does not affect Congress' power to dispose of federal property. * * *''

[7] In documents submitted to us, the State cites several instances in the legislative history of ASA in which Members of Congress expressed an intent to provide Alaska with sufficient revenues to function as a state, and several other instances in which congressman or reports cited the 90/10 distribution system. However, these expressions of intent do not answer the question of whether the 90/10 distribution was to be a permanent grant of a property interest and whether, by setting out such a formula in 1958, Congress sought to terminate its Property Clause powers with regard to federal mineral revenues from federal lands forever. Our analysis of the statutes and judicial precedent compel a negative answer to both questions that is not changed by the suggestion a general intention to provide the new state with revenue.

[8] See also, *Nevada* v. *U.S.*, 512 F. Supp. at 171–172: ''Regulations dealing with the care and disposition of public lands within the boundaries of a new state may properly be embraced in its act of admission, as within the sphere of the plain power of Congress.'' (Citing, *U.S.* v. *Sandoval*, 231 U.S. 28 (1913).

[9] All of the contiguous lower 48 states had already been admitted to the Union when the MLA was passed in 1920. The MLA was not ''incorporated'' into the statehood act of any other state.

[10] The State's argument implies that 90 percent of MLA revenues goes to all states, not just Alaska. This argument appears to be based on an interpretion of the MLA whereby the 40 percent of MLA revenues which is earmarked for the Reclamation Fund ultimately is returned to the states in the form of reclamation projects. This argument has several problems. The assertion that the 40 percent of MLA receipts from states other than Alaska is returned to the generating states if illusory. In fact, any such money that are returned to the states arrive there only through an express appropriation from Congress after competing with other appropriations proposals, and there is absolutely no guarantee that such moneys as are appropriated will be proportionately returned to the states from which they were generated. The 90 percent provided to Alaska, however, is distributed directly to the State, to be disposed of as the state legislature directs. To the extent Alaska argues that it has been treated the same as other states in receiving the 90 percent share of MLA revenues, it implicitly admits that equal treatment would allow Congress to change the MLA formula for Alaska, because Congress clearly has the power to amend the MLA to affect the royalty shares of the other states. *New Mexico* v. *U.S.*, 11 Cl. Ct. 429 (1986); affirmed,—F.2d—, 87–1210 (1987).

[11] The case cited in the text focused on section 401 of the Revenue Sharing Act, 16 U.S.C. §715s(c), which after the 1964 amendment provided that 25 percent of the receipts, including mineral receipts, generated by a refuge would go to the county in which the refuge was located and 75 percent to the Migratory Bird Conservation Fund. The Kenai Borough (the county in which the Kenai Moose Range is located), and the State of Alaska, each filed suit to challenge the federal interpretation that this formula applied to oil and gas revenues generated from the refuge. The U.S. District Court, District of Alaska, and the Ninth Circuit Court of appeals each found in favor of the state of Alaska, that is, that section 35 of the MLA and not section 401 of the WRRSA, controlled the distribution of receipts from Kenai Moose Range. The Supreme Court held that the 1964 amendment clearly covered oil and gas receipts, but also found that it has not been the intent of Congress to amend section 35 of the MLA. Therefore, the court ruled that the WRRSA applied to oil and gas receipts from acquired lands in wildlife refuges, but not to reserved public lands in wildlife refuges. *Watt* v. *Alaska*, U.S. 259 (1981). Even though the Court distinguished between acquired lands in refuges and public domain, this decision supports the proposition that Congress is not bound by the ASA to give Alaska 90 percent of oil and gas leasing revenues from all federally owned land.

[12] In contrast for example, the ASA explicitly granted Alaska 103,350,000 acres of land, which * * *.

DEPARTMENT OF JUSTICE, ENVIRONMENT AND NATURAL RESOURCES DIVISION

Washington, DC, May 8, 1991.

Re Artic National Wildlife Refuge.

Mr. PAUL SYMTH,
Acting Associate Solicitor, Energy and Resources, Department of the Interior, Washington, DC.

DEAR MR. SMYTH: I have reviewed Solicitor's Opinion M–36957 concerning the eventual division of oil and gas revenues from the Arctic National Wildlife as you recently requested. I concur in its conclusion that for ANWR Congress may alter the 90/10 distribution set out in the Mineral Leasing Act.

Although it may be premature to say that we would arrive at our conclusion through the same analysis followed in the Opinion, we are convinced that Congress may authorize the altered distribution and would certainly feel comfortable defending that conclusion in court.

Thank you for making us aware of this potential issue in advance of litigation. We would be interested in knowing what Congress ultimately decides.

Sincerely,

MYLES E. FLINT,
Deputy Assistant Attorney General.

APPENDIX B

STATE OF ALASKA,
OFFICE OF THE GOVERNOR,
Juneau, AK, October 17, 1995.

Hon. FRANK MURKOWSKI,
U.S. Senate,
Washington, DC.

DEAR SENATOR MURKOWSKI: During my recent visit to Washington, DC, it became clear to me that a central issue in the debate related to oil development in the Arctic National Wildlife Refuge (ANWR) is the allocation of the revenue between the State of Alaska and the federal government. Accordingly, I am writing to you to reiterate my position on this issue.

By your legislation, and that of Congressman Young, you have concluded that fifty percent of the revenues of ANWR should be used to reduce the Federal budget in order to accomplish Congressional approval.

The state is entitled to receive ninety percent of oil and gas revenues generated from federal lands in Alaska. According to your reports, Congressional action is highly unlikely unless Congress sees some direct benefit to the federal budget. In addition to all of the other strong arguments in support of opening ANWR, it has been made clear to us that a fifty-fifty split of the revenue is necessary to attain favorable Congressional action. I support your strategy to split the revenues evenly between the state and federal governments.

If there is federal enactment of the fifty-fifty revenue split, it would constitute an amendment of the Alaska Statehood Act. According to the Alaska Department of Law, an amendment to the Statehood Act requires state concurrence. This concurrence must occur through the enactment of a bill by the Alaska Legislature and approval by the Governor.

Therefore, I will introduce and pursue legislation to accept such a change if Congress adopts a fifty-fifty revenue split. In this way, Alaska's elected officials in Juneau will have a full opportunity to debate the merits of agreeing to any modification of the ninety-ten revenue formula.

I firmly believe any amendment of the ninety-ten revenue split should apply to ANWR only. I will continue to insist, by way of the statehood compact lawsuit, that Alaska receive its full entitlement on the development of other federal lands in Alaska.

The State of Alaska stands ready to assist you in attaining Congressional approval of opening ANWR.

Sincerely,

TONY KNOWLES,
Governor.

ALASKA STATE LEGISLATURE.
Juneau, AK, October 17, 1995.

Hon. NEWT GINGRICH,
Speaker of the House,
Washington, DC.

DEAR SPEAKER GINGRICH: On behalf of the Alaska State Legislature, we would like to thank you for taking the time to meet with us during our recent visits to Washington, D.C. and for your support of oil and gas leasing in ANWR.

As the Republican leaders of the state Senate and House, we would like to state our unqualified support for current congressional plans to allow oil and gas development on the coastal plain of ANWR and to share lease revenues 50-50 between the state and federal governments.

We are aware that some House Republicans have expressed concern about this revenue sharing in light of Alaska's right under its statehood compact to receive 90% of revenues from oil and gas leases on federal lands.

Governor Tony Knowles announced on September 28th before the National Press Club that he backs the 50-50 state-federal split of ANWR lease revenues as proposed in the budget reconciliation act. He is on record saying he will introduce legislation to change the statehood compact to provide a 50-50 revenue split for ANWR lease revenues.

As the U.S. House and Senate works to complete action on the budget reconciliation act, Members of Congress should know that we will do everything in our power to ensure that such a bill passes the Alaska State Legislature and becomes law.

Sincerely,

DRUE PEARCE,
Senate President.
GAIL PHILLIPS,
House Speaker.

MONTANA'S CENTER FOR WILDLIFE INFORMATION

Mr. BAUCUS. Mr. President, we all recognize general Norman Schwarzkopf as a great military leader. But what most Americans probably do not know is that he is also deeply devoted to the cause of conserving one of our most precious resources, our wildlife. In cooperation with a number of my constituents in Montana, General Schwarzkopf have been involved in a remarkable effort to increase public understanding and appreciation of the wildlife that help make Montana and America so special. As General Schwarzkopf has said:

> In traveling and living throughout all parts of our world, I have learned that we possess in this country of ours and in neighboring Canada one of the most marvelous arrays of wildlife and wildlands found anywhere.

Yet, as any Montanan can tell you, each year people are killed or injured and wildlife is lost unnecessarily because of conflicts that should have been avoided. So General Schwarzkopf and Chuck Bartlebaugh of Missoula, MT have decided to do something about it. The Center for Wildlife Information has been established in Missoula. By creating a series of public

service announcements, seminars, conferences, and other public education activities, they are working successfully to increase public respect and understanding of our wildlife resources.

A project recently announced by the Center is particularly exciting. With the support of Plum Creek Timber Co., the Center for Wildlife Information and Columbia Falls Junior High, located close to the western gateway of Glacier National Park, are working to develop a bear-awareness and wildlife stewardship education program. Under the direction of Columbia Falls Junior High's principal Neal Wedum, students and teachers will write and design educational materials and teaching units on black bear and grizzly bear identification, techniques for safe hiking and camping in bear country, and techniques for viewing and photographing wildlife safely and responsibly. Students will also develop an educational unit about partnerships between corporations, communities, and wildlife management agencies in Montana's Seeley-Swan Grizzly Bear Corridor.

In closing, Mr. President, I commend everyone involved in this remarkable effort: Chuck Bartlebaugh, Kris Backes of Plum Creek, and Principal Wedum, to name just a few. Congratulations and good work.

THE BUDGET

Mr. COATS. Mr. President, the topic of the day, the topic of the week, the topic of the month, is clearly the budget, the fiscal crisis this country has been in for a lot longer period than we care to remember. There has been discussion on this this morning. Obviously, the decision now is in the President's hands.

Republicans have clearly defined what they attempt to do. It is anything but an extreme measure. The President, if he will simply follow his own admonitions to us, will find it very difficult to disagree and veto the Republican plan that is being sent to him.

The President called for a 7-year budget with real numbers. We gave him a 7-year budget with real numbers. We are asking him for a commitment to that; frankly, a commitment to simply negotiate how that is achieved in return for a resolution which would provide funding for the Government so Government workers can come back to work on Monday.

BOSNIA

Mr. COATS. Mr. President, I would like to divert from that just for a moment because, were it not for the overshadowing presence of the budget debate, which is appropriate, I suspect we may be on this floor debating an issue that is of great significance and great importance.

As we speak, the United States is leading an effort in Dayton, OH, to attempt to reach some kind of peace agreement between the warring factions in Bosnia. That has been an elusive goal, one which different parties and different factions have been attempting over nearly a 600-year period of time; in this latest conflict, 4 years of serious engagement with disastrous and tragic consequences for hundreds of thousands of people, if not millions of people, in that part of the world.

But, if we have learned anything, I think, from our recent history in terms of the United States involvement in conflicts abroad, it is that any kind of involvement, and particularly a long-term involvement, anything exceeding just a matter of days, ultimately cannot succeed without the support of the American people.

That support is expressed through their elected representatives. The President has said and Congress has said that it is appropriate for Congress to examine the conditions upon which any U.S. troops will be subject to deployment to a foreign land, particularly one in which potential conflict and potential threat to their health and safety and life exist.

At this point, hopefully, we are nearing a real peace agreement in Dayton. I have some very deep concerns about the nature of that agreement and whether it can even be accurately described as a peace agreement. But, unfortunately, the President of the United States for whatever reason some time ago, and on numerous occasions, has made commitments to deploy troops as soon as this agreement is reached.

There have been some recent indications that the President is willing to let Congress take a look at, examine, and analyze the peace agreement but no commitment that, even if we disagree, the troops will not be sent. In fact, there is pretty good indication that an advance party of up to 2,000 American troops will be sent there to sort of hold the line while the so-called 2-week ''period of examination'' passes. The President hopes for congressional support and authorization. He has not yet received it, nor will he unless he is able to go before the American people and go before this Congress and make a compelling case for use of United States troops on the ground in Bosnia. That case, I suggest, has not been made, and has not even been attempted to be presented to the American people a cogent, logical, understandable reason why 20,000 uniformed troops of the United States Armed Forces need to be inserted into the conflict in Bosnia. The President may intend to do that. I do not know. He has waited a dangerously long time.

The argument that the administration has made, feeble as it is, is that it is necessary for two reasons: One, to contain the spread of the conflict to other areas which involve other NATO allies which eventually will pull in all of Europe. There is little reason to suspect that will happen. It has not in a 4-year period of time.

What we have essentially looked at is a civil war within a confined border of three factions fighting for land which they have fought for for nearly 600 years—avenging tragedies, avenging killings, avenging land seizures and private property seizures which have taken place over a significant period of time. Even if spreading beyond the current borders were a real possibility, there are strategies, containment strategies, that NATO could employ which are far different and involve far less risk than inserting 20,000 American troops and 40,000 NATO troops for a total of 60,000 onto the ground in the middle of the conflict that currently exists in Bosnia.

The second reason the administration postulates is that our involvement with troops on the ground is necessary to maintain the integrity of NATO. I think that even that is a questionable proposition.

In a recent article in Time magazine by Charles Krauthammer he talks about that very point, saying, ''Of course, the single most powerful argument in favor of deployment invokes NATO: to renege on this promise of American relief for our NATO allies already trapped in Bosnia in a fruitless 'peacekeeping' mission.'' He asserts that it ''would be the worst blow Clinton has yet dealt''—I am quoting—''to NATO cohesion.''

''Whatever the strategic policy of having our troops in Bosnia, the argument goes, our NATO allies want us to take the lead on the ground, and we promised that we would do that.''

But, as Krauthammer goes on to explain, our recent history indicates that one of two things are going to probably happen. Either we will suffer a loss of life—either we will suffer a situation which is far different than what could be described as peace, and, therefore, without having gotten the commitment of the Congress, or the commitment of the American people, we will call for a withdrawal of those troops which would be a serious blow to the integrity of NATO—or it may result in a long-term deployment and commitment of those troops which we have not again made the case for, nor do I think we can begin to expect American support for, a long-term commitment to that.

Either one of those occurrences, one of which is likely to happen, could do great damage to the NATO alliance and, as Krauthammer argues, and I agree, actually do more damage than not providing troops on the ground.

The President has not defined our vital interests in that involvement. He has not defined what our objective and mission would be. He has not defined how we would exit from the situation other than to say we will be out of there within a year. I think what he means by that is that we will be out of there before the next election. It is politically not feasible, and untenable to think the troops would still be there and become an election issue. That in