

AMENDMENT NO. 3578

(Purpose: To make technical corrections to the bill)

Mr. LOTT. Senator CHAFEE has a technical amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. CHAFEE, proposes an amendment numbered 3578.

Mr. LOTT. 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 19, line 3, insert "Community" before "Partnership".

On page 22, line 2, strike "complex" and insert "complexes".

On page 22, line 10, insert a comma after "training".

On page 26, line 2, strike "purpose" and insert "purposes".

On page 29, line 20, strike "(d) and (e)," and insert "(d), and (e)".

Mr. CHAFEE. Mr. President, I am pleased that the Senate is considering H.R. 1856, a bipartisan bill that has tremendous potential to improve management and operations of the National Wildlife Refuge System by supplementing scarce Federal dollars with outside services and donations by local groups and individuals.

As budgets continue to shrink, the Federal Government must look for alternative sources of funding and assistance. Volunteers have helped the Refuge System since volunteer wardens staffed the very first refuge on Pelican Island, Florida in 1903. Since 1982, when the Fish and Wildlife Service (FWS) established a formal volunteer program, the program has grown from 4,251 volunteers donating 128,400 hours of time to 28,800 volunteers donating more than 1.5 million hours in 1997. This 1997 figure represents almost 20 percent of all work done by the FWS on the Refuge System, amounting to about \$14 million worth of services, at a support cost of \$780,000.

The five refuges in my own state of Rhode Island, which are managed as a single complex, provide a wonderful illustration of how important these efforts are. With only five full-time employees working among the five Rhode Island refuges, volunteers contributed more than one-third of all work performed on these refuges. At several of our refuges, the typical visitor will interact with only volunteer staff.

The "National Wildlife Refuge System Volunteer and Community Partnership Enhancement Act" lends much needed support to the efforts of the Service to maintain and operate the Refuge System. Specifically, it establishes pilot projects for the Service to hire volunteer coordinators; it also authorizes the creation of a Senior Volunteer Corps, which is expected to be part of the Service's existing volunteer program, and for which the Secretary should explore coordination with Na-

tional Senior Service Corps programs operated by the Corporation for the National Service. In addition to encouraging volunteer efforts within the System, the bill encourages financial contributions, community partnership initiatives, and educational programs to benefit the System.

H.R. 1856 was introduced by Congressman SAXTON on June 10, 1997, and subsequently passed by the House. On June 26, 1998, I introduced a similar bill, S. 2244, within 14 cosponsors. The Committee on Environment and Public Works amended the House-passed bill to conform with S. 2244, and I now ask that the Senate take up H.R. 1856 as amended. I have been pleased to work with Congressman SAXTON on this wonderful initiative, and I urge expeditious approval by both the Senate and House, as well as by the President.

Mr. LOTT. Mr. President, I ask unanimous consent the amendment be agreed to, the committee substitute amendment be agreed to, the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, the amendment to the title be agreed to, and that any statements relating to the bill appear at this point in the RECORD.

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

The amendment (No. 3578) was agreed to.

The substitute amendment, as amended, was agreed to.

The bill (H.R. 1856) was considered read the third time and passed.

The title was amended so as to read: "An Act to amend the Fish and Wildlife Act of 1956 to promote volunteer programs and community partnerships for the benefit of national wildlife refuges, and for other purposes."

FISH AND WILDLIFE REVENUE ENHANCEMENT ACT OF 1998

Mr. LOTT. Mr. President, I ask unanimous consent the Senate now proceed to consideration of Calendar No. 522, S. 2094.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2094) to amend the Fish and Wildlife Improvement Act of 1978 to enable the Secretary of the Interior to more effectively use the proceeds of sales of certain items.

The Senate proceeded to consider the bill, which had been reported from the Committee on Environment and Public Works, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 2094

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 "Fish and Wildlife Revenue Enhancement Act of 1998".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the United States Fish and Wildlife Service (referred to in this Act as the "Service")—

(A) is responsible for storage and disposal of items derived from fish, wildlife, and plants, including eagles and eagle parts, and other items that have become the property of the United States through abandonment or forfeiture under applicable laws relating to fish, wildlife, or plants;

(B) distributes many of those items for educational and scientific uses and for religious purposes of Native Americans; and

(C) unless otherwise prohibited by law, may dispose of some of those items by sale, except items derived from endangered or threatened species, marine mammals, and migratory birds;

(2) under law in effect on the date of enactment of this Act, the revenue from sale of abandoned items is not available to the Service, although approximately 90 percent of the items in possession of the Service have been abandoned; and

(3) making revenue from the sale of abandoned items available to the Service will enable the Service—

(A) to cover costs incurred in shipping, storing, and disposing of items derived from fish, wildlife, and plants; and

(B) to make more extensive distributions of those items for educational, scientific, and Native American religious purposes.

(b) PURPOSES.—The purposes of this Act are to make proceeds from sales of abandoned items derived from fish, wildlife, and plants available to the Service and to authorize the use of those proceeds to cover costs incurred in shipping, storing, and disposing of those items.

SEC. 3. USE OF PROCEEDS OF CERTAIN SALES.

Section 3(c) of the Fish and Wildlife Improvement Act of 1978 (16 U.S.C. 742l(c)) is amended—

(1) by striking "Notwithstanding" and inserting the following:

"(1) IN GENERAL.—[Notwithstanding"] *Subject to paragraph (2), notwithstanding*"; and

(2) by adding at the end the following:

"(2) PROHIBITION ON SALE OF CERTAIN ITEMS.—*In carrying out paragraph (1), the Secretary of the Interior and the Secretary of Commerce may not sell any species of fish, wildlife, or plants, or derivative thereof, for which the sale is prohibited by another Federal law.*"

"(2) (3) USE OF REVENUES.—The Secretary of the Interior and the Secretary of Commerce may each expend any revenues received from the disposal of items under paragraph (1), and all sums referred to in the first sentence of section 11(d) of the Endangered Species Act of 1973 (16 U.S.C. 1540(d)) and the first sentence of section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d))—

"(A) to make payments in accordance with those sections; and

"(B) to pay costs associated with—

"(i) shipping items referred to in paragraph (1) to and from the place of storage, sale, or temporary or final disposal, including temporary or permanent loan;

"(ii) storage of the items, including inventory of, and security for, the items;

"(iii) appraisal of the items;

"(iv) sale or other disposal of the items in accordance with applicable law, including auctioneer commissions and related expenses;

"(v) payment of any valid liens or other encumbrances on the items and payment for other measures required to clear title to the items; and

"(vi) in the case of the Secretary of the Interior only, processing and shipping of eagles and other migratory birds, and parts of migratory birds, for Native American religious purposes."

Mr. LOTT. I ask consent the committee amendments be agreed to and the Senate proceed to consideration of the amendment offered by Senator CHAFEE which is at the desk.

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

The committee amendments were agreed to.

AMENDMENT NO. 3579

(Purpose: To make technical corrections)

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. CHAFEE, proposes an amendment numbered 3579.

Mr. LOTT. 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 4, strike "plants" and insert "plant".

On page 4, line 6, strike the quotation marks and the following period.

Mr. CHAFEE. Mr. President, I am pleased that the Senate is considering S. 2094, the Fish and Wildlife Revenue Enhancement Act, a bill introduced by my colleague Senator ALLARD and co-sponsored by me. This bill represents a move towards efficient use of government funds, and support for the valuable programs carried out by the U.S. Fish and Wildlife Service with those scarce funds.

Each year, the Service receives thousands of items derived from fish, wildlife and plants, such as boots, purses and wallets, made from furs and skins. These items can be forfeited or abandoned during enforcement of Federal wildlife laws, and they are eventually shipped to the National Wildlife Property Repository in Colorado. The Repository currently has about 450,000 items, of which 200,000 can be legally sold.

However, under current law, revenue from the sale of forfeited items go to the Service for certain program operations, while revenue from the sale of abandoned items go to the General Treasury. More than 90 percent of the fish and wildlife items are abandoned, so that the Service would receive very little revenue from sales of items in its Repository.

The Repository was appropriated \$310,000 for operations last year. After overhead and operations, only \$30,000 was available for carrying out the programs that loan these items to schools, universities, museums, zoos for educational purposes, and to Native American groups for religious and ceremonial purposes.

The bill would initially generate approximately \$1 million for the Service through the sale of items derived from fish and wildlife that are currently stored by the Service. This money would be used to cover the costs of storing and disposing of these items—which is now a financial drain on the Service—and to fund the worthwhile

programs benefiting education, research and Native American religious and ceremonial purposes.

I would like to note that this bill does not change existing authority with respect to items that may be sold by the Service. Indeed, it clarifies that other laws prohibiting the sale of fish, plants or wildlife equally apply to this law. Specifically, current law prohibits the sale of items derived from threatened and endangered species, marine mammals, and migratory birds.

In summary, I am pleased to cosponsor this bill with Senator ALLARD, and urge the Senate and House to approve it expeditiously.

Mr. ALLARD. Mr. President, I would like to say a few quick words in support of S. 2094, the Fish and Wildlife Service Revenue Enhancement Act.

I have toured the Repository in the Rocky Mountain Arsenal. I was impressed by the instructional programs the Fish and Wildlife Service runs from that facility. It is obvious that the Repository serves a vital educational role. The Service is trying to utilize their resources to educate and inform the public about wildlife and wildlife trade. The passage of this bill will allow them to put to good use assets that are now just wasting away, and to further their scholastic goals.

Another important reason for passage of this bill is that it benefits the National Eagle Repository. They support the cultural and religious activities of Native Americans. We all know how important Raptors such as Bald and Golden Eagles are to the various tribes. The Service goes to great lengths to match the thousands of requests they receive from Native Americans for these rare birds. Any assistance that we can give them which will improve that already excellent operation will be a credit to the Congress.

I would like to thank Chairman CHAFEE, Ranking Member BAUCUS, and their staff for their assistance on this bill. Several improvements were made during the committee process, and I believe the bill is the best possible solution to the funding and allocation problem currently facing the Repository.

I would urge my current colleagues to support the passage of this bill, and I hope my former colleagues in the House will take up this matter and pass it soon after they return next week. I thank the Chair.

Mr. LOTT. Mr. President, I ask unanimous consent the amendment be agreed to, the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear in the RECORD.

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

The amendment (No. 3579) was agreed to.

The bill (S. 2094) was considered read the third time and passed, as follows:

S. 2094

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 "Fish and Wildlife Revenue Enhancement Act of 1998".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the United States Fish and Wildlife Service (referred to in this Act as the "Service")—

(A) is responsible for storage and disposal of items derived from fish, wildlife, and plants, including eagles and eagle parts, and other items that have become the property of the United States through abandonment or forfeiture under applicable laws relating to fish, wildlife, or plants;

(B) distributes many of those items for educational and scientific uses and for religious purposes of Native Americans; and

(C) unless otherwise prohibited by law, may dispose of some of those items by sale, except items derived from endangered or threatened species, marine mammals, and migratory birds;

(2) under law in effect on the date of enactment of this Act, the revenue from sale of abandoned items is not available to the Service, although approximately 90 percent of the items in possession of the Service have been abandoned; and

(3) making revenue from the sale of abandoned items available to the Service will enable the Service—

(A) to cover costs incurred in shipping, storing, and disposing of items derived from fish, wildlife, and plants; and

(B) to make more extensive distributions of those items for educational, scientific, and Native American religious purposes.

(b) PURPOSES.—The purposes of this Act are to make proceeds from sales of abandoned items derived from fish, wildlife, and plants available to the Service and to authorize the use of those proceeds to cover costs incurred in shipping, storing, and disposing of those items.

SEC. 3. USE OF PROCEEDS OF CERTAIN SALES.

Section 3(c) of the Fish and Wildlife Improvement Act of 1978 (16 U.S.C. 742(c)) is amended—

(1) by striking "Notwithstanding" and inserting the following:

"(1) IN GENERAL.—Subject to paragraph (2), notwithstanding"; and

(2) by adding at the end the following:

"(2) PROHIBITION ON SALE OF CERTAIN ITEMS.—In carrying out paragraph (1), the Secretary of the Interior and the Secretary of Commerce may not sell any species of fish, wildlife, or plant, or derivative thereof, for which the sale is prohibited by another Federal law.

"(3) USE OF REVENUES.—The Secretary of the Interior and the Secretary of Commerce may each expend any revenues received from the disposal of items under paragraph (1), and all sums referred to in the first sentence of section 11(d) of the Endangered Species Act of 1973 (16 U.S.C. 1540(d)) and the first sentence of section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d))—

"(A) to make payments in accordance with those sections; and

"(B) to pay costs associated with—

"(i) shipping items referred to in paragraph (1) to and from the place of storage, sale, or temporary or final disposal, including temporary or permanent loan;

"(ii) storage of the items, including inventory of, and security for, the items;

"(iii) appraisal of the items;

"(iv) sale or other disposal of the items in accordance with applicable law, including auctioneer commissions and related expenses;

"(v) payment of any valid liens or other encumbrances on the items and payment for other measures required to clear title to the items; and

“(vi) in the case of the Secretary of the Interior only, processing and shipping of eagles and other migratory birds, and parts of migratory birds, for Native American religious purposes.”

ORDERS FOR MONDAY,
SEPTEMBER 14, 1998

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m. on Monday, September 14. I further ask that when the Senate reconvenes on Monday, immediately following the prayer, the routine requests through the morning hour be granted and the time until 1 p.m. be equally divided for debate relating to the motion to proceed to S. 1981, the Truth In Employment Act, with the time divided between Senator HUTCHINSON and Senator KENNEDY or his designee.

I further ask consent that at 1 p.m. the Senate resume consideration of the Interior appropriations bill. And I want to emphasize at this point that it would be my intent, the early part of next week, to be on the Interior appropriations bill Monday afternoon, Tuesday, Wednesday—until we complete action. I know there have been other issues that have necessarily been offered this week on the Interior bill, and cloture votes, but I think next week it is important that we do get a focus on the Interior appropriations and complete action on that so that we can go to the remaining two appropriations bills.

I further ask consent that at 5 p.m. there be 30 minutes of debate equally divided, again related to S. 1981, with the vote occurring on the motion to invoke cloture on the motion to proceed to S. 1981 at 5:30 p.m. on Monday.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, and I will not object, but there is some phraseology in the majority leader's request that I wish to inquire about. And I have noted the same phraseology in the requests from time to time lately, but at this moment, since we are both on the floor, I will ask the question.

What does the majority leader mean when, in his request, he uses these words, “the routine requests through the morning hour be granted”? What does that mean?

Mr. LOTT. Mr. President, if I could respond, that would mean that the routine business such as the reading of the Journal, things of that nature, would be deemed to have expired.

Mr. BYRD. Mr. President, I will not object on this occasion, but I think—I am not trying to create any problems for the majority leader.

Mr. LOTT. Sure.

Mr. BYRD. I have been in that position and I know I never liked other Members to create problems for me—but they did, often.

That phraseology includes several items, especially for a Monday.

Mr. LOTT. It does.

Mr. BYRD. So I would like, in the future, if the distinguished majority leader would find it appropriate and agreeable to do so, that that particular verbiage be a little clearer, as to just exactly what is meant.

Mr. LOTT. I believe in the past, if I might respond to the Senator, that perhaps there had been a longer explanation as to what was included. Perhaps that is the way the Senator from West Virginia did it when he was majority leader. I think probably I may have caused this by indicating or asking if we couldn't do that in a little shorter phraseology. But I will go back and take a look at the best way to say that, so that Members' rights are protected and so that they will understand what is being asked for there.

Mr. BYRD. Mr. President, if I may—

The PRESIDING OFFICER. The majority leader has the floor.

Mr. LOTT. I yield to the Senator from West Virginia.

Mr. BYRD. If I may ask the majority leader to yield, and I won't take long, but having been majority leader myself, I know that there are a number of things involved there, and there may be one particular item on a particular occasion, and for a particular reason, that Senators would want to have operative according to the usual rules.

I urge that we not—Mr. President, that we not speed the operation up to the point that Senators' rights may be eclipsed. And I am not suggesting that the majority leader intends that. He has already indicated—and I knew what he was doing—he was trying to speed the operation up in a way that would be more efficient. But there are things involved in that particular phraseology which might take 30 minutes to discuss here if we started to do so.

I just hope that the distinguished Senator will have his staff look at that language and that we might be able, Senators, to reserve their rights while even agreeing to such a request, if the circumstances required it.

Mr. LOTT. Mr. President, certainly I will review that again. I remembered, when we made a modification in the language—and I do have it before me here—on February 10, 1997, I did point out what the intent was here, the phrase “the routine requests through the morning hour” are deemed to include the approval of the Journal to date, the waiving of resolutions coming over under the rule, the waiving of the call of the calendar, and the expiration of the morning hour.

Because I was aware that this was a change and a shortening of that. But we will take another look at it. We always certainly respect Senator BYRD's suggestions and requests, and we will do so.

Mr. BYRD. Mr. President, I thank the distinguished leader. It is not my point here to quibble or to find fault with the leader. I appreciate the spirit in which he has accepted this. I can see

that someone who really understands these rules, like myself, and I have forgotten probably more than I will ever know again, I just want to protect the rights of all Senators, and I know that the leader wishes to do that. So I hope that there is no connotation of what I am saying that appears to be sinister. I have no objection.

PROGRAM

Mr. LOTT. Mr. President, for the information of all Senators, on Monday, the Senate will debate the motion to invoke cloture on the motion to proceed to S. 1981, the truth in employment legislation.

In addition, the Senate will resume consideration of the Interior appropriations bill, a very important bill for our country and one I hope we can move through the regular process and get into conference so an agreement can be worked out. It is hoped Members will make themselves available Monday afternoon if they intend to offer amendments to this very important bill. I am hoping, I believe maybe there is one very important amendment that can be offered Monday afternoon. I hate to point it out, but I think we have one that could take a good bit of time, and we could have a vote on it late in the afternoon on Monday.

All Senators should be on notice that the first rollcall vote will occur on Monday beginning at 5:30, and that vote will be on invoking cloture on the motion to proceed to the truth in employment bill. Additional rollcall votes are possible following the 5:30 vote hopefully relating to possible amendments to the Interior appropriations bill. I thank my colleagues for their cooperation in that.

ORDER FOR ADJOURNMENT

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senators KENNEDY, DORGAN, HATCH, and HUTCHINSON, and that, of course, is after Senator BYRD completes his statement.

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

Mr. LOTT. I yield the floor. I thank Senator BYRD very much for his courtesy.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I always appreciate the problems that the distinguished majority leader has, and I have a feeling of sympathy for him. It is never my desire to throw up any roadblocks or attempt to create any problems for him unless I have very good reasons to do so. I think there is a fine relationship between us, and I want that to continue. I hope the leader has a great weekend.

Mr. President, I know that Senator DORGAN is waiting to get the floor.