Training, sent to the Senate by the President on September 2, 1997, be referred jointly to the Committees on Labor and Human Resources and Veterans' Affairs.

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

ORDER FOR REPRINT OF S. 1149

Mr. GORTON. On behalf of Senator GRASSLEY, Mr. President, I ask unanimous consent that technical errors in S. 1149 which Senator GRASSLEY introduced On September 4, 1997, be corrected, and that the bill be reprinted as corrected. These changes are purely technical in nature. I have attached a copy of S. 1149 with the changes made for the convenience of my colleagues. I ask unanimous consent the corrected bill be reprinted in the RECORD following these remarks.

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

S. 1149

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 ''Investment in Education Act of 1997''.

SEC. 2. TREATMENT OF CERTAIN LIENS.

(a) TREATMENT OF CERTAIN LIENS.—Section 724 of title 11, United States Code, is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by inserting ''(other than to the extent that there is properly perfected unavoidable tax lien arising in connection with an ad valorem tax on real or personal property of the estate)'' after ''under this title'';

(2) in subsection (b)(2), after ''507(a)(1)'' and before the comma following thereafter insert ''(except that such expenses, other than claims for wages, salaries or commissions which arise after the filing of a petition, shall be limited to expenses incurred under Chapter 7 of this title and shall not include expenses incurred under Chapter 11 of this title)''; and

(3) by adding at the end the following:

''(e) Before subordinating a tax lien on real or personal property of the estate which has arisen by virtue of state law, the trustee shall—

''(1) exhaust the unencumbered assets of the estate; and

''(2) in a manner consistent with section 506(c) of this title, recover from property securing an allowed secured claim the reasonable, necessary costs and expenses of preserving or disposing of that property.

''(f) Notwithstanding the exclusion of ad valorem tax liens set forth in this Section, claims for wages, salaries and commissions entitled to priority under Section 507(a)(3) or claims for contributions to an employee benefit plan entitled to priority under 507(a)(4) may be paid from property of the estate which secures a tax lien, or the proceeds of such property subject to the requirements of Subsection 724(e).''.

(b) DETERMINATION OF TAX LIABILITY.—Section 505(a)(2) of title 11, United States Code, is amended—

(1) by striking ''or'' at the end of subparagraph (A);

(2) by striking the period at the end of subparagraph (B) and inserting ''; or''; and

(3) by adding at the end the following:

''(C) the amount or legality of any amount arising in connection with an ad valorem tax real or personal property of the estate if the applicable period for contesting or redetermining that amount under any law (other than a bankruptcy law) has expired.''.

SEC. 3. ENFORCEMENT OF CHILD AND SPOUSAL SUPPORT.

Section 522(c)(1) of title 11, United States Code, is amended by inserting ''provided that, notwithstanding any federal or state law relating to the enforcement of liens or judgments on exempted property, exempt property shall be liable for debts of a kind specified in Section 523(a)(5) of this title,'' at the end of the subsection.

REREFERRAL OF S. 1124

Mr. GORTON. I ask unanimous consent S. 1124 be discharged from the Judiciary Committee and referred to the Labor Committee.

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

REREFERRAL OF SENATE CONCURRENT RESOLUTION 49

Mr. GORTON. I ask unanimous consent Senate Concurrent Resolution 49 be discharged from the Governmental Affairs Committee and be referred to the Rules Committee.

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

NATIONAL WILDLIFE REFUGE SYSTEM ADMINISTRATION ACT OF 1966

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1420, which was received from the House.

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

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1420) to amend the National Wildlife Refuge System Administration Act of 1966, to improve the management of the National Wildlife Refuge System.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1129

(Purpose: To improve the bill)

Mr. GORTON. Mr. President, I send an amendment to the desk on behalf of Senator CHAFEE and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. CHAFEE, for himself, Mr. GRAHAM, and Mr. KEMPTHORNE, proposes an amendment numbered 1129.

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

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

The amendment is as follows:

On page 4, line 11, insert ''wildlife-dependent recreational use or any other'' after ''means a''.

On page 11, line 19, strike ''and''.

On page 11, strike lines 22 and 23 and insert the following:

fish and wildlife agencies during the course of acquiring and managing refuges; and

''(N) monitor the status and trends of fish, wildlife, and plants in each refuge.''.

On page 15, line 8, before the semicolon, insert the following: '', except that, in the case of any use authorized for a period longer than 10 years (such as an electric utility right-of-way), the reevaluation required by this clause shall examine compliance with the terms and conditions of the authorization, not examine the authorization itself''.

Mr. CHAFEE. Mr. President, I have introduced this amendment to H.R. 1420, the National Wildlife Refuge System Improvement Act of 1997 on behalf of myself, Senator KEMPTHORNE, and Senator GRAHAM. This bill recently passed the House by the remarkable vote of 407 to 1.

Last week, I, along with Senators KEMPTHORNE and GRAHAM, introduced S. 1059 as a companion bill, and on July 30, the Committee on Environment and Public Works held a hearing to solicit views on this bill from the Secretary of the Interior, among others. The hearing was very productive, and reaffirmed the widespread support that exists for this legislation. The amendment that I am offering includes narrow, but important, changes to the House version that clarify several provisions, and that have been agreed to by the administration, the House Resources Committee, and the stakeholders involved in the earlier negotiations.

This legislation is long overdue and very much needed. The National Wildlife Refuge System was started in 1903 by President Theodore Roosevelt, with the establishment of the first refuge on Pelican Island in Florida. It has since evolved into a system of Federal lands consisting of 509 refuges in 50 States, covering 92 million acres, for the conservation of fish, wildlife, and plants. Despite 60 years of growth, however the refuge system remained without a law governing its administration until 1966, when Congress passed the National Wildlife Refuge System Administration Act. Even now, almost a century later, there is no law that identifies a mission or articulates guidance for refuge management.

For several years, both sides of the aisle and both sides of the Capitol have attempted to enact legislation to rectify this situation. The President has also taken administrative steps for improving refuge management with an Executive order issued in March 1996. Earlier this year, after a month of negotiations among a broad range of stakeholders, the House passed H.R. 1420, which was then referred to the Senate.

After discussions here in the Senate, we have this amendment that makes narrow but important changes to H.R. 1420, and that clarifies the intent expressed by the House in the report of the Committee on Resources and in deliberation on the floor. The first two provisions of the amendment were

changes included in S. 1059. This amendment clarifies that compatible uses can be both wildlife-dependent and other uses. The allowance of compatible uses has become the cornerstone of the refuge system, balancing the needs of the fish, wildlife, and plants for which the refuge was established, with our own ability to use and enjoy the refuge for a wide range of activities. Two points should be emphasized, however. First, while this legislation establishes that wildlife-dependent recreational uses are to be given priority, any use may be authorized by the refuge manager provided that it is compatible with both the mission of the system and the purpose of the refuge. These are two separate principles contained in the bill. Second, that all uses are required to be compatible in order to be allowed does not mean that all compatible uses are required to be allowed. The longstanding policy of the Fish and Wildlife Service that a refuge is ''closed until open'' is not altered by this legislation, although wildlife-dependent uses may be approved on an interim basis pending completion of the conservation plan for any land added to the system after March 25, 1996.

The amendment requires that the Secretary provide for monitoring of the status and trends of fish, wildlife, and plants on refuges. While this provision seems somewhat obvious, monitoring is often one of the first casualties of budgetary constraints. In addition, given some of the past problems with secondary uses on refuges, monitoring will be very important in measuring the success of the recent administrative and legislative changes that we are now undertaking. Lastly, monitoring will ensure that our scientific knowledge regarding wildlife and natural resources continues to grow.

The amendment clarifies the legislative intent regarding the periodic reevaluation on longterm secondary uses, such as electric utility rights-of-way. The bill requires that nonwildife dependent uses be reevaluated no less than every 10 years. Some rights-of-way are authorized for longer periods of time, and concern has been expressed that this reevaluation, together with the requirement that incompatible uses be eliminated or modified, may threaten the very existence of the rights-of-way. For uses that are authorized for periods of longer than 10 years, this amendment limits the review to compliance with the terms and conditions under which the authorization is made, and not to the authorization itself.

Numerous individuals in both the Senate and the House, as well as in the administration, deserve praise for their persevering efforts over the years in seeking to improve the refuge system, and for their involvement on this bill. On the Senate side, I would like to thank Senators KEMPTHORNE and GRAHAM for their support on this amendment. I would also like to thank Senators MURKOWSKI and ALLARD for their understanding on issues relating to rights-of-way and water rights on which they have expressed concern.

With this amendment, I urge my colleagues to vote in support of H.R. 1420.

Mr. KEMPTHORNE. Mr. President, I am pleased today to recommend to the Senate passage of the National Wildlife Refuge System Improvement Act with a Kempthorne-Graham amendment. The passage of this bill represents a victory for many who are concerned with the hundreds of wildlife refuges across the United States and the multiple uses that they support.

The bill, which was negotiated between Chairman DON YOUNG of the Natural Resources Committee and Secretary of the Interior Bruce Babbitt, is another example of how positive change for the benefit of our environment can be achieved when we make a sincere effort to work together to reach consensus.

The original House bill, H.R. 1420, came to the Senate after an overwhelming vote in the House. The bill was referred, in the normal course, to my subcommittee in the Environment and Public Works Committee. Now, there are some who wanted me to just let the House bill go without further review in the Senate. But if I have learned anything from Senator BYRD over the years, I have learned that I would be ignoring the responsibility and indeed constitutional duty of the Senate if I simply signed off on such important legislation without considering it carefully.

The time that we spent to review the House bill was well worth it. We discovered an internal ambiguity in the bill which could have been taken advantage of by those who might want to eliminate many legitimate uses of wildlife refuges. My concern was that the bill's exclusive focus on so-called wildlife-dependent activities might be interpreted down the road as a signal that Congress intended only for these kinds of activities to qualify as potentially compatible activities on Federal wildlife refuges and that the many other uses of refuges that can now be authorized if they are compatible with the purposes of a refuge would be left out.

That would indeed be a significant problem. Under the law now, our national wildlife refuges support many uses, including wildlife-dependent uses such as hunting and fishing, but also important nonwildlife-dependent uses, like grazing, oil and gas production, electricity transmission, and even family picnics and weddings.

Under the House bill, any one of these activities arguably could have been eliminated on Federal refuges simply because they are not wildlife-dependent activities.

In my home State of Idaho, for example, ranchers who were once promised that they would retain the right to graze their cattle on the Gray's Lake Refuge might have lost that right because an individual refuge manager, already hostile to grazing, interpreted the House language to preclude grazing as a compatible use. This is an important issue for my State because grazing occurs in four of the six Idaho refuges.

On the Mississippi Sandhill Crane Refuge, grazing could have been curtailed even though the refuge manager there recognizes the value of grazing to improve the habitat for the crane.

This amendment will ensure that livestock grazing can continue to be considered to be a compatible use on a wildlife refuge.

But this amendment was not intended to address only grazing. Other legitimate and compatible uses on wildlife refuges could have been affected. Important activities associated with oil and gas development and the transmission of electricity to our homes and businesses could have been curtailed and even eliminated. From the 300 oil and gas wells at the Upper Ouachita Wildlife Refuge to the three wells in the Kirtland Warbler Management Area, all could have been shut down if this ambiguity had been exploited. With my amendment, all of these activities will be allowed to continue, provided that they are compatible with the purposes of the refuge.

I ask unanimous consent to have printed in the RECORD two lists of wildlife refuges that currently support grazing and oil and gas production. All of these activities, as well as other legitimate and compatible uses, could have been eliminated had we not addressed this ambiguity in this amendment. These lists include wildlife refuges in 35 States.

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

NATIONAL WILDLIFE REFUGES PERMITTING GRAZING

[As of July, 1995]

1	CA	Bitter Creek NWR
1	CA	Clear Lake NWR
1	CA	Humboldt Bay NWR
1	CA	Kern NWR
1	CA	Merced NWR
1	CA	Modoc NWR
1	CA	Pixley NWR
1	CA	Sacramento River NWR
1	CA, OR	Lower Klamath NWR
1	CA, OR	Lower Klamath NWR
1	HI	Hakalau Forest NWR
1	HI	Hanalei NWR
1	HI	Huleia NWR
1	ID	Bear Lake NWR
1	ID	Grays Lake NWR
1	ID	Minidoka NWR
1	ID, OR	Deer Flat NWR
1	No data match	Arena Plains NWR
1	NV	Fallon NWR
1	NV	Pahranagal NWR
1	NV	Ruby Lake NWR
1	NV	Stillwater NWR
1	OR	Klamath Forest NWR
1	OR	Nestucca Bay NWR
1	OR	Upper Klamath NWR
1	OR	William L. Finley NWR
1	OR, WA	Julia Butler Hansen Refuge for the Columbian White-tail Deer
1	WA	Columbia NWR
1	WA	Franz Lake NWR
1	WA	Pierce NWR
1	WA	Ridgefield NWR
1	WA	Steigerwald Lake NWR
1	WA	Willapa NWR
2	NM	Las Vegas NWR
2	OK	Salt Plains NWR
2	OK	Wichita Mountains Wildlife Refuge
2	TX	Anahuac NWR
2	TX	Aransas NWR
2	TX	Attwater Prairie Chicken NWR
2	TX	Balcones Canyonlands NWR
2	TX	Brazoria NWR

NATIONAL WILDLIFE REFUGES PERMITTING GRAZING—Continued

[As of July, 1995]

2	TX	Buffalo Lake NWR
2	TX	Hagerman NWR
2	TX	McFaddin NWR
2	TX	Moody NWR
2	TX	Muleshoe NWR
2	TX	San Bernard NWR
2	TX	Texas Point NWR
3	IA	Walnut Creek NWR
3	IA, IL, MN, WI	Upper Mississippi River Wildlife and Fish Refuge
3	MN	Big Stone NWR
3	MN	Detroit Lakes WMD
3	MN	Hamden Slough NWR
3	MN	Litchfield WMD
3	MN	Morris WMD
3	MN	Windom WMD
3	MO	Mingo NWR
3	WI	Leopold WMD
4	AL	Choctaw NWR
4	AL	Wheeler NWR
4	AR	Holla Bend NWR
4	AR	Logan Cave NWR
4	FL	St. Johns NWR
4	LA	Sabine NWR
4	MS	Mississippi Sandhill Crane NWR
5	MD, VA	Chincoteague NWR
5	ME	Moosehorn NWR
5	NJ, NY	Wallkill River NWR
5	NY	Iroquois NWR
6	CO	Alamosa NWR
6	CO	Arapaho NWR
6	CO	Browns Park NWR
6	KS	Kirwin NWR
6	KS	Quivira NWR
6	MT	Benton Lake WMD
6	MT	Charles M. Russell NWR
6	MT	Lake Mason NWR
6	MT	Medicine Lake NWR
6	MT	Medicine Lake WMD
6	MT	NWMT F & W Complex WMD
6	MT	Red Rock Lakes NWR
6	MT	UI Bend NWR
6	MT	War Horse NWR
6	ND	Arrowwood NWR
6	ND	Arrowwood WMD
6	ND	Audubon WMD
6	ND	Crosby WMD
6	ND	Des Lacs NWR
6	ND	Devils Lake WMD
6	ND	Florence Lake NWR
6	ND	J. Clark Salyer NWR
6	ND	J. Clark Salyer WMD
6	ND	Kulm WMD
6	ND	Lake Alice NWR
6	ND	Lake Ilo NWR
6	ND	Lake Nettie NWR
6	ND	Lake Zahl NWR
6	ND	Long Lake NWR
6	ND	Long Lake WMD
6	ND	Lostwood NWR
6	ND	Lostwood WMD
6	ND	McLean NWR
6	ND	Shell Lake NWR
6	ND	Slade NWR
6	ND	Stewart Lake NWR
6	ND	Tewaukon NWR
6	ND	Tewaukon WMD
6	ND	Upper Souris NWR
6	ND	Valley City WMD
6	ND	White Lake NWR
6	NE	Rainwater Basin WMD
6	NE	Valentine NWR
6	NE, SD	Karl E. Mundt NWR
6	SD	Huron WMD
6	SD	Lacreek NWR
6	SD	Lake Andes WMD
6	SD	Madison WMD
6	SD	Pocasse NWR
6	SD	Sand Lake WMD
6	SD	Waubay NWR
6	SD	Waubay WMD
6	WY	Hutton Lake NWR
6	WY	Mortenson Lake NWR
7	AK	Alaska Maritime NWR
7	AK	Yukon Delta NWR

Total Records = 125

RMIS—OIL, GAS, AND MINERAL ACTIVITIES (1996)

Org. code	Station	State
12516	Hakalau Forest NWR	HI
11670	Hopper Mountain NWR	CA
14570	Ruby Lake NWR	NV
14621	Sheldon NWR	OR
11627	Sacramento River NWR	CA
11623	Sutter NWR	CA
11683	Seal Beach NWR	CA
21520	Anahuac NWR	TX
21560	Attwater Prairie Chicken NWR	TX
22550	Havasu NWR	AZ
21580	Hagerman NWR	TX
22570	Kofa NWR	AZ
21640	Sequoyah NWR	OK
21650	Tishomingo NWR	OK
21593	Trinity River NWR	TX
21660	Mashita NWR	OK
21620	Optima NWR	OK
32640	Big Stone NWR	MO
31513	Kirtlands Warbler WMA	MI
32525	Leopold WMD	WI

RMIS—OIL, GAS, AND MINERAL ACTIVITIES (1996)—Continued

Org. code	Station	State
32588	Litchfield WMD	MN
32590	Minnesota Valley NWR	MN
32550	Sherburne NWR	MN
32579	Upper Mississippi River Wildlife & Fish Refuge	WI
43612	Cameron Prairie NWR	LA
43535	Choctaw NWR	AL
43525	Catahoula NWR	LA
43545	D'Arbonne NWR	LA
43546	Upper Ouachita NWR	LA
43570	Felsenthal NWR	AR
43571	Overflow NWR	AR
43695	Lake Ophelia NWR	LA
43610	Lacassine NWR	LA
42650	Louisiana WMD	LA
43567	Handy Brake NWR	LA
43675	Mississippi WMD	MS
43635	Dahomey NWR	MS
43640	Sabine NWR	LA
43556	Breton NWR	LA
43555	Delta NWR	LA
43614	Atchafalaya NWR	LA
43558X	Big Branch Marsh NWR	LA
43595	Bayou Sauvage NWR	LA
43616	Bogue Chitto NWR	LA
42640	St. Catherine Creek NWR	MS
43690	Tensas River NWR	LA
42620	Tennessee NWR	TN
43670	White River NWR	AR
41625	Savannah NWR	GA
51660	Ohio River Islands NWR	WV
62554	Audubon WMD	ND
61510	Benton Lake NWR	MT
61511	Benton Lake WMD	MT
61585	Bowdoin WMD	MT
62560	Crosby WMD	ND
62570	Des Lacs NWR	ND
61583	Hewitt Lake NWR	MT
62620	J. Clark Salyer NWR	ND
62629	J. Clark Salyer WMD	ND
61584	Lake Thibadeau NWR	MT
61530	Medicine Lake NWR	MT
61532	Medicine Lake WMD	MT
61544	NW Montana WMD	MT
65570	Ouray NWR	UT
61542	Pablo NWR	MT
64620	Quivira NWR	KS
62680	Upper Souris NWR	ND
74500	Alaska Maritime NWR	AK
74510	Alaska Peninsula NWR	AK
74520	Izembek NWR	AK
74525	Kanai NWR	AK
74540	Yukon Delta NWR	AK
14560	Deer Flat NWR	ID

Mr. KEMPTHORNE. Mr. President, I want to make it clear that I do not believe it was the intention of the parties who negotiated this agreement to eliminate nonrecreational uses on wildlife refuges. But I do believe that we have eliminated a potential legal argument for any who might try to use the ambiguity to curtail nonwildlife-dependent uses on refuges.

As amended, I will support this bill. For the first time, it will establish hunting and fishing as priority uses of wildlife refuges and will ensure that other legitimate and compatible uses can continue in the future. Of particular interest and importance to me, to Idaho, and to other Western States, is the provision in the bill that provides, ''Nothing in this act shall create a reserved water right, express or implied, in the United States for any purpose.'' I strongly support this provision now, as I have in the past.

I urge the adoption of the bill and the Kempthorne-Graham amendment.

Mr. GRAHAM. Mr. President, I'm pleased to have the opportunity to discuss the National Wildlife Refuge System Improvement Act of 1997. It is a long overdue organic act for our magnificent refuge system. In 1991 and again in 1993, as chairman of the Subcommittee on Fish and Wildlife, I introduced the National Wildlife Refuge System Management and Policy Act—legislation which was very similar to that which is before us today.

My aims then were straightforward. First, to clarify that the purpose of the National Wildlife Refuge System is to conserve our Nation's diversity of fish, wildlife, and plants and their habitats. Second, to improve the process used to determine which public uses shall be allowed on the refuges. Third, to require the development of comprehensive conservation plans for each of the refuges and ensure that the public has ample opportunity to participate in the planning process as it does in planning for our national parks and national forests. Fourth, to lay out clear affirmative duties for the Secretary of the Interior to protect the integrity and plan for the appropriate expansion of the Refuge System.

My bill had the strong support of conservation groups like the Wilderness Society, the National Audubon Society, Defenders of Wildlife, and the Sierra Club. Thanks to Senators CHAFEE, KEMPTHORNE, and BAUCUS, my bill also enjoyed the support of the International Association of Fish and Wildlife Agencies along with a variety of sportsmen's groups. The Environment and Public Works Committee reported that bill in the 103d Congress but unfortunately we were not able to bring the bill to the Senate floor because a number of procedural holds were placed on the bill.

In the last Congress, the House introduced and passed a radically different bill that would have harmed our Refuge System. President Clinton indicated that he would veto the House bill but fortunately, it was not acted upon by the Senate.

The bill before us today is not identical to the bill I introduced in prior years. It is not exactly how I would have drafted it, but I am very pleased that it addresses the four major areas that I outlined above: a mission statement for the system, a formal process to assess the compatibility of refuge activities, a planning requirement, and duties for the Interior Secretary.

Of course, even with passage of this bill, the Refuge System will only meet its potential to conserve the Nation's fish and wildlife if the Congress appropriates the funds necessary for its proper management. I am pleased that the House has approved a healthy increase for this purpose in its fiscal year 1998 Interior appropriations bill and will work to ensure that the Senate does as well. Senator KEMPTHORNE and I and 18 of our colleagues have written to the Appropriations Committee to urge such funding.

THEODORE ROOSEVELT'S ENDANGERED SPECIES ACT

Ninety-four years ago, President Theodore Roosevelt established the first national wildlife refuge at Pelican Island in my State of Florida. This bold move protected the last remaining nesting colony of brown pelicans on the

Atlantic seaboard. But as critical as this action was for the pelicans, it had much broader importance for the Nation's wildlife because it began our only system of national lands dedicated to wildlife conservation.

Before leaving office, Roosevelt went on to establish more than 50 such sanctuaries. Herons, egrets, pelicans, and other shorebirds, along with all manner of waterfowl found sanctuary on Roosevelt's refuges. Large mammals including bison, elk, and antelope were also protected. In this sense, the refuge was Roosevelt's Endangered Species Act.

Refuges continue to be created to meet the most pressing wildlife conservation challenges of the day. Refuges have been established for endangered fish, birds, mammals, reptiles, frogs, bats, and butterflies. In my State we even have the new Lake Wales Ridge Refuge established for endangered plants. And while we have many refuges to protect endangered species, we know that many other species would be headed for the endangered species list were it not for the protections afforded by the National Wildlife Refuge System.

Today the Refuge System includes more than 500 refuges and 92 million acres which makes it larger than the National Parks System. Yet in the lower 48 States, the Refuge System amounts to less than 4 percent of the Federal public lands and less than 1 percent of the total land area of those States.

In Florida we have 25 refuges encompassing more than 1 million acres of land and water. These include refuges to protect our manatees, Florida panthers, sea turtles, Key deer, crocodiles, and those endangered plants.

PUBLIC SUPPORT AND USE OF THE REFUGE SYSTEM

Our Refuge System has been strongly supported by bird watchers, hunters, and anglers throughout its history—even though there was very little recreation permitted for much of the system's history. For example, hunting was a rarity on refuges until 1949, but hunters and sportsmen's organizations were strong supporters of the system even in those early years because they realized that without protected habitats, there could be no wildlife.

Today, the Refuge System provides ample opportunities for fish and wildlife related recreation including wildlife observation, nature photography, and hunting and fishing, as well as environmental education. But these public uses are clearly secondary to the long-standing primary purposes of the Refuge System to conserve fish and wildlife and habitats. S. 1059 continues this clear distinction between the purpose of the Refuge system to conserve fish and wildlife, and the priority uses of the system which are those related to learning about or enjoying fish and wildlife.

PROBLEMS IN THE SYSTEM

Unfortunately, public use has not always been carried out in a manner that is consistent with the well-being of our refuges and their wildlife. A 1989 study by the General Accounting Office found that secondary activities considered by refuge managers to be harmful to wildlife resources were occurring on nearly 60 percent on our refuges. Power boating, mining, military air exercises, off-road vehicles, and air boating were cited as the most frequent harmful uses. Oil and gas drilling, timbering, grazing, farming, commercial fishing, and even wildlife related recreation such as hunting, trapping, and wildlife observation in some instances were also found to harm wildlife or habitat. A 1991 study by the U.S. Fish and Wildlife Service confirmed the GAO's findings. The Service found that harmful activities were present at 63 percent of the refuges.

At one time, for example, the Key West National Wildlife Refuge harbored the only known breeding colony of frigatebirds in the United States. The Great White Heron National Wildlife Refuge, also in the Florida Keys, hosted numerous colonies of wading birds. But increased activity within the refuges by jet skiers, power boaters, water skiers, campers, and others was the most likely reason that the frigatebirds abandoned the refuge rookery and the chief culprit behind the fact that other birds have showed signs of declining breeding success.

Refuge managers, despite their best efforts, have often been susceptible to outside pressure to allow these damaging activities because the laws governing the Refuge System are not completely clear. Furthermore, decisions about which activities were compatible with wildlife conservation purposes have often been made without adequate public input or written records. The problem had been compounded in past years by lack of periodic reevaluations of uses.

ACTION TO RESTORE INTEGRITY TO THE REFUGE SYSTEM

Fortunately, the Clinton administration has taken a number of steps to resolve many of the problems in the National Wildlife Refuge System. I like to believe that the interest and oversight that we provided in a bipartisan fashion in the 102d and 103d Congresses set the stage for these improvements.

A number of harmful economic, recreational, and even military activities have been eliminated or appropriately reduced. In Florida, for example, action has been taken by the Fish and Wildlife Service to reduce the number of people allowed to scuba dive alongside manatees in the Crystal River refuge that was established to protect the manatee. Likewise, the Service has taken action to reduce public use at the Egmont Key National Wildlife Refuge. And a back-country plan has been implemented in the Florida Keys to greatly reduce conflicts between people and wildlife.

President Clinton has also issued an Executive order on the management of the Refuge System that specifies that the mission of the refuges is to preserve a national network of lands and waters to conserve our wildlife diversity. The Executive order also appropriately ensures that recreational pursuits that are related to fish and wildlife will take priority over other activities not so related.

Now, as in the past, I am gratified to be part of the process of updating the laws that govern our magnificent National Wildlife Refuge System. It is my sincerest hope that this new law will improve the Refuge System for the benefit of our Nation's fish and wildlife and for generations of Americans to come.

Mr. CHAFEE. I understand that the Senator from Alaska has raised some concerns regarding the requirement to periodically reevaluate existing secondary uses to ensure that they remain compatible within the meaning of the law. I would like to ensure that the Senator's concerns have been fully addressed.

Mr. MURKOWSKI. I would like to thank the Senator from Rhode Island, and obtain his understanding regarding how the periodic reevaluation will affect those secondary uses that are authorized for less than 10 years.

Mr. CHAFEE. As a preliminary matter, numerous rights-of-way have been approved in the past as compatible uses in various refuges, and this legislation does not alter the basis under which those activities may be approved in the future. With respect to the periodic reviews, the reevaluation of existing uses is required ''when conditions under which the use is permitted change significantly or when there is significant new information regarding the effects of the use, but not less frequently than once every 10 years.'' For uses that are authorized for periods of less than 10 years, it is my understanding that the Fish and Wildlife Service will, under normal and usual circumstances, review the use at the time of the reauthorization of the activity. The only exception to this would be in situations in which significant new information is developed regarding the effects of the use, or conditions under which the use change significantly.

Mr. MURKOWSKI. I would like to obtain his understanding regarding how the periodic reevaluation will affect those secondary uses that are authorized for longer than 10 years.

Mr. CHAFEE. For uses that are authorized for periods of longer than 10 years, the amendment that we have introduced explicitly limits the review to compliance with the terms and conditions under which the authorization is made, and not to the authorization itself. During deliberation of H.R. 1420 by the House, Representatives YOUNG and SAXTON entered into a colloquy on this issue. Our amendment codifies the understanding reached in that colloquy.

Mr. MURKOWSKI. I understand that the Fish and Wildlife Service has been consulted on these two issues, and that they have concurred with your explanation.

Mr. CHAFEE. That is correct. With respect to long-term secondary uses, the amendment has met with the approval of the Department of the Interior, as stated by Secretary Babbitt at a hearing on S. 1059 before the Environment and Public Works Committee on July 30. With respect to short-term uses, the Service has also agreed with my understanding.

Mr. LOTT. Mr. President, for 3 long years, the House Resources Committee has worked with the Department of the Interior to craft a statute that redefines and redirects the mission of the wildlife refuge program. After holding a total of eight hearings and countless legislative meetings with the administration, the House Resources Committee introduced and reported H.R. 1420. Thanks to the dedicated support of Chairman YOUNG and Secretary Babbitt, this bill overwhelmingly passed the House by a vote of 407 to 1 on June 3, 1997.

Mr. President, I am proud of the Senate's unanimous approval of this historic legislation. It proves that successful environmental policy can be crafted in a bipartisan manner.

This legislation was endorsed by a coalition of diverse interests. It is rare to find an issue that captures the attention and collective effort of industry, sportsmen, and conservationists. These groups, ranging from the Wildlife Legislative Fund of America and the National Rifle Association to the Safari Club and the Audubon Society, have shown good faith in their efforts. I appreciate their perseverance and cooperation in finding a consensus for the public policy governing America's refuge system.

In order to ensure that the bill would be considered and passed with as few changes as possible, it was held at the desk for consideration. Some may claim that this was an unusual parliamentary procedure, but I contend that this is an unusual bill. I was protecting the balance reached within the House-passed legislation in order to ensure a swift resolution of the legislative process. Senators' concerns and the jurisdictions of the committee process were respected and preserved.

Mr. President, the result of these unusual proceedings is an outstanding product. Americans for generations to come will appreciate the wisdom and equity of this clear multiuse mission for our refuge system.

As Mississippians go to the Noxubee National Wildlife Refuge, some will be there to hunt, some to enjoy the tremendous beauty of their surroundings, and others to appreciate the effort to preserve our natural heritage. All is possible because of H.R. 1420. Mississippians—and their many diverse interests—will be given the right to coexist within the refuge.

H.R. 1420 will refocus the mission of the refuge system. It recognizes that hunting and fishing are important and legitimate activities on these public lands. Common ground was found—and it is high ground indeed.

Again, I want to personally applaud Chairman YOUNG and Representatives DINGELL and MILLER for their dedication to this legislative initiative. With the assistance of Secretary Babbitt, they have forged a new path for a refuge system with a clear multiuse mission. I thank my Senate colleagues for their participation and endorsement of this legislative proposal.

Mr. GORTON. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill read the third time, and passed, as amended, the motion to reconsider be laid upon the table, and any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The amendment (No. 1129) was agreed to.

The bill (H.R. 1420), as amended, was read the third time, and passed.

MEASURE READ THE FIRST TIME—S. 1160

Mr. GORTON. Mr. President, on behalf of the Democratic leader, I understand that there is a bill at the desk introduced by Senator DASCHLE, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title.

The legislative clerk read as follows:

A bill (S. 1160) to provide for educational facilities improvement.

Mr. GORTON. Mr. President, I now ask for a second reading of the bill and object to my own request.

The PRESIDING OFFICER. The bill will be read on the next legislative day.

ORDERS FOR THURSDAY, SEPTEMBER 11, 1997

Mr. GORTON. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9 a.m. on Thursday, September 11. I further ask that on Thursday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate immediately resume consideration of S. 1061, the Labor-HHS appropriations bill, as under the previous order.

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

PROGRAM

Mr. GORTON. Mr. President, in accordance with the consent agreement, tomorrow morning there will be 30 minutes of debate remaining on the Teamsters amendment, to be followed by 30 minutes of debate on the testing issue. Following that debate time, at approximately 10 a.m., there will be a series of four stacked rollcall votes, including final passage of the Labor-HHS appropriations bill. Following those votes, the Senate will begin debate on the FDA reform bill. In addition, additional votes are expected during Thursday's session following the ordered votes which begin at approximately 10 a.m. I thank my colleagues for their attention.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. GORTON. 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 8:31 p.m., adjourned until Thursday, September 11, 1997, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate September 10, 1997:

DEPARTMENT OF DEFENSE

ROBERT M. WALKER, OF TENNESSEE, TO BE UNDER SECRETARY OF THE ARMY, VICE JOE ROBERT REEDER.