lands; and

(3) identify those withdrawn and acquired lands, if any, which are to be open to mining, or mineral or geothermal leasing, including mineral materials disposal.

(c) IMPLEMENTATION OF MANAGEMENT PLAN.—(1) The Secretary of the Army and the Secretary of the Interior shall enter into a memorandum of understanding to implement the management plan described in subsection (b).

(2) The duration of any such memorandum of understanding shall be the same as the period of withdrawal under section 2007.

(3) The memorandum of understanding may be amended by agreement of both Secretaries.

(d) USE OF CERTAIN RESOURCES.—Subject to valid existing rights, the Secretary of the Army is authorized to utilize sand, gravel, or similar mineral or mineral material resources from lands withdrawn by this Title, when the use of such resources is required for construction needs of the Fort Carson Military Reservation of Pinon Canyon Maneuver Site.

SEC. 2105. MANAGEMENT OF WITHDRAWN AND ACQUIRED MINERAL RESOURCES.

Except as provided in section 2004(d) of this title, the Secretary of the Interior shall manage all withdrawn and acquired mineral resources within the boundaries of the Fort Carson Military Reservation and Pinon Canyon Maneuver Site in accordance wit section 12 of the Military Lands Withdrawl Act of 1986 (Public Law 99–606; 100 Stat. 3466), as applicable.

SEC. 2106. HUNTING, FISHING, AND TRAPPING.

All hunting, fishing and trapping on the lands withdrawn and reserved by this title shall be conducted in accordance with section 2671 of title 10, United States Code.

SEC. 2107. TERMINATION OF WITHDRAWAL AND RESERVATION AND EFFECT OF CONTAMINATION.

(a) TERMINATION DATE.—The withdrawal and reservation established by this Title shall terminate 15 years after the date of the enactment of this Act.

(b) DETERMINATION OF CONTINUING MILITARY NEED.—(1) At least three years prior to the termination under subsection (a) of the withdrawal and reservation established by this Title, the Secretary of the Army shall advise the Secretary of the Interior as to whether or not the Department of the Army will have a continuing military need for any of the lands after the termination date.

(2) If the Secretary of the Army concludes under paragraph (1) that there will be a continuing military need for any of the lands after the termination date established by subsection (a), the Secretary of the Army, in accordance with applicable law, shall evaluate the environmental effects of renewal of such withdrawal and reservation, shall hold at least one public hearing in Colorado concerning such evaluation, and shall thereafter file an application for extension of the withdrawal and reservation of such lands in accordance with the regulations and procedures of the Department of the Interior applicable to the extension of withdrawals for military uses. The Secretary of the Interior shall notify the Congress concerning such filing.

(3) If the Secretary of the Army concludes under paragraph (1) that prior to the termination date established by subsection (a), there will be no military need for all or any of the lands withdrawn and reserved by this Act, or if, during the period of withdrawal the Secretary of the Army shall file a notice of intention to relinquish with the Secretary of the Interior.

(c) DETERMINATION OF CONTAMINATION.—Prior to the filing of a notice of intention to relinquish pursuant to subsection (b)(3), the Secretary of the Army shall prepare a written determination as to whether and to what extent the lands are contaminated with explosive, toxic, or other hazardous materials. A copy of the determination made by the Secretary of the Army shall be supplied with the notice of intention to relinquish. Copies of both the notice of intention to relinquish and the determination concerning the contaminated state of the lands shall be published in the Federal Register by the Secretary of the interior.

(d) EFFECT OF CONTAMINATION.—(1) If any land which is the subject of a notice of intention to relinquish under subsection (b)(3) is contaminated, and the Secretary of the Interior, in consultation with the Secretary of the Army, determines that decontamination is practicable and economically feasible, taking into consideration the potential future use and value of the land, and that upon decontamination, the land could be opened to the operation of some or all of the public land laws, including the mining laws, the Secretary of the Army shall decontaminate the land to the extent that funds are appropriated for such purpose.

(2) If the Secretaries of the Army and the Interior conclude either that the contamination of any or all of the lands proposed for

relinquishment is not practicable or economically feasible, or that the lands cannot be decontaminated sufficiently to allow them to be opened to the operation of the public land laws, or if Congress declined to appropriate funds for decontamination of the lands, the Secretary of the Interior shall not be required to accept the lands proposed for relinquishment.

(3) If, because of their contaminated state, the Secretary of the Interior declines under paragraph (2) to accept jurisdiction of the lands proposed for relinquishment, or if at the expiration of the withdrawal made by the Title the Secretary of the Interior determines that some of the lands withdrawn by this Title are contaminated to an extent which prevents opening such contaminated lands to operation of the public land laws—

(A) the Secretary of the Army shall take appropriate steps to warn the public of the contaminated state of such lands and any risks associated with entry onto such lands;

(B) after the expiration of the withdrawal, the Secretary of the Army shall undertake no activities on such lands except in connection with decontamination of such lands; and

(C) the Secretary of the Army shall report to the Secretary of the Interior and to the Congress concerning the status of such lands and all actions taken in furtherance of the subsection.

(4) If the lands are subsequently decontaminated, upon certification by the Secretary of the Army that the lands are safe for all nonmilitary uses, the Secretary of the Interior shall reconsider accepting jurisdiction over the lands.

(5) Nothing in this Title shall affect, or be construed to affect, the Secretary's obligations, if any, to decontaminate such lands pursuant to applicable law, including but not limited to the Comprehensive Environmental Response Compensation and Liability Act (42 U.S.C. 9601 et seq.), and the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.).

(e) PROGRAM OF DECONTAMINATION.—Throughout the duration of the withdrawal and reservation made by this Title, the Secretary of the Army, to the extent funds are made available, shall maintain a program of decontamination of the lands withdrawn by this Title at least at the level of effort carried out during fiscal year 1992.

(f) ACCEPTANCE OF LANDS PROPOSED FOR RELINQUISHMENT.—Notwithstanding any other provision of law, the Secretary of the Interior, upon deciding that it is in the public interest to accept jurisdiction over that lands proposed for relinquishment, is authorized to revoke the withdrawal and reservation established by this Title as it applies to the lands proposed for relinquishment. Should the decision be made to revoke the withdrawal and reservation, the Secretary of the Interior shall publish in the Federal Register an appropriate order which shall—

(1) terminate the withdrawal and reservation;

(2) constitute official acceptance of full jurisdiction over the lands by the Secretary of the Interior; and

(3) state the date upon which the lands will be opened to the operation of the public land laws, including the mining laws if appropriate.

SEC. 2108. DELEGATION.

The function of the Secretary of the Army under this Act may be delegated. The functions of the Secretary of the Interior under this Title may be delegated, except that the order referred to in section 2007(f) may be approved and signed only by the Secretary of the Interior, the Deputy Secretary of the Interior, or an Assistant Secretary of the Department of the Interior.

SEC. 2109. HOLD HARMLESS PROVISION.

(a) IN GENERAL.—The United States and all departments or agencies thereof shall be held harmless and shall not be liable for any injuries or damages to persons or property suffered in the course of any mining, mineral activity, or geothermal leasing activity conducted on lands comprising the Fort Carson Military Reservation or Pinon Canyon Maneuver Site, including liabilities to non-Federal entities under sections 107 or 113 of the Comprehensive Environmental Response Compensation and Liability Act, 42 U.S.C. 9607 and 9613, or section 7003 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 U.S.C. 6973.

(b) INDEMNIFICATION.—Any party conducting any mining, mineral or geothermal leasing activity on such lands shall indemnify the United States and its departments or agencies thereof against any costs, fees, damages, or other liabilities, including costs of litigation, arising from or related to such mining activities, including costs of minerals disposal, whether arising under the Comprehensive Environmental Resource Compensation and Liability Act, the Resource Conservation and Recovery Act, or otherwise.

SEC. 2110. AMENDMENTS TO MILITARY LANDS WITHDRAWAL ACT OF 1986.

(a) USE OF CERTAIN RESOURCES.—Section 3(f) of the Military Lands Withdrawal Act of 1986 (Public Law 99–606; 100 Stat. 3461) is amended by adding at the end a new paragraph (2) as follows:

''(2) Subject to valid existing rights, the Secretary of the military department concerned may utilize sand, gravel, or similar mineral or material resources from lands withdrawn for the purposes of this Act when the use of such resources is required for construction needs on the respective lands withdrawn by this Act.''.

(b) TECHNICAL CORRECTION.—Section 9(b) of the Military Lands Withdrawal Act of 1986 (Public Law 99–606; 100 Stat. 3466) is amended by striking ''7(f)'' and inserting in lieu thereof, ''8(f)''.

SEC. 2111. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out this Title.

TITLE XXII—SNOWBASIN LAND EXCHANGE ACT

SEC. 2201. FINDINGS AND DETERMINATION.

(a) FINDINGS.—The Congress finds that —

(1) in June 1995, Salt Lake City Utah, was selected to host the 2002 Winter Olympic Games, and the Snowbasin Ski Resort, which is owned by the Sun Valley Company, was identified as the site of six Olympic events: the men's and women's downhills, men's and women's Super-Gs, and men's and women's combined downhills;

(2) in order to adequately accommodate these events, which are traditionally among the most popular and heavily attended at the Winter Olympic Games, major new skiing, visitor, and support facilities will have to be constructed at the Snowbasin Ski Resort on land currently administered by the United States Forest Service;

(3) while certain of these new facilities can be accommodated on National Forest land under traditional Forest Service permitting authorities, the base area facilities necessary to host visitors to the ski area and the Winter Olympics are of such a nature that they should logically be located on private land;

(4) land exchanges have been routinely utilized by the Forest Service to transfer base area lands to many other ski areas, and the Forest Service and the Sun Valley Company have concluded that a land exchange to transfer base area lands at the Snowbasin Ski Resort to the Sun Valley Company is both logical and advisable;

(5) an environmental impact statement and numerous resource studies have been completed by the Forest Service and the Sun Valley Company for the lands proposed to be transferred to the Sun Valley Company by this Title;

(6) the Sun Valley Company has assembled lands with outstanding environmental, recreational, and other values to convey to the Forest Service in return for the lands it will receive in the exchange, and the Forest Service has identified such lands as desirable for acquisition by the United States; and

(7) completion of a land exchange and approval of a development plan for Olympic related facilities at the Snowbasin Ski Resort is essential to ensure that all necessary facilities can be constructed, tested for safety and other purposes, and become fully operational in advance of the 2002 Winter Olympics and earlier pre-Olympic events.

(b) DETERMINATION.—The Congress has reviewed the previous analyses and studies of the lands to be exchanged and developed pursuant to this Title, and has made its own review of these lands and issues involved, and on the basis of those reviews hereby finds and determines that a legislated land exchange and development plan approval with respect to certain National Forest System Lands is necessary to meet Olympic goals and timetables.

SEC. 2202. PURPOSE AND INTENT.

The purpose of this Title is to authorize and direct the Secretary to exchange 1,320 acres of federally-owned land within the Cache National Forest in the State of Utah for lands of approximately equal value owned by the Sun Valley Company. It is the intent of Congress that this exchange be completed without delay within the period specified by section 2104.

SEC. 2203. DEFINITIONS.

As used in this Title—

(1) the term ''Sun Valley Company'' means the Sun Valley Company, a division of Sinclair Oil Corporation, a Wyoming Corporation, or its successors or assigns; and

(2) the term ''Secretary'' means the Secretary of Agriculture.

SEC. 2204. EXCHANGE.

(a) FEDERAL SELECTED LANDS.—(1) Not later than 45 days after the final determination of value of the Federal selected lands, the Secretary shall, subject to this Title, transfer all right, title, and interest of the United States in and to the lands referred to in paragraph (2) to the Sun Valley Company.

(2) The lands referred to in paragraph (1) are certain lands within the Cache National Forest in the State of Utah comprising 1,320 acres, more or less, as generally depicted on the map entitled ''Snowbasin Land Exchange—Proposed'' and dated October 1995.

(b) NON-FEDERAL OFFERED LANDS.—Upon transfer of the Federal selected lands under subsection (a), and in exchange for those lands, the Sun Valley Company shall simultaneously convey to the Secretary all right, title and interest of the Sun Valley Company in and to so much of the following offered lands which have been previously identified by the United States Forest Service as desirable by the United States, or which are identified pursuant to paragraph (5) prior to the transfer of lands under subsection (a), as are of approximate equal value to the Federal selected lands:

(1) Certain lands located within the exterior boundaries of the Cache National Forest in Weber County, Utah, which comprise approximately 640 acres and are generally depicted on a map entitled ''Lightning Ridge Offered Lands'', dated October 1995.

(2) Certain lands located within the Cache National Forest in Weber County, Utah, which comprise approximately 635 acres and are generally depicted on a map entitled ''Wheeler Creek Watershed Offered Lands—Section 2'' dated October 1995.

(3) Certain lands located within the exterior boundaries of the Cache National Forest in Weber County, Utah, and lying immediately adjacent to the outskirts of the City of Ogden, Utah, which comprise approximately 800 acres and are generally depicted on a map entitled ''Taylor Canyon Offered Lands'', dated October 1995.

(4) certain lands located within the exterior boundaries of the Cache National Forest in Weber County, Utah, which comprise approximately 2,040 acres and are generally depicted on a map entitled ''North Fork Ogden River-Devil's Gate Valley'', dated October 1995.

(5) Such additional offered lands in the State of Utah as may be necessary to make the values of the lands exchanged pursuant to this Title approximately equal, and which are acceptable to the Secretary.

(c) SUBSTITUTION OF OFFERED LANDS.—If one or more of the precise offered land parcels identified in paragraphs (1) through (4) of subsection (b) is unable to be conveyed to the United States due to appraisal of other reasons, or if the Secretary and the Sun Valley Company mutually agree and the Secretary determines that an alternative offered land package would better serve long term public needs and objectives, the Sun Valley Company may simultaneously convey to the United States alternative offered lands in the State of Utah acceptable to the Secretary in lieu of any or all of the lands identified in paragraphs (1) through (4) of subsection (b).

(d) VALUATION AND APPRAISALS.—(1) Values of the lands to be exchanged pursuant to this Title shall be equal as determined by the Secretary utilizing nationally recognized appraisal standards and in accordance with section 206 of the Federal Land Policy and Management Act of 1976. The appraisal reports shall be written to Federal standards as defined in the Uniform Appraisal Standards for Federal Land Acquisitions. If, due to size, location, or use of lands exchanged under this Title, the values are not exactly equal, they shall be equalized by the payment of cash equalization money to the Secretary of the Sun Valley Company as appropriate in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)). In order to expedite the consummation of the exchange directed by this Title, the Sun Valley Company shall arrange and pay for appraisals of the offered and selected lands by a qualified appraiser with experience in appraising similar properties and who is mutually acceptable to the Sun Valley Company and the Secretary. The appraisal of the Federal selected lands shall be completed and submitted to the Secretary for technical review and approval no later than 120 days after the date of enactment of this Act, and the Secretary shall make a determination of value not later than 30 days after receipt of the appraisal. In the event the Secretary and the Sun Valley Company are unable to agree to the appraised value of a certain tract or tracts of land, the appraisal, appraisals, or appraisal issues in dispute and a final determination of value shall be resolved through a process of bargaining or submission to arbitration in accordance with section 206(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(d)).

(2) In order to expedite the appraisal of the Federal selected lands, such appraisal shall—

(A) value the land in its unimproved state, as a single entity for its highest and best use as if in private ownership and as of the date of enactment of this Act;

(B) consider the Federal lands as an independent property as through in the private marketplace and suitable for development to its highest and best use;

(C) consider in the appraisal any encumbrance on the title anticipated to be in the conveyance to Sun Valley Company and reflect its effect on the fair market value of the property; and

(D) not reflect any enhancement in value to the Federal selected lands based on the existence of private lands owned by the Sun Valley Company in the vicinity of the Snowbasin Ski Resort, and shall assume that private lands owned by the Sun Valley Company are not available for use in conjunction with the Federal selected lands.

SEC. 2205. GENERAL PROVISIONS RELATING TO THE EXCHANGE.

(a) IN GENERAL.—The exchange authorized by this Title shall be subject to the following terms and conditions:

(1) RESERVED RIGHTS-OF-WAY.—In any deed issued pursuant to section 5(a), the Secretary shall reserve in the United States a right of reasonable access across the conveyed property for public access and for administrative purposes of the United States necessary to manage adjacent federally-owned lands. The terms of such reservation shall be prescribed by the Secretary within 30 days after the date of the enactment of this Act.

(2) RIGHT OF RESCISSION.—This Title shall not be binding on either the United States or the Sun Valley Company if, within 30 days after the final determination of value of the Federal selected lands, the Sun Valley Company submits to the Secretary a duly authorized and executed resolution of the Company stating its intention not to enter into the exchange authorized by this Title.

(b) WITHDRAWAL.—Subject to valid existing rights, effective on the date of enactment of this Act, the Federal selected lands described in section 5(a)(2) and all National Forest System lands currently under special use permit to the Sun Valley Company at the Snowbasin Ski Resort are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws) and from disposition under all laws pertaining to mineral and geothermal leasing.

(c) DEED.—The conveyance of the offered lands to the United States under this Title shall be by general warranty or other deed acceptable to the Secretary and in conformity with applicable title standards of the Attorney General of the United States.

(d) STATUS OF LANDS.—Upon acceptance of title by the Secretary, the land conveyed to the United States pursuant to this Title shall become part of the Wasatch or Cache National Forests as appropriate, and the boundaries of such National Forests shall be adjusted to encompass such lands. Once conveyed, such lands shall be managed in accordance with the Act of March 1, 1911, as amended (commonly known as the ''Weeks Act''), and in accordance with the other laws, rules and regulations applicable to National Forest System lands. This subsection does not limit the Secretary's authority to adjust the boundaries pursuant to section 11 of the Act of March 1, 1911 (''Weeks Act''). For the purposes of section 7 of the land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries of the Wasatch and Cache National Forests, as adjusted by this Title, shall be considered to be boundaries of the forests as of January 1, 1965.

SEC. 2206. PHASE I FACILITY CONSTRUCTION AND OPERATION.

(a) PHASE I FACILITY FINDING AND REVIEW.—(1) The Congress has reviewed the Snowbasin Ski Area Master Development Plan dated October 1995 (hereinafter in this section referred to as the ''Master Plan''). On the basis of such review, and review of previously completed environmental and other resource studies for the Snowbasin Ski Area, Congress hereby finds that the ''Phase I'' facilities referred to in the Master Plan to be located on National Forest System land after consummation of the land exchange directed by this Title are limited in size and scope, are reasonable and necessary to accommodate the 2002 Olympics, and in some cases are required to provide for the safety of skiing competitors and spectators.

(2) Within 60 days after the date of enactment of this Act, the Secretary and the Sun Valley Company shall review the Master Plan insofar as such plan pertains to Phase I facilities which are to be constructed and operated wholly or partially on National Forest System lands retained by the Secretary after consummation of the land exchange directed by this Title. The Secretary may modify such Phase I facilities upon mutual agreement with the Sun Valley Company or by imposing conditions pursuant to subsection (b) of this section.

(3) Within 90 days after the date of enactment of this Act, the Secretary shall submit the reviewed Master Plan on the Phase I facilities, including any modifications made thereto pursuant to paragraph (2), to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives for a 30-day review period. At the end of the 30-day period, unless otherwise directed by Act of Congress, the Secretary may issue all necessary authorizations for construction and operation of such facilities or modifications thereof in accordance with the procedures and provisions of subsection (b) of this section.

(b) PHASE I FACILITY APPROVAL, CONDITIONS, AND TIMETABLE.—Within 120 days of receipt of an application by the Sun Valley Company to authorize construction and operation of any particular Phase I facility, facilities, or group of facilities, the Secretary, in consultation with the Sun Valley Company, shall authorize construction and operation of such facility, facilities, or group of facilities, subject to the general policies of the Forest Service pertaining to the construction and operation of ski area facilities on National Forest System lands and subject to reasonable conditions to protect National Forest System resources. In providing authorization to construct and operate a facility, facilities, or group of facilities, the Secretary may not impose any condition that would significantly change the location, size, or scope of the applied for Phase I facility unless—

(1) the modification is mutually agreed to by the Secretary and the Sun Valley Company; or

(2) the modification is necessary to protect health and safety.

Nothing in this section shall be construed to affect the Secretary's responsibility to monitor and assure compliance with the conditions set forth in the construction and operation authorization.

(c) CONGRESSIONAL DIRECTIONS.—Notwithstanding any other provision of law, Congress finds that consummation of the land exchange directed by this Title and all determinations, authorizations, and actions taken by the Secretary pursuant to this Title pertaining to Phase I facilities on National Forest System lands, or any modifications thereof, to be nondiscretionary actions authorized and directed by Congress and hence to comply with all procedural and other requirements of the laws of the United States.

Such determinations, authorizations and actions shall not be subject to administrative or judicial review.

SEC. 2207. NO PRECEDENT.

Nothing in section 2104(d)(2) of this Title relating to conditions or limitations on the appraisal of the Federal lands, or any provision of section 2106 relating to the approval by the Congress or the Forest Service of facilities on National Forest System lands, shall be construed as a precedent for subsequent legislation.

TITLE XXIII—COLONIAL NATIONAL HISTORICAL PARK.

SECTION 2301. COLONIAL NATIONAL HISTORICAL PARK.

(a) TRANSFER AND RIGHTS-OF-WAY.—The Secretary of the Interior (hereinafter in this Title referred to as the ''Secretary'') is authorized to transfer, without reimbursement, to York County, Virginia, that portion of the existing sewage disposal system, including related improvements and structures, owned by the United States and located within the Colonial National Historical Park, together with such rights-of-way as are determined by the Secretary to be necessary to maintain and operate such system.

(b) REPAIR AND REHABILITATION OF SYSTEM.—The Secretary is authorized to enter into a cooperative agreement with York County, Virginia, under which the Secretary will pay a portion, not to exceed $110,000, of the costs of repair and rehabilitation of the sewage disposal system referred to in subsection (a).

(c) FEES AND CHARGES.—In consideration for the rights-of-way granted under subsection (a), and in recognition of the National Park Service's contribution authorized under subsection (b), the cooperative agreement under subsection (b) shall provide for a reduction in, or the elimination of, the amounts charged to the National Park Service for its sewage disposal. The cooperative agreement shall also provide for minimizing the impact of the sewage disposal system on the park and its resources. Such system may not be enlarged or substantially altered without National Park Service concurrence.

SEC. 2302. INCLUSION OF LAND IN COLONIAL NATIONAL HISTORICAL PARK.

Notwithstanding the provisions of the Act of June 28, 1938 (52 Stat. 1208; 16 U.S.C. 81b et seq.), limiting the average width of the Colonial Parkway, the Secretary of the Interior is authorized to include within the boundaries of Colonial National Historical Park and acquire by donation, exchange, or purchase with donated or appropriated funds—

(1) the lands or interests in lands described as lots 30 to 48, inclusive;

(2) the portion of lot 49 that is 200 feet in width from the existing boundary of Colonial National Historical Park;

(3) a 3.2-acre archaeological site, as shown on the plats titled ''Page Landing At Jamestown being a subdivision of property of Neck O Land Limited Partnership'' dated June 21, 1989, sheets 2 and 3 of 3 sheets and bearing National Park Service Drawing Number 333.80031; and

(4) all or a portion of the adjoining lot number 11 of the Neck O Land Hundred Subdivision, with or without improvements.

SEC. 2303. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Title.

TITLE XXIV.—WOMEN'S RIGHTS NATIONAL HISTORICAL PARK

SECTION 2401. INCLUSION OF OTHER PROPERTIES.

Section 1601(c) of Public Law 96–607 (16 U.S.C. 41011) is amended to read as follows: ''To carry out the purposes of this section there is hereby established the Women's Rights National Historical Park (hereinafter in this section referred to as the ''park''). The park shall consist of the following designated sites in Seneca Falls and Waterloo, New York:

''(1) Stanton House, 32 Washington Street, Seneca Falls;

''(2) dwelling, 30 Washington Street, Seneca Falls;

''(3) dwelling, 34 Washington Street, Seneca Falls;

''(4) lot, 26–28 Washington Street, Seneca Falls;

''(5) former Wesleyan Chapel, 126 Fall Street, Seneca Falls;

''(6) theater, 128 Fall Street, Seneca Falls;

''(7) McClintock House, 16 East Williams Street, Waterloo;

''(8) Hunt House, 401 East Williams Street, Waterloo;

''(9) not to exceed 1 acre, plus improvements, as determined by the Secretary, in Seneca Falls for development of a maintenance facility;

''(10) dwelling, 1 Seneca Street, Seneca Falls;

''(11) dwelling, 10 Seneca Street, Seneca Falls;

''(12) parcels adjacent to Wesleyan Chapel Block, including Clinton Street, Fall Street, and Mynderse Street, Seneca Falls; and

''(13) dwelling, 12 East Williams Street, Waterloo.''.

SEC. 2402. MISCELLANEOUS AMENDMENTS.

Section 1601 of Public Law 96–607 (16 U.S.C. 410ll) is amended by redesignating subsection (i) as ''(i)(1)'' and inserting at the end thereof the following new paragraph:

''(2) In addition to those sums appropriated prior to the date of enactment of this paragraph for land acquisition and development, there is hereby authorized to be appropriated an additional $2,000,000.''.

TITLE XXV—FRANKLIN D. ROOSEVELT FAMILY LANDS

SEC. 2501. ACQUISITION OF LANDS.

(a) IN GENERAL.—(1) The Secretary of the Interior (hereinafter referred to as the ''Secretary'') is authorized to acquire, by purchase with donated or appropriated funds, donation, or otherwise, lands and interests therein in the following properties located at Hyde Park, New York identified as lands critical for protection as depicted on the map entitled ''Roosevelt Family Estate'' and dated September 1994—

(A) the ''Open Park Hodhome Tract'', consisting of approximately 40 acres, which shall be the highest priority for acquisition;

(B) the ''Top Cottage Tract'', consisting of approximately 30 acres; and

(C) the ''Poughkeepsie Shopping Center, Inc. Tract'', consisting of approximately 55 acres.

(b) ADMINISTRATION.—Lands and interests therein acquired by the Secretary pursuant to this Title shall be added to, and administered by the Secretary as part of the Franklin Delano Roosevelt National Historic Site or the Eleanor Roosevelt National Historic Site, as appropriate.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated not to exceed $3,000,000 to carry out this Title.

TITLE XXVI—GREAT FALLS HISTORIC DISTRICT, NEW JERSEY

SEC. 2601. FINDINGS.

Congress finds that—

(1) the Great Falls Historic District in the State of New Jersey is an area of historical significance as an early site of planned industrial development, and has remained largely intact, including architecturally significant structures;

(2) the Great Falls Historic District is listed on the National Register of Historic Places and has been designated a National Historic Landmark;

(3) the Great Falls Historic District is situated within a one-half hour's drive from New York City and a 2 hour's drive from Philadelphia, Hartford, New Haven, and Wilmington;

(4) the District was developed by the Society of Useful Manufactures, an organization whose leaders included a number of historically renowned individuals, including Alexander Hamilton; and

(5) the Great Falls Historic District has been the subject of a number of studies that have shown that the District possesses a combination of historic significance and natural beauty worthy of and uniquely situated for preservation and redevelopment.

SEC. 2602. PURPOSES.

The purposes of this Title are—

(1) to preserve and interpret, for the educational and inspirational benefit of the public, the contribution to our national heritage of certain historic and cultural lands and edifices of the Great Falls Historic District, with emphasis on harnessing this unique urban environment for its educational and recreational value; and

(2) to enhance economic and cultural redevelopment within the District.

SEC. 2603. DEFINITIONS.

In this Act:

(1) DISTRICT.—The term ''District'' means the Great Falls Historic District established by section 5.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 2604. GREAT FALLS HISTORIC DISTRICT.

(a) ESTABLISHMENT.—There is established the Great Falls Historic District in the city of Paterson, in Passaic County, New Jersey.

(b) BOUNDARIES.—The boundaries of the District shall be the boundaries specified for the Great Falls Historic District listed on the National Register of Historic Places.

SEC. 2605. DEVELOPMENT PLAN.

(a) GRANTS AND COOPERATIVE AGREEMENTS.—The Secretary may make grants and enter into cooperative agreements with the State of New Jersey, local governments, and private nonprofit entities under which the Secretary agrees to pay not more than 50 percent of the costs of—

(1) preparation of a plan for the development of historic, architectural, natural, cultural, and interpretive resources within the District; and

(2) implementation of projects approved by the Secretary under the development plan.

(b) CONTENTS OF PLAN.—The development plan shall include—

(1) an evaluation of—

(A) the physical condition of historic and architectural resources; and

(B) the environmental and flood hazard conditions within the District; and

(2) recommendations for—

(A) rehabilitating, reconstructing, and adaptively reusing the historic and architectural resources;

(B) preserving viewsheds, focal points, and streetscapes;

(C) establishing gateways to the District;

(D) establishing and maintaining parks and public spaces;

(E) developing public parking areas;

(F) improving pedestrian and vehicular circulation within the District;

(G) improving security within the District, with an emphasis on preserving historically significant structures from arson; and

(H) establishing a visitors' center.

SEC. 2606. RESTORATION, PRESERVATION, AND INTERPRETATION OF PROPERTIES.

(a) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the owners of properties within

the District that the Secretary determines to be of historical or cultural significance, under which the Secretary may—

(1) pay not more than 50 percent of the cost of restoring and improving the properties;

(2) provide technical assistance with respect to the preservation and interpretation of the properties; and

(3) mark and provide interpretation of the properties.

(b). PROVISIONS.—A cooperative agreement under subsection (a) shall provide that—

(1) the Secretary shall have the right of access at reasonable times to public portions of the property for interpretive and other purposes;

(2) no change or alteration may be made in the property except with the agreement of the property owner, the Secretary, and any Federal agency that may have regulatory jurisdiction over the property; and

(3) if at any time the property is converted, used, or disposed of in a manner that is contrary to the purposes of this Act, as determined by the Secretary, the property owner shall be liable to the Secretary for the greater of—

(A) the amount of assistance provided by the Secretary for the property; or

(B) the portion of the increased value of the property that is attributable to that assistance, determined as of the date of the conversion, use, or disposal.

(c) APPLICATIONS.—

(1) IN GENERAL.—A property owner that desires to enter into a cooperative agreement under subsection (a) shall submit to the Secretary an application describing how the project proposed to be funded will further the purposes of the District.

(2) CONSIDERATION.—In making such funds available under this section, the Secretary shall give consideration to projects that provide a greater leverage of Federal funds.

SEC. 2607. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary to carry out this Title—

(1) $250,000 for grants and cooperative agreements for the development plan under section 6; and

(2) $50,000 for the provision of technical assistance and $3,000,000 for the provision of other assistance under cooperative agreements under section 7.

TITLE XXVII—RIO PUERCO WATERSHED

SECTION 2701. FINDINGS.

Congress finds that—

(1) over time, extensive ecological changes have occurred in the Rio Puerco watershed, including—

(A) erosion of agricultural and range lands;

(B) impairment of waters due to heavy sedimentation;

(C) reduced productivity of renewable resources;

(D) loss of biological diversity;

(E) loss of functioning riparian areas; and

(F) loss of available surface water;

(2) damage to the watershed has seriously affected the economic and cultural well-being of its inhabitants, including—

(A) loss of communities that were based on the land and were self-sustaining; and

(B) adverse effects on the traditions, customs, and cultures of the affected communities;

(3) a healthy and sustainable ecosystem is essential to the long-term economic and cultural viability of the region;

(4) the impairment of the Rio Puerco watershed has caused damage to the ecological and economic well-being of the area below the junction of the Rio Puerco with the Rio Grande, including—

(A) disruption of ecological processes;

(B) water quality impairment;

(C) significant reduction in the water storage capacity and life expectancy of the Elephant Butte Dam and Reservoir system due to sedimentation;

(D) chronic problems of irrigation system channel maintenance; and

(E) increased risk of flooding caused by sediment accumulation;

(5) the Rio Puerco is a major tributary of the Rio Grande, and the coordinated implementation of ecosystem-based best management practices for the Rio Puerco system could benefit the larger Rio Grande system;

(6) the Rio Puerco watershed has been stressed from the loss of native vegetation, introduction of exotic species, and alteration of riparian habitat which have disrupted the original dynamics of the river and disrupted natural ecological processes;

(7) the Rio Puerco watershed is a mosaic of private, Federal, tribal trust, and State land ownership with diverse, sometimes differing management objectives;

(8) development, implementation, and monitoring of an effective watershed management program for the Rio Puerco watershed is best achieved through cooperation among affected Federal, State, local, and tribal entities;

(9) the Secretary of the Interior, acting through the Director of the Bureau of Land Management, in consultation with Federal, State, local, and tribal entities and in cooperation with the Rio Puerco Watershed Committee, is best suited to coordinate management efforts in the Rio Puerco watershed; and

(10) accelerating the pace of improvement in the Rio Puerco watershed on a coordinated, cooperative basis will benefit persons living in the watershed as well as downstream users on the Rio Grande.

SEC. 2702. MANAGEMENT, PROGRAM.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Director of the Bureau of Land Management shall—

(1) in consultation with the Rio Puerco Management Committee established by section 4—

(A) establish a clearinghouse for research and information on management within the area identified as the Rio Puerco Drainage Basin, as depicted on the map entitled ''The Rio Puerco Watershed'' dated June 1994, including—

(i) current and historical natural resource conditions; and

(ii) data concerning the extent and causes of watershed impairment; and

(B) establish an inventory of best management practices and related monitoring activities that have been or may be implemented within the area identified as the Rio Puerco Watershed Project, as depicted on the map entitled ''The Rio Puerco Watershed'' dated June 1994; and

(2) provide support to the Rio Puerco Management Committee to identify objectives, monitor results of ongoing projects, and develop alternative watershed management plans for the Rio Puerco Drainage Basin, based on best management practices.

(b) RIO PUERCO MANAGEMENT REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of the Interior, in consultation with the Rio Puerco Management Committee, shall prepare a report for the improvement of watershed conditions in the Rio Puerco Drainage Basin described in subsection (a)(1).

(2) CONTENTS.—The report under paragraph (1) shall—

(A) identify reasonable and appropriate goals and objectives for landowners and managers in the Rio Puerco watershed;

(B) describe potential alternative actions to meet the goals and objectives, including proven best management practices and costs associated with implementing the actions;

(C) recommend voluntary implementation of appropriate best management practices on public and private lands;

(D) provide for cooperative development of management guidelines for maintaining and improving the ecological, cultural, and economic conditions on public and private lands;

(E) provide for the development of public participation and community outreach programs that would include proposals for—

(i) cooperative efforts with private landowners to encourage implementation of best management practices within the watershed; and

(ii) involvement of private citizens in restoring the watershed;

(F) provide for the development of proposals for voluntary cooperative programs among the members of the Rio Puerco Management Committee to implement best management practices in a coordinated, consistent, and cost-effective manner;

(G) provide for the encouragement of, and support implementation of, best management practices on private lands; and

(H) provide for the development of proposals for a monitoring system that—

(i) builds on existing data available from private, Federal, and State sources;

(ii) provides for the coordinated collection, evaluation, and interpretation of additional data as needed or collected; and

(iii) will provide information to—

(I) assess existing resource and socio-economic conditions;

(II) identify priority implementation actions; and

(III) assess the effectiveness of actions taken.

SEC. 2703. RIO PUERCO MANAGEMENT COMMITTEE.

(a) ESTABLISHMENT.—There is established the Rio Puerco Management Committee (referred to in this section as the ''Committee'').

(b) MEMBERSHIP.—The Committee shall be convened by a representative of the Bureau of Land Management and shall include representatives from—

(1) the Rio Puerco Watershed Committee;

(2) affected tribes and pueblos;

(3) the National Forest Service of the Department of Agriculture;

(4) the Bureau of Reclamation;

(5) the United States Geological Survey;

(6) the Bureau of Indian Affairs;

(7) the United States Fish and Wildlife Service;

(8) the Army Corps of Engineers;

(9) the Natural Resources Conservation Service of the Department of Agriculture;

(10) the State of New Mexico, including the New Mexico Environment Department and the State Engineer;

(11) affected local soil and water conservation districts;

(12) the Elephant Butte Irrigation District;

(13) private landowners; and

(14) other interested citizens.

(c) DUTIES.—The Rio Puerco Management Committee shall—

(1) advise the Secretary of the Interior, acting through the Director of the Bureau of Land Management, on the development and implementation of the Rio Puerco Management Program described in section 3; and

(2) serve as a forum for information about activities that may affect or further the development and implementation of the best management practices described in section 3.

(d) TERMINATION.—The Committee shall terminate on the date that is 10 years after the date of enactment of this Act.

SEC. 2704. REPORT.

Not later than the date that is 2 years after the date of enactment of this Act, and

biennially thereafter, the Secretary of the Interior, in consultation with the Rio Puerco Management Committee, shall transmit to the Committee on Energy and Natural Resources of the Senate and to the Committee on Resources of the House of Representatives a report containing—

(1) a summary of activities of the management program under section 3; and

(2) proposals for joint implementation efforts, including funding recommendations.

SEC. 2705. LOWER RIO GRANDE HABITAT STUDY.

(a) IN GENERAL.—TheSecretary of the Interior, in cooperation with appropriate State agencies, shall conduct a study of the Rio Grande that—

(1) shall cover the distance from Caballo Lake to Sunland Park, New Mexico; and

(2) may cover a greater distance.

(b) CONTENTS.—The study under subsection (a) shall include—

(1) a survey of the current habitat conditions of the river and its riparian environment;

(2) identification of the changes in vegetation and habitat over the past 400 years and the affect of the changes on the river and riparian area; and

(3) an assessment of the feasibility, benefits, and problems associated with activities to prevent further habitat loss and to restore habitat through reintroduction or establishment of appropriate native plant species.

(c) TRANSMITTAL.—Not later than 3 years after the date on which funds are made available to carry out this Act, the Secretary of the Interior shall transmit the study under subsection (a) to the Committee on Energy and Natural Resources of the Senate and to the Committee on Resources of the House of Representatives.

SEC. 2706. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out sections 1, 2, 3, 4, and 5 a total of $7,500,000 for the 10 fiscal years beginning after the date of enactment of this Act.

TITLE XXVIII—COLUMBIA BASIN

SEC. 2801. LAND EXCHANGE.

The Secretary of the Interior (hereinafter referred to as the ''Secretary'') is authorized to convey to the Boise Cascade Corporation (hereinafter referred to as the ''Corporation''), a corporation formed under the statutes of the State of Delaware, with its principal place of business at Boise, Idaho, title to approximately seven acres of land, more or less, located in sections 14 and 23, township 36 north, range 37 east, Willamette Meridian, Stevens County, Washington, further identified in the records of the Bureau of Reclamation, Department of the Interior, as Tract No. GC–19860, and to accept from the Corporation in exchange therefor, title to approximately one hundred and thirty-six acres of land located in section 19, township 37 north, range 38 east and section 33, township 38 north, range 37 east, Willamette Meridian, Stevens County, Washington, and further identified in the records of the Bureau of Reclamation, Department of the Interior, as Tract No. GC–19858 and Tract No. GC–19859, respectively.

SEC. 2802. APPRAISAL.

The properties so exchanged either shall be approximately equal in fair market value or if they are not approximately equal, shall be equalized by the payment of cash to the Corporation or to the Secretary as required or in the event the value of the Corporation's lands is greater, the acreage may be reduced so that the fair market value is approximately equal: *Provided,* that the Secretary shall order appraisals made of the fair market value of each tract of land included in the exchange without consideration for improvements thereon: *Provided further,* that any cash payment received by the Secretary shall be covered in the Reclamation Fund and credited to the Columbia Basin project.

SEC. 2803. ADMINISTRATIVE COSTS.

Costs of conducting the necessary land surveys, preparing the legal descriptions of the lands to be conveyed, performing the appraisals, and administrative costs incurred in completing the exchange shall be borne by the Corporation.

SEC. 2804. LIABILITY FOR HAZARDOUS SUBSTANCES.

(a) The Secretary shall not acquire any lands under this Title if the Secretary determines that such lands, or any portion thereof, have become contaminated with hazardous substances (as defined in the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601)).

(b) Notwithstanding any other provision of law, the United States shall have no responsibility or liability with respect to any hazardous wastes or other substances placed on any of the lands covered by this Title after their transfer to the ownership of any party, but nothing in this Act shall be construed as either diminishing or increasing any responsibility or liability of the United States based on the condition of such lands on the date of their transfer to the ownership of another party. The Corporation shall indemnify the United States for liabilities arising under the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601), and the Resource Conservation Recovery Act (42 U.S.C. 6901 et seq.).

SEC. 2805. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Title.

TITLE XXIX—GRAND LAKE CEMETERY

SECTION 2901. MAINTENANCE OF CEMETERY IN ROCKY MOUNTAIN NATIONAL PARK.

(a) AGREEMENT.—Notwithstanding any other law, not later than 6 months after the date of enactment of this Act, the Secretary of the Interior shall enter into an appropriate form of agreement with the town of Grand Lake, Colorado, authorizing the town to maintain permanently, under appropriate terms and conditions, a cemetery within the boundaries of the Rocky Mountain National Park.

(b) CEMETERY BOUNDARIES.—The cemetery shall be comprised of approximately 5 acres of land, as generally depicted on the map entitled ''Grand Lake Cemetery'' and dated February 1995.

(c) AVAILABILITY FOR PUBLIC INSPECTION.—The Secretary of the Interior shall place the map described in subsection (b) on the file, and make the map available for public inspection, in the headquarters office of the Rocky Mountain National Park.

(d) LIMITATION.—The cemetery shall not be extended beyond the boundaries of the cemetery shown on the map described in subsection (b).

TITLE XXX—OLD SPANISH TRAIL

SEC. 3001. DESIGNATION

Section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) is amended by adding at the end the following new paragraph:

''(36) The Old Spanish Trail, beginning in Santa Fe, New Mexico, proceeding through Colorado and Utah, and ending in Los Angeles, California, and the Northern Branch of the Old Spanish Trail, beginning near Espanola, New Mexico, proceeding through Colorado, and ending near Crescent Junction, Utah.''

TITLE XXXI—BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR

SEC. 3101. BOUNDARY CHANGES.

Section 2 of the Act entitled ''An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island'', approved November 10, 1986 (Public Law 99–647; 16 U.S.C. 461 note), is amended by striking the first sentence and inserting the following new sentence: ''The boundaries shall include the lands and water generally depicted on the map entitled Blackstone River Valley National Heritage Corridor Boundary Map, numbered BRV–80–80,011, and dated May 2, 1993.''.

SEC. 3102. TERMS.

Section 3(c) of the Act entitled ''An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island'', approved November 10, 1986 (Public Law 99–647; 16 U.S.C. 461 note), is amended by inserting immediately before the period at the end the following: '', but may continue to serve after the expiration of this term until a successor has been appointed''.

SEC. 3103. REVISION OF PLAN.

Section 6 of the Act entitled ''An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island'', approved November 10, 1986 (Public Law 99–647; 16 U.S.C. 461 note), is amended by adding at the end the following new subsection:

''(d) REVISION OF PLAN.—(1) Not later than 1 year after the date of enactment of this subsection, the Commission, with the approval of the Secretary, shall revise the Cultural Heritage and Land Management Plan. The revision shall address the boundary change and shall include a natural resource inventory of areas or features that should be protected, restored, managed, or acquired because of their contribution to the understanding of national cultural landscape values.

''(2) No changes other than minor revisions may be made in the approved plan as amended without the approval of the Secretary. The Secretary shall approve or disapprove any proposed change in the plan, except minor revisions, in accordance with subsection (b).''.

SEC. 3104. EXTENSION OF COMMISSION

Section 7 of the Act entitled ''An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island'', approved November 10, 1986 (Public Law 99–647; 16 U.S.C. 461 note), is amended to read as follows:

''TERMINATION OF COMMISSION

''SEC. 7 (a). TERMINATION.—Except as provided in subsection (b), the Commission shall terminate on the date that is 10 years after the date of enactment of the Blackstone River Valley National Heritage Corridor Amendments Act of 1995.

''(b) EXTENSION.—The Commission may be extended for an additional term of 10 years if—

''(1) not later than 180 days before the termination of the Commission, the Commission determines that an extension is necessary to carry out this Title;

''(2) the Commission submits a proposed extension to the appropriate committees of the Senate and the House of Representatives; and

''(3) the Secretary, the Governor of Massachusetts, and the Governor of Rhode Island each approve the extension.

''(c) DETERMINATION OF APPROVAL.—The Secretary shall approve the extension if the Secretary finds that—

''(1) the Governor of Massachusetts and the Governor of Rhode Island provide adequate assurances of continued tangible contribution and effective policy support toward achieving the purposes of this Title; and

''(2) the Commission is effectively assisting Federal, State, and local authorities to retain, enhance, and interpret the distinctive

character and nationally significant resources of the Corridor.''.

SEC. 3105. IMPLEMENTATION OF THE PLAN.

Subsection (c) of section 8 of the Act entitled ''An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island', approved November 10, 1986 (Public Law 99–647; 16 U.S.C. 461 note), is amended to read as follows:

''(c) IMPLEMENTATION.—To assist in the implementation of the Cultural Heritage and Land Management Plan in a manner consistent with purposes of this Title, the Secretary is authorized to undertake a limited program of financial assistance for the purpose of providing funds for the preservation and restoration of structures on or eligible for inclusion on the National Register of Historic Places within the Corridor which exhibit national significance or provide a wide spectrum of historic, recreational, or environmental education opportunities to the general public.

''(2) To be eligible for funds under this section, the Commission shall submit an application to the Secretary that includes—

''(A) a 10-year development plan includes those resource protection needs and projects critical to maintaining or interpreting the distinctive character of the Corridor; and

''(B) specific description of annual work programs that have been assembled, the participating parties, roles, cost estimates, cost-sharing, or cooperative agreements necessary to carry out the development plan.

''(3) Funds made available pursuant to this subsection shall not exceed 50 percent of the total cost of the work programs.

''(4) In making the funds available, the Secretary shall give priority to projects that attract greater non-Federal funding sources.

''(5) Any payment made for the purposes of conservation or restoration of real property or structures shall be subject to an agreement either—

''(A) to convey a conservation or preservation easement to the Department of Environmental Management or to the Historic Preservation Commission, as appropriate, of the State in which the real property or structure is located; or

''(B) that conversion, use, or disposal of the resources so assisted for purposes contrary to the purposes of this Title, as determined by the Secretary, shall result in a right of the United States for reimbursement of all funds expended upon such resources or the proportion of the increased value of the resources attributable to such funds as determined at the time of such conversion, use, or disposal, whichever is greater.

''(6) The authority to determine that a conversion, use, or disposal of resources has been carried out contrary to the purposes of this Title in violation of an agreement entered into under paragraph (5) (A) shall be solely at the discretion of the Secretary.''.

SEC. 3106. LOCAL AUTHORITY.

Section 5 of the Act entitled ''An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island'', approved November 10, 1986 (Public Law 99–647; 16 U.S.C. 461 note), is amended by adding at the end of the following new subsection:

''(j) LOCAL AUTHORITY AND PRIVATE PROPERTY NOT AFFECTED.—Nothing in this Title shall be construed to affect or to authorize the Commission to interfere with—

''(1) the rights of any person with respect to private property; or

''(2) any local zoning ordinance or land use plan of the Commonwealth of Massachusetts or a political subdivision of such Commonwealth.''.

SEC. 3107. AUTHORIZATION OF APPROPRIATIONS.

Section 10 of the Act entitled ''An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island'', approved November 10, 1986 (Public Law 99–647); 16 U.S.C. 461 note), as amended, is further amended—

(1) in subsection (a), by striking ''$350,000'' and inserting ''$650,000''; and

(2) by amending subsection (b) to read as follows:

''(b) DEVELOPMENT FUNDS.—For fiscal years 1996, 1997, and 1998, there is authorized to be appropriated to carry out section 8(c), $5,000,000 in the aggregate.''.

TITLE XXXII—CUPRUM, IDAHO RELIEF

SECTION 3201. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds and declares that:

(1) In 1899, the citizens of Cuprum, Idaho, commissioned E.S. Hesse to conduct a survey describing these lands occupied by their community. The purpose of this survey was to provide a basis for the application for a townsite patent.

(2) In 1909, the Cuprum Townsite patent (Number 52817) was granted, based on an aliquot parts description which was intended to circumscribe the Hesse survey.

(3) Since the day of the patent, the Hesse survey has been used continuously by the community of Cuprum and by Adams County, Idaho, as the official townsite plant and basis for conveyance of title within the townsite.

(4) Recent boundary surveys conducted by the United States Department of Agriculture, Forest Service, and the United States Department of the Interior, Bureau of Land Management, discovered inconsistencies between the official aliquot parts description of the patented Cuprum Townsite and the Hesse survey. Many lots along the south and east boundaries of the townsite are now known to extend onto National Forest System lands outside the townsite.

(5) It is the determination of Congress that the original intent of the Cuprum Townsite application was to include all the lands described by the Hesse survey.

(b) PURPOSE.—It is the purpose of this Title to amend the 1909 Cuprum Townsite patent to include those additional lands described by the Hesse survey in addition to other lands necessary to provide an administratively acceptable boundary to the National Forest System.

SEC. 3202. AMENDMENT OF PATENT.

(a) The 1909 Cuprum Townsite patent is hereby amended to include parcels 1 and 2, identified on the plat, marked as ''Township 20 North, Range 3 West, Boise Meridian, Idaho, Section 10: Proposed Patent Adjustment Cuprum Townsite, Idaho'' prepared by Payette N.F.—Land Survey Unit, drawn and approved by Tom Betzold, Forest Land Surveyor, on April 25, 1995. Such additional lands are hereby conveyed to the original patentee, Pitts Ellis, trustee, and Probate Judge of Washington County, Idaho, or any successors or assigns in interest in accordance with State law. The Secretary of Agriculture may correct clerical and typographical errors in such plat.

(b) The Federal Government shall survey the Federal property lines and mark and post the boundaries necessary to implement this section.

SEC. 3203. RELEASE.

Notwithstanding section 120 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 U.S.C. 9620), the United States shall not be liable and shall be held harmless from any and all claims resulting from substances or petroleum products or any other hazardous materials on the conveyed land.

TITLE XXXIII—ARKANSAS AND OKLAHOMA LAND EXCHANGE.

SEC. 3301. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that:

(1) the Weyerhaeuser Company has offered to the United States Government an exchange of lands under which Weyerhaeuser would receive approximately 48,000 acres of Federal land in Arkansas and Oklahoma and all mineral interests and oil and gas interests pertaining to these exchanged lands in which the United States Government has an interest in return for conveying to the United States lands owned by Weyerhaeuser consisting of approximately 180,000 acres of forested wetlands and other forest land of public interest in Arkansas and Oklahoma and all mineral interests and all oil and gas interests pertaining to 48,000 acres of these 180,000 acres of exchanged lands in which Weyerhaeuser has an interest, consisting of:

(A) certain lands in Arkansas (Arkansas Ouachita lands) located near Poteau Mountain, Caney Creek Wilderness, Lake Ouachita, Little Missouri Wild and Scenic River, Flatside Wilderness and the Ouachita National Forest;

(B) certain lands in Oklahoma (Oklahoma lands) located near the McCurtain County Wilderness, the Broken Bow Reservoir, the Glover River, and the Ouachita National Forest; and

(C) certain lands in Arkansas (Arkansas Cossatot lands) located on the Little and Cossatot Rivers and identified as the ''Pond Creek Bottoms'' in the Lower Mississippi River Delta section of the North American Waterfowl Management Plan;

(2) acquisition of the Arkansas Cossatot lands by the United States will remove the lands in the heart of a critical wetland ecosystem from sustained timber production and other development;

(3) the acquisition of the Arkansas Ouachita lands and the Oklahoma lands by the United States for administration by the Forest Service will provide an opportunity for enhancement of ecosystem management of the National Forest System lands and resources;

(4) the Arkansas Ouachita lands and the Oklahoma lands have outstanding wildlife habitat and important recreational values and should continue to be made available for activities such as public hunting, fishing, trapping, nature observation, enjoyment, education, and timber management whenever these activities are consistent with applicable Federal laws and land and resource management plans; these lands, especially in the riparian zones, also harbor endangered, threatened and sensitive plants and animals and the conservation and restoration of these areas are important to the recreational and educational public uses and will represent a valuable ecological resource which should be conserved;

(5) the private use of the lands the United States will convey to Weyerhaeuser will not conflict with established management objectives on adjacent Federal lands;

(6) the lands the United States will convey to Weyerhaeuser as part of the exchange described in paragraph (1) do not contain comparable fish, wildlife, or wetland values;

(7) the values of all lands, mineral interests, and oil and gas interests to be exchanged between the United States and Weyerhaeuser are approximately equal in value; and

(8) the exchange of lands, mineral interests, and oil and gas interests between Weyerhaeuser and the United States is in the public interest.

(b) PURPOSE.—The purpose of this Title is to authorize and direct the Secretary of the Interior and the Secretary of Agriculture, subject to the terms of this Title, to complete, as expeditiously as possible, an exchange of lands, mineral interests, and oil and gas interests with Weyerhaeuser that will provide environmental, land management, recreational, and economic benefits to

the States of Arkansas and Oklahoma and to the United States.

SEC. 3302. DEFINITIONS.

As used in this Title:

(a) LAND.—The terms ''land'' or ''lands'' mean the surface estate and any other interests therein except for mineral interests and oil and gas interests.

(b) MINERAL INTERESTS.—The term ''mineral interests'' means goethermal steam and heat and all metals, ores, and minerals of any nature whatsoever, except oil and gas interests, in or upon lands subject to this Title including, but not limited to, coal, lignite, peat, rock, sand, gravel, and quartz.

(c) OIL AND GAS INTERESTS.—The term ''oil and gas interests'' means all oil and gas of any nature, including carbon dioxide, helium, and gas taken from coal seams (collectively ''oil and gas'').

(d) SECRETARIES.—The term ''Secretaries'' means the Secretary of the Interior and the Secretary of Agriculture.

(e) WEYERHAEUSER.—The term ''Weyerhaeuser'' means Weyerhaeuser Company, a company incorporated in the State of Washington.

SEC. 3303. EXCHANGE.

(a) EXCHANGE OF LANDS AND MINERAL INTERESTS.—

(1) IN GENERAL.—Subject to paragraph (a)(2) and notwithstanding any other provision of law, within 90 days after the date of the enactment of this Title, the Secretary of Agriculture shall convey to Weyerhaeuser, subject to any valid existing rights, approximately 20,000 acres of Federal lands and mineral interests in the State of Arkansas and approximately 28,000 acres of Federal lands and mineral interests in the State of Oklahoma as depicted on maps entitled ''Arkansas-Oklahoma Land Exchange—Federal Arkansas and Oklahoma Lands,'' dated February 1996 and available for public inspection in appropriate offices of the Secretaries.

(2) OFFER AND ACCEPTANCE OF LANDS.—The Secretary of Agriculture shall make the conveyance to Weyerhaeuser if Weyerhaeuser conveys deeds of title to the United States, subject to limitations and the reservation described in subsection (b) and which are acceptable to and approved by the Secretary of Agriculture to the following:

(A) approximately 120,000 acres of lands and mineral interests owned by Weyerhaeuser in the State of Oklahoma, as depicted on a map entitled ''Arkansas-Oklahoma Land Exchange—Weyerhaeuser Oklahoma Lands,'' dated February 1996 and available for public inspection in appropriate offices of the Secretaries;

(B) approximately 35,000 acres of lands and mineral interests owned by Weyerhaeuser in the State of Arkansas, as depicted on a map entitled ''Arkansas-Oklahoma Land Exchange—Weyerhaeuser Arkansas Ouachita Lands,'' dated February 1996 and available for public inspection in appropriate offices of the Secretaries; and

(C) approximately 25,000 acres of lands and mineral interests owned by Weyerhaeuser in the State of Arkansas, as depicted on a map entitled ''Arkansas-Oklahoma Land Exchange—Weyerhaeuser Arkansas Cossatot Lands,'' dated February 1996 and available for public inspection in appropriate offices of the Secretaries;

(b) EXCHANGE OF OIL AND GAS INTERESTS.—

(1) IN GENERAL.—Subject to paragraph (b)(2) and notwithstanding any other provision of law, at the same time as the exchange for land and mineral interests is carried out pursuant to this section, the Secretary of Agriculture shall exchange all Federal oil and gas interests, including existing leases and other agreements, in the lands described in paragraph (a)(1) for equivalent oil and gas interests, including existing leases and other agreements, owned by Weyerhaeuser in the lands described in paragraph (a)(2).

(2) RESERVATION.—In addition to the exchange of oil and gas interests pursuant to paragraph (b)(1), Weyerhaeuser shall reserve oil and gas interests in and under the lands depicted for reservation upon a map entitled ''Arkansas-Oklahoma Land Exchange—Weyerhaeuser Oil and Gas Interest Reservation Lands,'' dated February 1996 and available for public inspection in appropriate offices of the Secretaries. Such reservation shall be subject to the provisions of this Title and a Memorandum of Understanding jointly agreed to by the Forest Service and Weyerhaeuser. Such Memorandum of Understanding shall be completed no later than 60 days after date of enactment of this Title and shall be transmitted to the Committee on Energy and Natural Resource of the United States Senate and the Committee on Resources of the United States House of Representatives. The Memorandum of Understanding shall not become effective until 30 days after it is received by the Committee.

(c) GENERAL PROVISIONS.—

(1) MAPS CONTROLLING.—The acreage cited in this Title is approximate. In the case of a discrepancy between the description of lands, mineral interests, or oil and gas interests to be exchanged pursuant to subsection (a) and the lands, mineral interests, or oil and gas interests as depicted on a map referred to in such subsection, the map shall control. Subject to the notification required by paragraph (3), the maps referenced in this Title shall be subject to such minor corrections as may be agreed upon by the Secretaries and Weyerhaeuser.

(2) FINAL MAPS.—Not later than 180 days after the conclusion of the exchange required by subsections (a) and (b), the Secretaries shall transmit maps accurately depicting the lands and mineral interests conveyed and transferred pursuant to this Title and the acreage and boundary descriptions of such lands and mineral interests to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(3) CANCELLATION.—If, before the exchange has been carried out pursuant to subsections (a) and (b), Weyerhaeuser provides written notification to the Secretaries that Weyerhaeuser no longer intends to complete the exchange, with respect to the lands, mineral interests, and oil and gas interests that would otherwise be subject to the exchange, the status of such lands, mineral interests, and oil and gas interests shall revert to the status of such lands, mineral interests, and oil and gas interests as of the day before the date of enactment of this Title and shall be managed in accordance with applicable law and management plans.

(4) WITHDRAWAL.—Subject to valid existing rights, the lands and interests therein depicted for conveyance to Weyerhaeuser on the maps referenced in subsections (a) and (b) are withdrawn from all forms of entry and appropriation under the public land laws (including the mining laws) and from the operation of mineral leasing and geothermal steam leasing laws effective upon the date of the enactment of this Title. Such withdrawal shall terminate 45 days after completion of the exchange provided for in subsections (a) and (b) or on the date of notification by Weyerhaeuser of a decision not to complete the exchange.

SEC. 3304. DESIGNATION AND USE OF LANDS ACQUIRED BY THE UNITED STATES.

(a) NATIONAL FOREST SYSTEM.—

(1) ADDITION TO THE SYSTEM.—Upon approval and acceptance of title by the Secretary of Agriculture, the 155,000 acres of land conveyed to the United States pursuant to Section 3303(a)(2)(A) and (B) of this Act shall be subject to the Act of March 1, 1911 (commonly known as the ''Weeks Law'') (36 Stat. 961, as amended), and shall be administered by the Secretary of Agriculture in accordance with the laws and regulations pertaining to the National Forest system.

(2) PLAN AMENDMENTS.—No later than 12 months after the completion of the exchange required by this Title, the Secretary of Agriculture shall begin the process to amend applicable land and resource management plans with public involvement pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976 (16 U.S.C. 1604).

(b) OTHER.—

(1) ADDITION TO THE NATIONAL WILDLIFE REFUGE SYSTEM.—Once acquired by the United States, the 25,000 acres of land identified in section 3303(a)(2)(C), the Arkansas Cossatot lands, shall be managed by the Secretary of the Interior as a component of the Cossatot National Wildlife Refuge in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee).

(2) PLAN PREPARATION.—Within 24 months after the completion of the exchange required by this Title, the Secretary of the Interior shall prepare and implement a single refuge management plan for the Cossatot National Wildlife Refuge, as expanded by this Title. Such plans shall recognize the important public purposes served by the nonconsumptive activities, other recreational activities, and wildlife-related public use, including hunting, fishing, and trapping. The plan shall permit, to the maximum extent practicable, compatible uses to the extent that they are consistent with sound wildlife management and in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee) and other applicable laws. Any regulations promulgated by the Secretary of the Interior with respect to hunting, fishing, and trapping on those lands shall, to the extent practicable, be consistent with State fish and wildlife laws and regulations. In preparing the management plan and regulations, the Secretary of the Interior shall consult with the Arkansas Game and Fish Commission.

(3) INTERIM USE OF LANDS.—

(A) IN GENERAL.—Except as provided in paragraph (2), during the period beginning on the date of the completion of the exchange of lands required by this Title and ending on the first date of the implementation of the plan prepared under paragraph (2), the Secretary of the Interior shall administer all lands added to the Cossatot National Wildlife Refuge pursuant to this Title in accordane with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee) and other applicable laws.

(B) HUNTING SEASONS.—During the period described in subparagraph (A), the duration of any hunting season on the lands described in subsection (1) shall comport with the applicable State law.

SEC. 3305. OUACHITA NATIONAL FOREST BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—Upon acceptance of title by the Secretary of Agriculture of the lands conveyed to the United States pursuant to Section 3303(a)(2)(A) and (B), the boundaries of the Ouachita National Forest shall be adjusted to encompass those lands conveyed to the United States generally depicted on the appropriate maps referred to in section 3303(a). Nothing in this section shall limit the authority of the Secretary of Agriculture to adjust the boundary pursuant to section 11 of the Weeks Law of March 1, 1911. For the purposes of section 7 of the Land and Water

Conservation Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries of the Ouachita National Forest, as adjusted by this Title, shall be considered to be the boundaries of the Forest as of January 1, 1965.

(b) MAPS AND BOUNDARY DESCRIPTIONS.—Not later than 180 days after the date of enactment of this Title, the Secretary of Agriculture shall prepare a boundary description of the lands depicted on the map(s) referred to in section 3303(a)(2)(A) and (B). Such map(s) and boundary description shall have the same force and effect as if included in this Title, except that the Secretary of Agriculture may correct clerical and typographical errors.

ADDITIONAL COSPONSORS

S. 3

At the request of Mr. FAIRCLOTH, his name was added as a cosponsor of S. 3, a bill to control crime, and for other purposes.

S. 968

At the request of Mr. MCCONNELL, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 968, a bill to require the Secretary of the Interior to prohibit the import, export, sale, purchase, and possession of bear viscera or products that contain or claim to contain bear viscera, and for other purposes.

S. 1217

At the request of Mr. COATS, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 1217, a bill to encourage the provision of medical services in medically undeserved communities by extending Federal liability coverage to medical volunteers, and for other purposes.

S. 1245

At the request of Mr. ASHCROFT, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 1245, a bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to identify violent and hard-core juvenile offenders and treat them as adults, and for other purposes.

S. 1271

At the request of Mr. CRAIG, the name of the Senator from Minnesota [Mr. GRAMS] was added as a cosponsor of S. 1271, a bill to amend the Nuclear Waste Policy Act of 1982.

S. 1344

At the request of Mr. HEFLIN, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 1344, a bill to repeal the requirement relating to specific statutory authorization for increases in judicial salaries, to provide for automatic annual increases for judicial salaries, and for other purposes.

S. 1419

At the request of Mrs. KASSEBAUM, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 1419, a bill to impose sanctions against Nigeria.

S. 1470

At the request of Mr. MCCAIN, the name of the Senator from Minnesota [Mr. GRAMS] was added as a cosponsor of S. 1470, a bill to amend title II of the Social Security Act to provide for increases in the amounts of allowable earnings under the Social Security earnings limit for individuals who have attained retirement age, and for other purposes.

S. 1506

At the request of Mr. LEVIN, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 1506, a bill to provide for a reduction in regulatory costs by maintaining Federal average fuel economy standards applicable to automobiles in effect at current levels until changed by law, and for other purposes.

S. 1623

At the request of Mr. WARNER, the names of the Senator from New Mexico [Mr. BINGAMAN] and the Senator from Pennsylvania [Mr. SANTORUM] were added as cosponsors of S. 1623, a bill to establish a National Tourism Board and a National Tourism Organization, and for other purposes.

S. 1624

At the request of Mr. HATCH, the names of the Senator from New York [Mr. MOYNIHAN], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Florida [Mr. GRAHAM], and the Senator from Oregon [Mr. HATFIELD] were added as cosponsors of S. 1624, a bill to reauthorize the Hate Crime Statistics Act, and for other purposes.

S. 1628

At the request of Mr. BROWN, the names of the Senator from Arizona [Mr. KYL] and the Senator from Oklahoma [Mr. INHOFE] were added as cosponsors of S. 1628, a bill to amend title 17, United States Code, relating to the copyright interests of certain musical performances, and for other purposes.

SENATE CONCURRENT RESOLUTION 42

At the request of Mrs. KASSEBAUM, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of Senate Concurrent Resolution 42, a concurrent resolution concerning the emancipation of the Iranian Baha'i community.

SENATE RESOLUTION 217

At the request of Mrs. KASSEBAUM, the names of the Senator from Maine [Mr. COHEN], the Senator from Ohio [Mr. GLENN], the Senator from Alabama [Mr. HEFLIN], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Maryland [Ms. MIKULSKI], the Senator from Delaware [Mr. ROTH], the Senator from Wisconsin [Mr. FEINGOLD], and the Senator from Montana [Mr. BAUCUS] were added as cosponsors of Senate Resolution 217, a resolution to designate the first Friday in May 1996, as ''American Foreign Service Day'' in recognition of the men and women who have served or are presently serving in the American Foreign Service, and to honor those in the American Foreign Service who have given their lives in the line of duty.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that the hearing scheduled before the full Committee on Energy and Natural Resources, Wednesday, March 27, 1996, will receive testimony regarding S. 186, the Emergency Petroleum Supply Act, in addition to the legislation previously announced.

The hearing will begin at 9:30 a.m., and will take place in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

For further information, please call Karen Hunsicker or Betty Nevitt at (202) 224–0765.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR–301, Russell Senate Office Building on Wednesday, March 27, 1996, at 9:30 a.m., to hold a hearing on campaign finance reform.

For further information concerning this hearing, please contract Bruce Kasold of the committee staff on 224–3448.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that the oversight hearing scheduled before the full Committee on Energy and Natural Resources regarding competitive change in the electric power industry for Thursday, March 28 at 9:30 a.m. will be held in room SH–216, instead of room SR–325, as previously scheduled.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. LOTT. Mr. President, I ask Unanimous Consent on behalf of the Governmental Affairs Committee to meet on Monday, March 25, at 2:30 p.m. for a nomination hearing on Robert E. Morin, to be associate judge, Superior Court for the District of Columbia.

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

SUBCOMMITTEE ON SOCIAL AND SECURITY AND FAMILY POLICY

Mr. LOTT. Mr. President, the Finance Committee requests unanimous consent for the Subcommittee on Social Security and Family Policy to hold a hearing on the Social Security Advisory Council report on Monday, March 25, 1996, beginning at 10 a.m. in room SD–215.

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

ADDITIONAL STATEMENTS

THE SMALL BUSINESS REGULATORY ENFORCEMENT FAIRNESS ACT

● Mr. BENNETT. Mr. President, I am pleased to join the efforts of my colleagues on the Senate Small Business Committee to advance regulatory reform. As the CEO of a small business during the eighties, I witnessed first hand how a business, when left unencumbered by intrusive government regulations, can push the envelope of innovation, maximize on ingenuity, and create jobs. When I left Franklin Quest before running for the Senate, our firm, which did not even exist 10 years ago, provided over 700 people with jobs.

Unfortunately, as the decade progressed and the Congress accelerated its approval of unfunded mandates to State and local governments and businesses, the regulatory machine burgeoned while the job creation engine slowed. Americans now are suffering the unintended consequences of the Federal Government's good intentions. Over-regulating causes prices to go up and wages to go down. It is responsible for increased unemployment and a drain on our international competitiveness. And because regulation increases uncertainty, it impairs innovation.

For these reasons, I am excited to help enact laws which will help our country's businesses, particularly our small businesses, function with less government intrusion. Although I would like to go much further in limiting excess regulation of business, this bill is a step in the right direction, and I look forward to seeing President Clinton support it.

In a report to Congress issued in October 1995, the Small Business Administration noted that small businesses bear a disproportionate share of the regulatory burden. It was estimated that small businesses pay 63 percent of the total private-sector bill for complying with Federal regulations, while employing 53 percent of the work force. Dr. Thomas Hopkins, a leading researcher in the field of regulatory costs, estimated that small businesses pay 80-percent more per employee in regulatory paperwork costs than do larger companies. Meanwhile, small business is acknowledged to be the creator of most new jobs in this country. For these reasons, it is imperative that we listen and respond to the concerns of small business.

This bill, the Small Business Regulatory Enforcement Fairness Act of 1996, S. 942, was developed using recommendations from the small business community. During the 1995 White House Conference on Small Business, representatives from small business came together and prioritized the top ways the Federal Government could help them be more successful. Several of the top priorities named during that conference are included in this bill.

The Small Business Regulatory Enforcement Fairness Act of 1996 permits small businesses to take Federal agencies to court if the agencies do not comply with a reg flex analysis, a requirement under the Regulatory Flexibility Act of 1980 that requires agencies to review the impact of new regulations on small businesses. S. 942 also requires Federal agencies to simplify forms and publish a plain English guide to help small businesses comply with regulations. Additionally, agencies are directed to waive certain fines for first-time, nonserious violations by small businesses if the violations were corrected within a certain time period. The bill also allows small firms to recoup attorneys' fees if they win a challenge against excessive enforcement of existing regulations. Finally, the bill provides a 45-day congressional review mechanism for Congress to reject new rules with expedited procedures, subject to constitutional presentment to the President.

I appreciate the efforts of Senators BOND, BUMPERS, DOMENICI, and NICKLES to pass this legislation which offers at least some degree of relief to the American worker. As one leader in the small business community put it, ''if Government continues to load regulations on our backs, all it will get in return are broken backs.'' I am happy to be a cosponsor and supporter of this effort to get Government off small businesses' backs, and help them get back to work.●

HEROES IN A FLORIDA TRAGEDY

● Mr. HOLLINGS. Mr. President, I rise today to remember a South Carolina family and the heroes who struggled to rescue them. On one side, we have a tragedy that boggles the mind. On the other, there are dozens of quiet heroes whose courage is a blessing and reminder of what makes our people strong.

On March 17, a small plane crashed off Key West, FL. Five people—the pilot and four members of the Blackburn family—died. A son, 10-year-old Matthew Blackburn, miraculously survived. Our prayers are with both families. We mourn their deaths and pray for a speedy recovery for young Matthew.

At the same time, we should all feel a deep sense of gratitude for Americans who risk their lives everyday for others. In this tragedy, trained rescue workers, lifeguards, police officers, and paramedics put their lives in danger to save the pilot and family. Even more noteworthy are other volunteers, such as a boat captain and diver, who went out of their way to help as much as possible.

Mr. President, I ask to have printed in the RECORD the March 24 article from the Miami Herald to pay tribute to these heroes and to leave a lasting memorial to those who perished.

The article follows:

[From the Miami Herald, Mar. 24, 1996]

HEROES IN THE MOMENT

(By Susana Bellido and Ozzie Osborne)

KEY WEST.—In one sickening moment, a seaplane bound for the Dry Tortugas crashed into five feet of water off key West's busiest road last Sunday, trapping a family of five and the pilot under water.

In the seconds and minutes that followed: One by one, tourists and Key West resident, police officers and paramedics, students and workers jumped into the water.

Despite the horrid scene, the sting of fuel in the eyes, the despair of seeing children die in their hands, they did what they could.

In an unsynchronized maneuver, they cleared the way for each other, they yielded to the most experienced, they fetched equipment, they formed a human chain to get the victims to shore, they did what had to be done.

The did all the could.

When it was all over, five people were dead: Lynn and Pamela Blackburn, a couple from Charleston, S.C, who had arrived in Key West the night before on vacation; their 6-year-old son Jonathan and 3-year-old daughter Martha; and the pilot, Keith Bellow of Gretna, La., father of three.

The only survivor was Matthew Blackburn, a 10-year-old who defied the odds and is recovering from broken bones and other injuries.

With him are the hopes of the everyday people who reacted to an extraordinary situation with selfless courage.

With him is their sympathy, for he was the only one they could save.

They are the heroes. Here are some of their stories.

ANDY MATROCI—BOAT CAPTAIN WAS ONE OF THE FIRST IN MURKY WATER.

Andy Matroci heard it hit. Something big, in the water.

A boat captain and diver who searches for Spanish galleons, Matroci had been riding his bike along North Roosevelt Boulevard. He looked back. The wreckage was just 60 feet away.

Instantly, it seemed, people were wading toward the wreckage. He took off his shoes and joined them.

The water was still murky from the crash. He put his hand into the plane and felt Pamela Blackburn's leg. He couldn't reach her seat belt. He yelled to a guy on the other side to try to get her out.

''I got one here,'' another man yelled. He asked for a knife to cut loose a child.

Somebody brought a mask out. Somebody asked for a pair of shears. Someone was walking from shore with a pair. Matroci fetched them.

He carried one of the children to shore. He thought of administering CPR, but water poured the child's mouth. He handed the wilted body up the sea wall.

We're not working fast enough, he thought. The seat belts were slowing them down.

After the last body was out, he retreated, climbed on his bike and headed home.

''I keep thinking about that kid, Matthew, what he's got to go through.

RUSTY WAYNE—DIVE MASTER USED KNIFE TO FREE VICTIMS

Rusty Wayne, a dive master with Holiday Cat, left a boatload of tourists and zipped to the crash on a water bike.

''You could see them inside, and they weren't moving.'' They were belted in. He got his diving knife to cut them free.

He helped free Pamela Blackburn and one of the children. When two paramedics arrived, he went back to shore for diving equipment.

Returning, he saw about 15 people helping. A human chain had formed; strangers were

passing victims to shore and rescue gear to the plane.

''I was a little afraid it was going to get congested, but I could even hear people onshore calling, 'Clear the way!' Everybody did a small part, and it all worked out.''

SHANE CHAPMAN—LIFEGUARD YELLED: I GOT ONE! I GOT ONE!

Shane Chapman, a lifeguard from Anaheim Hills, Calif., was poolside across the street at the Comfort Inn. He dashed across the street and into the water.

''I swam underwater to see if I could find anyone . . . I felt what I thought was a handbag. I went back up for air and suddenly realized: It was a boy.

''I yelled that I need a knife. Some guy handed me one.

''I went back down, cut the seat belt and hollered: 'I got one! I got one!' Steve Hubler helped me drag him ashore, and we realized he was alive when we turned him on his side and saw he was breathing.

''I rushed back to the plane and swam back in the hole. This time the water had settled and was cleared. I saw this boy with yellow hair and a T-shirt, undid his seat belt and pulled him up and someone helped us ashore.''

STEVE HUBLER—EX-FIREFIGHTER HAS NIGHTMARES ABOUT PILOT

Steve Hubler, a former volunteer firefighter from New Jersey, was by the pool of the Econo Lodge. He ran over with his scuba gear.

He helped carry the three children to shore. Matthew, the survivor, showed no signs of life at first. His arm was shattered into the shape of an S.

''The part I'll never forget was the pilot, the last one. We had a hell of a time getting him out. It was so dingy and dark in there. He was trapped in there good. His face was so frightening. I knew he was dead.''

Hubler shivers when he remembers the rescues. He has nightmares about it.

''It's going to stick with me for the rest of my life. I wish to God we could have saved six lives, but at least we saved the boy's life. If I know that Matthew has a chance to live, I'm happy.''

KRISTY KREIDLER—LIFEGUARD ON BREAK STRUGGLED TO FREE MOM

Kristy Kreidler, a spring breaker from Ohio State University and a lifeguard, was having lunch across the street at Denny's. She dashed across North Roosevelt Boulevard and jumped in.

As precious seconds ticked away, she struggled to free those trapped within.

''We got the door open, pulled on this woman's leg. Then we found her seat belt, unbuckled it and pulled her out.''

MICHAEL KURANT—DISAPPOINTED THAT WE COULDN'T SAVE ANYONE ELSE

Michael Kurant, a hardware delivery driver and volunteer Monroe County firefighter, was on his way out of town. He pulled his Jeep up on the sea wall. Half a dozen people were around the plane.

''The first thing I thought was everybody was dead,'' he said. ''I didn't expect to get anybody out of the plane alive.''

He helped pull Pamela Blackburn out. She took a breath that surprised them all. They found her pulse. They held her head out of the water. They put her on a backboard lifted her up the seawall and gave her first aid.

When it was all over, he was disappointed and angry.

''I was madder than hell. We had done so much, and it didn't do any good. With everything the people in the street did, and the police and fire and paramedics * * * we couldn't save anyone else.''

AL RODRIGUEZ—OFFICER MADE CALL: COME FAST, LIGHTS AND SIRENS

Al Rodriguez, first police officer on the scene, pulled up at 12:34 p.m. He keyed his microphone: ''10–18,'' he told his dispatcher, the code for come fast, lights and sirens.

He took off his gun belt and jumped in, shoes and all. Rodriguez held on to a paramedic trying to free the victims.

The children in the accident gave everyone involved an increased sense of urgency, Rodriguez said.

''You think about your own, and you put more effort into saving them.''

GARY ARMSTRONG, DAVID LARIZ, ED STRESS—GAVE MOUTH-TO-MOUTH TO ONE CHILD, THEN ANOTHER

Key West Police Lt. Gary Armstrong pulled up. The crowd was growing. He yelled for everybody to get back. They did, making room for the victims.

Paramedics were busy trying to revive Jonathan and Martha at the sea wall or pulling bodies out of the wreckage. With the help of Deputy Chief David Lariz and officer Ed Stress, Armstrong gave mouth-to-mouth resuscitation to one child and then the other.

''Everybody was working at top speed,'' Armstrong said. ''It was chaotic, but everybody jumped in and worked and worked and worked and worked. It just seemed like everybody clicked in and set aside very difficult feelings. It was impressive.''

KUNKO CELCER—MEDICAL TECH FOUGHT TO GET AIR TO BOY

Kunko Celcer, emergency medical technician, was working at her second job at a car rental company when she heard the commotion.

She hurried over to help her fellow paramedics. The first thing she noticed was that someone was trying to put a mask on Matthew. She helped work on him.

''He was looking at me,'' she said. ''He was trying to breathe on his own.''

On the way to the hospital, the boy fought back efforts to insert a tube in his airway.

''I've got to get this kid some air,'' she kept thinking. ''It was scary, but you don't really think of that until it's over.''

ALVAH RAYMOND SR.—THIS WAS THE WORST THING I'D EVER SEEN

Alvah Raymond Sr., a member of the Coast Guard, was riding with an ambulance as part of his training for emergency medical technician. Eight other classmates at Florida Keys Community College participated in the rescue.

Raymond helped perform first aid on Matthew. As a volunteer firefighter, Raymond had seen plenty of tragedies, but nothing quite like this. ''This was the worst thing I'd ever seen.''

PAUL SCOTT, CARL CLEARY—PARAMEDICS HELP GASPING BOY

Pamela and Matthew Blackburn were out of the water when Paul Scott, an Atlantic Key West Ambulance paramedic, arrived. While his partner, Carl Cleary, got equipment ready, he handed his radio to a bystander and jumped in the water.

Scott helped with Jonathan. Another paramedic worked on Martha.

At the ambulance, Matthew was gasping. Cleary gave him oxygen and tried to clear his airway. Scott tried to keep Jonathan alive.

''You don't really think about other things but whatever you're doing. You want to do so much,'' Cleary said.

''There wasn't a whole lot of time to be thinking,'' Scott said. ''It was all on autopilot.''

PABLO RODRIGUEZ—PARAMEDIC COULDN'T SEE FOR ''BLOOD, SILT, GASOLINE''

Pablo Rodriguez, another paramedic and the crew's supervisor for the day, grabbed his fins, mask and snorkel and jumped in the water. He found a small cramped opening in the plane's fuselage and started to pull people out.

He took Jonathan to the sea wall, swam back to help untangle others.

''You couldn't really see because there was blood and silt and gasoline.''

In all, he helped to free four, including the pilot who was strapped in.

''It was one of the saddest things I've ever experienced. The only thing that I can gain is the importance of teamwork and how grateful I am that we have such an experienced crew.

''It truly has devastated everyone, everybody that was involved.''

PAUL HANSEN, JIM KAVANAUGH—PARAMEDICS HOPSCOTCH FROM VICTIM TO VICTIM

Paul Hansen and Jim Kavanaugh, also paramedics, were at the emergency room when they got the call. They got some Coast Guard trainees at the hospital to join them.

''When we got there it was pretty chaotic,'' Kavanaugh said.

Several bodies were out of the plane. Two groups of people were giving first aid to two of the victims. A kid was coming out of the water.

''It was like nothing I'd ever seen before,'' Hansen said. ''There is nothing that prepares you for anything like that. You can read the book till you're blue in the face.''

Kavanaugh made sure every patient was cared for, and then carried backboards out to the plane.

Hansen worked on Martha, then her father, then her mother, then back to the little girl. He took her to the hospital, where everyone was busy, so he stayed and helped out.

Kavanaugh radioed the hospital: three children and a woman on the way, more to come.

He asked firefighters and police officers to drive ambulances so paramedics could tend to patients.

Within 15 minutes of transporting the victims to the hospital, the paramedics had four other emergency calls. It wasn't until that night that they had time to reflect.

Throughout the ordeal, the paramedics said, they kept their thoughts focused on the job.

''If you sit there and start to flip out about it, you're really not going to help anybody,'' Hansen said.

HAROLD GORDON—MAINTENANCE MAN HELPED WITH CPR

Harold Gordon, a Stock Island maintenance man, was taking his wife to bingo when he saw the crowd. He pulled over. Two boys were in the ambulance. A paramedic asked for help with Jonathan.

''Push down on his chest! Harder! Do it again, harder,'' Gordon remembers. ''I said to myself, 'This little kid is too small.' I had a feeling he was dead already.''

He rode to the hospital with the brothers, then went home.

''There was nothing else I could do. I just felt terrible.

''Grown people are bad enough, but little children really hurt.''●

PROPOSALS TO INCREASE THE GRAZING FEE

● Mr. MCCAIN. Mr. President, I would like to address the amendment that was offered by my colleague, Senator BUMPERS, to S. 1549. Senator BUMPERS' amendment would have substituted a two-tiered grazing fee for the new grazing fee formula in the bill. After serious consideration, I supported the motion to table the Bumpers amendment,

and thereby preserve the new increased grazing fee formula in S. 1459.

The Bumpers amendment would create two grazing fee formulas. The first would apply to permittee who ''control livestock less than 2,000 animal unit months [AUM]'' on public lands during a grazing year. This fee is intended to apply to small ranching operations, and would increase each year for the next 3 years. The second fee created by this amendment is targeted to larger ranching operations, which are comprised of more than 2,000 AUM's. This fee would be set according to higher amount of either the average grazing fee charged by the respective State, or, by increasing the aforementioned small ranch fee by 25 percent.

The Bumpers amendment would increase the grazing fee each year for the next 3 years for smaller ranchers, and implement a substantial increase for larger ranchers. While the Bumpers amendment attempts to require larger—and therefore presumably better off ranching operations to pay more, I ultimately decided that the BUMPERS proposal would have too injurious an impact on modest, family-run ranching operations in Arizona.

I strongly believe in the longstanding principle of managing Federal lands for the multiple use of the public. This means that the many legitimate uses of public lands—recreation, wildlife preservation, grazing, hunting, and economic purposes—must be carefully balanced with each other. Our precious Federal lands must be properly managed so that they can be enjoyed by Americans both today, and in the future.

When public lands are used for economic purposes, such as timber, mining, and cattle grazing, there clearly should be a fair return to taxpayers for the economic benefits gained from the land, and for the cost of administering these uses. In light of the massive Federal debt our Nation has piled up, the Congress must be especially vigilant in ensuring that fees imposed on individuals who are using public lands for commercial purposes, must be equitably set. With an astounding $5 trillion debt growing larger every day, I think it is appropriate for grazing fees and mining fees to be adjusted.

I strongly oppose, however, drastic hikes in such fees that would bankrupt hard-working ranching families. Nationwide, ranchers who graze cattle on public lands have an annual income of only $30,000 a year. These families do not have a huge profit margin that is being gained at the expense of the public. Indeed, the taxes they pay and the economic benefits they generate are extremely important to small towns in Arizona and throughout the West.

The grazing reform bill I am supporting, S. 1459—Public Rangelands Management Act—would increase the existing grazing fee by 37 percent. In my view, that is a pretty reasonable attempt to address legitimate concerns of the public about what return the Treasury is getting from the lease of Federal rangelands. If we could reform Federal fees or reduce Federal spending pertaining to corporate entities which are similarly subsidized by taxpayers, our budget problems would be in a lot better shape. Ranchers will pay their fair share under S. 1459.

The new, higher grazing fee in S. 1459 will afford greater stability to ranchers in my State who need to plan ahead for their family business. The fee in S. 1459 is based upon a 3-year rolling average of the gross value of beef production in the United States, along with interest rates from Treasury bills. This new formula will fluctuate according to market conditions, which I think is appropriate.

While the sponsors of the Bumpers amendment state that it is targeted at large, corporate-owned ranching operations, I am deeply concerned that its higher, corporate fee hike could come down squarely on many family ranchers in the Southwest. It would have potentially crippling effects on family ranchers in States such as Arizona and New Mexico, especially.

The reason the Bumpers amendment would hurt many Southwestern ranchers is that its formula would significantly impact ranchers whose grazing permits are comprised primarily of Federal lands, and on ranchers who graze cattle year round. Both of these factors apply to southwestern ranchers, due to large amount of land that is owned by the Federal Government. The Bumpers amendment's formula would apply its higher fee to ranching operations with more than 176 head of cattle, which is not a large, corporate operation by the standards of my State.

Furthermore, the Bumpers amendment's higher fee was partly based on higher State land standards, which are not always readily comparable to Federal lands. Federal rangelands do not offer the same exclusivity of use to permittees as do State lands, and ranchers on Federal lands also bear higher costs for range improvements than do holders of private grazing permits.

I find no evidence that that new fee will not cover the Federal cost of the program.

Due to these factors, I opposed the Bumpers amendment, and voted to preserve the reasonable fee increase which is in the underlying bill. I commend Senator Bumpers for his objectives, however, and share his concerns that taxpayers must be fairly compensated for the economic use of public lands. I will continue my efforts to vigorously weed out unfair and unsustainable corporate subsidies. If S. 1459 becomes law, the Congress should continue to evaluate the grazing revenues it produces. I will be open at that time to considering whether further adjustments for corporate ranching operations are warranted.●

TRIBUTE TO COL. FRED E. KISHLER, JR.

● Mr. GLENN. Mr. President, I rise to pay tribute to Col. Fred E. Kishler, Jr., who died this past January. From August 1994 until his death, Colonel Kishler served as the Director of the General Defense Intelligence Program [GDIP] Staff where he served with great distinction.

Colonel Kishler was a fellow Buckeye—born in Tiffin, OH, and receiving his undergraduate degree at Heidelberg College in Tiffin. In his lengthy and distinguished Air Force career, Colonel Kishler flew dangerous, sensitive missions in the U–2 spy plane and other aircraft, and was responsible for fielding numerous tactical and strategic intelligence systems. His greatest love as a pilot was flying the U–2, spending approximately 15 years in the U–2 program. Colonel Kishler accumulated over 4,800 flying hours—over 2,000 of those hours were spent in the cockpit of a U–2, and he flew 106 combat missions in Southeast Asia. During the Vietnam War, he demonstrated his courage as a flight leader for search and rescue missions, and he supported the Son Tay POW raid.

In 1991, Colonel Kishler came to work for the Defense Intelligence Agency, first serving as the Chief of the Reconnaissance Division for Functional Management. His hard work and effectiveness led to other positions as the Associate Deputy Director of the Programs and Evaluation Division of the National Military Intelligence Collection Center, and ultimately as the Director of the General Defense Intelligence Program Staff—particularly challenging assignments in a period of declining resources where we have had to do more with less. Colonel Kishler's honesty, integrity, and professionalism gained the respect of Congress as well as the Department of Defense.

Among Fred's many decorations and awards were the Distinguished Flying Cross, a Meritorious Service Medal, the Air Medal with thirteen oak leaf clusters, and the Air Force Commendation medal.

Mr. President, I join all of my colleagues on the Senate Select Committee on Intelligence in paying tribute to the memory of Col. Fred E. Kishler, Jr., and pass along our deepest sympathies to Colonel Kishler's mother and father—Fred and Marjorie Kishler; his wife, Susan; and their sons, Mark and Fred. Fred Kishler was a credit to the Air Force and the United States of America, and he will be sorely missed.●

NATIONAL MISSILE DEFENSE ACT OF 1996

● Mr. ABRAHAM. Mr. President, I rise today to join the distinguished majority leader, and my colleagues, in cosponsoring the National Missile Defense Act of 1996. This legislation builds on the Missile Defense Act of 1995. The 1995 act made significant

progress toward securing the funding necessary for the eventual deployment of a missile defense system capable of protecting the United States. Unfortunately, that act fell short by not explicitly directing that we deploy the missile defense system as soon as possible.

The majority leader, in close cooperation with Congress' National defense leadership, has crafted a proposal that achieves our nation's missile defense through prudent, incremental development of policies and force structures. To begin with, we would produce the system necessary to protect the United States from limited, unauthorized or accidental ballistic missile attacks. We then would augment that capability to defend our Nation against larger and more sophisticated ballistic missile threats. I am especially heartened that this bill allows for the development of the most promising anti-ballistic missile technologies, including sea-based systems such as Navy Upper Tier.

This bill assigns the Secretary of Defense the considerable task of reporting a missile defense development and deployment plan by March 15, 1997. However, I feel confident that Congress will be more than willing to assist him in the formulation of that plan. This can, and should, be a joint endeavor, Congress will fulfil its constitutional responsibility to raise and support our armed forces, while the Executive determines how best to deploy these forces.

At this time, Mr. President, I would like to expand upon section 5 of the act—that section regarding the ABM Treaty. Congress, through the Missile Defense Acts of 1991, 1994, and 1995 has repeatedly stated that the ABM Treaty does not, in any way, hinder the development of theater ballistic missile defenses. It has also called for a renegotiation of the ABM Treaty so as to allow the development of more robust national missile defense systems.

Unfortunately, this country has abandoned the initiatives of the previous administration to cooperatively develop with the Russians a protective global missile defense systems. An insistence on keeping America vulnerable to attack, and a dogmatic faith in the deterrence of nuclear war through mutual assured destruction will no longer prevent missile attacks upon the United States.

Mr. President, the times have changed since the ratification of the ABM Treaty. Our primary threats no longer come from a general nuclear attack by thousands of Soviet weapons—an attack that would probably overwhelm a ballistic missile defense system. Today our immediate threats come from rogue, unintentional, or unauthorized attacks of limited size and duration. The limitations of the ABM Treaty fail to address these new threats, and I believe, are incapable of being modified so as to address them. The administration has steadfastly stood by the antiquated strategies of the ABM Treaty, and I am afraid it is unwilling to address the threats posed to America by continued reliance on that treaty.

Nonetheless, Mr. President, this Congress continues to be willing to work with the administration to address our missile defense needs. I believe the urging contained in section 5 represent our last, best hope of adequately modifying the ABM Treaty, and protecting America from ballistic missile attack. The Treaty may be fundamentally unable to address the threats we face today. It may be best to renounce it in its totality. Such a clear break with previous policy may not be feasible in this Congress. But it must be clear that this Congress worries that its urging and calls have fallen on deaf ears in the Executive, and that we believe the United States cannot afford to wait much longer. Therefore, I particularly support the provision in this bill that calls for withdrawal from the ABM Treaty if amendments allowing adequate national missile defenses are not agreed to within 1 year. I hope this is sufficient warning as to the extent of congressional frustration.

The majority leader has displayed the foresight and perceptiveness critical for developing effective national security strategies. There can be no doubt that a fully operational and technologically capable ballistic missile defense system is crucial to that strategy. Nor can there be any doubt that antiquated treaties which fail to adapt to vastly different national security threats must be either changed or discarded.

The majority leader's bill constitutes a reasonable and moderate attempt to bridge the broad philosophical gap that exists between Congress and the administration. We should not let this opportunity be lost. If concerns with the ABM Treaty prevent this bill from becoming law, then I believe it may be time to nullify that treaty.●

TRIBUTE TO CARL SIMPSON WHILLOCK

● Mr. PRYOR. Mr. President, I rise today to pay tribute to a true statesman. Carl Simpson Whillock was born on May 7, 1926, in the small town of Scotland, AR. In the nearly 70 years since, he has excelled in the realms of politics, academia, and private business.

Carl's desire to serve the people of Arkansas surfaced at an early age. Just 2 years after receiving both his undergraduate and master's degrees from the University of Arkansas in Fayetteville, Carl began a distinguished career of public service as a member of the Arkansas House of Representatives. He came to Washington in 1955 to serve as the executive assistant to the Honorable J.W. Trimble, U.S. Congressman from the third district of Arkansas.

While working in Representative Trimble's office, Carl Whillock earned a law degree from George Washington University in 1960. After a 3-year stint in private law practice, he served as prosecuting attorney for the 14th Judicial District of Arkansas before beginning his career in academia at the University of Arkansas.

Carl Whillock was the director for university relations and an assistant to the president during his 7½ years at Arkansas. He also taught part-time in the political science department.

In 1964, Carl Whillock left academics to run my campaign for Governor of Arkansas, and I am happy to say he worked with me in the Governor's office for a short time after my election. But Carl soon returned to his beloved University of Arkansas as the vice president for governmental relations and public affairs.

Carl's many years of work in the academic community were rewarded in 1978 when he was asked to become the president of Arkansas State University in Jonesboro.

For the past 16 years, Carl has been the president of Arkansas Electric Cooperative and Arkansas Electric Cooperatives Inc. As he prepares to retire on the 1st of April, his colleagues remember him as a trusted friend, a revered mentor, and a gentle, gracious boss.

Carl Whillock's management style has been praised throughout his many years in various positions of authority. He believes in hiring good people, and then giving them the space to do their jobs. His employees operate effectively and efficiently because Carl makes them feel comfortable and encourages them to bring their own style to the workplace.

By all accounts, Carl Simpson Whillock is a success. The very mention of his name brings a smile to the faces of those who know him, and the words gentleman and good guy flow from their lips.

After retirement, I am sure Carl will remain active as a member of the University of Arkansas' Board of Trustees. He has never been one to sit still for very long. He is always there to lend a hand. As Dennis Robertson, a longtime friend and employee says, ''Carl approaches life in a simple way. He does not get mad. He is warm, caring and above all sincere. We can all learn a lot from him.''

Carl Simpson Whillock—a true asset to the State of Arkansas. On behalf of all the people you have touched over these many years, congratulations on your retirement.●

GREEK INDEPENDENCE DAY

Ms. SNOWE. Mr. President, I would like to join with my colleagues, and with so many Americans—both of Greek and non-Greek descent—in celebrating March 25, Greek Independence Day. I am pleased to have been an original cosponsor of Senate Resolution 219, a bipartisan resolution that designated today ''Greek Independence

Day: A National Day of Celebration of Greek and American Democracy.'' That resolution was submitted by our distinguished colleague from Pennsylvania, Senator SPECTER, and it was agreed to by the Senate unanimously on March 6.

Today commemorates the 175th anniversary of the beginning of Greece's struggle for independence from the Ottoman Turkish Empire. After 400 years of foreign domination, and after 11 years of struggle against the despotic rule of the Ottoman Turks, Greece's independence was a cataclysmic event in European Affairs. At that time, outside of Britain and France, Europe was composed mainly of autocratic empires and states whose borders had little relation to their composite nationalities.

The astounding accomplishment of the Greek people in achieving their independence from the vast Ottoman Empire acted as a catalyst in transforming the aspirations of Europeans across the continent. Greece's independence from the Turks was, in many ways, even a greater feat than the other great struggle for national independence 45 years earlier: the American Revolutionary War. Although the Greek people received support from many other countries, particularly from the United States, they enjoyed no advantage similar to a protective ocean or the active assistance of an ally such as France.

During the last 175 years, the ideals of national independence and democracy, which were first expounded by the ancient Greeks, have spread widely throughout Europe and so much of the rest of the world. Greece's achievement of independence helped to spread not only the belief in the inherent right of national independence, but the belief that it is possible for a nation to assert its rights, despite seemingly impossible odds.

Mr. President, it is appropriate to remember the meaning of March 25, which remains a powerful symbol of the ideals that America holds dear and upon which our own Nation was founded. But this is a symbol not only for the Greek and American people to celebrate. It should also be a day of commemoration for the many young, struggling democracies around the globe, as well as for the numerous nations and peoples still yearning to be free.●

PRODUCT LIABILITY FAIRNESS ACT

● Mr. KYL. Mr. President, I support the conference report of the Product Liability Fairness Act.

This is a historic day in the effort to enact meaningful civil justice reform. For the first time in more than two decades, the Senate and the House of Representatives have debated and passed product liability reform.

Product liability reform was part of the Contract With America. According to the Luntz Research Co. survey released in March 1995, ''83 percent of Americans believe that our liability lawsuit system has major problems and needs serious improvements.''

Now, all that remains is for the President to do his part to make product liability reform a reality.

I commend the efforts of my colleagues from Washington and West Virginia, Senators GORTON and ROCKEFELLER, for their 15-year effort to bring needed reform to the Nation's product liability laws.

Historically, America's economic strength has been in manufacturing, where much of our wealth has been created. It is essential that the Congress move to protect our Nation's manufacturing base from unreasonable litigation. Although product liability law is a small area of tort law, it is also a critical area in which America is losing its competitive edge.

Mr. President, the conference report contains many important provisions which were contained in the original Gorton-Rockefeller bill. The alcohol and drug defense would create a complete defense created if the claimant was more than 50-percent responsible for his or her injury. The bill also provides for a reduction in damages by the percentage of the harm resulting from claimant's misuse or alteration of a product.

The bill provides for a punitive damages cap that limits recovery to $250,000 or 2 times compensatory damages, whichever is greater. Exceptions are established for small business—under 25 employees—and individuals with a net worth of less than $500,000. With these two exceptions, the limit is $250,000 or 2 times compensatory, which ever is lesser.

The bill's statute of limitations requires that suits be filed within 2 years after the harm and the cause of the harm was discovered, or should have been discovered.

The bill provides for joint and several liability for all economic damages, but several liability only for noneconomic damages.

The bill provides that biomaterial suppliers who furnish raw materials, but are not manufacturers or sellers, are protected from liability when the supplier is not negligent. Further, a product seller can be held strictly liable as a manufacturer only in two circumstances: where the claimant can't get service of process on the manufacturer, or where the judgment is unenforceable against the manufacturer, as is the case when the manufacturer is judgment-proof.

During the product liability floor debate, I offered three amendments. Amendment 1, which passed by a vote of 60 to 39, struck out provisions in the original Senate bill that penalized, with attorney fees and court costs, only defendants, but not plaintiffs who refused to enter into ADR. Under State law, ADR provisions are equally applicable to plaintiffs and defendants, and we should keep it that way.

Amendment 2, which was tabled by a vote of 56 to 44, would have limited non-economic damages to $500,000 in medical malpractice cases. Amendment 3—which was tabled by a vote of 65 to 35—would have limited attorneys' contingency fees to 25 percent of the first $250,000. The amendment also provided that 25 percent of a punitive damage award is rebuttably presumed to be ethical and reasonable.

Although the House bill had both a non-economic damages cap of $250,000 in medical malpractice cases and an attorney-fees limitation provision, neither of these two provisions were included in the conference report. I will continue to work to see that these provisions are enacted into law. However, one important provision from the House version that was included by the conferees shortens the statute of repose from 20 to 15 years, thus reducing the time period during which a claimant may bring a product-liability action after taking delivery of a durable good.

The conferees also limited the ''additur'' provision contained in the original Senate bill. Thus, in a case of egregious conduct, a judge may raise the claimant's punitive damage recovery no higher than the amount proposed by the jury, unless State law provides otherwise.

I want to note some other important provisions contained in the House bill that unfortunately were dropped by the Senate-House conferees. The ''loser pays'' provision, which would discourage frivolous lawsuits, was dropped. The ''FDA defense,'' which would prohibit the imposition of punitive damages upon a manufacturer of a product that has received FDA approval, was also eliminated. And, as I mentioned earlier, the conferees also dropped the $250,000 cap on non-economic damages in medical malpractice actions. Moreover, the conferees dropped provisions that would have extended the punitive damage cap and joint and several liability reform to all civil cases. I regret that these provisions are not in our bill.

In spite of the narrow scope of the conference report, President Clinton has indicated that he will veto this bill. And this is despite the fact that back in August 1991, Governor Clinton was leader of the National Governor's Association when it approved—unanimously—Federal product-liability reform. Also as Governor, Mr. Clinton twice supported NGA resolutions calling for product-liability reform.

The President's track record on this issue caused the Washington Post, in a March 14 editorial, to predict that the bill should be ''accepted by both houses and signed by the President.'' The veto decision prompted another Post editorial 5 days later, this one entitled, ''Trial Lawyers Triumph.''

Mr. President, I could not agree more, and it is a real shame.

The limited reform in this bill will be an important first step, but only a first

step. Ultimately, the Congress and a more responsive President must go beyond product-liability reform and must comprehensively overhaul the entire civil justice system. We must repeal the regressive ''tort tax'' that depletes our economy, raises prices, destroys jobs, stifles innovation, and reduces exports. The ''tort tax'' created a capricious legal lottery that divides neighbor from neighbor, and causes doctors to add billions to our national healthcare costs each year by practicing defensive medicine.

In Arizona, for instance, medical malpractice premiums have increased by nearly 200 percent since 1982. Attorneys' fees and transaction costs are an increasingly large part of this increase in litigation expenses.

The U.S. Department of Commerce has estimated that only 40 cents of each dollar expended in product-liability suits ultimately reaches the victims. A Rand Corp. study showed that 50 cents of each liability dollar does not go to victims, but to attorneys fees and other transaction costs. It is clear that the Product Liability Fairness Act is a small but critical step toward the goal of national legal reform.

It is my understanding that this body will consider more comprehensive legal reform legislation later this year, including Senator HATCH'S Civil Justice Reform Act of 1995, and Senator MCCONNELL's, Lawsuit Reform Act of 1995. I am also hopeful that the Senate Judiciary Committee will hold hearings on S. 11, the Medical Care Injury Compensation Act of 1995, a bill I introduced on the first day of the 104th Congress. This legislation caps non-economic damages such as pain and suffering at $250,000; imposes a limit on attorneys' fees of 25 percent of the first $150,000 recovered and 15 percent of any amount in excess of $150,000; provides for periodic payments where damages for future economic loss exceed $100,000; provides for mandatory offsets for damages paid by a ''collateral source''; and reforms ''joint and several'' liability.

Mr. President, I would like to close by addressing one of the arguments used by the President in his veto message. this argument asserts the unconsitutionality of the preemption of State liability laws under the commerce clause of the U.S. Constitution.

It is clear that no individual State can solve the problems created by abusive litigation. This is particularly true in the case of product-liability litigation: a product is frequently manufactured in one State, sold in a different State, and causes injury in a third State. In fact, Government figures establish that, on average, over 70 percent of the goods manufactured in one State are shipped out of State for sale and use.

It is clearer that a national solution is justified by the fundamentally interstate character of product commerce. The threat of disproportionate, unpredictable, punitive damage awards exerts an economic impact far beyond the borders of any individual State. This threat reduces investments, dampens job creation, and prevents new products from reaching the marketplace. In an increasingly integrated national and international economy, the confusing, inconsistent patchwork of State liability awards has cut deeply into America's economic strength.

Unfortunately, since the signing of the Constitution, the commerce clause has been stretched and contorted to authorize virtually every activity Congress chooses to regulate—except interstate commerce. Opponents of legal reform profess concern about the preemption of State law and interference with States' rights. And yet it was many of the same interests that favored intrusive Federal regulations imposed on the States by OSHA, FDA, EPA, and other Federal regulators.

In truth, States' rights is not what is being defended here, but rather, the status quo. Otherwise, why is the litigation industry the only segment of the economy that opponents of legal reform believe should remain beyond the reach of Federal law?

Mr. President, legal reform will not cause the creation of a single new Federal program or the expenditure of a single new appropriation; Legal reform will not impose new taxes or regulations on our citizens. Legal reform will simply create clear, consistent legal standards covering civil actions brought in State and Federal courts.

Mr. President, legal reform will enhance the essential principle of due process. As the U.S. Supreme Court has said many times, due process, criminal and civil, is fundamental to our concept or ordered liberty.●

SALUTE TO MEDINA LIONS CLUB

● Mr. FRIST. Mr. President, I rise today in support and appreciation of the Medina Lions Club, which will celebrate its 50th anniversary this Thursday. These club members from Gibson County, TN have devoted countless hours of their time and energy over the years to helping their community of Medina, and I would like to take a moment to recognize some of their many achievements.

Since its inception, more than 210 different members have joined the Medina Lions Club. Today, there are 33 active members, including 2 who helped found the club in 1946. Over the years, the club has raised enough money to provide college scholarships to 38 deserving local students and furnish local schools with cafeteria equipment, library books and furniture, and athletic and playground equipment. Many of the club's successful fund raising drives have become yearly favorites among the residents of Gibson County, including a horse show, a minstrel show, and a ''haunted'' farm.

In addition to education projects, the club has used the money it raises to provide glasses and surgery for local residents, remodel and redecorate a civic center, erect a park pavilion, purchase equipment for the local fire department, erect a community war memorial, purchase hospital equipment, and sponsor Little League baseball in Medina. As Little League sponsors, the club members helped furnish lighting, fencing, and concessions equipment for the Little League ballpark. It is also saving money to help build a new city park, which will include a walking track, football field, baseball field, fence lighting, and paved parking.

Mr. President, the members of the Medina Lions Club have a long history of giving back to their community. Their commitment has won the Medina club the Top Club in the State award twice, and the members have received numerous other individual awards. Mr. President, I would like to commend and thank every member—past and present—of the Medina Lions Club for their commitment and their dedication. They have established a long record of service for others to follow, and I wish them all the best as they celebrate the club's 50th anniversary.●

CLETIS WAGAHOFF

● Mr. JOHNSTON. Mr. President, I rise today to pay tribute to an outstanding public servant and my friend, Cletis Wagahoff. On March 31, 1996, Cletis will retire from the U.S. Army Corps of Engineers after serving selflessly for nearly 27 years and after a total of 35 years of Government service.

Cletis Wagahoff has served as the deputy district engineer for Project Management in the corps' New Orleans District Office since 1988. If the daily challenges of managing several of our Nation's largest civil works projects were not enough to ask of someone Mr. President, the job of deputy district engineer also requires that Cletis be the liaison for all congressional inquiries from the Louisiana Congressional Delegation. For this alone, he deserves our deepest gratitude, not to mention a medal. In fact, Cletis was recently awarded the Meritorious Civilian Service Award for his performance as a highly skilled engineer and proven leader in his field.

I have had the pleasure of working with Cletis on many of Louisiana's navigation, hurricane, and flood protection projects and have often sought his counsel and advice on critical problems like coastal erosion and protecting our valuable wetlands. His reputation as a consensus builder and a man of unwavering integrity is well known by Louisiana's elected officials and our community and business leaders.

Mr. President, Cletis Wagahoff and his wife, Betty, have given much to Louisiana and our great Nation during their many years of service, and for this we are eternally grateful. On behalf of the Louisiana congressional Delegation and all Louisianians, we wish them every success, good health, and much happiness as they turn the pages of life to begin a new chapter.●

IN HONOR OF JOHN E. CHRISTENSEN

● Mr. BROWN. Mr. President, I rise at this time to recognize an outstanding citizen for the achievements and contributions he has made to the people of the State of Colorado. After a 30-year career in education, John Christensen is retiring as principal of Greeley Central High School.

John Christensen, or ''JC'' as he is known, began his teaching career in 1964 at Carbondale Junior High School in Carbondale, CO. Over the next three decades, he became one of the driving forces in Weld County education. He taught mathematics, physical education, and biology. He coached basketball, football, track, and baseball, and served as an athletic director and assistant principal before becoming principal of Greeley Central.

As a resident of Greeley, CO, I am aware of the contributions JC has made to students and to the community. In addition to his classroom and administrative responsibilities, his enthusiasm and dedication to students' extra-curricular programs led him to speech contests, musical concerts, theater performances, athletic events and countless other student activities in the evenings and on weekends. During some of those athletic events he was a fan; other times he was the coach. In 1975, he coached Greeley West's AAA State Baseball Championship Team, a demonstration of his commitment to hard work and excellence.

John Christensen's selfless dedication brought him richly deserved recognition. In 1989, he was presented the International Thespian Award by International Thespian Society Troupe 657 for his support of theater arts at Greeley Central. In 1990, he received the Administrator Award from the Colorado Music Educators' Association. He served as president of the Colorado High School Football Coaches Association and was inducted into the District 6 Coaches' Hall of Fame for his years of service to youth as a football and baseball coach. He is past president of the Northern League Principals Association and continues to consult and speak at various leadership conferences across the country.

Greeley Central's Class of 1994 so greatly admired and respected John Christensen, their own principal, they chose him as their commencement speaker. His leadership and integrity has affected students, parents, teachers, and fellow administrators. In 1995, he received the prestigious Governor's Award for Excellence in Education. Most impressive of all is the new scholarship created in JC's name by Greeley Central's faculty. The John Christensen ''Pride, Class and Dignity Award'' is to be given to a Greeley Central High School senior who is active in student life, displays a distinguished academic record, and exemplifies outstanding leadership.

I have worked with numerous public officials and business leaders from across the country. There are few of the same high caliber as John Christensen. His integrity, enthusiasm, and dedication are unequaled. For this, I thank him for his service and wish him and his family, Jonna, JJ and Jill, the very best.●

A NEW INTERNATIONAL PARTNERSHIP

● Mr. GRAMS. Mr. President, this week an historic agreement will be signed here in Washington that I believe embodies the enduring spirit of international commerce and what could be the promoting future of the Baltic States.

On March 28, 1996, government officials from the Baltic country of Estonia will sit down with representatives from one of my constituents, NRG Energy, Inc., and pen a memorandum of understanding [MOU] that could lead to NRG jointly owning, as well as managing and operating, the major electric generation assets in Estonia.

The agreement is a further step forward for Estonia, which is rapidly progressing into the global village. At the beginning of this decade, Estonia was one of the first nations to break from the old Soviet sphere of influence. Movement toward the West has been constant ever since. In 1991, Estonia became a member of the United Nations and it was welcomed into the World Bank in 1992. Today, the nation envisions itself as a member of the European Union and has submitted a formal application for inclusion.

Estonia's coalition government, led by Prime Minister Tiit Vahi and Foreign Minister Siim Kallas, has forged swiftly ahead in developing the open markets necessary to bring the nation into the global economy. These leaders should be commended for their foresight and resolve in making free trade a cornerstone of the country's impressive economic maturity.

Mr. President, the Estonians should be praised for their steady progress away from a command and control economy and toward free market principles. They share with a majority of Americans a strong belief that most often the private sector can better conduct business than the government.

Already the Estonian Government has privatized more than 377 of its enterprises. This includes the remarkable undertaking of privatizing and modernizing its entire telecommunications sector which was jointly accomplished with contributions from Swedish and Finnish interests.

Under the guidance of Arvo Niitenberg, former energy minister and current Estonian Ambassador to the International Atomic Energy Agency, the most ambitious investment initiative to date is occurring in the electricity sector. For this endeavor, the Estonians looked to American expertise and know-how, and found these qualities in abundance with NRG. As a subsidiary of Northern States Power Company [NSP], a Minneapolis-based, multistate, investor-owned electric and gas utility, NRG has successfully brought the Minnesota penchant for hard work and a no-nonsense approach to international power projects in Australia and the former East Germany.

No doubt, NRG's success around the globe will once again evidence itself in Estonia. The project entails an investment of up to $250 million by NRG for environmental upgrades and plant life extension in the Estonian electric company and NRG's management and operation of three powerplants totaling more than 3,000 megawatts through a stock company jointly owned with the Estonians. This represents almost the entirety of Estonia's power production in what is sure to be a win-win partnership in which NRG will apply its extensive and renowned expertise in emission reductions and operation of world class powerplants for the growing Estonian economy.

Mr. President, the MOU to be signed this week is the consummation of an important partnership not only between NRG and the Estonians, but also between Estonia and the United States. I welcome the partnership being established March 28 at the State Department as not only the teaming of a nation with a company, but also the commencement of a lasting relationship between two nations.●

BUDGET SCOREKEEPING REPORT

● Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through March 21, 1996. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the 1996 concurrent resolution on the budget (H. Con. Res. 67), show that current level spending is above the budget resolution by $15.7 billion in budget authority and by $16.9 billion in outlays. Current level is $81 million below the revenue floor in 1996 and $5.5 billion above the revenue floor over the 5 years 1996–2000. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $262.6 billion, $17.0 billion above the maximum deficit amount for 1996 of $245.6 billion.

Since my last report, dated March 12, 1996, Congress has cleared and the President has signed the 11th short-term continuing resolution (Public Law 104–116). In addition, the President signed an act providing tax benefits for members of the Armed Forces performing peacekeeping services in Bosnia

and Herzegovina, Croatia, and Macedonia (Public Law 104–117). These actions did not change the current level of budget authority, outlays or revenues.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 25, 1996.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget,
Washington, DC.

DEAR MR. CHAIRMAN: The attached report for fiscal year 1996 shows the effects of Congressional action on the 1996 budget and is current through March 21, 1996. The estimates of budget authority, outlays and revenues are consistent with the technical and economic assumptions of the 1996 Concurrent Resolution on the Budget (H. Con. Res. 67). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended.

Since my last report dated March 11, 1996, Congress has cleared, and the President has signed the eleventh short-term continuing resolution (P.L. 104–116). In addition, the President signed an act providing Tax Benefits for Members of the Armed Forces Performing Peacekeeping Services in Bosnia and Herzegovina, Croatia and Macedonia (P.L. 104–117). These actions did not change the current level of budget authority, outlays or revenues.

Sincerely,

JUNE E. O'NEILL,
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1996, 104TH CONGRESS, 2ND SESSION, AS OF CLOSE OF BUSINESS MAR. 21, 1996 [In billions of dollars]

	Budget resolution (H. Con. Res. 67)	Current Level [1]	Current level over/ under resolution
ON-BUDGET			
Budget Authority	1,285.5	1,301.2	15.7
Outlays	1,288.1	1,305.0	16.9
Revenues:			
1996	1,042.5	1,042.4	−0.1
1996–2000	5,691.5	5,697.0	5.5
Deficit	245.6	262.6	17.0
Debt subject to Limit	5,210.7	4,897.2	−313.5
OFF-BUDGET			
Social Security Outlays:			
1996	299.4	299.4	0.0
1996–2000	1,626.5	1,626.5	0.0
Social Security Revenues:			
1996	374.7	374.7	0.0
1996–2000	2,061.0	2,061.0	0.0

[1] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

THE ON–BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 104TH CONGRESS, 2ND SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1996 AS OF CLOSE OF BUSINESS MAR. 21, 1996

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			1,042,557
Permanents and other spending legislation	830,272	798,924	
Appropriation legislation		242,052	
Offsetting receipts	−200,017	−200,017	
Total previously enacted	630,254	840,958	1,042,557

THE ON–BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 104TH CONGRESS, 2ND SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1996 AS OF CLOSE OF BUSINESS MAR. 21, 1996—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN FIRST SESSION			
Appropriation bills:			
1995 Rescissions and Department of Defense Emergency Supplementals Act (P.L. 104–6)	−100	−885	
1995 Rescissions and Emergency Supplementals for Disaster Assistance Act (P.L. 104–19)	22	−3,149	
Agriculture (P.L. 104–37)	62,602	45,620	
Defense (P.L. 104–61)	243,301	163,223	
Energy and Water (P.L. 104–46)	19,336	11,502	
Legislative Branch (P.L. 105–53)	2,125	1,977	
Military Construction (P.L. 104–32)	11,177	3,110	
Transportation (P.L. 104–50)	12,682	11,899	
Treasury, Postal Service (P.L. 104–52)	23,026	20,530	
Offsetting receipts	−7,946	−7,946	
Authorization bills:			
Self-Employed Health Insurance Act (P.L. 104–7)	−18	−18	−101
Alaska Native Claims Settlement Act (P.L. 104–42)	1	1	
Fishermen's Protective Act Amendments of 1995 (P.L. 104–43)		(6)	
Perishable Agricultural Commodities Act Amendments of 1995 (P.L. 104–48)	1	(6)	1
Alaska Power Administration Sale Act (P.L. 104–58)	−20	−20	
ICC Termination Act (P.L. 104–88)			(6)
Total enacted first session	366,191	245,845	−100
ENACTED IN SECOND SESSION			
Appropriation bills:			
Seventh Continuing Resolution (P.L. 104–92) [1]	13,165	11,037	
Ninth Continuing Resolution (P.L. 104–99) [1]	792	−825	
Foreign Operations (P.L. 104–107)	12,104	5,936	
Offsetting receipts	−44	−44	
Authorization bills:			
Gloucester Marine Fisheries Act (P.L. 104–91) [2]	30,502	19,151	
Smithsonian Institution Commemorative Coin Act (P.L. 104–96)	3	3	
Saddleback Mountain—Arizona Settlement Act of 1995 (P.L. 104–102)		−7	
Telecommunications Act of 1996 (P.L. 104–104) [3]			
Farm Credit System Regulatory Relief Act (P.L. 104–105)	−1	−1	
National Defense Authorization Act of 1996 (P.L. 104–106)	369	367	
Extension of Certain Expiring Authorities of the Department of Veterans Affairs (P.L. 104–110)	−5	−5	
To award Congressional Gold Medal to Ruth and Billy Graham (P.L. 104–111)	(6)	(6)	
An Act Providing for Tax Benefits for Armed Forces in Bosnia, Herzegovina, Croatia and Macedonia (H.R. 2778)			−38
Total enacted second session	56,884	35,613	
CONTINUING RESOLUTION AUTHORITY			
Eleventh Continuing Resolution (P.L. 104–116) [4]	116,863	54,882	
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	131,056	127,749	
Total Current Level [5]	1,301,247	1,305,048	1,042,419
Total Budget Resolution	1,285,500	1,288,100	1,042,500
Amount remaining:			
Under Budget Resolution			81
Over Budget Resolution	15,747	16,948	

[1] P.L. 104–92 and P.L. 104–99 provides funding for specific appropriated accounts until September 30, 1996.

[2] This bill, also referred to as the sixth continuing resolution for 1996, provides funding until September 30, 1996 for specific appropriated accounts.

[3] The effects of this Act on budget authority, outlays and revenues begin in fiscal year 1997.

[4] This is an annualized estimate of discretionary funding that expires March 22, 1996, for the following appropriation bills: Commerce-Justice, Interior, Labor-HHS-Education and Veterans-HUD.

[5] In accordance with the Budget Enforcement Act, the total does not include $3,417 million in budget authority and $1,590 million in outlays for funding of emergencies that have been designated as such by the President and the Congress.

[6] Less than $500,000.

Notes: Detail may not add due to rounding.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on today's Executive Calendar: Calendar No. 449;

I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, that any statements relating to the nomination appear at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

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

The nomination was considered and confirmed, as follows:

DEPARTMENT OF STATE

Rita Derrick Hayes, of Maryland, for the rank of Ambassador during her tenure of service as Chief Textile Negotiator.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

FEDERAL TEA TASTERS REPEAL ACT OF 1996

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2969, the Federal Tea Tasters Repeal Act of 1996, just received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2969) to eliminate the Board of Tea Experts by repealing the Tea Importation Act of 1897.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. If there is no objection, the bill is deemed to be read the third time and passed.

So the bill (H.R. 2969) was deemed read the third time and passed.

Mr. LOTT. 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.

ORDERS FOR TUESDAY, MARCH 26, 1996

Mr. LOTT. Mr. President, I now ask unanimous consent that when the Senate completes its business today it

stand in adjournment until the hour of 10 a.m. on Tuesday, March 26, 1996; further, that following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day.

I further ask unanimous consent that there then be a period of morning business until the hour of 10:30, with Senators permitted to speak for up to 5 minutes each, with the following exceptions: Senator REID, 15 minutes; and Senator DORGAN, 15 minutes.

I further ask that at 10:30 the Senate resume consideration of H.R. 1296.

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

Mr. LOTT. I ask unanimous consent that the Senate recess from the hours of 12:30 p.m. until 2:15 for the weekly policy conferences to meet.

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

PROGRAM

Mr. LOTT. For the information of all Senators, the Senate will resume the Presidio legislation tomorrow morning with the understanding that Senator DASCHLE or his designee will be prepared to offer an amendment at 10:30. Senators should also be aware that a cloture motion was filed today on the Murkowski substitute, and under the provisions of rule XXII that cloture vote will occur on Wednesday.

There is also hope that during tomorrow's session the Senate will be able to reach an agreement on consideration of the farm bill conference report. Senators should be aware that other possible items for consideration during this week include the State Department reorganization conference report, the debt limit extension, the omnibus appropriations conference report, and the line-item veto conference report. All Senators can expect busy sessions this week in order to complete action on these very important items.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:17 p.m., adjourned until Tuesday, March 26, 1996 at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate March 25, 1996:

NATIONAL TRANSPORTATION SAFETY BOARD

JAMES E. HALL, OF TENNESSEE, TO BE CHAIRMAN OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM OF TWO YEARS. (REAPPOINTMENT)

DEPARTMENT OF THE TREASURY

RAYMOND W. KELLY, OF NEW YORK, TO BE UNDER SECRETARY OF THE TREASURY FOR ENFORCEMENT, VICE RONALD K. NOBLE, RESIGNED.

DEPARTMENT OF STATE

CHARLES O. CECIL, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NIGER.

WENDY JEAN CHAMBERLIN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE LAO PEOPLE'S DEMOCRATIC REPUBLIC.

JAMES FRANCIS CREAGAN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF HONDURAS.

LINO GUTIERREZ, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NICARAGUA.

DAVID C. HALSTED, OF VERMONT, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CHAD.

DENNIS K. HAYS, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SURINAME.

DENNIS C. JETT, OF NEW MEXICO, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PERU.

TIBOR P. NAGY, JR., OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GUINEA.

DONALD J. PLANTY, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GUATEMALA.

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE.

MEDICAL CORPS

To be major

WESLEY S. ASHTON, 000–00–0000
JUDITH C. BLAISE, 000–00–0000
MARK A. BONEY, 000–00–0000
STEVEN P. COHEN, 000–00–0000
THOMAS W. GIBSON, 000–00–0000

DENTAL CORPS

To be major

VALERIE E. HOLMES, 000–00–0000

CONFIRMATION

Executive nomination confirmed by the Senate March 25, 1996:

DEPARTMENT OF STATE

RITA DERRICK HAYES, OF MARYLAND, FOR THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE AS CHIEF TEXTILE NEGOTIATOR.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.