

a report showing that the number of new businesses owned by Hispanic women has grown at three times the overall rate of business growth. In the arts section you could read about a recital by a Spanish guitarist playing flamenco music at a local theater. The food section could have an writeup of a new Mexican restaurant that just opened up downtown. And in the Sports section you could read about the Major League Baseball playoffs where every single team has Hispanic players that are responsible for their team's success. In fact, in the Washington Post sports pages you could read coverage of World Cup Soccer, in Spanish.

When we talk about Hispanics and how their contributions make our Nation more vibrant and diverse, it is important that we recognize the great diversity that exists within the Hispanic community itself. Hispanic-Americans come from a variety of nations, ranging from Central America to South America to Europe to the Caribbean.

What unites Hispanic-Americans is a fundamental respect for the traditions and values of their native lands combined with a strong commitment to the American dream. Life in America requires that they strike a balance between embracing their roots and assimilating into this new culture. Reaching this balance can be a struggle, but it is a struggle that will leave them enriched as individuals, while at the same time enriching our Nation.

Hispanic-Americans should take great pride in their heritage, and I am glad that Hispanic Heritage Month gives our Nation an opportunity to honor and celebrate their contributions.●

EXPLANATION OF VOTES ON THE FY98 INTERIOR APPROPRIATIONS BILL

● Mr. ABRAHAM. Mr. President, a few weeks ago the Senate finished consideration of the Fiscal Year 1998 Interior appropriations bill. I would like to speak for a moment on the amendments to this legislation.

One of the first amendments to be considered was offered by Senator BRYAN of Nevada. The Bryan amendment proposed to cut \$10 million from the Forest Service's timber roads construction budget and to eliminate the Purchaser Credit Program. As I understand it, Senator BRYAN believes the monies used by the Forest Service to assist with the construction and maintenance of roads used by loggers constitutes a subsidy and he targets it accordingly. Proponents of this program, however, argue that there is no road subsidy because the Forest Service takes possession of the roads after the timber harvest and uses them to fight forest fires, manage the forestlands and provide recreational access.

The Purchaser Credit Program, meanwhile, credits timber companies for the cost to build roads when it bids out a timber sale. The logging com-

pany will then build the roads, harvest the timber and pay the Forest Service for the timber minus the cost of the road. Meanwhile, that same company is able to use the credit it received from the first sale to bid on other timber sales. The ability to use this credit toward other timber sales benefit is particularly beneficial to small logging companies with limited capital. Elimination of this program, therefore, would do little to reduce logging on federal lands, but would greatly reduce the ability of small timber companies to bid on timber sales.

Finally, I am concerned that the Bryan amendment could make it even more difficult to conduct timber sales on Forest Service lands. In the past decade, timber sales on federal lands have declined by over two-thirds. Timber harvests on private lands have necessarily increased in order to make up for the lost wood. Private timber harvests have proven insufficient to meet market demand, however, and the shortfalls are increasingly being made up with imported, Canadian lumber. If this trend continues, I fear that the resulting timber shortages will raise the price per board-foot of lumber and increase housing and furniture costs.

Nevertheless, while I opposed the 49-51 vote to table the Bryan amendment, I reserve the right to reconsider my vote on this issue in the future. At this time, I am concerned, but not convinced, that the timber program represents a subsidy to the timber industry. In order to clarify this question, I urge the chairman of the Senate Energy and Natural Resources Committee to hold hearings on this issue.

The Senate next turned to consideration of a Hutchinson amendment to authorize the President to implement the recently announced American Heritage Rivers Initiative subject to Congressional approval. The goal of this amendment was both to ensure that Congress has a say in such designation and define what constitutes a river community.

Proposed by the President, the American Heritage Rivers Initiative seeks to identify polluted rivers which are important to this nation's history and provide a new avenue for funding clean-up efforts. While I believe this amendment was well-intentioned, after careful review I became convinced that the Hutchinson amendment would actually serve to greatly increase the cost for a community to designate their river as an American Heritage site. As long as property owners are assured of their rights, the American Heritage Rivers Initiative could play a significant role in cleaning up some of this nation's most polluted rivers. In order to keep the Heritage River designation a viable option for Michigan's rivers, I voted in support of the motion to table the Hutchinson amendment which passed on a 57-42 vote.

Shortly after dispensing with the Hutchinson amendment, the Senate took up a Kyl Amendment to provide

\$4.8 million for law enforcement to combat gangs on Indian Tribal Lands. While these gangs have yet to present themselves in Michigan, states such as Arizona are having to confront this problem with increasing frequency. In an effort to address this problem before it becomes a national phenomenon, I supported Senator KYL's amendment. Nevertheless, it was defeated on a 34-64 vote.

The next legislation to be considered was a Bumpers amendment to impose a royalty of five percent of the net return on the profits from mining gold, silver and platinum. In addition, in order to raise funds to pay for the cleanup of abandoned mines, the amendment would also charge a reclamation fee for those mines which have patented their lands.

In his speech on the Senate floor, Senator BUMPERS indicated that the reclamation fee served as a much needed tax on the industry. Shortly after, a point of order was raised which noted that the introduction of a tax measure such as this in the Senate was unconstitutional. A vote was called to determine the merit of the point of order. Whether Senator BUMPERS legislation had merit or not, it was clear to me that the amendment did violate the Constitutional law stating all tax measures must originate in the House of Representatives. I agreed that the Point of Order was well taken and, on a 59-39 vote, the Bumpers amendment was deemed out of order.

Shortly after disposing of the Bumpers Amendment, the Senate turned to final consideration of the FY98 Interior Appropriations bill. I was pleased to support its 93-3 passage and urge the conferees to work as quickly as possible to finalize the conference report before the end of the fiscal year.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a-1928d, as amended, appoints the Senator from Utah [Mr. BENNETT] as a member of the Senate Delegation to the North Atlantic Assembly during the First Session of the 105th Congress, to be held in Bucharest, Romania, October 9-14, 1997.

AUTHORITY FOR COMMITTEES TO FILE LEGISLATIVE AND EXECUTIVE REPORTED ITEMS

Mr. STEVENS. Mr. President, I ask unanimous consent that on Wednesday, October 15, committees have from the hours of 11 a.m. to 3 p.m. in order to file legislative or executive reported items.

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

ENVIRONMENTAL POLICY AND
CONFLICT RESOLUTION ACT OF
1997

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 142, S. 399.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (S. 399) to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to establish the United States Institute for Environmental Conflict Resolution to conduct environmental conflict resolution and training, and for other purposes.

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

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Environment and Public Works, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Environmental Policy and Conflict Resolution Act of 1997".

SEC. 2. DEFINITIONS.

Section 4 of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5602) is amended—

(1) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (9), (7), and (8), respectively;

(2) by inserting after paragraph (3) the following:

"(4) the term 'environmental dispute' means a dispute or conflict relating to the environment, public lands, or natural resources:";

(3) by inserting after paragraph (5) (as redesignated by paragraph (1)) the following:

"(6) the term 'Institute' means the United States Institute for Environmental Conflict Resolution established pursuant to section 7(a)(1)(D):";

(4) in paragraph (7) (as redesignated by paragraph (1)), by striking "and" at the end;

(5) in paragraph (8) (as redesignated by paragraph (1)), by striking the period at the end and inserting "; and"; and

(6) in paragraph (9) (as redesignated by paragraph (1))

(A) by striking "fund" and inserting "Trust Fund"; and

(B) by striking the semicolon at the end and inserting a period.

SEC. 3. BOARD OF TRUSTEES.

Section 5(b) of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5603(b)) is amended—

(1) in the matter preceding paragraph (1) of the second sentence, by striking "twelve" and inserting "thirteen"; and

(2) by adding at the end the following:

"(7) The chairperson of the President's Council on Environmental Quality, who shall serve as a nonvoting, ex officio member and shall not be eligible to serve as chairperson."

SEC. 4. PURPOSE.

Section 6 of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5604) is amended—

(1) in paragraph (4), by striking "an Environmental Conflict Resolution" and inserting "Environmental Conflict Resolution and Training";

(2) in paragraph (6), by striking "and" at the end;

(3) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

"(8) establish as part of the Foundation the United States Institute for Environmental Conflict Resolution to assist the Federal government in implementing section 101 of the National Environmental Policy Act of 1969 (42 U.S.C. 4331) by providing assessment, mediation, and other related services to resolve environmental disputes involving agencies and instrumentalities of the United States; and

"(9) complement the direction established by the President in Executive Order 12988 (61 Fed. Reg. 4729; relating to civil justice reform)."

SEC. 5. AUTHORITY.

Section 7(a) of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5605(a)) is amended—

(1) in paragraph (1), by adding at the end the following:

"(D) INSTITUTE FOR ENVIRONMENTAL CONFLICT RESOLUTION.—

"(i) IN GENERAL.—The Foundation shall—

"(I) establish the United States Institute for Environmental Conflict Resolution as part of the Foundation; and

"(II) identify and conduct such programs, activities, and services as the Foundation determines appropriate to permit the Foundation to provide assessment, mediation, training, and other related services to resolve environmental disputes.

"(ii) GEOGRAPHIC PROXIMITY OF CONFLICT RESOLUTION PROVISION.—In providing assessment, mediation, training, and other related services under clause (i)(II) to resolve environmental disputes, the Foundation shall consider, to the maximum extent practicable, conflict resolution providers within the geographic proximity of the conflict.";

(2) in paragraph (7), by inserting "and Training" after "Conflict Resolution".

SEC. 6. USE OF THE INSTITUTE BY A FEDERAL AGENCY.

(a) REDESIGNATION.—Sections 10 and 11 of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5608, 5609) are redesignated as sections 11 and 12, respectively.

(b) USE OF THE INSTITUTE.—The Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 et seq.) is amended by inserting after section 9 the following:

"SEC. 10. USE OF THE INSTITUTE BY A FEDERAL AGENCY.

"(a) AUTHORIZATION.—A Federal agency may use the Foundation and the Institute to provide assessment, mediation, or other related services in connection with a dispute or conflict related to the environment, public lands, or natural resources.

"(b) PAYMENT.—

"(1) IN GENERAL.—A Federal agency may enter into a contract and expend funds to obtain the services of the Institute.

"(2) PAYMENT INTO TRUST FUND.—A payment from an executive agency on a contract entered into under paragraph (1) shall be paid into the Trust Fund.

"(c) NOTIFICATION AND CONCURRENCE.—

"(1) NOTIFICATION.—An agency or instrumentality of the Federal Government shall notify the chairperson of the President's Council on Environmental Quality when using the Foundation or the Institute to provide the services described in subsection (a).

"(2) NOTIFICATION DESCRIPTIONS.—A notification under paragraph (1) shall include a written description of—

"(A) the issues and parties involved;

"(B) prior efforts, if any, undertaken by the agency to resolve or address the issue or issues; and

"(C) other relevant information.

"(3) CONCURRENCE.—

"(A) IN GENERAL.—In a case that involves a dispute or conflict between 2 or more agencies or instrumentalities of the Federal Government (including branches or divisions of a single agency or instrumentality), an agency or instrumentality of the Federal Government shall obtain the concurrence of the chairperson of the President's Council on Environmental Quality before using the Foundation or Institute to provide the services described in subsection (a).

"(B) INDICATION OF CONCURRENCE OR NONCONCURRENCE.—The chairperson of the President's Council on Environmental Quality shall indicate concurrence or nonconcurrence under subparagraph (A) not later than 20 days after receiving notice of the dispute or conflict."

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 12 of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (as redesignated by section 6(a)) is amended—

(1) by striking "There are authorized to be appropriated to the Fund" and inserting the following:

"(a) TRUST FUND.—There is authorized to be appropriated to the Trust Fund"; and

(2) by adding at the end the following:

"(b) ADDITIONAL AMOUNTS.—There are authorized to be appropriated to the Trust Fund to carry out this Act an additional amount of—

"(1) \$4,250,000 for fiscal year 1998, of which—

"(A) \$3,000,000 shall be for capitalization; and

"(B) \$1,250,000 shall be for operation costs; and

"(2) \$1,250,000 for each of fiscal years 1999 through 2002 for operation costs."

SEC. 8. CONFORMING AMENDMENTS.

(a) The second sentence of section 8(a) of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5606) is amended—

(1) by striking "fund" and inserting "Trust Fund"; and

(2) by striking "section 11" and inserting "section 12".

(b) Sections 7(a)(6), 8(b), and 9(a) of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5605(a)(6), 5606(b), 5607(a)) are each amended by striking "Fund" and inserting "Trust Fund" each place it appears.

AMENDMENT NO. 1323

(Purpose: To separate funds used for environmental conflict resolution from scholarship funds)

Mr. STEVENS. Mr. President, Senator McCain has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alaska [Mr. STEVENS] for Mr. McCain, proposes an amendment numbered 1323.

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

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

The amendment is as follows:

Beginning on page 14, strike line 17 and all that follows through page 15, line 3, and insert the following:

SEC. 6. ENVIRONMENTAL DISPUTE RESOLUTION FUND.

(a) REDESIGNATION.—Sections 10 and 11 of the Morris K. Udall Scholarship and Excellence in National Environmental and Native