should not be interpreted as a ratification of the Solicitor's opinion. The Committee emphasizes that it intends for the Bureau to adopt changes to its rules at 43 CFR part 3809 only if those changes are called for in the NRC report.

Fortunately, this original language did not stand because it was so limiting. In fact, President Clinton threatened to veto the entire Interior Appropriations bill if the mining provision unduly restricted the ability of the BLM to update the regulations. The improved, final language indicates that the intent is not to limit the BLM's authority to strengthen the hardrock mining regulations.

The Interior Department has been working for years to update the 3809 regulations after numerous review and comments from BLM task forces, congressional committee hearings, public meetings, consultation with the states and interest groups, and public review of drafts of the proposed regulations. There is no longer any reason to delay improving these regulations.

JUSTICE FOR VICTIMS OF TERRORISM ACT

Mr. MACK. Mr. President, as an original sponsor of the Justice for Victims of Terrorism Act, I wish to make clear that the reference to June 7, 1999 in the anti-terrorism section of H.R. 3244 is intended to refer to the case of Thomas M. Sutherland.

LEGISLATIVE BRANCH APPROPRIATIONS CONFERENCE REPORT

Mr. MCCAIN. Mr. President, on September 19, I submitted for the RECORD, a list of objectionable provisions in the FY 2001 Legislative Branch Appropriations bill. Mr. President, these line items do not violate any of the five objective criteria I use for identifying spending that was not reviewed in the appropriate merit-based prioritization process, and I regret they were included on my list. They are as follows:

$472,176,000 for construction projects at the following locations:

California, Los Angeles, U.S. Courthouse;

District of Columbia, Bureau of Alcohol, Tobacco and Firearms Headquarters;

Florida, Saint Petersburg, Combined Law Enforcement Facility;

Maryland, Montgomery County, Food and Drug;

Administration Consolidation;

Michigan, Sault St. Marie, Border Station;

Mississippi, Biloxi-Gulfport, U.S. Courthouse;

Montana, Eureka/Roosville, Border Station;

Virginia, Richmond, U.S. Courthouse;

Washington, Seattle, U.S. Courthouse.

Repairs and alterations:

Arizona: Phoenix, Federal Building Courthouse, $26,962,000;

California: Santa Ana, Federal Building, $27,864,000;

District of Columbia: Internal Revenue Service Headquarters;

(Phase 1), $31,780,000, Main State Building (Phase 3), $28,775,000;

Maryland: Woodlawn, SSA National Computer Center, $4,285,000;

Michigan: Detroit, McNamara Federal Building, $26,999,000;

Missouri: Kansas City, Richard Bolling Federal Building, $25,882,000;

Kansas City, Federal Building, 8930 Ward Parkway, $8,964,000;

Nebraska: Omaha, Zorinsky Federal Building, $45,960,000;

New York: New York City, 40 Foley Square, $5,037,000;

Ohio: Cincinnati, Potter Stewart U.S. Courthouse, $18,434,000;

Pennsylvania: Pittsburgh, U.S. Post Office-Courthouse, $54,144,000;

Utah: Salt Lake City, Bennett Federal Building, $21,199,000;

Virginia: Reston, J.W. Powell Federal Building (Phase 2), $22,993,000.

Nationwide:

Design Program, $21,915,000;

Energy Program, $5,000,000;

Glass Fragment Retention Program, $5,000,000.

$276,400,000 for the following construction projects:

District of Columbia, U.S. Courthouse Annex;

Florida, Miami, U.S. Courthouse;

Massachusetts, Springfield, U.S. Courthouse;

New York, Buffalo, U.S. Courthouse.

Mr. President, the criteria I use when reviewing our annual appropriations bills are not intended to reflect a judgment on the merits of an item. They are designed to identify projects that have not been properly reviewed. Unfortunately, on occasion, items are inadvertently included that should not be.

JUSTICE FOR VICTIMS OF TERRORISM

Mr. LAUTENBERG. Mr. President, as we adopt this valuable legislation, I consider it important to clarify the history and intent of subsection 1(f) of this bill, as amended, in the context of the bill as a whole.

This is a key issue for American victims of state-sponsored terrorism who have sued or who will in the future sue the responsible terrorism-list state, as they are entitled to do under the Anti-Terrorism Act of 1996. Victims who already hold U.S. court judgments, and a few whose related cases will soon be decided, will receive their compensatory damages as a direct result of this legislation. It is my hope and objective that this legislation will similarly help other pending and future Anti-Terrorism Act plaintiffs when U.S. courts issue judgments against the foreign state sponsors of specific terrorist acts. I am particularly determined that the families of the victims of Pan Am flight 103 should be able to collect damages promptly if they can demonstrate to the satisfaction of a U.S. court that Libya is indeed responsible for that heinous bombing.

More than 2 years ago, I joined with Senator CONNIE MACK to amend the fiscal year 1999 Treasury-Postal Appropriations bill to help victims of terrorism who successfully sued foreign states under the Anti-Terrorism Act. That amendment, which became section 117 of the Treasury and General Government Appropriations Act for fiscal year 1999, made the assets of foreign terrorist states blocked by the Treasury Department under our sanctions laws explicitly available for attachment by U.S. courts for the very limited purpose of satisfying Anti-Terrorism Act judgments.

Unfortunately, when that provision came before the House-Senate Conference Committee, I understand the administration insisted upon adding a national security interest waiver. The waiver, however, was unclear and confusing. The President exercised that waiver within minutes of signing the bill into law.

The scope of that waiver authority added in the Appropriations Conference Committee in 1998 remains in dispute. Presidential Determination 99–1 asserted broad authority to waive the entirety of the provision. But the District Court of the Southern District of Florida rejected the administration's view and held, instead, that the President's authority applied only to section 117's requirement that the Secretaries of State and Treasury assist a judgment creditor in identifying, locating, and executing against non-blocked property of a foreign terrorist state.

The bill now before us, in its amended form, would replace the disputed waiver in section 117 of the fiscal year 1999 Treasury Appropriations Act with a clearer but narrower waiver of 28 U.S.C. section 1610(f)(1). In replacing the waiver, we are accepting that the President should have the authority to waive the court's authority to attach blocked assets. But to understand how we intend this waiver to be used, it must be read within the context of other provisions of the legislation.

A waiver of the attachment provision would seem appropriate for final and pending Anti-Terrorism Act cases identified in subsection (a)(2) of this bill. In these cases, judicial attachment is not necessary because the executive branch will appropriately pay compensatory damages to the victims from blocked assets or use blocked assets to collect the funds from terrorist states.

This legislation also reaffirms the President's statutory authority to vest foreign assets located in the United States for the purposes of assisting and making payments to victims of terrorism. This provision restates the President's authority to assist victims with pending and future cases. Our intent is that the President will review each case when the court issues a final judgment to determine whether to use the national security waiver, whether to help the plaintiffs collect from a foreign state's non-blocked assets in the U.S., whether to allow the courts to attach and execute against blocked assets, or whether to use existing authorities to vest and pay those assets as damages to the victims of terrorism.

Let me say that again: It is our intention that the President will consider each case on its own merits; this waiver should not be applied in a routine or blanket manner.

I hope future Presidents will use the waiver provision only as President Clinton will use other provisions of the current bill: to aid victims of terrorism and make its state sponsors pay for their crimes.

Mr. MACK. I thank Senator LAUTENBERG for making a point with which I strongly agree: the waiver authority in this legislation is intended to be used on each case or for each asset, but not to be used as a de-facto veto.

In drafting this language and negotiating with the administration over the past several months, we believe firmly that using blocked assets of terrorist states to satisfy judgments is completely consistent with the intent of the Anti-Terrorism Act of 1996, and more significantly, is consistent with our national security interest. Simply stated, making the terrorists who harm or kill Americans in acts of international terrorism pay for their acts makes for good policy. It should deter future acts of terrorism, as well as provide some small measure of justice to current victims.

Mr. KYL. I thank Senators MACK and LAUTENBERG for their leadership on this issue. I would like to add that from the beginning of my involvement on this issue in 1998, I have sought to help Senator MACK provide a mechanism which would not only help current victims, but also set in place a procedure to ensure future victims will be able to attain justice, provided blocked assets are held in the U.S. I would therefore first like to associate myself with the interpretation of the waiver as expressed by Senators LAUTENBERG and MACK. I do not appreciate seeing laws in effect vetoed through a waiver authority interpreted overly broadly. Indeed, the waiver used in this language should be exercised on a case-by-case basis only.

Second, I would also like to point out the precedent being set and the reaffirmation of authority. The administration assures us via a private letter that the judgment creditors already holding final judgment will be paid their compensatory awards within 60 days of the enactment of this act. The administration will do so using executive authority to vest and pay from blocked assets. In addition, the Congress statutorily reaffirms the President's authority to vest and pay from blocked assets in the future to help future victims of terrorism. Let me state very clearly that there is no way, based upon the procedure now in place, that future victims will be forced to suffer the prolonged battle with their government that these first victims were forced to bear. I am pleased with the justice being delivered today; but I am especially pleased by the process in place to help any future victims. Hopefully, with this process, the deterrent capability of this law will become more powerful.

Mrs. FEINSTEIN. I am pleased have worked with Senators LAUTENBERG, MACK, and KYL in getting this legislation to this point. The national security interest waiver should be used only when there is a specific national security interest greater than the interest in taking effective action to combat terrorism against American citizens; and it should be exercised on a case-by-case basis. The judiciary Committee never intended to divide victims, helping some and not others. We must ensure that all American victims of terrorism able to successfully hold foreign states responsible to the satisfaction of U.S. courts are treated fairly and aided by this and future administrations to collect their damages.

Mr. HELMS. I congratulate Senators MACK, KYL, LAUTENBERG, and FEINSTEIN, for their fine work on getting this anti-terrorism legislation through the Congress and passed. I would like to point out the conferees agree with the comments mentioned by my colleagues and this has been so stated in the conference report to accompany this bill.

VICTIMS OF GUN VIOLENCE

Mr. DURBIN. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

October 11, 1999:

Clifton Aaron, 21, Kansas City, MO; Daniel Bennett, 23, Washington, DC; Larry Clark, 51, Atlanta, GA; Mico Curtis, 28, Atlanta, GA; Thomas Spivey, 22, Nashville, TN; Arthur Strickland, 28, Gary, IN; Kristian Sullivan, 25, Detroit, MI; Lloyd Whitfield, 28, Detroit, MI; and Arshon Young, 19, Miami-Dade County, FL.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

RESTORING THE EVERGLADES, AN AMERICAN LEGACY ACT

Mr. L. CHAFEE. Mr. President, when the Senate passed the Water Resources Development Act of 2000 (WRDA) on September 25th, a landmark piece of legislation was attached to the bill. This legislation—S. 2797, Restoring the Everglades, an American Legacy Act—was introduced by Senators SMITH, BAUCUS, VOINOVICH, GRAHAM and MACK earlier this summer to restore the natural ecosystem of the Florida Everglades.

Historically, the Florida Everglades system consisted of a natural flow of 1.7 billion gallons of fresh water draining into the Gulf of Mexico and the Atlantic Ocean on a daily basis. Beginning in 1948, the system has been adversely impacted by a series of Federal flood control projects authorized by Congress to redirect water flows throughout the Everglades. Over a half-century of Army Corps of Engineers' water infrastructure projects, consisting of a series of levees and canals, have severely damaged the Everglades system. This substantial diversion of water resulting from the infrastructure construction, coupled with increased development in the area, threaten the overall environmental health and sustainability of the Everglades National Park. In 1992 and 1996, Congress directed the Army Corps of Engineers to conduct a ''Restudy'' of the existing system and recommend changes to improve the current state of the Everglades. The results of the restudy and recommendations for restoring the system are incorporated into the ''Comprehensive Everglades Restoration Plan''.

S. 2797 implements the Everglades Restoration Plan. The bill was approved by a bi-partisan majority of members of the Senate Committee on Environment and Public Works and is strongly supported by the Administration and the State of Florida. Restoring the Everglades, an American Legacy Act is a $7.8 billion dollar package that includes a broad framework for repairing the system's fragile ecosystem. Additionally, the bill creates a new and significant partnership between the Federal Government and the State of Florida. S. 2797 includes cost share provisions establishing a 50:50 Federal to non-Federal cost share requirement and providing that operation and maintenance costs will also be split in half between the Federal and non-Federal sponsors. Most importantly, the bill balances the benefits to the natural system, while providing for water supply and flood protection needs.

I thank the Committee for moving forward with this important legislation. I would particularly like to thank Chairman BOB SMITH for his leadership on restoring the Everglades and for crafting legislation that will ensure the future preservation of this national treasure.

COUNTY PAYMENTS BILL, H.R. 2389

Mrs. BOXER. Mr. President, on Friday the Senate passed H.R. 2389, the ''Secure Rural Schools and Community Self-Determination Act of 1999.'' I have paid close attention to the bill because it has significant implications for the State of California. H.R. 2389 is important to my State because it provides substantial and desperately-needed revenue to rural counties to be used for schools, roads, and other beneficial purposes. The bill also, however, creates unprecedented opportunities for