

SENATE—Wednesday, September 17, 1997

The Senate met at 9:45 a.m., and was called to order by the Honorable RICK SANTORUM, a Senator from the State of Pennsylvania.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, our Creator, Sustainer, and loving heavenly Father, thank You for this moment of profound communication with You. We come to You just as we are—with our hurts and hopes, fears and frustrations, problems and perplexities. We also come to You with great memories of how You have helped us so faithfully when we trusted You in the past.

Now, in the peace of Your presence, we sense a fresh touch of Your Spirit. With a receptive mind and a heart wide open, we receive the inspiration and love You give so generously. Make us secure in Your grace and confident in Your goodness. We need Your power to carry out the responsibilities that are upon us this day.

Humbly, we now ask for divine inspiration in the decisions of this day. Because we are here to please You in all that we do. Our hope is that at the end of this day we will hear Your voice sounding in our souls, "Well done, good and faithful servant." Through our Lord and Saviour. Amen.

APPOINTMENT OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 17, 1997.

To the Senate:

Under the provisions of rule 1, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICK SANTORUM, a Senator from the State of Pennsylvania, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. SANTORUM thereupon assumed the chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The Chair, in his capacity as a Senator from the State of Pennsylvania, suggests the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. ROBERTS. Mr. President, today the Senate will resume consideration of H.R. 2107, the Interior appropriations bill. Senators who have any additional amendments to this legislation are encouraged to contact the managers and come to the floor this morning so that we can continue to make real progress on this bill.

At 10:45 this morning, the Senate will begin 15 minutes of debate on H.R. 2016, the military construction appropriations conference report. A vote will occur at approximately 11 o'clock on the MilCon conference report. Following disposition of that report, the Senate will resume consideration of the Interior appropriations bill with the intention of completing that measure today. Therefore, Senators should anticipate votes throughout today's session. As always, Members will be notified as these votes are ordered. I thank my colleagues for their attention and yield the floor.

Mr. BIDEN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

ORDER OF PROCEDURE

Mr. BIDEN. Mr. President, I ask unanimous consent that I be able to proceed as if in morning business for up to 30 minutes.

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

Mr. BIDEN. Mr. President, first of all, I have two statements I wish to make, but if any of my colleagues come in and wish to begin on the amendments, I will cease at that point and not ask for all 30 minutes.

Second, Mr. President, I apologize to you and others for my gravelly voice; I have a cold, and I understand sitting in the chair can be a task. It is hard enough sometimes to listen to me, and it is even harder sometimes when I am in this condition.

THE CHINA SUMMIT: WHAT KIND OF ENGAGEMENT?

Mr. BIDEN. Mr. President, at the end of October President Clinton will sit down with Chinese President Jiang Zemin to try to put the United States-China relationship on a sounder footing. After 8 years of tension in the relationship, it should go without saying

that there is plenty of work to be done by both Presidents.

With over a billion people and a burgeoning economy undergoing a dramatic transformation from doctrinaire communism to market-driven capitalism, China undeniably is an emerging great power. How we deal with China will be one of the great foreign policy challenges of the next century.

The forthcoming meeting with President Jiang Zemin is one of a series of important opportunities to advance our relations that will occur over the next several months.

Today I want to outline some of the objectives that I think the United States should pursue during Jiang's visit, particularly in regard to one of the central issues in our relationship.

The issues on the agenda are familiar. We have deep concerns about China's human rights record, its trade practices, and most important, from the perspective of international security, its lackluster record of adherence to nonproliferation agreements.

It is unrealistic to assume that we will resolve all our differences next month, next year, or even over the next several years.

I am convinced, however, that it is possible to build a mutually beneficial relationship with China. A rising China need not threaten United States interests. In fact, China cannot achieve the economic growth, international respect, and regional stability it seeks without a workable relationship with the United States and close, constructive, integration with global economic, political, and security regimes.

THE CONTAINMENT-VERSUS-ENGAGEMENT DEBATE

Just as China is engaged in a great internal debate about its future direction, the United States is undertaking a great debate about the future direction of its policy toward China. The choice is often framed, simplistically, as one between two mutually exclusive paths: containment or engagement.

But the relationship between these two great nations is far more complicated than that. It demands a more sophisticated strategy.

Containment—the central organizing principle of the West during the cold war—is not a realistic policy option for China. Economically, China is already a powerhouse, the third largest market in the world and our fastest growing export market. Unlike the former Soviet Union, China has a vibrant economy, enjoys normal relations with all of its neighbors, and is attracting vast amounts of foreign investment.

If we try to smother China by denying it access to our markets, the effect

on China would be less severe than commonly expected. Exports to the United States represent only about 2 to 3 percent of China's gross domestic product, and the injury would be borne not only by China, but also by our many allies in the region. This is because 70 to 80 percent of the value of China's exports to the United States represent products originally imported by China from the United States and other countries and then processed for export.

Militarily, a containment strategy for China would be a terrible act of folly worthy of a Barbara Tuchman history volume. For the last 25 years our alliances with Japan, South Korea, Australia, Thailand, and the Philippines have helped to foster peace and stability in the Pacific—all without vilifying China. While it is essential that we adapt our regional alliances to post-cold war realities, we should not cast China as an adversary.

Our allies support the integration of China into the region's economic and political structure, including the Association of Southeast Asian Nations regional forum. None would support a policy of containment premised, as it would have to be, on the notion of an expansionist China bent on regional hegemony.

If containment fails to advance our interests, what about engagement? Engagement, a term frequently used to describe the Clinton administration's policy, is, by itself, virtually without substance. Engagement could run the gamut from normal diplomatic relations, to a zealous mercantilist approach that runs the risk of placing profits over principle. Or to paraphrase George Will in another context from years ago, he said, "Some of my friends love capitalism more than they hate communism."

Engagement is not a policy. It is a means to an end. It is the content of the engagement that matters.

We should not be passive in our relationship with China. We can influence what kind of great power China becomes.

Encouraging China's transition from a poor, isolated Communist state to a more prosperous, open, and democratic partner, however, will take more than a bland policy of engagement. It requires patience and purpose in the pursuit of clearly articulated U.S. interests.

U.S. INTERESTS

American interests in China are clear. We seek a free, prosperous, and secure China, at peace with its neighbors. We want China to respect international norms—particularly, nonproliferation, human rights, trade, and the environment.

THE SUMMIT'S MEASURE OF SUCCESS

Next month, Chinese President Jiang Zemin will visit Washington, the first such visit since the Tiananmen Square

massacre. I am prepared to support this diplomatic step, provided that it yields meaningful progress on issues of concern to us.

Early reports about China's priorities at this summit call into question whether such progress can be achieved. According to press reports, China is obsessed with ensuring that President Jiang receives the red carpet treatment, similar to the celebrated visit of Deng Xiao-Ping in 1979.

Let me state it plainly: this visit must be about more than ceremony.

In the area of international security, we should not hesitate to criticize China for conduct which calls into question Beijing's commitment to nonproliferation and invites U.S. sanctions.

However, we should also be prepared to lay out plainly the benefits that might accrue to China if it takes decisive steps to join with the United States to halt the spread of weapons of mass destruction.

NONPROLIFERATION CONCERNS

As my colleagues know, I have for several years been critical, along with Senator HELMS, of China's behavior in the area of nonproliferation. Their consistent flouting of international norms warrant skepticism that China is willing to engage us honestly on our proliferation concerns.

Nonetheless, I agree with this objective: we must strive to transform nonproliferation from an issue that has become emblematic of the difficulties in Sino-United States relations to an example of cooperation and trust.

Toward that end, China deserves some credit for development of its official policy on nonproliferation. For example, since 1992, Beijing has promised to abide by the Missile Technology Control Regime, acceded to the Nuclear Nonproliferation Treaty [NPT], signed and ratified the Chemical Weapons Convention, developed regulations governing exports limited by the Chemical Weapons Convention, and issued its first public defense white paper, which focused on arms control and disarmament.

On May 11, 1996, following what the Chinese maintain was an unauthorized sale of ring magnets used in uranium enrichment to Pakistan in violation of China's Nonproliferation Treaty [NPT] commitments and United States law, China pledged not to provide assistance to any nuclear facilities not under International Atomic Energy Agency safeguards.

Last year, China began a moratorium on nuclear testing and signed the Comprehensive Test Ban Treaty. Finally, just last month China promulgated a list of controlled nuclear technologies which are prohibited from export.

Perhaps even more significantly, in recent months we have observed for the first time a Chinese willingness to forego exports of nuclear technology to

Iran in response to United States concerns.

Hopefully, this is the dawning on the part of the Chinese of not only a recognition of the commitments they made, but what their self-interest is. It is not in their self-interest, in my humble opinion—although I never tell another man or woman their politics or lecture another country about what is their interest—but on the surface it clearly is not in their interest to continue to engage in the activities they have engaged in during the decades of the 1980's and the 1990's. So I am not making any prophecy about what this portends, I am just stating a fact, that there has been a change—not sufficient change, but a change. Again, hopefully, it is a recognition of their self-interest in addition to their international obligations.

The China Nuclear Energy Industry Corporation reportedly has canceled an agreement to sell Iran a facility to convert uranium ore into uranium hexafluoride gas, which could be enriched to weapons-grade material. I hope that is correct. China has also suspended an agreement to sell nuclear reactors to Iran. Again, if true, if they keep on that path, that is a very positive change.

I hope that these developments are evidence that Chinese leaders now fully accept that China's own national security would be threatened by the proliferation of weapons of mass destruction and the means to deliver them. I also hope that China understands that great powers go beyond their minimum treaty obligations in the interest of peace and security. If they wish to be a great power, they will be required to do the same.

China wants to be accepted as a great power. I welcome that desire and understand it. A great power bears an obligation not to sell dual-use equipment to a country that is known to have a program to develop long-range missiles. A great power bears an obligation not to sell chemical weapons precursors or technology to firms or institutes that are fronts for military programs. A great power agrees to work with other countries to ensure that the burdens of nonproliferation are shared equitably. China must step up to that obligation.

CHINA'S NEXT STEPS

There are several steps China could take to shoulder their share of the nonproliferation burden and to increase the world's confidence in their stance on nuclear nonproliferation. Specifically, in my humble opinion, China should do the following: Expand its pledge not to assist unsafeguarded facilities to include unsafeguarded programs; clarify its recent commitment not to assist Iran's nuclear program and put it in writing; make its nuclear export control list available to Chinese and foreign firms and expand controls

to include dual-use nuclear technology; establish a comprehensive export controls enforcement mechanism, and demonstrate its effectiveness through the arrest and prosecution of violators within China; stop all contact between Chinese nuclear engineers and those Pakistani experts with ties to Pakistan's nuclear weapons program; and last, I believe China should agree to join multilateral bodies committed to nuclear nonproliferation, including the Zanger Committee.

If China took these steps, we would be well on our way to transforming nuclear nonproliferation from a sore point in Sino-United States relations to a genuine success story.

ACTIVATING THE NUCLEAR COOPERATION AGREEMENT

United States concerns about Chinese proliferation are not restricted to nuclear technology. China's export of chemicals and equipment destined for Iran's chemical weapons factories and its sale of cruise and ballistic missile technology to Iran, Pakistan, and other countries remain of serious concern to the United States and must be addressed.

But progress in the area of nuclear nonproliferation could serve as an example for these other areas of our bilateral relationships. Moreover, there are benefits that could flow to both the United States and China once we became convinced by China's actions of the sincerity of its commitment to halt the spread of weapons of mass destruction.

For example, if recent progress in the area of nuclear nonproliferation continues, the President could choose to implement the 1985 Peaceful Nuclear Cooperation Agreement with China. That early agreement permits the export of United States nuclear energy technology to China. We have suspended it because of our doubts about China's intentions. If China continued on the path that they have begun of late, the President, or the next President, could in fact reengage that agreement.

The Peaceful Nuclear Cooperation Agreement was suspended in 1986 in response to Congressional concerns about Chinese assistance to Pakistan's nuclear weapons program. I was one of those expressing concern at that time. I think we made the right decision.

For the past decade, China's nonproliferation track record has effectively, in my view, precluded resumption of nuclear cooperation with the United States. I have been one of the people on this floor calling for the rare secret sessions that we occasionally have here to discuss China's activities over the last decade in this area.

During the intervening years, China has pursued a "Noah's Ark" approach to nuclear energy, purchasing two Russian reactors, two French reactors, and two Canadian reactors. Now they are

close to reaching a decision on a standard configuration for their nuclear industry, and they would like to purchase two American reactors. The Chinese rightly believe that United States reactors are the safest, most efficient, and reliable on the planet—which they are.

For the United States, reactivation of the nuclear cooperation agreement could mean billions of dollars' worth of exports to help balance our trade with China, additional high-paying jobs for Americans, and a beneficial change in the relationship. There would also be an environmental benefit: reducing China's consumption of high-sulfur coal, which fouls the air over China's cities and contributes to global warming.

So, there could be a great benefit. But China must first, must first demonstrate to us that their recent adumbrations with regard to nuclear nonproliferation, are real, and that is why I was presumptuous enough to suggest the things that I think China could and should do, and should be discussed in the impending visit.

The world system has never been adept at accommodating the aspirations of rising powers.

As a student of history, and although it has been 100 years since I was in undergraduate school, my love and my avocation still, as a student of history—I know, and you know and all our colleagues know, that the world has never been adept at accommodating the aspirations of rising powers. To deny that China is a rising power is to deny reality. China's rise is not likely to be an exception in the way in which the world responds.

Increasingly, China not only wants a seat at the table, it expects its interests to be taken seriously and balks at being held accountable to rules it had no role in shaping when the great powers shaped them, before they had a seat at the table.

China is an ancient country with a rich history and a proud list of cultural and technological accomplishments which will forever distinguish it from our western, Judeo-Christian traditions. In light of this, one can understand why they might feel that it could be unreasonable for us to try to mold them in our image. But we do China no favors by failing to communicate our concerns, or by jettisoning our principles or our strategic interests in pursuit of an ill-defined policy of engagement. To suggest that international norms that all the world are willing to accept, or should be willing to accept, are an imposition of our system on China, is in fact, I think, an incorrect way of looking at it.

We are not trying to make China in our own image. But there are certain basic international norms to which they must conform.

We are not being unreasonable when we expect China to accept inter-

national norms of behavior in the area of nonproliferation, human rights, and trade. We are not being unreasonable when we expect China to adhere to the terms of its international agreements—period.

Since the introduction of Deng Xiaoping's reforms 20 years ago, China has opened to the world, seeking even greater integration into global trade and security regimes. And during that process, as an observer, it seems to me, like all change, like all transitions, they have begun to learn. They have begun to learn where their interests lie. My hope is their learning curve continues.

Some China watchers discount this trend as mere tactics. I believe that these China watchers are mistaken. Only in a Chinese historical context of dynasties and centuries could the consistent policy of two decades be dismissed as tactics. China's opening is the single greatest force for economic modernization and political reform that the Middle Kingdom has ever known. We should reinforce this strategic opening.

How ironic and tragic it would be if we attempted to contain China just at the moment in history when China becomes convinced that it no longer needed a great wall to protect it from the barbarian hordes and foreign influences.

Rather than throwing up the ramparts, we should be seeking to expand the areas of cooperation. China must do its part by adhering to international norms of behavior and following through on its commitments, and we must do our part standing ready to welcome China as it strives to become a truly great power. Our interests with China are too vital—the consequences of failing to build a constructive relationship with China too profound—to do otherwise.

Mr. President, how much time do I have left in my request?

The PRESIDING OFFICER. The Senator has 8 minutes 4 seconds.

THE BOSNIAN ELECTIONS

Mr. BIDEN. Mr. President, I would like now to speak very briefly, 8 minutes, to the issue of Bosnia. Last weekend, the people of Bosnia-Herzegovina went to the polls to elect their various municipal governments. I know the President has recently been to Bosnia, as I have. These local elections had been postponed from last year because of tampering with registration, chiefly by the Bosnian Serbs.

But I am happy to report, and we have all observed, that this year's municipal elections were a success. Despite dire threats of violence against refugees and displaced persons who wanted to cross over to their former homes to vote, over 2 days, not one single incident of violence occurred in the entire country.

Why? For a simple reason, I believe, Mr. President. Because of the presence of SFOR, the NATO-sponsored troops on the ground led by recently reinforced American troops. SFOR made clear to all parties that violence would not be tolerated and force would be met with force.

Every single time over the past several years when the West has been forceful in its behavior, the ultranationalists in Bosnia, primarily the Serbs but all ultranationalists, have backed down—every single time.

The elections were carried out by the Organization for Security and Cooperation in Europe, the so-called OSCE, in which the United States is an active member, but only one of many. The OSCE observers deserve a great deal of credit for their successful labors.

The results of the election will not be known for another couple of days. Already, however, some encouraging signs are emerging. In Tuzla, a place I have visited on more than one occasion, the Muslim Party for Democratic Action, the SDA, conceded defeat by Mayor Selim Beslagic, who represented not just the Muslim party but the multiethnic joint group that was running.

I met the mayor last month. I met with him last month in Bosnia in Sarajevo. When I met with him, he indicated that he represents not just Muslims, but he represents this multiethnic slate and he represents just the kind, in my view, of democratic, tolerant, pragmatic politician that is going to be needed to rebuild Bosnia. But the point is, the controlling party in the area lost. The election was free.

Until now, three ethnically based parties that profess to represent the interests of the Muslims, Serbs, and Croats have been dominating the airwaves and the patronage system. Tuzla, and perhaps other cities in both the federation and the Republika Srpska, show that if SFOR and the international community guarantee equal access, the monopoly of these parties on power can be broken.

Moreover, Mr. President, I would argue it represents what I believe to be the majority view of Bosnian Serbs, Bosnian Croats and Bosnian Muslims, who, I might add, lived together in peace for decades and decades prior to this and the majority of whom wish to do that again. But it shows that the monopoly of the parties that are representing purely the xenophobic notions of their particular interests are not necessarily the views of the people of Bosnia.

Moreover, it is likely that, thanks to the absentee voting and the protection offered by SFOR for returning refugees, the election may reverse the vile ethnic cleansing of the war. For example, in the town of Drvar in western Herzegovina, it was 97 percent Serb until the town's inhabitants were driv-

en out in the fall of 1995 by Croats. Last weekend, the Croats who displaced the Serbs did their best to harass returning Serb voters. International election officials from the OSCE, however, insisted the Serbs be allowed to vote, and it looks like there may be a turnaround in that community as well.

Several other towns, like Jajce and Srebrenica, site of the largest civilian massacre in Europe since World War II, may see their former inhabitants, in these two cases Muslims, forming the governments in those two cities.

The international community is now faced with the next—and this is an incremental thing, Mr. President—they are faced with the next stark question of whether now we will enforce the election results, whether we will now be part of that.

I realize that is a dicey deal, but I continue to argue that when we demonstrated force, and given the power of the people in those communities, we, the Western community, have prevailed.

So now the question is, will we enforce the results of the election by guaranteeing that the newly elected councils not remain governments in exile? Enforcing the election results, of course, means that the right of refugees and displaced persons to return must be honored, which Dayton calls for. In most cases, that would be able to be accomplished only by the international community being present and the presence of SFOR.

Mr. President, I believe we have no choice in this matter. Both for moral and practical reasons, it seems to me we must move rapidly to enforce the resettlement of refugees as the results of the election will dictate. This will be a difficult task, and the time is short before the onset of the Balkan winter. Most likely we will have to begin with highly visible demonstration returns in one or two selected towns. But, Mr. President, we must keep the democratic momentum going.

Rebuilding shattered Bosnia is an immense undertaking, and now, for the first time in years, there has been a string of successes. The United States has been the prime mover in these, although not the prime player in terms of numbers. We must continue to exert our leadership on the European Community, and we must continue the valuable and honorable work we have undertaken, for, Mr. President, to do otherwise, I will predict, the result will be disastrous for Europe, disastrous for our interests.

I will end with a rhetorical question. How can we expect stability in Europe if the ethnic cleansing is able to be justified, and partitioning takes place? How do we then explain that to the other parts of the former Soviet Union who have equally deep divisions that exist? Mr. President, there are 5 mil-

lion ethnic Russians in the Ukraine. There are 5 million of them. There are millions of people who have ethnic differences living throughout that area. How do we deal with Rumania and Hungary? If we say that this vile ethnic cleansing will be rewarded by us backing out and letting it return to the status quo, you know European leadership will not step up to the ball. Again, I want to make it clear, we play the smallest part relative to the rest of the world in this, in the sense that we are only a small portion of the overall effort, but the overall effort is occurring because of our leadership.

So, Mr. President, I acknowledge that this is a dicey deal. I acknowledge that it is going to be difficult, but I would suggest that those who have a different view from me acknowledge that there have been recent successes that at least lend hope to the possibility that we can continue down this path.

I thank the Chair, and I thank my colleague. I yield the floor.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The PRESIDING OFFICER. Under the previous order, the Senate now resumes consideration of H.R. 2107, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2107) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998.

The Senate resumed consideration of the bill.

Pending:

Ashcroft amendment No. 1188 (to committee amendment beginning on page 96, line 12, through page 97, line 8) to eliminate funding for programs and activities carried out by the National Endowment for the Arts.

Hutchinson amendment No. 1196, to authorize the President to implement the recently announced American Heritage Rivers Initiative subject to designation of qualified rivers by act of Congress.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Washington is recognized.

Mr. GORTON. Mr. President, the Senator from Delaware has used this time very much to good effect with thoughtful analyses of two questions, and he certainly did not interfere with debate on the Interior appropriations bill, as no one was here to present an amendment on the subject. I do have a unanimous consent request that has been agreed to by both sides, Mr. President, and I will present it now.

UNANIMOUS-CONSENT AGREEMENT

Mr. GORTON. Mr. President, I ask unanimous consent that at 1:30 p.m. today, the Senate resume consideration of the Ashcroft amendment No. 1188, and that the time be divided in

the following fashion: 70 minutes under the control of Senator BYRD, or his designee; 70 minutes under the control of Senator ASHCROFT, or his designee; 5 minutes under my control.

I further ask unanimous consent that following the conclusion or yielding back of time, the Senate proceed to vote on, or in relation to, the Ashcroft amendment.

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

Mr. GORTON. Mr. President, I also express my strong hope and preference, and that of the majority leader, that after disposition of the Ashcroft amendment, unless it is adopted, that we proceed promptly to the consideration of the other amendments relating to the National Endowment for the Arts. They are: an amendment by Senator ABRAHAM; an amendment by Senator SESSIONS and Senator HUTCHINSON of Arkansas; and an amendment by Senator HUTCHINSON of Texas. Each of them has been debated thoroughly. While no unanimous-consent request has been made with respect to any of them, I hope that we will be able to get relatively short debate periods and thereby finish dealing with the most controversial aspect of this bill.

There are also other outstanding amendments, some of which may require rollcall votes. I know of one relating to forest roads that will be proposed by Senator BRYAN of Nevada. I hope we will, within the hour at least, be able to arrange a time for its debate.

I believe that there are a couple of others. I am also delighted to report that Senator BUMPERS and Senator REID have apparently reached an agreement on an element in this bill which divided the two of them. I believe that, again, within the hour or hour and a half, we may be able to adopt an agreed amendment on that subject.

I know the majority leader still would like to finish this bill tonight. That may be a vain hope, but I certainly hope we will get a long way toward that end. With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

SUPPORTING THE NATIONAL ENDOWMENT FOR
THE ARTS

Mr. KENNEDY. Mr. President, here we go again. Every year since 1989, Congress has held a highly charged debate about the future of the National Endowment for the Arts. This year is no different. Ironically, extremists opposing NEA have recently been claiming that there has been inadequate oversight of the agency. Dollar for dollar, it is likely that no agency has been

more heavily scrutinized than the Arts Endowment.

The arts and humanities have, and deserve to have, a central role in the life of America. The Arts Endowment has contributed immensely to that role. It has encouraged the growth and development of the arts in communities across the Nation, giving new emphasis and vitality to American creativity and scholarship, and to the cultural achievement that are among America's greatest strengths.

Americans have a great deal to celebrate and learn about our extraordinary cultural traditions. The arts are an important part of our complex and modern society, and will play a key role in fulfilling our country's many possibilities for the future.

Critics used to claim that the Endowment spent money unwisely—awarding grants to unqualified artists or to artists that clearly did not merit Federal aid. But the critics quickly ran out of examples. Over the period of its entire 32-year history, a grand total of about 25 of the tens of thousands of grants awarded by the Endowment have raised genuine concerns. Yet, the budget for the Arts Endowment has been cut to penalize the agency for these so-called inappropriate grants. Other restrictions have also been imposed—on content, on seasonal support grants, on grants to individuals, and on sub-grants.

Nothing will ever satisfy the critics, because their real intent is to eliminate any Federal role in the arts. Their goal is to abolish the agency—either directly by denying it any funds at all, or, indirectly by block-granting all the funds to the States.

In fact, the Arts Endowment has an extraordinary record of successful achievement. As a result of the its leadership over the past three decades, there are now double the number of orchestras in America, 11 times the number of dance companies, and 50 times the number of local arts agencies. The NEA reaches out to thousands of America's communities and neighborhoods. It is functioning as it should, encouraging the arts in all parts of the country, providing the seed money that enables local arts to grow and thrive.

Let us be honest. In recent years, since the rightwing's misguided ideological assault on the agency first began, Congress has gone the extra mile. We have taken every reasonable action to ensure that the Arts Endowment only supports grants and programs that are responsible, that fulfill the agency's widely accepted mission, and that reach the widest possible audience. Every year the agency has to run the appropriations gauntlet and every year it convinces a majority of Congress that it deserves support. This year should be no different, because there is no new evidence to justify the critics' shameful attack.

The Labor and Human Resources Committee recently approved a 5-year reauthorization of the Arts Endowment. The bill includes appropriate restrictions and set-asides, so that the arts will reach as many communities across the country as possible. The bill also establishes arts education as a primary focus of the agency. The bill was approved by a solid bipartisan committee vote of 14 to 4.

I commend Senator JEFFORDS of the Labor Committee for his excellent job in guiding that authorization through the committee. He is a strong supporter of the arts and has been thorough and conscientious in his oversight of the Endowment.

The Appropriations Committee has also demonstrated its support for the Endowment, by recommending just over \$100 million for the Arts Endowment in this bill. I commend the committee for its support.

The agency has made a significant contribution to the quality of life in thousands of communities in our country. The arts have broad appeal, and the Endowment's mission is to encourage artists and institutions across the country to create, produce, and present programs to tap and encourage that appeal. In 1996, for example, the NEA supported significant programs such as the Delaware Theater Co., the Atlanta Ballet, the Tulsa Philharmonic Society, the University of Southern Mississippi's Folk and Traditional Arts Program, and the International Association of Jazz Educators.

Countless other examples can be cited. Federal support for the arts has clearly made a large difference in communities across the country. The current Federal role is significant, and it has overwhelming support in every State. Families want their children to visit symphonies and museums. They want to enjoy theater and dance. The arts are more than a diversion or entertainment. They are educational and enriching, and their central place in the Nation's life and experiences should be supported and increased.

The Conference of Mayors has strongly endorsed the Arts Endowment. These local officials, who know their communities best, clearly understand the positive role of the arts. They know that the arts contribute to the vitality of their locality, and increase its economic base as well.

In Massachusetts, the arts community is thriving and dynamic. A wealth of cultural and educational activities is available to every citizen. These activities also attract tourists to our State. Recently, the Museum of Science presented its hugely successful Leonardo da Vinci exhibition. A major retrospective on Picasso's early years is about to open at the Museum of Fine Arts. Many of my colleagues, I am sure, had the opportunity to see this extraordinary exhibition at the National Gallery of Art in Washington.

The Endowment's support helped to make this dramatic exhibition possible.

People in every State treasure their own arts institutions and arts programs in the same way. Whatever the size of the State or community, the impact of the arts is significant and indisputable, from the youngest child to the oldest senior citizen.

Leaders in State and local institutions across the country are convinced that support by the Arts Endowment has been a significant part of their success. Federal aid is seed money. It has never been intended to replace State or local or private support for the arts. But it has often been a critical component in the overall development and success of countless local institutions.

In many communities, the Federal role has been indispensable, especially in disseminating innovative programs to institutions that might not have the resources to develop and produce their own programs.

Arts education is an excellent example of this impact. Music is an especially effective tool in developing the discipline and the learning potential of students. Recent studies by the college board show that students who have studied 4 years of music or more do significantly better in both their math and verbal scores on standard SAT tests.

Let me just repeat that. The studies by the college board show that students who have studied 4 years of music or more do significantly better in both their math and verbal scores on standard SAT tests—up to about 50 points more.

You would find it extremely difficult to point to any single particular educational program that results in that kind of a bump in terms of educational achievement and accomplishment. But there it is. There are the statistics. And it should not be any mystery.

We know, for example, for 300 years the Greeks had the greatest mathematicians in the world. It is interesting to note that the reason that they had the greatest mathematicians in the world is that they taught their youngest children mathematics through the arts and through music—for 300 years.

I have 10 schools in my own city of Boston where the Conservatory of Music is working with those schools to try and provide the same kinds of initiative in terms of the music and the math that was used many hundreds of years ago with phenomenal success.

I remember being in the Trotter School in Boston with Larry Lesser, who is probably one of the world's great cellists, and the time he was working in an inner-city school and working with those inner-city children in terms of enhancing their academic achievement and accomplishment. You would, as I say, rarely find a particular

educational program that would have that kind of result.

We are all looking to what is going to be magical in terms of education, that is going to enhance academic achievement. We have the results in with regard to those students who study music for 4 or more years and how that has enhanced children who have that 4 or 5 years of study in their academic achievement. And it is out there for all of us to see.

So it is not only an issue that we are talking about in terms of the value of the arts, in terms of the culture, and the values which we value in our society, but it is very, very tangible and a very important component in terms of education.

We have some important alterations and changes in the authorization to try and enhance and build on that in the reauthorization which Senator JEFFORDS and I have been strongly supportive of.

We should be doing more, not less, for the arts. The heavy-handed attempt by the House Republican leadership to eliminate the Arts Endowment should be categorically rejected, and it is gratifying that President Clinton has pledged to veto any bill that reaches his desk that attempts to do so. In fact, many of the agency's strongest and most effective supporters are on the Republican side of the aisle.

Congress should start listening to the people and stop bashing this small agency. When we listen to the exaggerated protests of the critics, it is hard to remember that we are talking about a program that costs each taxpayer 37 cents a year.

We have already taken a full range of steps to see that the agency operates as effectively and responsibly as possible. It is time to support fair funding for this important agency, and give it the solid vote of confidence it deserves.

Mr. President, I remember last year—maybe others do—when we had the Vermeer exhibition at the National Gallery. It was in the wintertime. I remember over a weekend going down to try and visit that exhibit on a cold and blustery day and getting there on a Sunday morning at 8 or 9 o'clock in the morning, and seeing the lines there four blocks long, people outside waiting 4 hours.

Finally, when I was able to get in there a number of people came up and spoke to me just quietly saying to me, "Senator, we hope you will tell Members in the Congress and the Senate that we value the arts. We are prepared to wait for the 3 or 4 hours outside to see this extraordinary exhibit of the arts."

Whether the National Endowment supported that particular exhibit or not, it is doing otherwise, primarily in exhibits that might not have as high a visibility as the Vermeer exhibit but certainly still bringing the value of

those programs to the American people.

Mr. President, in his 1960 campaign for President, President Kennedy discussed the close historical relationship between great achievement in public life and great achievement in the arts. He said, "There is a connection, hard to explain logically but easy to feel, between achievement in public life and progress in the arts. The age of Pericles was also the age of Phidias. The age of Lorenzo de Medici was also the age of Leonardo da Vinci. The age of Elizabeth also the age of Shakespeare. And the New Frontier for which I campaign in public life, can also be a new frontier for American arts."

Three years later, as President, in a major address at Amherst College in October 1963, he said this:

I look forward to an America which will reward achievement in the arts as we reward achievement in business or statecraft. I look forward to an America which will steadily raise the standard of artistic accomplishment and which will steadily enlarge cultural opportunities for all our citizens. And I look forward to an America which commands respect throughout the world not only for its strength but for its civilization as well.

Those are timeless goals. They apply to our own day and generation as well. I urge the Senate to heed them, to give the arts in America the strong support they so eminently deserve.

Mr. President, I have one further observation. Yesterday one of the critics of the Endowment raised the issue of elitism and cited a grant to my State as an example of the elitist focus of the National Endowment for the Arts.

Well, I agree. This grant—to the Phillips Academy—is a perfect example. It is an example of a worthwhile program—and an example of the distortion that critics of the agency rely on to make their specious arguments.

The Addison Gallery of American Art, which is affiliated with Phillips, applied for a NEA grant as the lead members of a consortium. The grant seeks support for a project entitled "To Conserve a Legacy: American Art From Historically Black Colleges." The other consortia organizations are Clark Atlanta University, Fisk University, Hampton University, Howard University, North Carolina Central University, the Studio Museum of Harlem, and the Williamstown Art Conservation Center.

Art work from each of the five participating black colleges and universities will be selected for conservation and inclusion in the exhibit which will travel to Clark, Hampton, Howard, and the Studio Museum of Harlem, in addition to the Addison.

The works in the exhibition will represent artists such as Romare Beardon, Sam Gilliam, Jacob Lawrence, and others. And one component of the project is a year-long training program in which minority students will be selected by the participating universities

to work on-site for one school year during the selection and conservation of the art work.

This is one of those grants that is going to Massachusetts—yes, it is, but its scope and audience and impact is national. And the funds were matched on a 3-to-1 basis.

I believe that this grant is not only defensive but also commendable. And I think those that have criticized this grant as an elitist grant will take a second look.

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1998—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the hour of 10:45 having arrived, the Senate will now proceed to consideration of the conference report that accompanies H.R. 2016, which the clerk will report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2016) having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 9, 1997.)

The PRESIDING OFFICER. Under the previous order, there will be 5 minutes' debate each for the Senator from Montana, the Senator from Washington, and the Senator from Arizona.

The distinguished Senator from Montana is recognized.

Mr. BURNS. I am pleased to bring before the Senate the military construction conference report for fiscal year 1998.

Mr. President, this conference report was passed by the House of Representatives yesterday by a vote of 413 to 12 and sent to the Senate last night. Now it awaits final passage here.

Mr. President, we worked very hard with our House colleagues to bring this military construction conference to a successful conclusion. Both sides did take a little bit different perspective on the allocation of military construction funding for the Department of Defense, but in the final conference report we met our goals of promoting the quality of life, other initiatives, and enhancing the mission for readiness.

Mr. President, this bill has some points I want to highlight. It provides a total of \$9.2 billion for military construction. Even though this is an increase of \$800 million over the President's budget for fiscal year 1998, it is still a reduction of \$600 million from what was appropriated just a year ago. That is an overall reduction of 6 percent.

Some 42 percent of this bill is allocated to family housing, for a total of

\$3.9 billion, so this includes new construction, improvement in existing housing, and funding for operation and maintenance of housing.

The base realignment and closure part of the bill accounts for 23 percent of our total funding, about \$2.1 billion. Yes, there is talk of another round of BRAC, and I want to tell my colleagues that base closure does take up a lot of funds. This encompasses funding for environmental cleanup of the closing of those bases and for the construction of new BRAC-related facilities.

Mr. President, I continue to be concerned about the growing cost of the environmental cleanup of our BRAC installations. These costs frequently continue long after the base is closed. In some way or another we have to get a handle on that cost. But right now it seems like it is almost impossible to do.

We strongly protect the quality-of-life initiatives. We provide \$724 million for barracks, \$32 million for child development centers, \$163 million for hospital and medical facilities.

We provide a total of \$640 million for guard and reserve components, a reduction of \$100 million from the Senate-passed bill. Overall, this represents an increase of \$290 million from the President's budget request. Many of those projects will enhance our readiness and mission capabilities of our reserve and guard forces. I have to say, they are vital in the overall national defense scheme. It seems like every year when the budget comes down from the administration, those two parts of our military complex are forgotten about.

I thank my ranking member, Senator MURRAY of Washington State, for her assistance and support through this process. She and her staff have been extremely cooperative. I also want to commend our colleagues in the House, because we went through the conference, and I think it is a good lesson on get your work done before you go and it makes it a lot easier when coming to an understanding and bringing all the minds together.

I commend this product to the Senate. I recommend that it be signed by the President without modification.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I am pleased to strongly support and recommend to the Senate this military construction appropriations conference report. The final amount, \$9.18 billion, is slightly below the Senate-passed amount, and is about \$800 million above the budget request. Nevertheless, it is a frugal bill, some \$600 million, or 6 percent below last year's appropriated amount.

We have added \$800 million to the bill to correct what the subcommittee perceived to be serious shortfalls in quality-of-life initiatives particularly hous-

ing and also including child care centers and medical facilities, as well as what has been the annual short-changing of our guard and reserve forces. In particular, the budget request was for approximately \$172 million for our guard and reserve forces, and the conference result was about \$460 million, some \$290 million over the request. I would point out that the Senate conferees reduced the Senate-passed figure for our guard and reserve forces by over \$100 million in order to reach an acceptable compromise with the House.

In the housing area, the conferees added some \$210 million over the requested amount, for a total of \$3.9 billion, or 42 percent of the total bill. Even so, the committee ended up approximately \$250 million below last year's appropriated amount.

Furthermore, the committee worked to satisfy the request of Senators on both sides of the aisle for worthy projects that were not included in the request, and I believe we ended up with a very balanced recommendation.

I do hope that the President will support the bill as passed, and not disturb the balance that we carefully constructed to satisfy the needs of our Nation from coast to coast.

Mr. President, I would point out to my colleagues that the conference report protected all the design, minor construction, and reporting initiatives that we included in the Senate report, so my colleagues may be assured that those initiatives which were included in the Senate report have been preserved.

Fully 23 percent of the bill is for the base realignment and closure accounts, and we have included \$153 million for NATO initiatives. I would point out, however, that the Senate report includes a requirement for a report on future costs of NATO expansion, as well as a burden-sharing report regarding our initiatives in Southwest Asia. The committee expects these requirements to be taken seriously and to have a full report from the Department of Defense on these matters.

I am particularly pleased that the conference was able to retain the funding that we included in the Senate-passed bill for new quality-of-life initiatives in Washington, in particular a new library/education center at Fairchild Air Force Base, a barracks replacement at Fort Lewis, health clinics at Fort Lewis and Everett Naval Station, an expansion of an important dining facility and a new child development center at Bremerton Naval Shipyard, and housing at Whidbey Island Naval Air Station.

I thank the distinguished Senator from Montana, Senator BURNS, for the excellent cooperation that he has extended to me throughout this process. I want to thank him for all of his courtesies and for the congenial and cooperative way that his staff, particularly

Ms. Ashworth, has extended to all of us. We have enjoyed working with them and all their staff. And I thank Dick D'Amato, from my staff, and Ben McMakin for a job well done.

I commend this product to the Senate and to the President. I yield the floor.

The PRESIDING OFFICER. The Senator from Montana has 1 minute 9 seconds remaining.

Mr. BURNS. I reserve the remainder of my time.

Senator McCain wanted to make a statement on this bill, and I understand he is on his way. As a courtesy to him, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCAIN. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MCCAIN. I ask unanimous consent to address the Senate for approximately 6 minutes.

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

PRIVILEGE OF THE FLOOR

Mr. MCCAIN. Mr. President, I ask unanimous consent that Ron Moranville, a fellow working on my staff, be granted privileges during the debate of H.R. 2016.

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

Mr. MCCAIN. For 5 straight years, President Clinton has submitted a defense budget to Congress that reflects the low priority given by this administration to our men and women serving in the Armed Forces. For the past 3 years the Republican Congress has added over \$20 billion to the administration's requests in order to provide the resources necessary to ensure the

readiness of our forces to protect our Nation's security.

I fully supported the congressional add-ons for national defense because I have seen the dangerous effects of declining defense budgets on military modernization and readiness.

However, I simply cannot support the diversion of nearly \$1 billion of the \$2.6 billion added this year for unrequested, low-priority military construction projects.

This conference agreement on fiscal year 1998 military construction spending earmarks funding for 129 building projects totaling \$941 million. This figure includes a plus-up of \$268 million for National Guard and Reserve projects, including 12 Reserve centers.

I ask unanimous consent to have that list printed in the RECORD.

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

FISCAL YEAR 1998 CONFERENCE REPORT, APPROPRIATIONS FOR MILITARY CONSTRUCTION ADD-ONS
[Dollar amounts in millions]

State and installation	Project title	Budget request	Change	Appropriated
Alabama:				
Maxwell AFB	Maint Facility	\$0	\$9.3	\$9.3
Redstone Arsenal	Engineering Annex	0	13.0	13.0
Dannelly Field 1	Munitions Complex	0	4.8	4.8
Alaska:				
Eielson AFB	Water Storage Upgrade	0	6.0	6.0
Elmendorf AFB	Electrical System Upgrade	0	6.1	6.1
Bethel 1	Army Guard OPS Facility	0	4.6	4.6
Arizona:				
MCAS Yuma	Bachelor Enlisted Quarters	0	12.3	12.3
Luke AFB	Land Acquisition	0	10.0	10.0
Arkansas:				
Little Rock AFB	Control Tower	0	3.4	3.4
Pine Bluff	Ammunition Facility	0	10.0	10.0
California:				
Fort Irwin	Live Fire Control Facility	0	2.7	2.7
Fort Irwin	Rotational Wash Point	0	8.5	8.5
MCB Camp Pendleton	Enlisted Quarters	0	16.1	16.1
MCB Camp Pendleton	Child Development Center	0	4.5	4.5
NAB Coronado	Waterfront OPS Building	0	10.1	10.1
NCBC Port Hueneme	Storm Water Runoff Improvements	0	3.2	3.2
Sacramento 1	USARC/OMS/AMSA	13.1	7.9	21.0
Fresno Air Terminal 1	Base Supply Complex	0	7.0	7.0
Pasadena 1	Reserve Center	0	6.7	6.7
Colorado:				
Fort Carson	Rail Yard Expansion	0	16.0	16.0
Greeley 1	Mobile Ground Maint Complex	0	4.7	4.7
Connecticut: New London	Child Development Center	0	3.7	3.7
Delaware: New Castle Airport 1	OPS Facility	0	7.0	7.0
Florida:				
NAS Whiting Field	Runway Upgrades	0	1.3	1.3
NS Mayport	Pier Improvements	0	17.9	17.9
MacDill AFB	Child Development Center	0	3.4	3.4
MacDill AFB	Education Center	0	4.8	4.8
Georgia:				
Fort Stewart	Barracks Complex Renewal	0	11.5	11.5
Moody AFB	HH-60 OPS Facility	0	6.8	6.8
Robbins AFB	Physical Fitness Center	0	9.1	9.1
Hawaii:				
Fort Derussey	Asian Pacific Center	0	9.5	9.5
Pearl Harbor NS	Seal Delivery System	0	7.4	7.4
Bellows AFB 1	Army Guard Training Facility	0	5.2	5.2
Idaho:				
Mountain Home AFB	B-1B Avionics Bldg	0	9.2	9.2
Mountain Home AFB	F-15 OPS Facility	0	3.8	3.8
Boise Air Terminal 1	C-130 OPS Facility	0	8.8	8.8
Indiana:				
NSWC	CHEM-BIO Warfare Center	0	4.1	4.1
Grisson ARB	Civil Engineering Complex	0	8.9	8.9
Kansas:				
McConnell AFB	Transportation Complex	0	5.0	5.0
McConnell AFB	Child Development Center	0	2.9	2.9
McConnell AFB 1	Maint Shop	0	2.0	2.0
Kentucky:				
Fort Knox	Training Range	0	7.2	7.2
Fort Campbell	Education Center	0	6.7	6.7
Fort Campbell	Tactical Equip Shop	0	9.9	9.9
Greenville 1	Training Range (Phase III)	0	3.6	3.6
Louisiana:				
Camp Beauregard 1	Machine Gun Range	0	1.3	1.3
NAS New Orleans 1	Engineering & Comm Complex	0	5.9	5.9
NAS New Orleans 1	Enlisted Quarters	0	4.5	4.5
NAS New Orleans 1	Physical Fitness Center	0	3.6	3.6
Maine:				
Bangor IAP 1	Upgrade Base Facilities	0	6.5	6.5
Maryland:				
NAVELEX St. Ingoes	Maint Hangar	0	2.6	2.6

FISCAL YEAR 1998 CONFERENCE REPORT, APPROPRIATIONS FOR MILITARY CONSTRUCTION ADD-ONS—Continued

(Dollar amounts in millions)

State and installation	Project title	Budget request	Change	Appropriated
Annapolis ¹	Army Guard Readiness Center	0	2.9	2.9
Massachusetts:				
Barnes ANGB ¹	Dining Hall/Fitness Center	0	3.0	3.0
Westover ARB	Building Renovation	0	4.1	4.1
Michigan:				
Augusta ¹	Army Guard Readiness Center	0	6.4	6.4
Selfridge AGB ¹	Air Guard Maint Complex	0	9.0	9.0
Minnesota: Minneapolis IAP ¹	Civil Engineering Complex	0	4.6	4.6
Mississippi:				
Army Ammo Plant	OPS and Maint Facility	0	9.9	9.9
Gulfport-Biloxi	Training Quarters	0	9.5	9.5
Nas Meridian ¹	Enlisted Quarters	0	7.0	7.0
Key Field ¹	KC-135 Sim Training Center	0	2.0	2.0
Key Field ¹	Dining Hall	0	3.2	3.2
Senatoba ¹	Army Guard Readiness Center	0	4.4	4.4
Missouri:				
Fort Leonard Wood	Fire Station	0	3.2	3.2
Macon ¹	Armory	0	3.2	3.2
Montana:				
Malmstrom AFB	Dining Facility	0	4.5	4.5
Billings ¹	Army Guard Reserve Center	0	15.0	15.0
Nevada:				
Nellis AFB	Maint Facility	0	2.0	2.0
Reno/Tahoe IAP ¹	C-130 Aerial Port	0	3.0	3.0
New Jersey:				
Fort Monmouth	Fire Station	0	2.0	2.0
McGuire AFB	Large Fire Station	0	8.8	8.8
New Mexico:				
White Sands Range	Launch Complex	0	6.9	6.9
Kirtland AFB	Sim Training Facility	0	14.0	14.0
Kirtland	Bridge Replacement	0	6.3	6.3
New York:				
Fort Drum	Gunnery Range (Phase I)	0	9.0	9.0
Fort Drum	Training and Education Center	0	6.9	6.9
Stratton ANGB ¹	Support Complex	0	7.5	7.5
Niagara Falls IAP ¹	Training Facility	0	2.1	2.1
North Carolina:				
Fort Bragg	Mountain Training Complex	0	7.9	7.9
Fort Bragg	Barracks Renewal	0	9.8	9.8
Fort Bragg	SOF Medical Training Barracks	0	8.3	8.3
Pope AFB	Family Services Center	0	2.6	2.6
North Dakota:				
Minot AFB	Fire/Crash Rescue Station	0	5.2	5.2
Ohio:				
Wright-Patterson	Child Development Center	0	8.6	8.6
Rickenbacker ANGB ¹	Corrosion Control Facility	0	5.7	5.7
Springfield ANGB ¹	Base Supply Complex	0	5.5	5.5
Oklahoma:				
Fort Sill	Barracks Renewal	0	8.0	8.0
Altus AFB	Land Purchase	0	11.0	11.0
Vance AFB	Base Engineering Complex	0	6.7	6.7
Will Rogers Airport ¹	Training Facility	0	3.1	3.1
Pennsylvania:				
Johnstown ¹	Reserve Hangar	0	14.0	14.0
Oakdale ¹	Maint Support Activity	0	6.0	6.0
South Carolina:				
Leesburg ¹	Simulation Center	0	3.8	3.8
McEntire ANGB ¹	Dining Facility	0	7.0	7.0
MCAS Beaufort	Enlisted Quarters	0	15.3	15.3
MCAS Beaufort	Vehicle Maint Shop	0	2.4	2.4
South Dakota:				
Ellsworth AFB	Fire/Crash Rescue Station	0	6.6	6.6
Rapid City ¹	Aviation Support Facility	0	5.2	5.2
Tennessee:				
Arnold AFB	Air Dryer Facility	0	9.9	9.9
Knoxville	USARC/OMS/AMSA	0	8.3	7.9
Nashville Map ¹	Maint Complex	0	3.4	3.4
Texas:				
Fort Bliss	Ammunition Supply Expansion	0	7.7	7.7
Fort Hood	Force XXI School	0	12.8	12.8
NAS Corpus Christi	Boiler Plant Replacement	0	.8	.8
Dyess AFB	B-1B Squadron OPS	0	10.0	10.0
Laughlin AFB	Corrosion Control Facility	0	4.8	4.8
Utah: Camp Williams ¹	USARC/OMS	0	12.7	12.7
Vermont: Camp Johnson ¹	Maint Shop	0	6.7	6.7
Virginia:				
Fort Story	Post Chapel	0	2.0	2.0
NAS Norfolk	Air OPS Building	0	4.0	4.0
Portsmouth Hospital	New Hospital (Phase IX)	0	17.0	17.0
NSY Norfolk	Waterfront Improvements	0	19.9	19.9
NWS Yorktown	Tomahawk Magazine	0	3.3	3.3
Washington:				
Fort Lewis	Medical Clinic	0	5.0	5.0
Fairchild AFB	Fire Station	0	4.8	4.8
Fairchild AFB	Education Center	0	8.2	8.2
Fairchild AFB ¹	Upgrade KC-135 Flightline	0	9.5	9.5
West Virginia: Camp Dawson ¹	Reserve Center	0	6.8	6.8
Wisconsin: Mitchell ARS ¹	Training Facility	0	4.2	4.2
Active Duty Milcon add-ons		0	560.4	560.4
Reserve/Guard Milcon add-ons		0	268.2	268.2
Total U.S. based Milcon add-ons		0	828.6	828.6
Total Milcon and family housing add-ons			941.6	

¹ Denotes Reserve/National Guard construction projects.

FISCAL YEAR 1998 CONFERENCE REPORT—FAMILY HOUSING ADD-ONS

(Dollar amounts in millions)

State and installation	Project title	Budget request	Change	Appropriation
Arizona: Fort Huachuca	Family housing	0	\$8.0	\$8.0

FISCAL YEAR 1998 CONFERENCE REPORT—FAMILY HOUSING ADD-ONS—Continued

(Dollar amounts in millions)

State and installation	Project title	Budget request	Change	Appropriation
California: NC San Diego	Family housing	0	13.5	13.5
Hawaii: NC Pearl Harbor	Family housing	0	13.0	13.0
Kansas: McConnell AFB	Family housing mangt office	0	.6	.6
Louisiana: NC New Orleans	Family housing	0	11.9	11.9
Montana: Malmstrom AFB	Management office	0	13.0	13.0
New Jersey: Picatinny Arsenal	Family housing	0	7.3	7.3
Texas:				
NAS Kingsville	Replace family housing	0	22.3	22.3
Lackland AFB	Replace family housing	0	7.4	7.4
Washington: Whidbey Island	Family housing	0	16.0	16.0
Total family housing add-ons		0	113.0	113.0

Mr. McCAIN. Mr. President, pork barrel spending in the defense budgets is not only unwise but potentially dangerous to our national security.

Wasting scarce defense dollars on unnecessary construction projects takes away from the Pentagon's ability to fund the high-priority modernization and operational requirements identified by the military services.

I cannot disagree with those of my colleagues who believe that the active military has failed to allocate the resources necessary to ensure the readiness of the reserve forces. However, by diverting more than one-third of the congressional add to construction projects for the Reserves, Congress is ignoring the most urgent unfunded requirements that the Reserve components themselves have identified.

Certainly, the Pentagon has not been responsive to congressional direction to redress the underfunding of the Reserve components. But I think this bill clearly demonstrates that Congress is overzealous in adding money for the Guard.

For example, last year, the Appropriations Committee directed the Army to budget \$75 million for Army National Guard military construction in fiscal year 1998. Unfortunately, the Army failed to follow the committee's direction and budgeted only \$45.1 million in the budget request for Army Guard construction projects. But I fail to see how that gap of \$30 million should become an add of over \$70 million. This conference report provides \$118.3 million for Guard construction—\$43 million more than the Congress said last year should be provided.

Another example—the budget request for Air National Guard projects was \$60.2 million. This conference report more than tripled that number, providing \$190.4 million in fiscal year 1998 alone for Air Guard construction.

Mr. President, I am sure there are many programs on the list of add-ons in this bill. These programs may well be high priorities for individual unit commanders of adjutants general. Undoubtedly, these projects are high priorities for the Members of Congress who requested that they be added to this bill.

But, Mr. President, the simple fact is that military training exercises continue to be cut back, backlogs in air-

craft and ship maintenance continue to grow, there is a shortage of funds for flying hours, military health care is underfunded by \$600 million, and 11,787 servicemembers and their families are reportedly on food stamps.

It is unconscionable for the Congress to ignore these urgent priorities that directly correlate to military readiness and personnel quality of life. I might add, we are now experiencing a hemorrhage of qualified pilots out of the Navy, Air Force, and Marine Corps.

It is wrong to divert much-needed funds from truly high-priority needs to instead fund these building projects.

Mr. President, last year, Congress provided the executive branch with an important tool to prevent wasteful spending—the line-item veto. Today, I am sending a letter to President Clinton urging him, in the interest of national security and fiscal responsibility, to exercise his line-item veto authority and eliminate the \$941 million set aside for the 129 unrequested military construction projects contained in this bill.

I intend to vote against the bill, and I urge my colleagues to consider very carefully whether they wish to vote in favor of wasting nearly \$1 billion on these low-priority construction projects.

Mr. President, I ask unanimous consent that my letter to the President be printed in the RECORD.

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

U.S. SENATE,
September 17, 1997.

HON. BILL CLINTON,
The President,

The White House, Washington, DC.

DEAR MR. PRESIDENT: Today, the Congress completed action on the first regular appropriations measure for Fiscal Year 1998, the Military Construction Appropriations Act. I am writing to urge you in the strongest possible terms to exercise your line item veto authority to eliminate \$941 million in unnecessary spending contained in this bill.

This bill contains earmarks for 129 projects which were not included in the Department of Defense budget request because they are lower priority projects than those that were requested by the military Services. As I promised in my August 6, 1997, letter, I am providing a list of the unrequested projects in this bill.

As the Commander-in-Chief of our Armed Forces, you bear the primary responsibility

for ensuring that our troops are trained, equipped, and ready to protect the security of our nation. Because of the continuing push toward a balanced budget and taxpayer relief, the resources available for vital defense priorities are limited, as are resources for almost every other government priority. Wasting these scarce defense dollars on unnecessary construction projects takes away from the Pentagon's ability to fund its high-priority modernization and operational requirements. This spending habit is not only unwise, but potentially dangerous to our national security.

While your exercise of the line item veto to eliminate wasteful earmarks in this bill would not unfortunately make these funds available for other pressing defense needs, it would certainly send a pointed message to Congress from the Commander-in-Chief that this wasteful spending of defense dollars must stop.

I recall that, several years ago, you proposed to rescind funding for Congressional add-ons in the military construction accounts. That proposal was defeated by Congressional inaction, but you now have an important tool that increases the prospects for successfully eliminating the add-ons in this military construction bill. Therefore, I urge you again to take advantage of this opportunity to line item veto the \$941 million earmarked by Congress for unrequested, low-priority military construction projects.

Sincerely,

JOHN McCAIN,
U.S. Senator.

Mr. BURNS. Mr. President, we take note of the Senator from Arizona. I just made a comment here that the complete emphasis on military construction has probably doubled toward the quality of life, just since I have been on this committee. We can make those moves as long as we are allowed to make those moves and to continue to fund those things that we think are important in the overall makeup of our military readiness.

Mr. LAUTENBERG. Mr. President, I rise to express my strong support for this bill. I am pleased that the conferees included several projects important to the quality of life and safety at New Jersey's military installations, and I thank the conferees for their efforts to ensure that New Jersey's defense infrastructure needs received adequate funding.

I appreciate the willingness of the conferees to provide funding for three important projects at McGuire Air Force Base. The bill includes \$9.954 million for an Air Mobility Operations

Group Warehouse, which will increase the efficiency of the base's mobility operations. Additionally, it includes \$35.217 million for an ambulatory health care center replacement. This new facility will house a full-service outpatient operation and provide adequate space for clinics, ambulatory surgery, ancillary services, storage, offices, and administration. It will improve the quality of care provided to our military personnel.

I am also pleased the conferees included \$8.8 million for a new fire station at McGuire. McGuire's current fire station is inadequate to provide the fire protection and response to aircraft casualties that its mission requires. This facility has inadequate communication and alarm equipment, insufficient vehicle storage areas, deficient living quarters, and inadequate space for training and administrative duties. Due to these conditions, in certain situations, I am told that the base cannot respond simultaneously to a fire emergency and a 911 call. The funding provided for a new fire station will improve the base's ability to respond more adequately and will allow firefighters to execute emergency response operations in a more efficient and timely manner.

For Fort Monmouth, another important military installation in New Jersey, I am pleased the conferees included \$2.05 million for a new fire station. The fort's fire station is currently housed in a World War II vintage structure. This station is charged with protecting the base's numerous research and development facilities, as well as its over 1,000 military family housing units. The funding provided for a new fire station will ensure that facilities on the base are adequately protected, and that the Fort Monmouth community has access to the timely response and fire protection services it deserves. This project is vital to the safety of the entire Fort Monmouth community, and I am pleased the conferees agreed to provide funding for this important project.

I also appreciate the willingness of the conferees to include funding for two important projects at Picatinny Arsenal. I am pleased they provided \$7.3 million to build 35 units of family housing on the base. The existing units have deteriorated since they were constructed in 1940. Most of these units are undersized and lack basic conveniences such as air-conditioning. Their electrical, plumbing, and heating systems are poorly configured and inefficient. The funding provided by the conferees will improve the existing living conditions and the quality of life for the enlisted and their families. It will produce units of family housing that meet current standards of quality of life, energy conservation, size, and safety.

I am also pleased the conferees agreed to provide \$1.3 million in design

funding for a new software engineering facility at Picatinny. This funding will allow Picatinny to consolidate the design, development, testing, configuration control, field release and maintenance of weapon systems, simulators, and trainers. It will result in reduced cost for the Army and will improve efficiency in the software engineering process.

These projects are vital to the safety and quality of life of New Jersey's defense infrastructure. Again, I thank the conferees for their support of these important projects in the fiscal year 1998 military construction bill.

Mr. DOMENICI. Mr. President, the pending military construction appropriations conference agreement provides \$9.183 billion in new budget authority and \$3.024 billion in new outlays for military construction and family housing programs for the Department of Defense for fiscal year 1998.

When outlays from prior-year budget authority and other completed actions are taken into account, the outlays for the 1998 program total \$9.862 billion.

This legislation provides for construction by the Department of Defense for U.S. military facilities throughout the world, and it provides for family housing for the Active Forces of each of the U.S. military services. Accordingly, it provides for important readiness and quality of life programs for our service men and women.

The conference report falls within the current section 602(b) allocation for the Military Construction Appropriations Subcommittee. I commend the distinguished subcommittee chairman, the Senator from Montana, for bringing this bill to the floor within the subcommittee's revised allocation.

The bill provides important increases over the President's request for 1998, and I urge the adoption of the conference report.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of the conference report be placed in the RECORD.

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

H.R. 2016, MILITARY CONSTRUCTION APPROPRIATIONS, 1998—SPENDING TOTALS—CONFERENCE REPORT
(Fiscal year 1998, in millions of dollars)

Category	De-fense	Non-de-fense	Crime	Man-datory	Total
Conference report:					
Budget authority	9,183	—	—	—	9,183
Outlays	9,862	—	—	—	9,862
Senate 302(b) allocation:					
Budget authority	9,183	—	—	—	9,183
Outlays	9,920	—	—	—	9,920
President's request:					
Budget authority	8,384	—	—	—	8,384
Outlays	9,839	—	—	—	9,839
House-passed bill:					
Budget authority	9,183	—	—	—	9,183
Outlays	9,909	—	—	—	9,909
Senate-passed bill:					
Budget authority	9,187	—	—	—	9,187
Outlays	9,902	—	—	—	9,902

H.R. 2016, MILITARY CONSTRUCTION APPROPRIATIONS, 1998—SPENDING TOTALS—CONFERENCE REPORT—Continued

(Fiscal year 1998, in millions of dollars)

Category	De-fense	Non-de-fense	Crime	Man-datory	Total
CONFERENCE REPORT COMPARED TO:					
Senate 302(b) allocation:					
Budget authority	—	—	—	—	—
Outlays	-58	—	—	—	-58
President's request:					
Budget authority	799	—	—	—	799
Outlays	23	—	—	—	23
House-passed bill:					
Budget authority	—	—	—	—	—
Outlays	-47	—	—	—	-47
Senate-passed bill:					
Budget authority	-4	—	—	—	-4
Outlays	-40	—	—	—	-40

Note. Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

Mr. BURNS. Mr. President, I commend the bill to the Senate, ask for its passage, and I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. GREGG). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the conference report. The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 3, as follows:

[Rollcall Vote No. 240 Leg.]

YEAS—97

Abraham	Faircloth	Lugar
Akaka	Feinstein	Mack
Allard	Ford	McConnell
Ashcroft	Frist	Mikulski
Baucus	Glenn	Moseley-Braun
Bennett	Gorton	Moynihan
Biden	Graham	Murkowski
Bingaman	Gramm	Murray
Bond	Grams	Nickles
Boxer	Grassley	Reed
Breaux	Gregg	Reid
Brownback	Hagel	Robb
Bryan	Harkin	Roberts
Bumpers	Hatch	Rockefeller
Burns	Helms	Roth
Byrd	Hollings	Santorum
Campbell	Hutchinson	Sarbanes
Chafee	Hutchison	Sessions
Cleland	Inhofe	Shelby
Coats	Inouye	Smith (NH)
Cochran	Jeffords	Smith (OR)
Collins	Johnson	Snowe
Conrad	Kempthorne	Specter
Coverdell	Kennedy	Stevens
Craig	Kerrey	Thomas
D'Amato	Kerry	Thompson
Daschle	Kohl	Thurmond
DeWine	Landrieu	Torricelli
Dodd	Lautenberg	Warner
Domenici	Leahy	Wellstone
Dorgan	Levin	Wyden
Durbin	Lieberman	
Enzi	Lott	

NAYS—3

Feingold	Kyl	McCain
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The conference was agreed to.

Mr. LOTT. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT addressed the Chair. The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, we have now passed our first conference report of the year, and I am hoping that within the next 10 days we will pass at least a half dozen more. I know the chairman is working with Members on both sides of the aisle and with our colleagues on the other side of the Capitol to do that. I appreciate the cooperation we have received on appropriations bills, although we seem to be a little stalled out here on the Interior appropriations bill. I am not sure the Members are back from the August State work period; we seem to have difficulty in getting Senators to come forward and offer amendments that they say are important.

Now, we were on this some last week. We were on the bill yesterday. We have been on it today. We did not have a vote on an amendment all day Monday, and I am being told now that, well, we have several very important amendments. I want to say this is not just directed to our colleagues on the Democratic side. We have four amendments cooking on the National Endowment for the Arts. My answer is, great, let's have a debate and let's vote. And let's do it in the daylight or we will have to do it tonight.

Now, I have tried very hard for us to do our work during normal working hours like normal people. I know that's very difficult, but that would be helpful. It keeps you from being cranky. It allows us to live somewhat normal lives with our families. But if we refuse to come forward with our amendments and agree to reasonable time agreements—how many of you think you are going to change anybody's mind by giving a 90-minute speech? How many of you think you are going to change somebody's mind on NEA by giving a 30-minute speech on NEA?

Come forward, my colleagues, offer your amendments, agree to a reasonable time, and let's vote. If we are not going to do it now, we will have to do it tonight because we need to get this appropriations bill done.

We have made good progress. We have worked together. We have had good cooperation. Let's not bog down. If we have a mining amendment, grazing, NEA, let's get them up, let's have reasonable debate with hopefully not more than an hour on anything, and let's vote. I believe we can complete this tonight and go on to the FDA reform package that I believe at least 94 Senators want to do. The Democratic leader has agreed to work with me to try to get that done this week, so I urge my colleagues, let's get going here.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I thank the majority leader for helping in getting this debate going. We already have a unanimous-consent agreement for a debate on the Ashcroft amendment on the National Endowment for the Arts of a maximum of 145 minutes beginning at 1:30. So there will be a vote on or in relation to the Ashcroft amendment before 4 o'clock. Personally, I hope it is much before 4 o'clock if not all of that time is used. There are 2 hours between now and the time at which that amendment starts.

My friend, Senator BRYAN, from Nevada, seems perhaps, I hope, ready for a 1½ hour debate on his amendment on forest roads. I am attempting to clear that on this side of the aisle and hope I can have it done so that we can complete that amendment and have the vote before the NEA debate begins. I do know there are several other National Endowment for the Arts amendments that will succeed the Ashcroft amendment, and maybe one or two others that require votes. Senator BUMPERS may have one on mining.

The majority leader is correct; we have been on this bill off and on, mostly on, since last Friday. We have yet to have our first rollcall vote on the bill or on any amendment to the bill. It is time to get going, and I believe my colleagues are about ready to do just that.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The PRESIDING OFFICER. The clerk will report the Interior bill, H.R. 2107.

The assistant legislative clerk read as follows:

A bill (H.R. 2107) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The pending question is Hutchinson amendment No. 1196.

Who seeks recognition?

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

AMENDMENT NO. 1204

(Purpose: To ensure that the Huron Cemetery in Kansas City, Kansas, is used as a cemetery)

Mr. BROWNBACK. I ask unanimous consent the pending amendment be set aside, and I call up amendment No. 1204.

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

The assistant legislative clerk read as follows.

The Senator from Kansas [Mr. BROWNBACK] proposes an amendment numbered 1204.

Mr. BROWNBACK. 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:

At the appropriate place in title I, insert the following:

"Sec. 1 . (a) In this section—

(1) the term "Huron Cemetery" means the lands that form the cemetery that is popularly known as the Huron Cemetery, located in Kansas City, Kansas as described in subsection b(3);

(2) the term "Secretary" means the Secretary of the Interior;

(b)(1) The Secretary shall take such action as may be necessary to ensure that the lands comprising the Huron Cemetery (as described in paragraph (3)) are used only in accordance with this subsection.

(2) The lands of the Huron Cemetery shall be used only—

(A) for religious and cultural uses that are compatible with the use of the lands as a cemetery; and

(B) as a burial ground.

(3) The description of the lands of the Huron Cemetery is as follows:

The tract of land in the NW ¼ of sec. 10, T. 11 S., R. 25 E., of the sixth principal meridian, in Wyandotte County, Kansas (as surveyed and marked on the ground on August 15, 1888, by William Millor, Civil Engineer and Surveyor), described as follows:

"Commencing on the Northwest corner of the Northwest Quarter of the Northwest Quarter of said Section 10;

"Thence South 28 poles to the 'true point of beginning';

"Thence South 71 degrees East 10 poles and 18 links;

"Thence South 18 degrees and 30 minutes West 28 poles;

"Thence West 11 and one-half poles;

"Thence North 19 degrees 15 minutes East 31 poles and 15 feet to the 'true point of beginning', containing 2 acres or more."

Mr. BROWNBACK. Mr. President, I will not take too much of the Members' time to discuss this amendment, but I think it is a clear, narrow piece of legislation that is an important one, and what it involves is a particular tract of land in Kansas City that is currently being used by the Kansas Wyandot Indians, which is an informally recognized tribe, as a burial ground. This tribe has used this tract for a number of years as a burial ground. There is a branch of the Wyandot Indians in Oklahoma that is an officially recognized tribe that seeks to acquire this particular tract of land and have a casino on it.

Now, setting aside the dispute about which tribe controls this particular tract of land, I just think it is not an appropriate thing for us to approve, or to allow a tribe, this one in Oklahoma, to acquire this land and put a casino on what has been a tribal ancestral burial ground. I think it is sacrilegious for that to occur.

It is not that we are saying there are not enough casinos in Kansas City; we have a number of them. That is a side issue as well. What we seek by this amendment is very narrow, and that is that this tract will remain a burial ground and that it will not be used for a casino.

We do not seek to mediate the issue of who does the land belong to. We do not seek to establish the Kansas Wyandot tribe as an official tribe. That is not a part of it. We don't seek to recognize the Wyandot Oklahoma Indians' claim to this land. We set all of that aside. This amendment simply says this land should remain an Indian burial ground as it has been for generations and it should not be transferred, it should not be land acquired on which to place a casino.

I ask that the Members look at this particular amendment. I am going to call it back up for a vote later on if we do not have consent from all the Members. This land should not be allowed to be used for a casino. It is hallowed ground and it should be allowed as that.

Mr. President, I yield the floor.

Mr. INOUE. Mr. President, I commend my good friend from Kansas. I ask the Senator from Kansas to temporarily set this amendment aside because the chairman of the Indian Affairs Committee is presently presiding at a very important hearing, and I believe he would want to be heard. It is not the intention of the committee to stall this but to accommodate Senator CAMPBELL. So as soon as he is completed, we will try to resolve this matter.

Mr. GORTON. Mr. President, I concur with my friend from Hawaii. I believe that this amendment is going to be cleared, but it is appropriate that both the chairman and the vice chairman of the committee be able to speak at least briefly to it. As soon as we have heard from the Senator from Colorado, we may be able to pass this amendment. Personally, I think it is a good amendment, and I commend the Senator from Kansas for bringing it to our attention.

Mr. President, unless someone else seeks recognition, I am going to suggest the absence of a quorum. I am desperately attempting to get a time agreement on the Bryan amendment before 12 o'clock so that we can finish that before we begin the debate on the National Endowment for the Arts. In the meantime, if there is anyone else within sound or sight who wishes to propose an amendment, we invite their presence.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

VISIT TO THE SENATE BY
EVGENY S. SAVCHENKO, MEM-
BER OF THE RUSSIAN SENATE

Mr. HARKIN. Mr. President, I have the distinct pleasure of having a visitor

on the floor of the Senate today, the Honorable Mr. Evgeny S. Savchenko, who is a Senator in the Russian Senate. He is also the chairman of the agriculture committee, the Committee of the Council of Federation for the Agrarian Policy. In other words, it is the Senate Agriculture Committee for the entire Russian Federation.

We are delighted to have Mr. Savchenko here.

He also holds another position, Mr. President. He is Governor of the Belgorod region of the Russian Federation. I thought the occupant of the chair might be delighted to know that in Russia, when you are elected a Governor of a region or Governor of a state, you automatically become a senator. So, therefore, you can fulfill both positions at the same time.

I know the occupant of the chair, in his former life, was the chairman of the Agriculture Committee of the House of Representatives. So I know that the occupant of the chair, the distinguished Senator from Kansas, would have a lot to discuss. I am sure, in terms of agriculture with Mr. Savchenko who is the chairman of the agriculture committee of the Russian Federation.

I am delighted to have him here and present on the Senate floor today.

With that, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

Mr. JOHNSON. Mr. President, we have today an opportunity to discuss and to ultimately vote on, I think, one of the more important issues, both substantively and philosophically, within the Department of the Interior appropriations bill, that having to do with the future of Federal-State-local partnerships that have existed now for some years with the National Endowment for the Arts and funding for the arts in America.

There are some who would suggest that somehow this is an elitist enterprise that involves large cities in urban areas. Coming from the State of South Dakota, I can assure my colleagues that the NEA and the funding that has gone to my home State of South Dakota has been absolutely critical as seed money for the promotion and the development of artistic efforts that have benefited virtually every school

district, virtually every county, and community across my very large and rural State.

We have, as so many States do, a great deal of artistic talent, commitment to the arts, but we don't have a lot of corporate sponsors, we don't have a lot of philanthropists, we don't have a lot of sources for funding that can create the seed money that we need for the arts to blossom, to bloom in places like South Dakota.

The function of this funding has been absolutely critical in our State. It has gone to our school and communities, our touring artists, artisan school programs. It has gone for our Arts Corps Program for South Dakota's juvenile correctional facilities in partnership with our Department of Corrections and the South Dakota Arts Council. It has gone for the Indian services to sponsor the Northern Plains tribal art show and market, which has created a whole new environment, a whole new series of opportunities for Northern Plains Native Americans to develop their artistic skills and to market those skills. It has gone for our Youth at Risk Program. It has gone for our Arts in the Classroom Teachers' Conference, and it has created a whole new environment for the arts in our State.

When I look back at what existed prior to 1965 when the NEA was created, we had people with great artistic talent in the State then, too, but we didn't have the structure to really promote the arts. Now, thanks to the seed money of the NEA over the years, we have in place the South Dakota Arts Council, we have in place the South Dakota Museum Association, the Rural Arts Presenting Program, Dakota Prairie Playhouse, the Black Hills Chamber Music Society for Big Sioux Arts Council. We have literally pages of arts organizations that now exist in every county, in virtually every community of our State that did not exist prior to the creation of the NEA.

So, Mr. President, I can't emphasize too much the importance of this organization to enhance the quality of life for those who would otherwise not have great opportunities to experience performance art or art of any kind without this. I think we need to keep in mind that the issue here is really a philosophic one and not so much a budget issue.

There is \$100 million involved here for the Nation's entire artistic effort, less, I might add, relative to the budget and that of any other Western industrialized nation on Earth, but that portion of money has gone a long, long ways in our country. And, in fact, to keep this in some sort of perspective, we are going to be debating later on this month a defense appropriations bill where there are those in conference who would like us to purchase nine more B-2 bombers at a cost of \$1 billion apiece. Our entire arts program, that

goes to every school, every county and every city in our Nation costs one-tenth of one bomber. It costs less than it would cost to maintain this fleet of aircraft that the Pentagon does not even want.

So this is, relative to the entire budget, a modest effort, less than what other countries devote, but yet crucially, crucially important, not just for large urban areas and large artistic organizations, but for those of us in rural America who find this an absolute lifeline.

It is certainly my hope that by the time we conclude the debate on the Interior appropriations bill today that we will find our way to insist that there continues to be a strong Federal-local, public-private partnership in the arts that has gone on now for over 30 years and which has been responsible, I think, for an enormous amount of very constructive, positive effort for our children, for the quality of life in our communities, big and small.

I know that there are several amendments pending. I won't go into detail about each of them, other than to say, again, I certainly ask my colleagues to very carefully review these amendments. It is critical that when the day is done that we continue to have modest but responsible funding for the arts in the United States. I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

UNANIMOUS-CONSENT AGREEMENT

Mr. GORTON. Mr. President, the following request has been cleared.

I ask unanimous consent that when the Senate considers Senator BRYAN's amendment regarding forest roads, there be 90 minutes equally divided in the usual form. I further ask unanimous consent that no second-degree amendment be in order to the Bryan amendment. I further ask unanimous consent that following the expiration or yielding back of time, a vote occur on the amendment at a time to be determined by the two leaders.

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

Mr. GORTON. Mr. President, I understand that Senator BRYAN is on his way to the floor to begin that debate. I believe that the principal opponents of the amendment have also been notified. In any event, they should proceed immediately to the floor to engage in the debate, which is on a seriously contested amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from Alaska is recognized.

Mr. STEVENS. Thank you, Mr. President.

LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION APPROPRIATIONS ACT AND OTHER APPROPRIATIONS BILLS

Mr. STEVENS. Mr. President, I want to take just a few minutes of the Senate's time to comment upon the passage of Senate bill 1061, the Labor, Health and Human Services, and Education Appropriations Act.

During the 104th Congress, the bill from this subcommittee was the center of political controversy between the Congress and the White House, and within the Senate itself. We did not succeed in passing a bill as a separate measure for these functions in the 104th Congress.

Thursday's vote of 91 to 8 sent a clear signal of the Senate's support for the leadership shown by Senators SPECTER and HARKIN. They crafted a bill that emerged from our Appropriations Committee unanimously.

The statement of administration policy raised a few differences, but it indicated strong bipartisan support for this bill. The most contentious votes we have faced this year on appropriations bills were on the Labor, Health and Human Services bill.

Despite the strong feelings generated by those issues, the debate was fair. The entire Senate came together to pass the bill, and sent the unambiguous message that I referred to—we want to see this bill enacted this year.

Supporting the work of the subcommittee has been an extremely experienced and effective staff. Craig Higgins serves as clerk of the subcommittee. He is joined by Marsha Simon, who assists Senator HARKIN as the minority clerk. Bettilou Taylor, Dale Cabaniss, Lula Edwards, and Carole Geagley round out the subcommittee staff.

I commend not only the chairman and ranking member but all of the staff for the hard work and the effort they put into preparing the bill in a fashion that received such strong, strong support in the committee, and from the Senate.

We eagerly now await the passage of that bill by the House, so we can have the conference commence and get the bill to the President prior to September 30, I hope.

I also report to the Senate that the Agriculture and legislative conferences are proceeding. We should have those bills from conference today.

We have just passed a military construction bill.

We have in conference the Department of Defense conference which had its first meeting yesterday.

The VA-HUD bill, the Energy bill, the foreign ops bill, and Transportation—we expect, Mr. President, all of

those will be out of conference early next week.

That will leave us five bills to still finish.

The District of Columbia bill has not passed the Senate yet, nor the House.

We have before us now, under the guidance of the Senator from Washington [Mr. GORTON], the Interior bill. We expect it to be finished here this week and go to conference and, hopefully, come back to the Senate next week.

As I have said, the Labor, Health and Human Services bill, the House needs to pass that. We hope it will get to it soon. That will leave us the Commerce, State, Justice bill, and the Treasury bill—all of which, Mr. President, it is still our goal to try and get them to the President by the 30th of September.

Mr. President, it will mean perhaps, though, we will have to have still a continuing resolution to give the President the time that he needs to review all of these bills. I am hopeful that the House will send us a continuing resolution—a clean continuing resolution—sometime early next week.

I commend the Senator from Washington on this bill. I am hopeful the Senate will work with us to make sure that this bill is finished here today, if it is at all possible.

I thank the Chair.

The PRESIDING OFFICER. Who seeks time?

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BRYAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Under the unanimous-consent agreement, there will be 90 minutes, equally divided, on the pending business before the Senate. In addition, there are no second-degree amendments to be in order.

The Senator is recognized.

Mr. BRYAN. Mr. President, may I inquire, does it require a unanimous consent to set aside the pending amendment for purposes of consideration of this proposed amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. BRYAN. Mr. President, I ask unanimous consent that the pending amendment be laid aside.

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

Mr. BRYAN. I thank the Chair.

AMENDMENT NO. 1205

(Purpose: To reduce funding for Forest Service road construction and eliminate the purchaser credit program)

Mr. BRYAN. Mr. President, I offer an amendment and submit it for immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. BRYAN], for himself, Mrs. BOXER, and Mr. TORRICELLI, proposes an amendment numbered 1205.

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

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

The amendment is as follows:

On page 65, line 18, strike "\$160,269,000" and insert "\$150,269,000".

On page 65, line 23, after "205" insert "none of which amount shall be available for purchaser credits in connection with timber sales advertised after September 30, 1997, unless the credits were earned in connection with sales advertised on or before that date (and no purchaser credits shall be earned for the construction or reconstruction of roads on the National Forest transportation system in connection with timber sales advertised after that date (but the foregoing disallowance of purchaser credits shall not affect the availability of the purchaser election under section 14(i) of the National Forest Management Act of 1976 (16 U.S.C. 472a(i)))".

On page 127, between lines 15 and 16, insert the following:

SEC. . TREATMENT OF ROAD CONSTRUCTION COSTS ESTIMATED FOR TIMBER SALES AS MONEY RECEIVED FOR THE PURPOSE OF PAYMENTS TO THE STATES FOR SCHOOLS AND ROADS.

During fiscal year 1998, the term "money received", for the purposes of the Act entitled "An Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and nine", approved May 23, 1908 (35 Stat. 260, chapter 192; 16 U.S.C. 500), and section 13 of the act of March 1, 1911 (36 Stat. 963, chapter 186; 16 U.S.C. 500), shall include—

(1) the amount of purchaser credits earned in connection with timber sales advertised on or before September 30, 1997; and

(2) the amount of specified road construction costs estimated in the agency appraisal process in connection with timber sales advertised after that date.

Mr. BRYAN. Mr. President, I am always pleased, when I have the opportunity, as I do this afternoon, to support, and in this instance actually propose, legislation that benefits both the American taxpayer and the environment.

The amendment I am offering today eliminates a subsidy used primarily by large timber companies that not only has negative consequences for the taxpayers but also a detrimental effect on the environment.

Each year, American taxpayers spend millions of dollars to subsidize the construction of roads needed for logging on national forest lands.

The appropriations bill before us today contains a \$47.4 million appropriation for the Forest Service to assist in the construction and reconstruction of timber roads in our national forests. In addition, the bill, and accompanying report, provide affirmative direction to the Forest Service instructing them to continue the purchaser credit program without limitation.

The purchaser credit program allows the Forest Service to subsidize the road construction costs of timber companies by granting credits to them equal to the estimated cost of the roads that they need in order to access their timber. The timber purchasers can then use the credits to pay for the timber being harvested. Last year these purchaser credits were valued at nearly \$50 million.

In the House-passed version of the Interior appropriations bill a limit of \$25 billion was placed on the value of purchaser credits that may be offered by the Forest Service in fiscal year 1998. The bill before the Senate today eliminates this cap completely, and the report accompanying the bill makes it clear that "The committee has not specified a ceiling for the amount of purchaser credits which can be offered" to timber companies. The result of this language is an open-ended subsidy for the timber industry.

My amendment stands for a very simple proposition. If a timber purchaser needs to build a road to harvest timber, the timber purchaser should have to pay for it. The amendment which I am offering eliminates the purchaser credit program and cuts \$10 million from the Forest Service timber road construction and reconstruction account.

In addition, my amendment provides that road construction costs incurred by timber purchasers are to be treated as timber revenues for the purpose of payment to States for use on roads and schools in the counties where national forests are located. The result of this latter provision is that counties will be held harmless as a result of the elimination of the purchaser credit program.

For those of my colleagues who are not familiar with this program, let me give a brief description of how the purchaser credit program operates. When the Forest Service wants to use purchaser credits to build the road to a planned timber sale, and parenthetically that is about 90 percent of the time, it must estimate the cost to build the road, the value of the timber in the sale area, and the road right-of-way. Prospective purchasers go through a similar process of estimating their roadbuilding costs and their estimated value of the timber they must pay for to the Forest Service.

Considering all of these factors, the prospective purchasers submit their bids accordingly. When a purchaser is

awarded the contract for the timber sale the Forest Service establishes the dollar value of the purchaser road credit attached to that sale and credits the account in that amount to the timber contract holder as the road is constructed. The contractor, therefore, has immediate access to the credits to be used in place of cash deposits and the agency, the purchaser, is also given discretion to use the credit on any timber sale contract that it holds in the forest. The Forest Service allows the transfer of purchaser credits between timber sales located within the same national forest.

Now the ability to transfer credits aids a purchaser's ability to manage its timber sale portfolio cash flow. Since road construction often delays timber harvest, purchasers who can rapidly transfer road credits to another sale from their portfolio can attain lower portfolio management costs. The result is analogous to an interest-free loan for timber purchasers.

The opponents of this amendment contend eliminating the purchaser road credit will devastate the timber industry. Their claim could not be further from the truth. The Bureau of Land Management in several States is successful at selling timber and getting the necessary roads constructed without the use of the purchaser road credit that is exclusive to the Forest Service. The effects on the Forest Service timber sale program of eliminating the purchaser credit program and requiring that roads be constructed pursuant to specified standards as the BLM and the States require would be environmentally and economically beneficial.

Eliminating road credits will force purchasers to internalize the cost of road construction into their bid price for the timber. The result is a more balanced system that provides equal treatment for all purchasers of publicly owned timber, BLM and Forest Service lands. Without the purchaser credit program it is likely that fewer roads would be built and less habitat would be fragmented. Purchasers are less likely to want to build extensive road networks if they have to pay cash for them.

Consequently, timber sales with high road building costs will be less attractive to purchasers than timber sales with low or no road building costs.

Another important aspect of eliminating the purchaser credit program is that it will shift responsibility for estimating road costs from the Forest Service to purchasers. If markets are competitive, such a shift should provide a more accurate and an efficient road cost accounting system.

An independent study of timber sales in the Pacific Northwest found that the Forest Service estimates for road construction costs can be as much as 30 percent higher than actual costs for

the industry to build those roads. A recent report from the General Accounting Office discovered that Forest Service estimates of road costs include a profit margin for purchasers. It also found that the Forest Service lacked accountability for the accuracy of their road cost estimates because purchasers are not required to report actual costs of construction and reconstruction. So if actual road costs are overestimated, the extra purchaser credits awarded and subsequently traded for timber represent a windfall profit for the purchaser, a profit that comes at the public's expense. This inefficient situation would be eliminated if purchaser credits were abolished.

Contrary to what you will hear from my opponents of this proposal, my amendment will not end logging in the national forests. Requiring timber purchasers to pay for road construction costs will likely reduce timber sales in roadless areas where the environmental and economic costs of logging are the greatest. I believe this is sound public policy. Roadless areas are not good places to produce commercial timber because they tend to be a high elevation, steep, and inaccessible. The timber sales in these areas are the ones that cause by far the most environmental problems and the ones which are the biggest money losers because of the high cost of road building.

Let me invite my colleagues' attention to an excellent article entitled "Quiet Roads Bring in Thundering Protests," an article that ran earlier this year in the *New York Times* that illustrated the environmental damage caused by road construction. A biologist with the Idaho Fish and Game Department, Chip Corsi, notes in the article that researchers have found that as little as 1.7 miles of road per square mile forest have the effect of reducing the complement of fish species in an area. Mr. Corsi added that in Idaho, in Coeur d'Alene National Forest we have from 4 to 10 to 15, up to 20 miles of road per square mile, so it is extreme. That is his direct quote.

Many scientists have found that road building threatens wildlife because it causes erosions of soils, fragments intact forest ecosystems, encourages the spread of noxious weeds and invasive species and reduces habitat for many animals needing a refuge from man.

It has been found that when the roads wash out they dump rocks and soil on lower slopes into stream beds and even when they remain intact, roads act as channels for water and contribute further to the erosion of lands and streams.

Let me invite my colleagues' attention to one example of that. This is the Clearwater National Forest in Idaho. At the top of the picture one can see a road cut through the forest. This is the erosion that has occurred as a result of a road having been logged and the run-

off sedimentation that has occurred as a consequence of that. That is a major contributing problem to the environmental degradation that is occurring in our national forests.

Scientists say the overall effect is that the streams and rivers fill with silt, and the shallower waters mean degraded fish habitat and more flooding. Many of my colleagues are aware that the declining water quality of lakes, rivers, and streams in our national forests is a serious problem.

The USDA Undersecretary Jim Lyons has stated that our No. 1 water quality problem in the national forest system is roads. According to the Forest Service, 922 communities get their drinking waters from national forest streams that are frequently adversely affected by building logging roads. In Idaho, over 960 streams are rated as water-quality limited by the EPA because of contamination. Over half of these streams are degraded by logging and roadbuilding. In addition, after the winter storms of 1995 and 1996 in the Pacific Northwest, the Forest Service found that in Idaho 70 percent of the 422 landslides were associated with logging.

In my home State of Nevada, the road network through Lake Tahoe has been identified as a major contributor to the degradation of water quality and decline in the clarity of the lake. Mr. President, I know this firsthand, having spent a decade of my life as a resident of northern Nevada and having over the last 50 years visited the Lake Tahoe basin frequently.

During the President and Vice President's recent visit to Lake Tahoe the President announced that the Forest Service would decommission or obliterate roughly 290 miles of old logging roads in the basin over the next 10 years.

At Lake Tahoe, Mr. President, we have seen a rapid and radical decline in water clarity. One of the most pristine lakes in North America and the entire world, marveled at by Mark Twain and all of the early pioneers at one time, a little more than a decade ago, you could see 100 feet into the bottom of parts of that lake. In less than 30 years there has been an environmental degradation of more than a third. So today you can actually see, in terms of clarity of the water, less than 70 feet. A primary cause is the logging of that basin, initially during the Comstock Lode and the mining discoveries of the mid-to-late 19th century.

I observed firsthand, not as a scientist but as a layman, looking at the roads and seeing the runoff that occurs. The siltation that occurs, that goes into the lake, has been a serious environmental problem. It has been estimated that it will require several hundred millions of dollars in order for this clarity and the environmental degradation that is occurring on an ongo-

ing basis to be reversed. There are no guarantees, even at that.

My point, Mr. President, is we may have been ignorant in the past as to what caused the problems. Those of our forebears a century ago were less knowledgeable than we are of the environmental consequences. But it certainly cannot be an excuse for our generation because we know what the costs are, and the costs are not just in the new road construction itself. The costs last for generations thereafter as we pay as American taxpayers to try to abate or minimize or mitigate the damage that will occur.

Now, opponents of this amendment will claim that forest roads need money to be maintained and that the cuts contained in my amendment will allow roads to deteriorate, causing further environmental damage. I want to speak to this point. The amendment which I offer does not affect the Forest Service road maintenance budget. I want to repeat that: The amendment which is offered this afternoon does not affect the Forest Service road maintenance budget. This amendment only eliminates the subsidy of new timber roads. These are entirely separately funded accounts within the Forest System.

As a matter of public policy, I would argue it makes more sense to maintain roads that we already have than spending a great deal of money building new roads. Forest Service Chief Michael Dombeck has stated that there is a \$440 million backlog of maintenance needed on 232,000 miles of national forest roads. Addressing this need would have considerable environmental benefits such as reducing erosion from roads and stormproofing existing culverts. It is important to remember that the timber industry's responsibility for maintaining logging roads ends with the sale of timber and its subsequent harvest, leaving all future maintenance costs to the American taxpayer.

I want to emphasize once again, as I did a moment ago, the distinction between road reconstruction and road maintenance. Opponents of this amendment will seek to measure the distinction but road construction means starting with an abandoned road which may have trees growing in it and may be partly contoured and rebuilding it for the purpose of entering an area to conduct logging activities.

Reconstruction is only undertaken for access to timber sales. Maintenance is keeping any forest road, timber, recreation, or general purpose, in good repair. The average cost of maintaining a mile of road is about \$543. The average cost of reconstructing a mile of road is more than \$12,000 a mile. Consequently, cutting funds for reconstruction will not hurt road maintenance.

Now, another erroneous claim I want to address involves whether logging

roads are needed for recreational activities in the national forest. The answer, Mr. President, is no. According to the Forest Service, logging roads are built at a lower standard and cost less than recreation and general purpose roads. Logging roads are usually unpaved dirt and are often usable only by high-clearance vehicles, while recreation and general purpose roads generally are either paved or gravel and are usable by all passenger cars.

On average, purchaser credit logging roads cost \$15,000 per mile in 1996, while recreation roads cost \$63,000, and general purpose roads cost \$65,000 per mile. The Forest Service plans to construct over 130 miles of recreation and general purpose roads in fiscal year 1998. My amendment would not reduce funding for either of these two accounts.

Mr. President, let me be perfectly clear on what my amendment does not do. It does not—I repeat, it does not—prohibit logging or road construction in roadless areas. There is no provision in this amendment that even references roadless areas. Many interest groups opposed to this amendment have circulated erroneous information claiming that road construction would be prohibited in roadless areas. I can assure my colleagues that is not the case. In any event, roadless areas are only a small portion of the timber base in our national forests, and the national forests provide only 4 percent of the Nation's overall wood for paper products.

Let me illustrate that point, if I may, Mr. President. One can see what has occurred in terms of the timber harvest in the country and on the national forests. This chart begins in 1950 and continues through 1995. We can see that the overall U.S. timber harvest, both national forests and otherwise, has by and large increased over the last 45 years. It would appear to be in the area of about 18 billion cubic feet a year. You can also see what happened with respect to the national forests. The amount that is harvested there has been declining in recent years, and I believe that is because there is a recognition that there are other important values that the National Forest Service provides to the American people: recreational opportunities, esthetic values, habitat protection, all of which seem to be reflected in this trend line.

So my point is that the National Forest Service timber harvest represents about 4 percent of the Nation's overall harvest and, in my view, will not have an economic consequence that will, in any way, make it impossible for the United States to meet its harvest requirements.

Now, my amendment does not eliminate all funding for timber road construction either. A similar amendment was offered in the House by Congressman PORTER and Congressman KEN-

NEDY, which would have eliminated virtually all funding for timber road construction. That amendment, incidentally, was very, very narrowly defeated on a vote of 211 to 209. Let me make the point again. The Porter-Kennedy amendment would have eliminated virtually all funding for new timber road construction.

My amendment would reduce the amount of the current appropriation, as proposed, by \$10 million, reducing it from a \$47.4 million budget. Opponents of this amendment are somewhat disingenuous when they claim that it will decimate the timber road construction program.

Finally, Mr. President, I want to make my colleagues aware that this amendment has the strong support of the Clinton administration. I want to introduce into the RECORD a copy of the letter from the Secretary of the Department of Agriculture, Mr. Dan Glickman.

I ask unanimous consent to have this letter printed in the RECORD.

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

Hon. RICHARD H. BRYAN,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR DICK: As we discussed on the phone last night, the Administration strongly supports the amendment you plan to offer to the fiscal year (FY) 1998 Interior appropriations bill to eliminate the Forest Service's purchaser road credit program and reduce funding for road construction in the national forests.

There are nearly 380,000 miles of roads on the national forests. Roads represent one of the greatest environmental problems on the forests because of the extensive damage they cause to soils, water quality, and fish and wildlife habitat. A recent Forest Service study indicated that forest roads increase the likelihood of landslides, thus creating a public safety problem in urbanizing areas in the West. For these reasons, rather than building new roads, the Administration is refocusing its efforts on repairing damage from the existing road network, eliminating thousands of miles of unneeded roads, and proposing the policies reflected in your amendment.

The President's FY 1998 budget proposed elimination of the purchaser credit program because it reflects an outdated policy that permits timber purchasers to exchange national forest timber for road construction costs, providing them an unwarranted subsidy, thus facilitating entry into roadless areas and causing the environmental problems noted above.

Consistent with the Administration's policy, we support the provisions in your amendment to protect payments to counties and small businesses. Purchaser road credits are now included in the calculation of payments to counties associated with timber sales. Your amendment ensures that there is no net loss of payments to counties despite elimination of purchaser credits. In addition, through protection of the purchaser elect program, your amendment ensures that small businesses which may not have the capital to pay for road construction can continue to compete with larger companies for Forest Service timber sales.

Although the \$10 million reduction in road construction funding proposed in your amendment is below the Administration's budget request, through efficiencies and the expanded use of existing road infrastructure the Forest Service can still achieve the fundamental objectives of its management plans. Recent Administration budgets have reflected this trend in reducing road construction funding, and your amendment is consistent with this trend.

Thank you for your leadership in seeking to reduce unnecessary road building on the national forests and your support for eliminating the purchaser credit program. I look forward to working with you to achieve passage of the amendment.

Sincerely,

DAN GLICKMAN,
Secretary.

Mr. BRYAN. Mr. President, Secretary Glickman's letter is in strong support of the amendment that I am offering this afternoon. I also add, Mr. President, that the amendment is also strongly supported by a broad coalition of environmental and taxpayer organizations, including the Wilderness Society, Sierra Club, Friends of Earth, U.S. PERG, Taxpayers for Common Sense, and Citizens Against Government Waste. In addition, more than 60 newspapers across the country have editorialized in support of the amendment.

I simply close by making this observation, and I ask my colleagues to consider this one important point. If the purchaser credit program is not a subsidy for the timber purchasers, as the opponents of this amendment claim, then why are they fighting so hard to preserve it?

Mr. President, I hope my colleagues can join with those advocates of the environment, those advocates of responsible governmental fiscal practices and support this amendment, because it is a win for the environment and a win for the American taxpayers.

Mr. President, I reserve the remainder of the time. I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, the Senator from Nevada states that it is not the purpose of this amendment to terminate harvesting in our national forests. He also states that it is the intent of the amendment to reduce harvesting in our national forests. He recognizes that the impact of the amendment will be to lower the gross income of the Forest Service from timber sales because, obviously, bids will reflect the cost of constructing roads. He says that the amendment will not terminate the construction of roads in roadless areas, but that the construction of roads in roadless areas is wrong.

Now, I guess the question that one must ask of the Senator from Nevada, and the outside organizations that back his amendment, is, what is their view toward the harvesting of forest products in our national forests? The Senator from Nevada has graced us

with a set of graphs and a chart that indicates increasing harvests on private lands and rapidly decreasing harvests on public lands. In the 1980's, nearly 12 billion board feet a year were harvested from Forest Service lands—a harvest smaller in board feet than the regeneration of those lands. Today, that level is below 4 million board feet. In other words, harvests on those lands have been reduced by more than two-thirds. How much more reduction does the Senator from Nevada propose?

The organizations that he proudly announced are supporting his amendment, by and large, have as their articulated policy that there should be no harvest on public lands anywhere, at any time, under any circumstances. And while this amendment, standing alone, will not have that effect, it is clearly designed as a part of a campaign to end all such harvests.

At the present time, again, as indicated by the chart that the Senator from Nevada has there, only about 5 percent of the Nation's softwood comes from Forest Service lands, but 50 percent of the volume is located on those lands. Since the policies that have resulted in that dramatic decrease have taken place, the average price of an 1,800-square-foot new home has gone up about \$2,000. Almost \$3 billion from the pockets of American home purchasers is the result of those efforts to save the spotted owl and to meet other of the priorities so eloquently set out by the Senator from Nevada.

Interestingly enough, when an outside organization—Price Waterhouse—filed a report entitled "Financing Roads on the National Forests," it reached this conclusion:

The forest roads program does not contain a subsidy for timber purchasers. It provides an efficient and effective mechanism for financing road construction and reconstruction.

Interestingly enough, the administration, at least as recently as January and February, agreed totally with that position, and it indicates no savings associated with the elimination of the forest roads program.

Moreover, the appropriation for forest roads that we are defending here today is the administration's own proposal. This is not a budget that increases that appropriation; it is a budget that reflects that appropriation. Is the Senator from Nevada seriously presenting to us the proposition that this Clinton administration is engaged in irresponsible forest harvest contracting, that it is ignoring environmental and fiscal concerns and causing our forests to be harvested at an unsustainable or environmentally harmful rate? He must be making that proposition. He wants the two-thirds reduction that has taken place over the course of the last decade to be a more-than-two-thirds reduction. He wants this administration to stop what he

considers irresponsible contracting for forest harvesting in our national forests.

Mr. President, no one who is concerned with any kind of balance in the management of our national forests can possibly reach the conclusion that the Clinton administration's Forest Service management and supervision is recklessly and irresponsibly harvesting our national forests. Almost all of the criticism is on the other side, except for the organizations that are backing this amendment, whose position is that the only good harvest is no harvest at all.

Now, if the Senator from Nevada believes that, I think it would be more forthright simply to propose that and see whether or not the Members of the Senate agree. But this forest roads program, the way in which it was set up, is designed to see to it that the roads are built efficiently and well, according to Forest Service standards, and appropriately paid for. Simply to take money out of one pocket and put it into another will not, in any way, enhance the Federal Treasury. Bids will be lower—probably considerably lower—as the risk of costs have shifted from one side to another and the quality of roads will be lower. But let's look at the entire program that we are talking about here.

In fact, of this entire appropriation for 1996, only a very modest amount is for the construction of roads; the great bulk is for reconstruction. From the credit system, from the appropriation, practically none is for construction, and a modest amount is for reconstruction. But three-quarters of the amount is for the obliteration of roads, about which the Senator from Nevada spoke so eloquently. Eighty percent of all of the reconstruction that is so important is paid for by purchaser credit, not by appropriations on the part of this body. In fact, Mr. President, the net result of passing this amendment will not only be a further reduction in harvest, it will be a dramatic reduction in the availability of our forests from a wide range of recreational activity. It will be the de facto creation of more tens of billions of acres that cannot effectively be enjoyed by the vast majority of the people of the United States.

I want to emphasize that in this case we are defending the recommendations in the budget of the President and of the Forest Service—a Forest Service that has designed the reduction and harvest as far as it has gone. And I believe that the most appropriate points for the proponents of this amendment to make are having reduced our Forest Service harvest by two-thirds, having shifted almost 95 percent of all of the harvesting of forest products onto private lands that contain 50 percent of the resource. How much further do they wish to go? Their supporters say no harvest at all. This amendment is one dramatic step toward that goal.

Mr. President, I yield such time as the Senator from Idaho may wish to take.

The PRESIDING OFFICER (Mr. COATS). The Senator from Idaho.

Mr. CRAIG. Mr. President, let me thank my chairman for yielding. Let me also congratulate him for the clarity with which he spoke to this issue.

Mr. President, I rise in opposition today to the amendment of the Senator from Nevada. I hope that in the course of what I have to say, Mr. President, that my opposition is clear. This comes to the issue the chairman and the Senator from Washington put so clearly.

The Sierra Club some months ago, the Inland Empire Public Lands Council from the inner Pacific Northwest some weeks ago, and other organizations have come out with a policy for zero cut of timber on public lands. This is a national position that is well articulated by some of the more extreme environmental groups.

I think the Senator from Washington is absolutely correct. I believe this is step 1 in a 5- or 6-year plan. This amendment cuts about one-fifth of the resource for road building. If this is accomplished, then next year they will try for a little more, and the next year even more, and the incremental game that has been played over the last several decades that has significantly changed the character of public land use is accomplished—in this instance, the elimination of timber harvest on public lands.

The Senator from Nevada spoke of subsidies. Let me say as loudly and as clearly as I can that there are no subsidies. He is wrong. He talks about saving the taxpayers' money. He is wrong. The Price Waterhouse study that I have in my hand says so. Many others who have analyzed the program of purchaser credit also agree. The rhetoric of purchaser credits being subsidies may sound good when you suggest larger timber companies get money—taxpayer money. If this were the case, then that is subsidy, and that is wrong. It has no intent, and it doesn't improve in this instance the environment, or the ability of our forested lands to be ongoing and productive in their production of fiber for the citizens of our country.

So let me say very clearly that Senator BRYAN's amendment does not speak to subsidy because it does not exist. And it does not speak to saving money because it would not happen.

In addition, the amendment would eliminate beyond an actual cut of 20 percent of the \$47 million that is in this budget for proposed new timber roads. It would cut, of course, the purchaser credit. And that is where the argument on subsidies rests. This program was crafted by a Democrat Congress in 1964. It doesn't mean they were right. It doesn't mean they were wrong. At the time using the best analysis

they could and an appropriate decision as it relates to how stumpage fees could best be utilized for the benefit of the taxpayer, they came up with this method. It was thoughtful legislating at that time, and I think it remains so today. It is a good policy. Let me try to explain why it is good policy and not a subsidy. Let me also explain why I challenge the Senator from Nevada on his arguments, because if I make a challenge I ought to be able to prove it. It is only fair and right that I do so.

The purchaser road credit system has been utilized for more than 20 years. It allows purchasers to earn credits equal to the estimated cost of constructing roads specified in a timber sale contract. The purchaser can then use the credit to pay for the timber harvest. As with the regular forest road program which utilizes appropriated funds, the purchaser road credit program primarily supports the reconstruction of existing roads. The Senator from Washington has already very clearly spoken to that diagram effectively in the chart that he has before us. Of the total number of miles of timber sales roads built nationwide in fiscal 1995, about 90 percent were done with purchaser road credits. Approximately 80 percent of the purchaser road credits were used for the purpose of reconstructing.

I thought it was important to mention this because the Senator from Nevada spoke passionately about the Tahoe Basin, an area which I am very familiar with the way it has been harvested or rather not harvested. This lack of harvest has attributed to the fuel buildup that goes on in that region, affected the wellness of the trees, and most importantly created a potential catastrophic environment that could exist in a drought situation causing massive fire. He speaks of roads, road conditions, and road maintenance. Purchaser credits have gone toward maintaining and improving, through reconstruction, more roads than hard dollars do. Every one of those roads is built to environmental standards which actually improves the environmental situation.

In my State of Idaho last year—an exceptionally wet year—we had road blowouts; land and hillside blowouts in our national forests where man had never been. But the biggest problem occurred in areas where roads had not been reconstructed or effectively maintained.

So, if the Senator from Nevada wants to talk about maintaining roads and improving road environments that create less sedimentation and a better water quality in Lake Tahoe, then he ought to be coming with more money. Because money does not exist in the budget, money does not exist to improve road conditions. Therefore, environmental conditions is the very thing that he is trying to eliminate.

But back to the issue of subsidy. I brought this chart along to dem-

onstrate the point. The point is really quite simple. If you are going to log the trees off the land, you have to get to the trees. There are Federal trees on Federal land. Who ought to build the road? The Senator and I come from large ranching States. You have cattle out in the corral in the back of the ranch, and you want to sell them to a cattle buyer. He has to get the trucks to the corral. You say, "Build the roads to the corral, cattle buyer, and you can have the cattle."

He will say, "OK. And I will bid you \$5 less a head because I have to spend money to build the road."

Or, you can say, "No. I will get the road built. I will pay for the road. Therefore, bid me the market price on my cattle."

That is the same scenario that goes on with public timberlands because, as the Senator from Nevada said, the timber company leaves and the road is still there. Yes, it is. It is a Federal road paid for by Federal money, owned by the Forest Service, utilized by the citizens once it is used for logging.

Here is a good example. If the market value of the timber on a timber sale is \$100, and you use the purchaser credit, it costs you \$40 to build the road. You have a purchaser credit of \$40. So you bid the market price for the timber. You bid \$100. The net receipts are \$60 because the purchaser road credit was constructed. If you do not have purchaser road credits it is still going to cost \$40 to build the road. The logging contractor bid to the Forest Service less money because he is going to sell the trees to pay for the road he will build. So the purchaser credit is zero. He bids \$60. He doesn't bid \$100. He bids \$60, and the net receipt is \$60.

Is that a subsidy, or is that a method of building roads that in 1964 this Congress and this Senate decided was appropriate? Call it a subsidy? I don't think you can. Try it, if you might. Price Waterhouse says no. Economists say no. The reason they say no is because of this exact chart.

The Senator from Nevada says, "Well, BLM does it differently. They just sell the timber, and the logger builds the road." Yes. They do. Price Waterhouse would analyze that, and every economist would analyze that and say on the ONC—Oregon and California—lands in Oregon, where the BLM has the bulk of the timber from all of their landholding across the country, they do as the Senator from Nevada suggests. But the economists would say the quality of that timber value is depressed in stumpage because the logger takes the price of the road out of the sale.

Why is that important for Idaho, then? Why am I standing here concerned? Well, the Senator knows why. The Senator knows that in current law a share of the stumpage value is returned to local counties for schools and

for roads. In his State of Nevada, down on the Toiyabe, it looks like they get a few dollars. They do not get anywhere the amount of money that Idaho, Oregon, Washington, or northern California gets. Why? If you are from Nevada, you know why. It isn't a timbered State, in large part. It is a high desert State—not a lot of trees, except in very few areas; primarily in the north, where the Senator is from, and down on the tip in the south.

The bottom line is when you bid a timber sale you and bid \$60 rather than \$100 because you are taking \$40 out for the road. The Federal Treasury receives the same amount of money but payments to counties decrease.

What the Senator knows is that by this action, he is dramatically cutting the money that flows to counties for schools and for road construction—their own road construction, not this road construction, not Federal road construction. Why have we payed the counties over the years? I tell you why we have done it—because my State is 63 percent federally owned, and those are landlocked communities. They have no tax base from which to fund their schools and their local roads.

The Senator from Nevada knows from which I speak. His State is much more owned by the Federal Government than is my State. Nevada is 84 percent.

It is interesting that the Senator from Nevada hasn't mentioned a thing about the annual net proceeds tax that his State gets from Federal mineral resources. Last year, the State of Nevada got \$613 million in severance tax from Federal mineral resources.

I say to the Senator from Nevada. Why does he work so intently to destroy the money that my schools, the schools in Montana, Washington, and Oregon get, and speaks nothing about that intent in his State, masked in the name of the environment? Let me suggest to you that it is not so masked. It is open. It is direct, and the impact would be dramatic. In many of my counties, school funding is 60 to 70 percent funded by this base, and he would take, in many instances, 25 or 30 percent of it away immediately. If the plan of national environmental radical groups, the kind that advocate zero logging on timber forested lands, had their way the remaining funds would soon be wiped out altogether.

I guess another thing that clearly is worth discussing, and it is terribly frustrating to me, the Senator mentioned that he had letters from Secretary Glickman as it relates to the position of this administration when it comes to their support of his amendment. The Secretary before the House of Representatives said, interestingly enough, not very long ago that the elimination of purchaser road credits would hurt mostly small timber purchasers who have less access to credit.

Now, the Senator from Nevada talked about sticking it to the big boys. I think in reverse, if he studied it with some intent, he would find that this is not quite the case.

I have another chart here that speaks to what Secretary Glickman was talking about—purchaser credit use: "Who buys the Federal timber?" The dark blue represents small business, the red represents large business by definition. As we can see by the chart itself, in almost every instance, they are buying better than 50 to 60 percent of the timber.

Small business timber purchasers would be adversely affected because the potential financing problem they would encounter if they had to operate by doing exactly what the Senator said, going out up front and getting the money to construct the roads before they could harvest the trees, take them to market and get their return. The alternative is the purchaser-elect program which does not protect the small business that are have the most threat. According to Price Waterhouse, a small business still has to pay cash for the full amount of the timber. This would explain why the purchaser-elect program has been rarely used by small business timber purchasers. Of course, that is what the Senator is advocating.

Mr. President, I recently noticed that the administration is having a bit of difficulty with what they tell us here in the Congress, and that is why I wonder about the letter the Senator has that he put in the RECORD. I have a copy of that letter. I say that because last year I asked about potential legal and financial liabilities associated with canceled timber sale contracts. The Forest Service provided a response, and the Department rescinded that response within just a few days. Earlier this year the Department properly rejected a position for a new policy on qualifications for timber purchasers, and 2 days later the Under Secretary claimed that an unauthorized individual had used an autosigning machine and the letter should never have been sent.

Well, it seems as if the Secretary had tried to place himself squarely on both sides of this issue. I suggest that he put greater control on his autosigning pen. Maybe we would more clearly understand what the Department of Agriculture is all about here—whiplashed by an environmental interest that does not serve this program well, does not serve the rural forested communities of our States well and, most importantly, does not address this issue in a fair and balanced way.

During the summer of 1966, there were several incidents where impassable roads resulting from washouts and wind-thrown trees hampered firefighters' ability to respond to fire emergencies, requiring fire crews to turn around and find other access to fires.

Why do I just instantly bring fires into this argument? Because the affected responsive maintenance of roads that is done through this program is what allows the Forest Service to manage our forests and fight fires. There are also roads that are used by off-road-vehicle people of the Senator from Nevada and the Senator from Idaho. There are our hunters, our fishermen, our berry pickers, our recreationists, our tourists. Those are the roads that were initially built to harvest timber. I would suggest to the chief of the Forest Service that if he has \$440 million worth of road maintenance and backlog, he is achieving most of it today through the program that the Senator from Nevada is trying to eliminate.

So I hope that my colleagues this afternoon, recognizing the importance of this program, the way it is used effectively—it is not a subsidy. It benefits the taxpayer. It certainly benefits the small community that is the recipient of stumpage fees that fund schools and roads. It is a program well balanced and considered by the Congress over these years, and I hope they will reject the amendment of the Senator from Nevada. I do believe it is not well thought out. It certainly does not meet the arguments that he himself made as it results to the need for effective road maintenance to provide environmental quality, water quality and the kinds of things that we appreciate from our public land.

I yield the floor.

Mr. KERRY. Mr. President, I am pleased once again to join my distinguished colleague from Nevada, Senator BRYAN, in identifying another egregious expenditure which is a perennial waste of the taxpayer's money: the timber road subsidy. Several years ago, my able friend and I joined forces to eliminate the wool and mohair subsidies. And in the last Congress, together we jettisoned the subsidies for the mink industry in the market access program. In fact, Mr. President, I think our opposition to the entire market access program has become quite well known in this body.

Mr. President, the amendment we introduce today calls for the most modest reduction of a flagrantly wasteful subsidy which is helping denude our national forests and providing an outrageous taxpayer-funded give-away to the private sector. The Senator from Nevada and I are asking for the Senate to reduce this timber subsidy by \$10 million. This money would come from the \$47 million budget of the U.S. Forest Service's logging and construction program. Our amendment also prevents the Forest Service from using "purchaser road credits" to trade valuable Federal forest resources for environmentally destructive and costly timber roads. In essence, Mr. President, this amendment will put an end to the practice of awarding free trees in exchange

for the industry paying its own road construction costs. This amendment also holds harmless counties that receive Federal payments from the sale value of federally owned timber, so it contains a mechanism to maintain a neutral fiscal impact on those counties. There is clearly much to complain about when it comes to timber sales—which routinely cost the Treasury and the taxpayers hundreds of millions of dollar each year—but the issue before us is much narrower.

Under current U.S. Forest Service management, logging access roads are built in national forests using either taxpayer funds or assets to subsidize logging companies harvesting timber. The taxpayer subsidizes the construction and reconstruction of logging access roads by the Government either paying directly for the building of the roads or by trading trees when the timber company builds the road. The system known as the Purchaser Credit Program essentially gives timber purchasers "free trees" and, according to the GAO, includes a profit margin for purchasers. In both instances, timber companies receive subsidies at the expense of taxpayers for activities that should be incorporated as a cost of doing business.

Mr. President, this amendment does not reduce funding for road maintenance and it does not affect the construction or maintenance of recreation and general purpose roads. This amendment does not alter the infrastructure management budget or the reconstruction and construction budget of the Forest Service. This amendment contains no rider or any other language dealing with roadless areas of our national forests. This amendment does not prohibit timber companies from building their own roads in the national forests where that is permissible under existing laws and regulations, nor does it deter timber sales and harvesting. It merely eliminates taxpayer-funded logging road construction which should be the responsibility of the timber companies. It is a specific, concise amendment which will not only allow us to reduce our deficit but also prevent pollution of municipal water supplies and save fish and wildlife habitats.

Originally, Mr. President, road building was subsidized by the U.S. Forest Service to encourage economic and community development. There was a time, especially after World War II, when the nation was rapidly expanding, that the government help for the Northwest timber industry made sense. But those days are over. We have learned that once areas are logged and logging companies move to new areas, communities cannot survive. Indeed they become ghost towns. There are no long term economic and community benefits to the public—only to private industry. If economic development is

still the justification for this program, it flies in the face of some basic economic data. Mr. President, between 1950 and 1994, timber harvests increased by 64 percent, while employment in the wood and paper industry fell 4 percent. Other factors are at play in this subsidy. The fact is, Mr. President, the road-building subsidy—like the mink subsidy and the wool and mohair subsidy—is an anachronism.

The degradation of forests over the last few decades has led to a wide variety of environmental and health problems, including dramatic increases in species extinctions, global warming—due in part to deforestation in both tropical and temperate zones—and the deterioration of water quality. Jim Lyons, Undersecretary of Agriculture, admits as much. He has told us, Mr. President, "Our number one water-quality problem in the National Forest System is roads." In northern California, road building creates silt which clogs our State reservoirs and lessens water quality. Logging roads in national forests increase environmental degradation by contributing to the destruction and fragmentation of species, habitat, water pollution and landslides. In addition, Mr. President, since the 1940's, studies by the Forest Service and other fire scientists have found that more than 90 percent of all wildfires in the United States are human-caused, and 75 percent of these start within 265 feet of a road.

We have a tremendous backlog of unmaintained forest logging roads that are now unsafe. Maintenance of these roads is expensive—if there is no money to maintain existing roads, how will we take care of new roads? The Forest Service reported in March 1997 that there is a \$440 million backlog of road maintenance needs for its existing roads. Where is the fiscal sense in constructing new roads?

Mr. President, there are currently 378,000 miles of roads throughout the national forest system, which is eight times the mileage of the U.S. interstate highway system. That's enough to circle the earth nearly 15 times. In some parts of our Pacific Northwest, one square mile is laced with up to 20 miles of road. Supporters say these roads open the forest to recreation. But, Mr. President, I can assure you many of these roads are not passable—I have seen studies on this issue which show that these roads are built for truck use with little concern for passenger vehicles or travel comfort. These are not recreation roads. In any case, Mr. President, the General Accounting Office has found that 70 percent of the Nation's subsidized logging roads are used almost exclusively by private timber companies and their contractors.

Mr. President, while the environment suffers and the timber industry enriches itself, the taxpayer picks up the

tab. In fact, the taxpayer pays toward the costs of each road three times: first to build the road, second to maintain it, and third to fix the environmental damage caused by road-induced fires and flood.

This proposal to reduce the account by \$10 million and eliminate the purchaser road credit is modest, rational common sense by any measure. I urge our colleagues to support it.

Mr. HUTCHINSON. Mr. President, I rise today in opposition to the Bryan amendment. I rise because this program has proven very successful over the years that it has been in existence. This is a positive program that promotes cooperation between public and private enterprises, which are the types of agreements we should be supporting on the Senate floor and not opposing.

In addition, this program has been found that it costs the government no money. Price-Waterhouse did an economic analysis and determined that "the Forest Roads program does not contain a subsidy for timber purchasers." This program is an efficient and effective mechanism for financing forest road construction. And, since net payments to the Treasury will remain the same, Price-Waterhouse concluded there is no subsidy to the timber purchaser.

Finally, I want to stress a point that I feel is of utmost importance. Many do not realize that 25 percent of the proceeds from timber sales go directly to the counties to be used for roads and schools. In Arkansas, where the per capita expenditures on students rank 46 out of 51 states and the District of Columbia, our children cannot afford to lose this vital source of funding.

Mr. President, I want to reiterate my strong opposition to this amendment to strike funding for the Forest Roads Program.

Mr. LEVIN. Mr. President, I will oppose the Bryan amendment to reduce funding for Forest Service road construction, reconstruction and obliteration, and to eliminate the purchaser credit program, because the amendment will make two activities more difficult to accomplish in the pursuit of the goal of ending new road construction in inappropriate areas. These two activities are obliteration of improperly placed, environmentally damaging or unused roads and reconstruction of those roads that serve regenerated stands. The administration has indicated that this amendment would cause the Forest Service to construct fewer new roads, yet the administration already has the power to construct fewer new roads without this amendment.

Eliminating the purchaser credit program may make sense. Certainly, the public lands management agencies of the Federal Government should have consistent policies on appropriately al-

locating the costs of building roads for timber access and other uses. But, the program's elimination will not necessarily save taxpayers' money. There are many policy and budget issues that should be sorted out at a Committee hearing on the matter before Congress acts on this.

Mr. President, I could support an amendment written to limit the number of miles of new roads in environmentally sensitive areas, however, the flaws in the Bryan amendment make its impact on this objection uncertain.

Mr. SPECTER. Mr. President, I have sought recognition to address my views on the Bryan amendment regarding timber road construction in our National Forests. I am very concerned about environmental protection and safeguarding our Nation's forests, providing there is an appropriate balance for economic development and job opportunities.

On Senate floor votes in 1986 and 1989, I supported reductions in the direct Federal spending on road construction by the Forest Service. If this amendment had been limited to road construction, I would have voted for it.

However, I am concerned about the impact of the elimination of all funding for the purchaser road credit program. From what I have seen and heard, during my August visits to the Allegheny National Forest in Elk, Forest, McKean and Warren counties, elimination of the purchaser road credits would constitute a significant hardship.

Accordingly, that provision of the amendment causes me to vote against it.

I do so on the assurances which I have received that the administration is currently reviewing the timber road construction program and may make substantial revisions which would provide for appropriate environmental safeguards.

This vote, for me, is a close call. If there is not adequate environmental protection from changes in the purchaser road credit program in the administrations continuing review, I would be prepared to reconsider my vote on this issue on next year's Interior appropriations bill.

The PRESIDING OFFICER. Who yields time?

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I would ask unanimous consent that the Senate resume the debate on the Ashcroft amendment following the expiration of the debate on the pending amendment offered by Senator BRYAN.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BURNS. I make that request because we are going to go over the time when we are supposed to be back on that amendment.

Mr. President, I rise today to speak against the amendment from the junior senator from Nevada. I urge my colleagues to oppose a drastically reduced forest road budget, an end of purchaser road credits, and a change in the county payments formula. This amendment is unworkable and unnecessary in the face of a road construction budget that is already declining.

The amendment offered by Senator BRYAN would reduce the proposed budget for new timber road construction by \$10 million. This amendment does nothing more than carry out the extreme agenda of certain radical environmental groups. As they have acknowledged, their objective is to shut down the Forest Service Timber Program.

Mr. President, Forest Service timber sales are sold using an open, competitive auction system process. All sales are sold at fair market value, with costs associated with the timber sales, including road work, apportioned and built into a minimum bid price, which sets the floor. There is no subsidy associated with timber sales or road construction.

According to a recent economic analysis released by the Price Waterhouse accounting firm, "the forest roads program does not contain a subsidy for timber purchasers—it provides an efficient and effective mechanism for financing road construction and reconstruction."

Owners of private lands often provide access to their lands to purchasers of their timber. They can either construct the roads themselves and then charge more for the timber, or they can require the timber purchaser to construct roads and thereby receive less money for their timber. Landowners who require the timber purchaser to construct roads have developed many systems to compensate the purchaser for road construction activities.

Purchaser road credits are a fairly common method for building roads. Many private landowners, as well as the State forestry agencies of Idaho and Oregon, have similar systems to build roads on their lands. No matter which system is chosen, the value of the timber sold will be reduced by the cost incurred by the purchasing party.

The Bryan amendment, however, calls for the elimination of the Forest Service purchaser road credits program. Eliminating purchaser road credits would have serious implications.

Under the purchaser credit program, timber sale contracts require the purchaser to reconstruct or construct roads and bridges. Purchaser credit is an off-budget means for the Forest Service to rebuild and repair existing roads and occasionally to build new roads at a significant savings to the taxpayer when compared with appropriated funds.

There are many costs associated with the purchase and harvest of a timber

sale, including bonding, road construction, road maintenance, logging, and trucking. When a company analyzes what it can bid for a particular timber sale, it considers all the costs and values associated with manufacturing forest products from the trees to be purchased. If the company is given credits for the road work, the bids will be higher because it is not a cost.

As with the regular forest road program which uses appropriated funds, the purchaser road credit program primarily supports the reconstruction of existing roads. Of the total number of miles of the timber sales roads built or rebuilt nationwide in fiscal year 1995, about 90 percent were done with purchaser road credits.

As funds for road construction have been reduced in recent years, purchaser credit has become a vital tool to accomplish road work in all regions of the country, especially reconstruction. About 80 percent of the program used each year for reconstruction on roads, especially for safety and environmental improvements. Congress and the administration must reject all efforts to eliminate or reduce purchaser road credits.

Mr. President, Federal timber sales have declined precipitously, primarily from limitations placed on the Forest Service by environmental considerations and species protection efforts for spotted owls, marbled murrelets, and various species of salmon. In 1987, the timber sales program provided nearly 12 billion board feet of timber. Ten years later, less than 4 billion board feet were sold.

It does not take rocket science to understand the dangerous consequences the Bryan amendment has for local communities. Small businesses account for two-thirds of all timber harvested in national forests. Those small operations are located in the rural areas, providing jobs and stability to their communities.

The Bryan amendment would dramatically limit the forest road program, putting additional pressures on the timber sale program. Most supporters of the Bryan amendment are unaware that the Forest Service will spend many times more on reconstruction and repair of existing roads as they will on the construction of new forest roads.

Most of the roads in the national forests are single-lane, dirt roads which are open to all forest users. Each year these roads allow millions of Americans to visit the national forests. Access is provided to wild and scenic rivers, national scenic byways, wilderness areas, and recreational facilities, including campgrounds, boat ramps, and picnic areas. These roads provide access for cutting firewood and Christmas trees, berry picking, hunting, fishing, and camping.

The primary use of the national forest road system is recreation. All told,

about 97 percent of the road system in any given national forest is open to recreational use. Ten years ago, recreation use on the national forests was less than 250 million visits. Today, recreation use is approaching 350 million visits, an increase of 40 percent.

The Bryan amendment would also reduce the construction of roads in roadless areas. Road construction in roadless areas of the national forests is for the most part limited to emergency situations. Indeed, few if any miles of roads have been built in roadless areas of the national forests in recent years. However, building some roads in roadless areas is necessary on occasion to allow access to treat insect and disease outbreaks, to monitor forest health, or for wildfire management.

Mr. President, the Bryan amendment would have a debilitating effect on the management of the national forest. I urge my colleagues to defeat this effort to further limit logging in roadless areas, to terminate the purchaser credit program, and to cut an already reduced forest road budget. This amendment is simply bad forest policy.

The environmental groups who have drafted this amendment have only one purpose. It is to shut down the Forest Service Timber Program. I urge my colleagues to defeat the amendment.

Before I yield to my friend from Oregon—we are running down on time here—I just want to put my little plug in here.

Mr. President, we have set records on recycling in this Senate. This old debate has been recycled every year since I have been here. We tend to forget in this country that we are dealing with a renewable resource. It is just like corn flakes on your table or the shirt on your back. All of these come from renewable resources.

There has been one group of persons who have been left out of this debate, and it is the consumers of America. Has anybody priced any lumber lately, what it costs to build a house? Does anybody deal with the homeless in their States on how do we find housing and what it costs for affordable housing?

There are people in this country who are in charge of producing not only food and fiber but also the shelter for America. That is what we are talking about here. You can mask it any way you want, but the way that we make a sale is pretty much time tested. It has worked, and it works every day, not only for the harvesting or the growing of a renewable resource. We see that great miracle of renewal every spring and every year.

However, we also see the economic backbone of the economy of rural America being eroded by people who have forgotten what it takes to produce food, fiber and shelter. I tell you, you can go out there and look at that mountain all you want and, if it is

a religious experience and you do not want it touched, that is fine and dandy. But at the end of the day you are going to go get a hamburger because you are hungry. It is the basic of life in this country. That is the first thing, or the second thing, we do every day when we get up.

So I ask my colleagues just one question. In promoting what some think of as a "green world," is that going to feed us and sustain us? Probably for a lot of us around here it fed us a little too good. Maybe we are caring a little too much. But I ask those who are not hands-on natural resource providers to just pay heed to what you are doing here, because everything we enjoy—our standard of living, our quality of life—starts with a little seed in the ground. That is where it starts. Every one of us goes about our way every day in feeding and in clothing—every one of us without exception. Yet we want to make that tougher because we do not think it is important. So after housing and shelter, I think we are talking about a bona fide serious problem here, and it is not fair to change the rules. It is not even right to those who grow and those who are in charge of the harvest. It is not fair to those who have to take a raw product and add value to it so that it serves all of us in this great country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

The Chair advises the Senator from Montana that there remains 10 minutes on his time.

Mr. SMITH of Oregon. I thank the Chair.

I thank my colleague from Montana and my colleagues from Washington and Idaho who have joined me in resisting the Bryan amendment. The Senator from Nevada is my friend, but I believe on this issue he is very wrong. If he were to prevail, this would force great injury on my State.

Mr. President, I would like to take just a couple of minutes to speak against the amendment from the junior Senator from Nevada. This amendment calls for a \$10 million reduction in funds for new road building, the elimination of the purchaser credit program, and a further reduction on logging in roadless areas. I strongly oppose these provisions.

Timber sales are vital to the long-term viability of local communities throughout the West. Under existing law, 25 percent of the gross receipts from Federal timber sales go to local communities. These funds are used for local schools and roads programs. Without a viable forest road maintenance, repair, and construction program, the timber sale program would be significantly limited. The big losers will be local communities.

Shared receipts are an integral part of local government revenues in the

West. There is no practical way to separate these payments from the other payment programs without having dramatic negative consequences on local communities. The necessary dollars to offset the loss of revenue caused from the reduction in timber sales would not be forthcoming.

Mr. President, Federal timber sales have declined precipitously, primarily from limitations placed on the Forest Service by environmental considerations and species protection efforts for spotted owls, marbled murrelets, and various species of salmon. In 1987, the timber sale program provided more than 12 billion board feet of timber; 10 years later, less than 4 billion board feet were sold.

It does not take an accountant to determine the serious implications this has had for the budgets of rural communities. Two-thirds of all timber harvested in national forests come from small businesses. Those small operations are generally headquartered in the rural areas, providing jobs and stability to their communities, not to mention needed revenues to sustain local programs and services.

The Bryan amendment would dramatically limit forest road construction, putting additional pressures on the timber sale program. Since 1991, total new road construction built by the Forest Service or by timber purchasers has declined by two-thirds. Spending on both new road construction and reconstruction has been cut in half over this same period.

Most supporters of the Bryan amendment are unaware that the Forest Service will spend many times more on reconstruction and repair of existing roads than they will on the construction of new forest roads. Indeed, most of the funding appropriated by Congress each year goes toward the reconstruction of existing roads. In 1996, more than 2,800 miles of roads were reconstructed, while only about 450 miles of new roads were constructed.

Reconstruction activities protect watersheds through improved road design, road placement, and sediment control. Road construction funds are being used for watershed protection as part of the President's forest plan for the Pacific Northwest. According to the Forest Service, forest roads allow critical access needed for the suppression of up to 10,000 wildfires per year and reforestation of the burned-over lands.

The Bryan amendment will quite simply prevent the President from keeping the environmental and economic commitments made in the Northwest forest plan.

The Forest Service has invested significantly in technology transfer applications for road building. Examples cited in this year's Forest Service budget proposal are: wetland development and riparian restoration through modification of culverts and other

drainage structures, retaining soil through innovative design of gravity walls, and lower water crossings for roads to minimize disturbance, provide fish passage, and avoid damming and channeling during peak flows.

Mr. President, the Forest Service is continuing its efforts to reduce the number of roads. In recent years, the Forest Service has annually reduced more than three times as much road mileage as compared to new construction. In 1996, the Forest Service reduced 1,400 miles of roads. For the past 6 years combined, the Forest Service has reduced over 18,000 miles of roads.

The Bryan amendment also calls for the elimination of purchaser road credits program. Eliminating purchaser road credits would have serious implications for local communities.

Under the purchaser credit program, timber sale contracts require the purchaser to reconstruct or construct roads and bridges. Purchaser credit is an off-budget means for the Forest Service to rebuild and repair existing roads and occasionally to build new roads at a significant savings to the taxpayer when compared appropriated funds.

Timber companies receive credits equal to the value of the road work required under a timber contract. The credit can be applied against the price paid to the Government for the timber harvested. These companies reflect the cost of building roads in their submitted bids.

As funds for road construction have been reduced in recent years, purchaser credit has become a vital tool to accomplish road work in all regions of the country, especially reconstruction. About 80 percent of the program is used each year for reconstruction on roads, especially for safety and environmental improvements.

Proponents of this amendment project positive Federal budget effects from the elimination of purchaser road credits. Elementary economics tells us that purchasers will simply bid less for the timber than they would of the credit were in place in order to offset their increased costs, while the Federal Government will net virtually the same amount.

The Bryan amendment would further restrict the construction of roads in roadless areas. Road construction in roadless areas of the national forests are, for the most part, limited to emergency situations. Indeed, few if any miles of roads have been built in roadless areas of the national forests in recent years. However, building some roads in roadless areas is necessary on occasion to allow access to treat insect and disease outbreaks, to monitor forest health, or for wildfire management.

Finally, Mr. President, there is no subsidy associated with timber sales or road construction. For new road construction and reconstruction associated with timber sales, costs are fairly

apportioned. These costs are fully offset by timber revenues, resulting in net profits averaging more than \$400 million per year over the last 6 years.

According to a recent economic analysis released by the Price Waterhouse accounting firm, "the forest roads program does not contain a subsidy for timber purchasers—it provides an efficient and effective mechanism for financing road construction and reconstruction."

Forest Service timber sales are sold using an open, competitive auction system process. All sales are sold at fair market value, with costs associated with the timber sales, including road work, apportioned and built into a minimum bid price, which sets the floor on the value of the timber sale.

Mr. President, I would like to close by quoting from a September 9 editorial in *Oregonian* which addresses the merit of Senator BYRAN's amendment.

We think timber sales should be based on good plans and sound scientific analysis of their effects. This amendment, however, more closely fits the agenda of those environmentalists opposing all commercial timber sales in the national forests than it does the interest of good planning.

Mr. President, I urge my colleagues to vote against the Byran amendment.

In the interest of time, I will summarize so we will leave to Senator KEMPTHORNE some time. I am reminded of the statement I heard from one Senator—everything that can be said has been said but not everyone has said it. So I guess it is my turn. I would like to let Senator KEMPTHORNE have a chance to be on record also.

I could focus on the many points Senator CRAIG laid out very well as to why this is not a subsidy, why this all nets out in the end for the advantage of the forest, for the advantage of the taxpayer and for the advantage of local communities in the rural Northwest. I suggest to you that President Clinton came to my State, held a big timber conference, made some promises as to the level of historic timber harvest that would occur, along with a whole lot of environmental protection.

Part of that promise was that inclusion of these purchaser road credits would continue, that roads would be maintained so that there are not big blowouts, that there would be the ability to suppress fires, that there would be the ability to continue to harvest where it is economically and environmentally responsible to do so.

I was very heartened the other day to find two of my State's leading newspapers—these are not conservative newspapers; these are liberal voices in my State, the *Oregonian* and the *Register-Guard* out of Eugene—said the Senate should maintain the funds on these roads.

Well, let me quote from the *Oregonian*. They said Forest Service road funding, "which consists of road resur-

facing, culvert replacement and other environmentally vital drainage improvements, these environmentally responsible activities are badly underfunded. It would be perverse to cut these budgets in the name of stopping new roads."

I agree. If you just focus on the economics, this washes out to the taxpayer. If you focus on the environment, we are not talking about much new road building. We are talking about maintenance of roads for people to use, for forest health to be provided, for the environment to be protected against washouts of these roads. We are talking about people who want to hunt in our national forests. All of these things are critical to this debate.

But, in the end I want to emphasize what the Senator from Montana said. There is a human element here, for crying out loud. There are people who breathe air and have blood in their veins and have children and have dreams and who want a future, who love to live in the country, who understand what it means to be stewards of the land and who also understand that this is a chain saw at their way of life. This is a chain saw aimed at the heart of Northwestern rural communities. It has to be stopped.

I care about protecting the environment. I just happen to believe that people like wood products, too. I happen to believe there can be a balance between the environment and our economy; between providing for animal and human needs. This goes at the heart of stopping that kind of balance.

I plead with my colleagues. You have interests in your States where I need to learn. I want to know what it is that helps your people, your human element. But if you want to know what affects mine, this does.

Even the leading liberal papers of my State agree with me. The *New York Times* doesn't understand the issue. They are on the other side. Today I stand with the people of Oregon, who understand the balance of the environment and our economy.

I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Nevada.

Mr. BRYAN. Mr. President, I yield the Senator from New Jersey 10 minutes.

The PRESIDING OFFICER. The Senator from New Jersey is recognized to speak for 10 minutes.

Mr. TORRICELLI. Mr. President, I thank Senator BRYAN for yielding this time. I rise in support of the amendment of the Senator from Nevada.

There is not a Member of the Senate who has not shared with our colleagues, or their constituents, the extraordinary need to end both waste in this Government and corporate welfare in particular. This is the moment for those Members to give meaning to all those speeches, all those comments,

and all those interviews, because the Bryan amendment is to corporate welfare what welfare reform in the last Congress was to social welfare. This is the moment.

The scale of corporate welfare in the Federal budget is extraordinary. The Cato Institute estimates some \$86 billion in expenditures. The Progressive Policy Institute estimates the number at \$265 billion. This new age of fiscal discipline in which we live, when the Federal budget is being balanced, requires some sacrifice from everybody. In the last Congress it was people and families on welfare. In this Congress, at long last, it is time to have corporate welfare make its own contribution.

The Bryan amendment deals with one specific part of this network of corporate welfare, the construction of timber roads. The Green Scissors Coalition estimates that, over a 5-year period, the Federal Government will spend \$36 billion, not only on these expensive and potentially wasteful construction projects, but projects which at the same time have an extraordinary cost in environmental terms. The simple truth is, even if we could afford this construction, which we cannot, the environmental costs are enormous.

These roads through our Nation's forests remove ground cover, create a channel for water to flow through—a cause of major soil erosion. Hillsides are weakened, streams are fouled, destroying the foundation of our recreational fishing industry—extraordinary—and some of the most important vistas and recreational properties in our Nation. It is believed that many of the channels created by these roads and the runoff are a major nonpoint source of pollution. According to the National Forest Service, 922 different communities in our country rely for their drinking water directly on streams that are impacted by the runoff of these roads in our national forests.

The Bryan amendment is a chance to end this corporate welfare, preserve the quality of the water, and end the damage to these forests. It is a subsidy that may be \$100 million to individual corporations, but that underestimates the true scale of the problem. Over the last 15 years, direct Government expenditures for construction and reconstruction of forest roads may total \$3.2 billion. It is estimated that for the national forest road system alone, over the years, this has resulted in the construction of 380,000 miles in forest roads. For any citizens of America who have marveled at our Interstate Highway System, they can only understand the scale of this construction by recognizing there is enough mileage through our national forests to circle the globe 15 times. Indeed, we have built 8 miles

of road through pristine national forests for every 1 mile that has been constructed in the National Interstate Highway System.

The result of all these years of construction is that now we face \$440 million worth of backlog of road maintenance. So we are continuing in the construction of millions of dollars' worth of new highways through new forests while the old highways are not maintained. They fall into disrepair with further erosion, damaging more streams, more drinking water—erosion of more forest.

For those who are serious about the deficit, corporate welfare, and environmental protection, in a single vote for the Bryan amendment you are given a chance to make a statement about each. This is not a question of ending the foresting of trees. It is not a question of not making our resources available. It is a question about industry, like every other American, paying their own way. If these roads make sense, then they make sense for corporations to pay for them themselves. If they are to be built, then they should be built properly and maintained by the companies who want access to the resources. If companies want access to the resources, and it makes economic sense, then it should be reflected in the product, not by the taxpayers. It is that simple. The logic and the economics is no different than when we face individual spending programs for citizens, students, or senior citizens. At some point these programs need to be evaluated on their own merits, on their own economics. That is what Senator BRYAN challenges us to do today.

I enthusiastically support his amendment on budgetary grounds, because of the economic logic of his argument and, finally, and in my own judgment most compellingly, on environmental grounds. We preserve these lands for a reason. We should open them up, provide access to them for their destruction, judiciously and carefully. We failed to do so in the past. Senator BRYAN gives us a last chance to make a proper judgment once again.

Mr. President, I yield the remainder of my time to Senator BRYAN.

The PRESIDING OFFICER. Who yields time?

Mr. BURNS. I yield 5 minutes to my friend from Idaho, Senator KEMPTHORNE.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 5 minutes.

Mr. KEMPTHORNE. Mr. President, has it become politically incorrect to cut a tree, or even to walk in the woods? I don't think we want to go down that path. But then, if this amendment passes, we may not have a path to go down at all. My State of Idaho is 63 percent Federal land, and the majority of that is Forest Service.

Not surprisingly, timber is a major industry in the State, and outdoor recreation is growing. Both depend on access to these Federal lands.

Mr. President, 97 percent of the roads on Federal forest land are open for recreational use. That includes camping, hiking, hunting, fishing—activities which a recent study by the administration found make up three-fourths of all the use of Federal land. Take away the roads and you take away the public's ability to access their Federal lands, and the economic diversity that recreation provides to rural western communities.

Besides recreation, those roads provide access for environmental management—to, among other things, monitor wildlife, and bring wildlife under control. Without the budget to construct or reconstruct these roads, managers will lose vital access. There is also the danger that these roads will become unstable, and pose an environmental threat to watersheds.

Do we have too many roads on Federal land? That is a good question—how many is too many? Compared to other road systems, the Forest Service does not even come close, with a mile and a half of road per square mile, compared to 8 miles per square mile on private timber land.

This is the crux of the point: there are many demands placed on Federal forest land, only one of which is to provide the solitude that true wilderness offers. No one will dispute the importance of wilderness, and that is why so many States have passed wilderness bills.

We have designated wilderness for a reason—so that some areas meet the public's expectation of a solitude experience, and allow the rest of Federal timber land to serve the public's other needs: to provide timber to build our homes, and to allow for other types of recreation that include access on some type of vehicle.

My State of Idaho is already home to the largest continuous wilderness area in the continental U.S.—the Frank Church-River of No Return Wilderness.

The administration's own study of the Interior Columbia Basin found that the majority of Americans using Federal land in the Pacific Northwest like to be able to access it using a car or some other type of vehicle. My colleagues, we need a safe, accessible road system.

This amendment would undermine that goal. And because it would also increase the cost of timber activities, and decrease revenue to rural counties, the amendment would pull the rug out from struggling, resource dependent communities. These rural communities are the base for the values that we hold dear—where the work ethic is taught as a part of daily life to kids who learn to respect the world around them. We can't afford to force these communities

into oblivion, because we will lose what is best about ourselves.

These cuts will hurt the very people we are working for back here. I am talking about the small business owner, the laborer and even the firefighter. Groups such as the International Association of Fire Fighters, the Pulp & Paper Workers Resource Council, the United Paper Workers International Union, the United Brotherhood of Carpenters & Joiners of America, and many others have all come out against this amendment.

The Forest Service designed the purchaser credit program to be an off-budget means to provide the access Americans expect. It does so at a significant savings to the taxpayer when compared to how much it would cost to use appropriated funds. In return for providing a public service, the bidder on timber contracts receives a credit applied to that or another sale.

Seventy-five percent of these bidders are small businesses. I fail to see a subsidy for big business—what I see is the Forest Service finding a way to do its job and save taxpayer dollars, an advantage for small companies, and jobs in small communities. Is this what we want to eliminate?

I urge colleagues to vote against this amendment. It is not about wise management of our Federal lands—it is about making those lands available for only one use, and that is unacceptable.

The PRESIDING OFFICER. Who yields time?

Mr. BURNS. How much time do we have?

The PRESIDING OFFICER. The Senator has 2 minutes 10 seconds.

Mr. BURNS. Mr. President, I ask unanimous consent, if I could be granted 5 more minutes in order to accommodate the chairman of the Energy and Natural Resource Committee.

Mr. BRYAN. I do not object to that, I suggest to the distinguished acting floor manager, if I can get an additional 5 minutes as well?

Mr. BURNS. That's perfectly all right.

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

Mr. BURNS. I yield Senator MURKOWSKI from Alaska 5 minutes.

The PRESIDING OFFICER. The Senator is recognized to speak for 5 minutes.

Mr. MURKOWSKI. Mr. President, I think there has been a little misunderstanding on the concept of road purchaser credits and the allegation that somehow this is corporate welfare. Logic will dictate that if we don't have purchaser credits for the construction of roads, those who are going to log in the forests, the Federal forests of this country, are simply going to bid less for the timber because they have to offset the costs of getting the timber out. They basically have to build the roads themselves.

When the Government in this case builds the roads, as it has through the purchaser credit program, the Government has been benefiting by getting higher bids for its timber. Take this away and the Government will simply get less. That is the reality. That is the economics. It is not a matter of corporate welfare. It's a matter that the Federal Government owns the forest and has traditionally dictated the terms and conditions that the roads will be built on, so they are built to their standards. And the benefit of those roads to the States, for recreational purposes, is obvious.

I rise to speak against the amendment of the junior Senator from Nevada. Not only does the amendment eliminate the purchaser road credit program, but it transfers \$10 million out of road construction. I must strongly oppose the provisions. I think the amendment is bad policy. It would have a catastrophic impact on the management of the national forests. I urge my colleagues to defeat it.

The Forest Service in my State has finally completed a land management plan for the Tongass. It took 10 years and \$13 million to do it. I am, frankly, less than enthusiastic about the plan, and most of my colleagues are aware of my distress.

It reduces timber sales by half. The two largest manufacturing employers in the pulp business in my State have closed their doors in the last 2 years. They have gone out of business. We have closed their doors. We have lost thousands of jobs in the last 2 years, and these have had a dramatic effect on our small communities in the southeast. Nevertheless, I have decided to set my lack of enthusiasm aside and focus my oversight responsibilities on implementation.

At the September 10 hearing, I asked the Forest Service if it could achieve even the severely reduced allowable timber sale quantity in the Tongass if the Bryan plan were adopted. The answer was:

If we don't have the money to support the roads program, we will not be able to deliver the economic sale program.

They further stated that the Tongass depends heavily on the construction of new roads to deliver timber to the communities in southeastern Alaska. One might say, "Why don't you go to the private sector?" We don't have private timber. The Federal Government and the Forest Service own southeastern Alaska. There are cities and people there: Ketchikan, Wrangell, Petersburg, Juneau, Skagway, on and on and on.

The theory was, through multiple use, those interests would be protected with a balanced timber industry. Therefore, according to the Forest Service, the Bryan amendment would render null and void the goals of the Tongass plan.

It is kind of interesting, in a letter sent to the Senate only one day before the testimony, Secretary of Agriculture Dan Glickman supported the Bryan amendment because roads pose the "greatest environmental problems on the forests." You can't have it two ways. The roads provide recreation in the forest, they provide environmental benefits by providing access to stop fires, and I could go on and on and on. It is fairly inconsistent with the administration support for implementation of the Forest Service's final Tongass land management plan, but I have grown accustomed to the flip-flops of the administration on these issues. But Secretary Glickman isn't holding a position long enough to make it warm.

Finally, the Bryan amendment is nothing more than an attempt to eliminate sales on the national forests. At least we have seen some of the groups like the Sierra Club come out in opposition to any harvesting of the national forest. That is basically what this administration is attempting to do, and this is how they are attempting to do it.

The amendment isn't about subsidies, the amendment isn't about saving money, the amendment does nothing more than carry out the agenda of the extremists.

I will conclude by pointing to this chart, Mr. President, which simply shows where the money has gone and the decline in road miles. In 1985, we had 8,000; in 1998, 2,652. It shows reconstruction taking up the major portions. We maintain the roads that we have previously built. There is very little for new construction, roughly 18 percent.

So there is the picture, Mr. President. It says it better than I could relative to what is happening with this program with the necessity of maintaining it and maintaining the forest products industry as we know it today and the appropriate role of the national forest in providing a renewable resource in the timber that grows so profusely, particularly in the Pacific Northwest.

I thank the Chair, and I thank the floor managers. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GORTON. Mr. President, I yield 1 minute to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Chair informs the Senator from Washington that there is 1 minute 46 seconds time remaining on this watch.

Mr. SANTORUM. Mr. President, I rise in opposition to the Bryan amendment for a lot of reasons. But the one I want to focus on is what I believe is the fiscally irresponsible nature of this amendment.

This is being put out as a budget-cutting measure. But the fact of the matter is, by having a fund that says we

are going to hold the counties harmless—and I appreciate being held harmless. We have a national forest in Pennsylvania and our counties rely upon that money. That is going to cost money in the sense that by reducing the amount of roads built, you are going to reduce the revenues in the fund. That money is no longer going to be there to fund those counties in the money that they traditionally have received, and the Federal Government is going to have to come up with that money in exchange to fund the counties.

That is, in a sense, almost a welfare payment from the Federal Government because we have eliminated the funding source of timber harvesting from those counties and those communities. So not only have we hurt them economically, hurt their counties economically, but we are now creating welfare for those counties by giving Federal dollars to them in place of the jobs they have. This is not only bad, I think, from a policy perspective, but also bad from a fiscal perspective.

Despite the assertions of the amendment's sponsors, the timber sales program and the purchaser credit program are not subsidies. Since 1964, roads needed for timber harvest have been built by timber purchasers and the U.S. Forest Service has permitted the use of purchaser credit for road building. In fact, this program is entirely off-budget and this appropriations bill contains no funding for it. In President Clinton's budget request to Congress, elimination of the program results in no savings to the Federal government. Rather, the costs of the credits are explicitly absorbed by timber purchasers in the contracting and bidding process. According to a report by Price Waterhouse, "Economic analysis shows that the forest roads program does not contain a subsidy for timber purchasers; it provides an efficient and effective mechanism for financing road construction and reconstruction."

Second, eliminating the Purchaser Credit Program would harm local communities near national forests—including Warren, Forest, McKean, and Elk Counties in Pennsylvania. Counties containing forest lands receive 25 percent of gross Forest Service receipts. In 1996, these counties received a total of \$6.2 million, three quarters of which went directly to local school districts.

Finally, the amendment would effectively cripple efforts to meet the stewardship needs of our national forest land by cutting the funding by which we maintain its infrastructure. Eliminating this program would not only cut funding for road construction, it would cut funding for road reconstruction and maintenance to fix environmental and safety problems remaining from an era when construction standards were far less rigorous. A well-developed road system is indispensable to forest plan

implementation, fire suppression and forest health.

As many of my colleagues know, the General Accounting Office has just released a report which identifies questionable policies and practices that nearly caused the Forest Service to default on revenue sharing payments to rural counties in fiscal year 1996. The report raises fundamental accountability issues for both Congress and the Forest Service, and I believe that these issues will be exacerbated by the Bryan amendment.

Specifically, the GAO found that reductions in Federal timber sale receipts, coupled with increased obligations to spotted owl counties, and an apparent lack of sound financial controls over the National Forest Fund resulted in a shortfall in revenue-sharing funds available to rural counties.

Receipts from the resource sales are deposited in the National Forest Fund, which is a receipts-holding account from which the Forest Service obligations are distributed. After normal county payments were paid, the Forest Service used the National Forest Fund in fiscal years 1994 and 1995 to make additional spotted owl guarantee payments in certain counties in California, Oregon, and Washington. This caused two problems. First, there were insufficient moneys in the fund to pay counties because of the dramatic drop in timber sales receipts. Then, the Forest Service was forced to borrow from other funds and the Treasury to pay the obligations to the counties in a fashion that GAO found "was an unauthorized use of the funds."

It is my understanding that Congressman BOB SMITH, chairman of the House Agriculture Committee, has written Secretary of Agriculture Dan Glickman requesting a full accounting of the specific steps he will take to ensure that the Forest Service advises Congress when such shortfalls occur and properly manages these funds in the future.

Mr. President, the amendment before us will only make this dire financial situation worse for the Forest Service. Senator BRYAN's amendment will again modify the formula for sharing Forest Service receipts with the counties. I understand that it is the sponsors' intent to protect counties from fiscal harm as the result of this amendment. Included in the amendment is a provision to make up for the inevitable shortfall in payments to counties that will occur as the direct result of a \$10 million reduction in spending for new forest road construction and the elimination of the purchaser road credits. Since Pennsylvania has four counties that benefit from timber sale receipts, I commend Senator BRYAN for his concern about the effects of his amendment. But I must point out, Mr. President, that the concern of the Senator from Nevada betrays the folly of this

amendment. You see, should this amendment be enacted into law, timber sale receipts will go down sharply at the same time that our payments to counties will be held constant or even increase. This is the very same tortured accounting formula that helped to lead the Forest Service to brink of default recently over the spotted owl payments.

In fact, let me point out for the benefit of my colleagues that the GAO found the Forest Service had shifted money originally intended for trust funds for reforestation and forest health in order to cover the deficit in the National Forest Fund. While I hope the Forest Service will be successful in addressing the serious accounting shortcoming that led to the crisis, I must caution my colleagues that passage of the Bryan amendment makes it more likely that the National Forest Fund check will bounce again during fiscal year 1998.

The amendment directs the Forest Service to compute the costs associated with road construction by timber purchasers and give the counties an equivalent of 25 percent of these costs from the National Forest Fund. This is ludicrously impractical. First, we do not have enough money in the National Forest Fund to meet our current obligations to the counties. Second, the task of calculating private sector costs is a complex accounting task for an agency. Further, the amendment directs the Forest Service to collect private sector costs, that in many cases, are proprietary.

In view of the GAO's very critical report, this is not the time to add to our obligations to the counties. Nor is it appropriate to burden the Forest Service with additional financial responsibilities. I urge my colleagues to defeat this fiscally irresponsible amendment. It is imperative that we maintain funding for Forest Service road construction and maintenance and the Forest Service's Purchaser Credit Program. It remains the most efficient and cost-effective method we have to help maintain our national forests and serve the needs of the surrounding populations.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, I yield myself such time that I might have. I was somewhat astounded by the debate because those who oppose the amendment try to frame an issue that is not part of our discussion or our amendment today. I think in so doing they are trying to obfuscate the issues we are dealing with. This amendment is not about eliminating all timber harvests on the national forests. That may be an appropriate subject for a debate on another day. But there is not one

word in this amendment that would have that effect or seeks to accomplish that purpose.

The other argument that has been made to obfuscate the issues is somehow a suggestion that there is an attempt here to eliminate all new road construction in the national forests. That is not true as well.

Let me just respond to the comments that the distinguished Senator from Pennsylvania just made. We have crafted this amendment to protect and to hold the counties who receive revenue from this program to hold them harmless. We do so by saying, look, in the bid that is offered by the prospective timber harvest bidder, that we factor a separate amount that would be attributable to the construction component and use that, as well as the bid price, in the calculation to determine what moneys will go to the individual counties that will be affected. So we were sensitive to the needs of the individual counties that would be affected and this amendment holds them harmless.

Let me talk about what the thrust of this amendment is. The thrust of this amendment is to eliminate a subsidy. It is to eliminate corporate welfare. It is to eliminate food stamps for the timber industry. That is not just an assertion the Senator from Nevada makes. That is why groups such as Citizens Against Government Waste, which have identified this as a costly subsidy to the American taxpayer, support the Bryan amendment. That is why Taxpayers for Common Sense, also a taxpayer watchdog group, has supported the Bryan amendment, because they recognize that this is a subsidy. That is why 60 leading newspapers across America from coast to coast—the only two notable exceptions that I am familiar with are the two that were referenced by the Senator from Oregon in his comments—all recognize this to be a subsidy and have urged its elimination.

Why is it a subsidy? It is a subsidy because individuals who have analyzed it and see how the Purchaser Credit Program worked finds that a windfall tax break occurs in terms of the profits that are permitted under this. Let me describe that in more detail, if I may.

The Forest Service makes a determination as to what they estimate the road costs are to be when a bidder bids on a tract of timber that requires road construction, and that is made available immediately to the successful bidder—immediately. That is a credit that is made available.

Those who have looked at the way the Forest Service calculates that have indicated, No. 1, the Forest Service is calculating a profit into that estimate and, No. 2, those who have focused on it independently found that in some instances, the purchaser road credit exceeds by 30 percent the actual cost that the timber harvester incurs in building

the roads. Because, Mr. President, there is no accounting or accountability, the amount of money that is saved by the timber harvester that would be substantially less cost to him than the purchaser credit makes available is retained by the timber bidder, and that becomes a windfall profit. That is what the various groups, the taxpayer groups, as well as the 60 or more editorial writers across the country, have focused on—that it is a subsidy and a subsidy that ought to be eliminated.

Third, let me talk for a moment about the environmental consequences. We have 380,000 miles of roads in the National Forest System. That is about eight times the length of the interstate system. We have an enormous backlog of maintenance on existing roads. It is clear that new road construction, particularly in those environmentally sensitive areas that are steep, that have serious drainage and grading problems, cost the American taxpayer not just the initial cost for the road construction, but in some instances for generations thereafter. We deal with the problems of erosion, sedimentation and siltation into the rivers, streams, and lakes in the national forests. That is why the Assistant Secretary has commented that the greatest threat to the water resource in the national forest system is roads and new construction which is a major factor in that.

Finally, let me set at rest the notion that somehow these forest roads that will be built for new timber harvests are somehow a great benefit to the outdoor recreationalists. There are different categories of roads.

Typically, a road that is involved in a construction to access harvest timber is a dirt road. It is accessible only by all-terrain vehicles. It is not accessible by passenger vehicles. It is unpaved. It is ungraded. It doesn't have gravel on it. Whereas, recreational roads are roads of a higher quality that are accessible by passenger and general recreational vehicles.

Let me say that one of the groups that is a watchguard for outdoor recreational users is the Sporting Goods Manufacturers Association, which is part of the Outdoor Products Council. Mr. President, here is what they have to say about this subsidy and the purchaser road credit and the Bryan amendment:

Our national forests are a recreational attraction because of their wild unspoiled areas. We feel that taxpayer subsidies for logging road construction has led to an extensive logging road network that can actually place at risk the very resources upon which recreational users of our national forests depend.

The recreational users and their interest groups support the Bryan amendment because they recognize that the Purchaser Credit Program is, in fact, a corporate subsidy, corporate welfare and they recognize the environ-

mental consequences of senseless and unnecessary new road construction.

Finally, if I may, to clarify the point that in the Forest Service accounts there is a separate category for maintenance of existing roads. The Bryan amendment, which could reduce by \$10 million the amount of money appropriated for new road construction, does not—does not—in any way affect or reduce those moneys that are set aside for the maintenance accounts. So no one ought to be misled that in some way the reduction that we are talking about would in any way impact those ongoing activities of erosion control and maintenance of existing roads.

To conclude, Mr. President, this is a win-win. It is a win for the American taxpayers because we eliminate a costly subsidy that simply cannot be justified and to provide windfall profits for some of the largest timber harvesters in America. Common sense suggests that, indeed, it must be a very powerful and a very substantial subsidy, or why else would we have the opposition to the Purchaser Road Credit Program if it did not provide such a subsidy? If it has been suggested by those who oppose the amendment it is a wash and an offset, I do not see why they would be raising the concerns and objections they have.

Second, it is a great win for the environment, because we know one of the leading causes of environmental degradation is the kind of erosion and runoff that we have as a result of these roads that have been cut through our national forests, and we ought to be very, very careful and sensitive when we construct new roads.

Mr. President, for the American taxpayer, for the American people, this is sound policy. Your vote will be appreciated.

May I inquire of the Chair whether or not the amendment reflects the co-sponsorship of JOHN KERRY, BARBARA BOXER, and Senator BOB TORRICELLI? If it does not, I ask unanimous consent that they be added as cosponsors.

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

Mrs. BOXER. Mr. President, I commend Senator BRYAN for introducing this important amendment. This amendment does three critical things: helps to protect our environment, eliminates an unnecessary Government subsidy, and reduces our Federal deficit.

The Bryan amendment will reduce road construction funding by \$10 million, eliminate the Purchaser Credit Program which gives timber companies trees in payment for road construction costs.

The amendment will not affect recreation and general purpose roads, and it will not reduce the money for maintenance and road obliteration. Under this amendment, if timber companies want to build logging roads with their own

money, they can continue to do so. They simply won't be paid by the American taxpayers.

Year after year, American taxpayers have spent millions of dollars to subsidize the construction of roads needed for logging in our national forests. This is millions of dollars that could have been spent on cleaning our air and water.

Road building wreaks havoc on our national forests. Currently, there are nearly 380,000 miles of roads dissecting our national forests—that's eight times the length of the Interstate Highway System. My State of California has 44,000 miles of logging roads in its national forests. Each mile of road can have a devastating impact on water quality, stream ecosystems, fish habitat, and wildlife. Roads lead to sediment loading in streams and destroy habitat for fish and other aquatic species. Furthermore, the Forest Service has determined that 922 communities get drinking water from National Forests streams that are adversely affected by logging roads.

I would like to raise an additional point. Earlier this year, the Forest Service began the Recreation Fee Demonstration Project. Under this Congressionally mandated pilot project, the Forest Service is now charging recreational visitors a fee to enter national forests. Now I ask my colleagues, how can we continue to any timber companies to enter and harm our national forests, while at the same time we require recreational visitors—who come to hike, picnic and enjoy our national forests—how can we require them to pay for their visit? Does that seem like a wise-use of taxpayer money—I think not.

Under the Recreation Fee Demonstration Program there is no charge for those individuals and companies who come to harvest timber. Quite the opposite—we pay them to do so. In California, there is now a \$5-per-day fee for recreational use of the Angeles, Cleveland, or Los Padres National Forests. These forests used to be open and free to recreational visitors. The Forest Service estimates that this new Fee Program will raise between \$8 to \$10 million this year, and somewhere between \$15 to \$20 million in future years. This is \$10 to \$20 million from the American public to visit their own national forests while the Federal Government pays over \$47 million for timber companies to construct roads which are destroying those very locations the public comes to enjoy.

As U.S. Senators we have the responsibility of prioritizing—making decisions about how best to spend our taxpayer dollars in a way that will maximize benefits to the American people. We all know that there are times when that can be a very difficult task—choosing between many projects and activities that all seem equally worthy. This is not one of those times.

I urge my colleagues to support Senator BRYAN's amendment.

Mr. BRYAN. If there is time remaining, I yield back the remainder of my time.

Mr. GORTON. Would the Senator withhold that?

Mr. BRYAN. I withhold.

Mr. GORTON. The Senator from Wyoming has been waiting patiently and wanted 2 minutes. I do not have quite 2 minutes. Would the Senator from Nevada mind yielding his opponent that 2 minutes?

Mr. BRYAN. The Senator from Nevada will do so. I think the RECORD will reflect that I have been generous beyond measure to accord to my opponents more time than the time agreement we entered into. But I will accord the Senator from Wyoming 2 minutes.

Mr. GORTON. The Senator from Nevada has been indeed generous.

The PRESIDING OFFICER (Mr. KYL). The Senator from Wyoming is recognized.

Mr. THOMAS. Thank you very much. I appreciate that.

The business of timber and timber harvest is very important to my State. I rise in opposition to the amendment offered by the Senator from Nevada. I think the amendment is not about subsidies; it is about the elimination of the timber program in our national forests.

The timber program is part of a healthy forest. Somehow there has to be some changes made in a forest that either burns or is harvested or is eaten by insects. This would terminate that kind of thing.

Furthermore, this is a policy issue that I believe ought to be talked about in our committee of jurisdiction, ought to be talked about in the forest plan, not one that ought to be talked about here in terms of doing it on an appropriations bill.

Let me just say, the Senator has suggested there are winners and losers. There are losers. Those losers happen to be schools, school districts, counties, small family businesses, and recreationists.

This, I think, has been called a subsidy. It is actually not a subsidy. Purchaser credits are an accounting method used by the Forest Service. If the cost of the road was not in there, the bid, of course, for the timber would be less. If the cost that they have appropriated and allocated to it is more than it should be, that ought to be fixed by the Forest Service.

But, Mr. President, let me just say finally, because I know there is not much time, that this amendment really does not have anything to do with the critical issues facing the Forest Service. It is just the opposite, by depleting desperately needed road funding while reducing essential money to county road programs and school districts, as well as thousands of jobs and

recreational opportunities for all Americans.

I urge my colleagues not to support this amendment.

I thank you very much for your time.

Mr. GORTON. Mr. President, I do have a letter by the National Association of Counties that I ask unanimous consent to be printed in the RECORD.

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

NACO, September 12, 1997.

The Bryan Amendment Hurts Timber Counties and their economies!!

The National Association of Counties opposes the Bryan Amendment on forest roads to the Interior Appropriations bill (H.R. 2107). Eliminating the purchaser road credit system, and reducing funding for the forest roads program can have only one purpose— weaken the viability of the Forest Service's timber sale program. A viable timber sale program is vital to America's timber counties and the forest road program is an important part of such a program. Reducing the ability to access timber not only hurts counties, but the thousands of families that rely upon the income from their timber jobs. In FY 1995 a total of \$257 million was returned to local communities adjacent to national forests throughout the United States. Two-thirds of all timber harvested in national forests come from small businesses—those small operations are generally headquartered in the rural counties, providing jobs and stability to their communities, not to mention needed revenues to sustain county programs and services for the citizens. It does not take an accountant to determine the serious implications this has for the economies of rural timber counties.

Proposed provisions to lessen the impact of these cuts on these rural communities and counties do not meet their stated objective. Attempting to hold county governments harmless from these cuts, discounts the other significant economic impacts on the people in the counties' communities. A significantly better way to address the needs of natural resource dependent counties is to support increases to the Payments In Lieu of Taxes (PILT) program. This program in combination with timber revenues, help public land counties provide such vital services as law enforcement, solid waste disposal, search and rescue and fire fighting on public lands. This is considered a major "underfunded mandate" and it is extremely important to the 1,789 public land counties in 49 states that rely upon the PILT program to provide some equity for the services they provide.

Please oppose efforts to eliminate the purchaser road credit program and reduce the forest roads program by attempting to hold counties harmless. It does not achieve its goal. Instead, support efforts that really help public land counties—support the PILT program.

Thank you for your attention.

Sincerely,

RANDY JOHNSON,
President.

Mr. BRYAN. May I inquire of the Chair how much time the Senator from Nevada has?

The PRESIDING OFFICER. The Senator has 6½ minutes remaining.

Mr. BRYAN. I assure my colleagues I will not take the full 6 minutes. But let me respond to the concern that the

Senator from Wyoming has voiced with respect to the county schooling.

We have crafted into the amendment a hold-harmless provision that recognizes that indeed this is an important revenue source for local governments. I can assure my colleagues that the purpose of this amendment, or its effect, will in no way affect that program. We specifically incorporated that in there.

Let me just again return to the issue of the subsidy because I think that is central to the issue. I mean, if this is not a subsidy, why do we go through all of the incantation of calculating a separate purchaser credit, making that available? Why don't we simply just eliminate that and say, as do BLM harvesters, and in some State forest programs, the individual who is bidding on a tract of timber would factor into his or her, or its or their, costs what their road construction cost would be. That creates a competitive market, a level playing field. Why go through all of this incantation of developing the purchaser road credits?

Mr. President, I think the answer is clear. This has conferred an enormous benefit to the timber harvester. For one, the GAO has indicated that the Forest Service itself, in calculating the purchaser road credit, factors in a profit—factors in a profit. That is not a wash. That is not a recovery of costs. That is cost plus a profit.

If we are advocates of truth in budgeting, let us just eliminate that gimmick and simply say to all who harvest in the national forests, submit your bids, and included in your bid will be the cost that you will incur in accessing the tract of timber, or for those that involve new road constructions, you will factor that in.

Second, with the exception of the Forest Service industry itself, virtually every outside analyst, the taxpayer groups, editorial writers across the country, those who have been commissioned to do independent surveys, have all concluded that, indeed, when one examines the cost of the credit that is provided to the timber harvester and examines the cost incurred by the timber harvester, in some instances the timber harvester's costs are 30 percent less than the credit that is provided to the timber harvester.

Those are taxpayer resources. Those are taxpayer assets. That is clearly the definition of a subsidy. It goes far beyond what the cost incurred by the timber harvester is and provides him or her, it or them, with a costly subsidy at taxpayer expense.

That is why from the west coast to the east coast, from north to south, editorial writers, commentators, and analysts have looked at this and said, "This is a program that we cannot support." If we are talking about being fair and honest with the taxpayers' money, how can we support a program

that is under a very convoluted, difficult-to-explain and, I am sure, difficult-to-understand purchaser credit program where in effect what we are doing, however we disguise it, is providing additional profits to a timber harvester?

That simply is not right. I believe any responsible budgetary analysis reveals that that is in fact what has occurred. The Forest Service itself recognizes that practice. That is why they support the amendment.

Mr. President, I urge my colleagues to support the Bryan amendment. I yield the remainder of my time.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. That concludes debate on the Bryan amendment.

AMENDMENT NO. 1188

Mr. GORTON. Mr. President, we now have 145 minutes on the Ashcroft amendment. I think I can announce, on behalf of the majority leader, that there will be a vote on the Ashcroft amendment at the end of that 145 minutes or whenever time has been yielded back.

We will also plan to have a vote on the Bryan amendment immediately after the Ashcroft amendment, probably with the usual 1 minute per side for summary. But that has not been shopped to all Members to the point at which it can be the subject of a unanimous-consent request yet.

Mr. BRYAN. Mr. President, if I might inquire of the floor leader, the floor leader indicated that there would be time since we are going to have an intervening debate?

Mr. GORTON. Yes. The usual way is 1 minute for each side.

Mr. BRYAN. Fine. That will be acceptable.

Mr. GORTON. When we clear it, we will ask for it. That will be the plan.

After that, Mr. President, there are three other amendments that have been debated on the National Endowment for the Arts—Abraham, Sessions-Hutchinson of Arkansas, Hutchison of Texas. We are going to attempt to get 30 minutes equally divided additional debate on those amendments, as Members have been able to speak to them previously, and, of course, Members during this period of time can speak to them. That is not in concrete yet, but from the perspective of planning for the afternoon and early evening, this would be the intention of the managers.

Mrs. BOXER. Mr. President, I ask unanimous consent that after Senator ASHCROFT completes at least the first part of his presentation, that I be immediately recognized to use the time on our side up to 20 minutes.

The PRESIDING OFFICER. If there is no objection. Without objection, it is so ordered.

Mrs. BOXER. Thank you very much.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. Mr. President, thank you very much.

Mr. President, I am pleased to have this opportunity to address an important issue before the American people.

It is an issue about the nature of Government, the purpose for Government, what we have Government for and alternative uses of resources of the taxpayers in this country.

Data this year announced, not by Government itself but by independent studies including the best of the business journals, that the American people this year are paying more in taxes than any other year in the history of this Republic. The gross tax load is gross.

As a matter of fact, the Second World War, First World War, the Korean war, and the war in Vietnam did not cause us to have to pay the kind of elevated tax rates that we pay today, nor did previous wars of previous centuries.

The average U.S. citizen now pays the highest tax load, the biggest portion of his or her income that we have ever paid.

One of the questions that we must face, and which we must answer, is the question of whether or not we should take the hard-earned resources of American citizens, people who get up early, work hard all day, go home late seeking to help their families, whether we should take that resource to spend it on what the Government identifies as art or calls art or wants to encourage as art.

There will be some who say that this will be a debate about whether or not we support art or do not support art. I think it is important to note that art as an aspect of our culture has flourished since the very beginning of the United States as a nation and prior to that time.

Since the time we began our culture, from Plymouth Rock forward, we have had an expression of art in the United States—great literature, we have had great paintings, we have had tremendous capacity on the part of the American people to express themselves and to communicate noble ideas and high aspirations through our artistic devices.

But the debate which we are about to embark upon is a debate about whether the Federal Government should subsidize art and should identify in the art community some things for subsidy and some things for special treatment and some things to be singled out for approval while other things have to survive or fall based on their quality in the marketplace.

So it is with that in mind that I rise to say, in regard to the appropriations bill that is now before the Senate, that we should not spend the resources earned by taxpayers to encourage one artist over another artist, to say that

some art is good and other art is bad, and particularly given the record of the National Endowment for the Arts. For the National Endowment for the Arts has a questionable record of fostering artistic expression which has countered the expression of values that most Americans cherish and the values which have provided the basis for the greatness and character of these United States of America.

The first point that I make is that the arts have plenty of money without the National Endowment for the Arts.

Let me just point to a set of statistics reflected in this particular chart. This compares NEA spending to private, State, and local arts funding.

Here you have private funding, the orange portion of the chart; local contributions, the green portion; the State contributions is the purple portion; and the NEA as proposed is the yellow portion.

It is pretty clear that that withdrawal of this very small portion of funding, 1 percent of the funding, is not going to cause a collapse in the arts. As a matter of fact, there are many individuals who are part of the arts community who feel this is an incentive to the wrong things in art.

So, first of all, we need to understand that the arts will survive. This is not a death knell for the arts. It is, in some respects, a contaminant to the arts to the extent that we continue to fund artistic endeavors of specific kinds, especially those things which are concededly politically correct or drive the agenda of the National Endowment. That is where the small yellow wedge comes in.

Just take a look again. Private giving to the arts and cultures and humanities is up. We have had some reduction. We have moved in the right direction. We used to give more to the arts through the National Endowment for the Arts than we do now. As we have had a reduction in the dollars that are spent by Government for art, we have had this substantial increase, especially recently, in private giving to the arts so that the private sector is totally capable of sustaining the arts.

I just add at this point that the kind of art that sometimes gets funded here is not the art of the great masses.

I tend not to be an individual who has invested a great deal of my life in the opera.

Now, the opera gets a subsidy from the National Endowment for the Arts, but by and large, Willie Nelson and Garth Brooks don't. Those of us that drive our pickups to those concerts don't get a subsidy; but the people who drive their Mercedes to the opera get a subsidy.

Now, it seems to me what is clear here is that the folks who patronize the opera don't deserve a subsidy any more than those of us who enjoy the Ozark opera instead of the other kind of

opera—although I don't purport to say I couldn't enjoy both kinds.

The first point I am making here is that the arts are not in trouble. Second, the arts funding from the Federal Government is 1 percent or so. Third, the private share of contribution to the arts is up dramatically. State and local governments dominate giving to the arts. The Federal Government contributes a low portion of that.

Employment in the arts in the 1990's is up. So we have a vigorous arts community and it is an arts community which continues to grow. This has been an upward trend at a time when we had a decline in the amount of Federal funding for the arts. If people are interested in more people coming into the arts, they could say that as we have decreased the funding, we have had more people going in. We are not threatening the arts.

Median household income for artists is up. It exceeds the income for the rest of the labor force. It seems to me we are not threatening the art community or questioning whether the United States is going to have art.

Art attendance is up in every category, from jazz, classical music, opera, musicals, plays, ballet, art museums. We had more people participating in the arts in 1992 than in 1982. I don't believe that is a trend that will be reversed. These things are a function of the fact that people have leisure time and the people have disposable net income and are not dependent on whether or not we have a National Endowment for the Arts. Artists are increasingly college educated as well.

Total receipts for performance arts events are up and are approaching the receipts for spectator sports. This gap is narrowing. The arts, indeed, are flourishing in the United States. They are getting closer and closer to matching the same kind of receipts as for spectator sports.

The point I make is that the arts have an abundance of funding. They don't need to take the resources from families that the families need to spend on themselves. We are now taxed at the highest rate since the onset of this Republic, since we have been in existence. We frequently have both parents in the work force, one to pay for Government, the other to support the family. We have governmental programming that is taking resources, saying we can spend this money better on your family than you can spend it on yourself. My own view is that is not something that we need to support. The arts do not require it, and I believe people are entitled to additional tax relief.

The second point is whether the arts and the NEA need the money. According to the sponsors, this kind of an appropriation is not an issue. The arts do not need the money. They say what is needed here is sort of—the Federal

Government telling people what is good and what is not good in the arts community. They call this the Good Housekeeping Seal of Approval argument. On several occasions individuals have come to the floor of the U.S. Senate here and said whenever the NEA comes in and puts its so-called stamp of approval on items that it somehow makes it possible for those artists to survive because people need the NEA to develop a way of helping people understand what is good art and what is bad art.

I don't think the NEA has been very good at developing good art. They have some good art, they have some art that is atrocious. It is clear to me that whether it has the NEA stamp of approval on it does not make a difference.

I go back to an earlier example. This is an item of art which the NEA has paid for in the past. It is a poem, or so we are told it is a poem. It was part of an anthology. This was an anthology for which money was paid, hundreds of dollars paid, to support this "L-I-G-H-G-H-T" as a poem in the anthology. Now I suppose you might say most people would not recognize this as great art just looking at these letters. I was not extremely well educated. I went to the public schools, and, frankly, I have to confess I did not see that this was great art when I first saw this. As a matter of fact, I thought it was a misspelling—but it could be great art.

The argument is if you put the seal of approval on it by the NEA, somehow it will make it possible for everyone to agree it is great art, so if you somehow tack the Good Housekeeping Seal of Approval on it—it has Good Housekeeping and here is the National Endowment for the Arts, a combination of what proponents of this legislation say—the National Endowment symbol becomes the Good Housekeeping Seal of Approval for this, I suppose folks around the country will now recognize this word as great art, that this is great poetry. I hardly think so.

The truth of the matter is you do not convert art into great art by putting some governmental seal of approval on it. It doesn't change the character of it. As a matter of fact, it doesn't help us at all in many respects.

One of the individuals that I talked to earlier pointed out to me that in regard to this poem a Congressman called the author of the anthology, the one who had developed the book that included this and for which the Government paid, and asked the developer of the anthology to explain it. The author of the anthology said, "You are from the Midwest. You are culturally deprived, so you would not understand it, anyway," no use to explain to you why this misspelled word or apparently misspelled word is great art.

Well, I suppose people could say that we need the NEA so this sort of Good Housekeeping Seal of Approval could

convert misspellings into great art and people would know how to invest their money. I hardly think so. I have to make that argument with my tongue in my cheek. I wonder how those who made the argument kept their tongue out of their cheek in that respect?

The mere fact that something has the National Endowment for the Arts on it—and this particular stamp of approval is there—doesn't make it good art or doesn't make it bad art. The American people are still left to make their own judgments. The Good Housekeeping Seal of Approval doesn't really tell us much, although it does tell us something about the theory of Government that people have.

Some people think that the American people can't make good judgments about value themselves and they need Government to identify those things which are worthy of their support, and our Government's absence of an identifying seal would be something that is not worthy of your support. I think they have inverted what is important to understand about democracy in that the genius of democracy is not that the Government would identify the great values of the world and impose them on the people. That is the idea of the monarchy, where somebody up high in some remote place would tell everybody what to think and do. The genius of a democracy is just the opposite of that. It is not that someone up high in some remote place tells everybody what to do. It is that the people, together, have a set of values, and instead of having values imposed on them by the Government, the people impose their values on the system. That is the genius of a democracy. The idea that somehow we need the National Endowment for the Arts to impose values on this culture is a bankrupt idea, in my judgment.

Of course part of the argument that says we need the National Endowment for the Arts is that it identifies where people should invest in the arts. You don't have to tell people what they should like and not like, but this helps artists who are fledgling going around and saying you should invest in me as an artist because I have the seal of approval from the National Endowment for the Arts—sort of the idea you could have a central planning agency for the allocation of artistic resources.

Now, central planning for the allocation of resources is not a novel idea. As a matter of fact, some countries tried it, not just for art. Some countries have tried it for all of their economic endeavors. That is really the definition of communism or socialism, that you have some head of planning in the economy that tells you what is good, bad, where you should invest and where you shouldn't invest as a culture. So you decide to grow this many acres of potatoes, this many acres of corn, and you make this much steel, and it is all

planned at the center of things. It is supposed to be a good system, in theory.

It took about 80 years around the world to figure out what the theory was, but it was a theory of collapse. We only have two fully confessed Communist regimes left in the world now, North Korea—and most of the rest of the world is trying to send them aid so their children don't starve to death—and Cuba, which is teetering on the edge of its own demise. The truth of the matter is central government planning to allocate the resources in the arts community isn't any more effective or any more to be desired than central governmental planning and allocation of resources in the industrial communities, the manufacturing community or the agricultural communities.

The genius of the marketplace is that it rewards those things which are valuable in the absence of planning in Government, not that it gets signals from Government or some planning agency or some guru in some bureaucracy that says, "This is my beloved artist in whom I am well pleased, put all your money here." As a matter of fact, some of the things that have been designated as those things to be supported like this poem—this is not the title for the poem, Mr. President, this is the poem. This is it, the whole nine yards. This is it.

There is a dispute about whether the actual payment was \$1,500 or \$750. You can do the quick math. It is \$107 a letter if it was \$750, and \$214 a letter if it was \$1,500. I make this copy as a bargain to you, and just give you the \$107 rate if you think your marketplace would sustain it. Of course, I am not sure whether this is the French version of the poem, the English or the German version of the poem, because I have looked in the dictionaries and I don't find it in the English dictionary, the French dictionary or the German dictionary, but who knows. I know one thing, putting the seal of approval on this would not increase its value to me, and I don't think it does for the culture.

The truth of the matter is there are other reasons why we shouldn't be wanting to subsidize speech. Those reasons include the fact that the subsidization of speech results in the corruption of the arts. Jan Breslauer of the Los Angeles Times wrote eloquently that the National Endowment for the Arts results in the corrosive effect on the arts, that as a matter of fact that effect on the arts was prompted by the fact that National Endowment rewards politically correct art and art expression. She says, "The Endowment has quietly pursued policies rooted in identity politics." The National Endowment for the Arts is conducting a political effort, "a kind of separatism that emphasizes racial, sex-

ual and cultural differences above all else."

This is art subsidized by Government and specifically designed to separate us one from another based on racial differences, sexual differences and cultural differences. She says these policies have not "excited much controversy, but they have had a profoundly corrosive effect on the American arts." Here is a clear indication by an art critic that the subsidy of arts, based on political preference, based on subject matter that is designed to divide the American people based on sexual, cultural and racial lines, pulls us apart rather than unifies us, has a corrosive effect on the arts. Not only a corrosive effect on the arts, it has a corrosive effect on the culture.

I wonder if we ought to spend our resources on something which produces that kind of an impact on the culture?

Mr. President, there are a number of other reasons and things I would like to say about this. We will have debate on both sides. I know the Senator from California is eager to speak. I want to give her an opportunity. So I sum up by saying there is no crisis in funding for the arts. People of America are taxed at their highest rates in history.

There is no reason to require that there be a Good Housekeeping Seal of Approval from the Government to try to dignify art that is not art, or to make decent those things which are indecent and unacceptable. Good art will be good art whether or not you label it with an NEA seal. An artistic statement, as a matter of fact, that came before the onset of the NEA, and will survive long after it, is that "A rose is nothing but a rose no matter what you call it, and by any other name, it is still a rose."

With that in mind, I think it is time for us to say we have spent more than enough in subsidizing politically correct activities under the guise of promoting the arts.

I reserve the balance of my time.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Thank you so much, Mr. President. Now, I have heard the Senator from Ohio very eloquently express his views. I think it is time that we hear from the other side.

I am very pleased to be a member of this Subcommittee on Interior Appropriations, and I was very pleased that we were able to resolve the question of the native Americans. I felt very strongly that had we not done that, we were going to do a grave injustice to native Americans and turn our backs on history, justice, fairness, and the Constitution. So I was very pleased to support Senators McCAIN, CAMPBELL, and the others. They convinced the chairman of our subcommittee to put that fight off until another time.

I thought we were going to be OK on the National Endowment for the Arts.

It comes to the floor of the U.S. Senate funded at about the same level as last year, and here we are faced with an array of amendments to wipe out the National Endowment for the Arts. Now, this is the most extreme one. It would totally do away with the National Endowment for the Arts. I think it is a very radical and very serious step for us to take.

I want to comment, because I think it is important to correct the record, or at least straighten it out a little bit, on the poem that the Senator from Ohio continues to hold up in this debate. It is a one-word poem. I agree, it doesn't make much sense to me either. And, yes, the NEA has made some mistakes. I'm sorry, I mean the Senator from Missouri, not Ohio. What the Senator from Missouri, Senator ASHCROFT, does not tell us in his eloquent debate is that the one-word poem he holds up was funded 30 years ago; it was funded in 1968. He holds it up on the floor of the U.S. Senate as if these are the kinds of grants that are being made today.

Now, if we are going to have an honest debate, why don't we be honest with each other? I saw that poem and I said, "That doesn't make much sense." Then I found out it was funded 30 years ago. Now, there are many reforms that have been put into place in the National Endowment for the Arts. Does it mean there might not be a mistake or two in the future? No. There may be some out of the thousands and thousands of grants. But to hold up a poem funded 30 years ago, when I was just a kid—as a matter of fact, 30 years ago, I became a mother for the first time, and now my kids are having kids. So, yes, there was a mistake made, I agree. You know, there are mistakes made in life, but we don't just take a meat ax to the problem. And we didn't; we have made reforms.

The other point that I think is interesting for the Senator from Missouri to imply is that the music funded by the National Endowment for the Arts is all for the elite, the upper crust, and he talked about the opera and how he doesn't go to the opera much, and yet, the opera is funded. Well, I tell the Senator from Missouri that many groups across the country are funded by the NEA: The Carter Family Memorial Music Center in Hiltons, VA, supporting a weekly series and annual festival of old-time traditional music, played on acoustic instruments. There is the Western Folklife Center in Nevada, dedicated to the preservation and presentation of the cultural traditions of the American West. There is the Folk Arts Apprenticeship Program, fostering the growth and evolution of Mississippi's traditional arts by bringing master traditional artists together with promising apprentices.

So, again, we have a misleading presentation here that doesn't square with

the facts. This is 1997, not 1968. Mistakes were made, but many revisions have taken place and reforms have been implemented to straighten out the problems.

In 1993, the NEA initiated a complete overhaul of the agency's grant review and monitoring process. All subgrants to private nonapproved groups have been eliminated. Since 1996, all fine arts grants to individual artists have been eliminated. Since 1996, all grants to organizations must be for projects specifically described in the application, further increasing accountability of grantees. Since 1994, all grantees must file interim and final project reports. The final one-third of all grant payments are withheld pending the NEA's approval of grantees' interim reports. In addition, grantees must now seek written permission in advance to change grant activities proposed in the organization's application. The National Foundation on the Arts and the Humanities Act of 1965 requires a rigorous multistep review process of all applications. Diverse panels of citizens, representing wide geographic, ethnic, and cultural points of view, review all applications. Following panel consideration, all applications are then reviewed by the National Council on the Arts, which is a body of 26 private citizens nominated by the President and, yes, confirmed by the U.S. Senate to 6-year terms. Do we have so little faith in what we have already done to straighten out some of the problems with the NEA that we would, with one vote, do away with the NEA? I hope not. By the way, applications recommended by the council for support are forwarded to the chairman of NEA for a final decision. The chairman may not approve an application with respect to which the council has made a negative evaluation. So we have even put a rein on the chairman.

Some of my colleagues have spoken on this floor expressing concerns that projects receiving funding from the NEA are obscene. Anybody who says that should know that Federal law ensures that artistic excellence and artistic merit are the criteria used to evaluate applications. The law expressly prohibits the award of financial assistance to any project or program determined to be obscene. If a mistake is made in judgment, yes, we should ensure that it is corrected, just as we must do in any Federal agency or just as we must do in our own lives. If one postman is obnoxious as he or she delivers the mail, we don't stop delivering the mail. We get rid of that person. If one military officer sexually harasses another, we don't shut down the military; we hold a hearing and we hold the perpetrator accountable.

We have had an extraordinary number of military planes crashing, and not one person would suggest that we don't build any more military planes.

Clearly, we are going to take the problems as they come to us and deal with them. And, surely, we are capable of doing that with the National Endowment for the Arts. This body ought to be very pleased that it has made tremendous progress.

Now, speaking of the military, we spend more on military bands than we spend on the National Endowment for the Arts. I support spending money on military bands. I also support spending money on the National Endowment for the Arts. We spent \$176.2 million on military bands in 1997, which is almost twice the \$99.4 million spent on the NEA. Let me tell you something. If a military band played an inappropriate song, or someone was dressed inappropriately or, in any way, degraded that cultural event, we would address the situation. By the way, it is very important to our country that we keep the culture of the U.S. military and that we keep the music of patriotism that fills our souls every time we hear from it. But if there is a mistake made and an inappropriate song chosen, or someone is acting in an inappropriate way, we don't walk away from funding the military band. Do you know what we spend per person for the NEA? When this Senate voted \$10 billion more for the military than the military asked for, I stood on this floor in disbelief, because I heard all these speeches about how much money we are spending in taxes. I agree, I don't want to spend money we don't need to spend. I want to give the military what it needs—not \$10 billion more. But now we are going to save the Federal budget because we are going to cut out less than \$100 million, 38 cents per person in this United States of America?

I was called to a meeting in San Diego. In terms of politics, I would say you would call it a Republican county. I had people there from the business community, I had people there from the arts community, I had people there from nonprofit organizations, and we had elected officials there of both political parties. Do you know what their message to me was? Go and fight this thing, because every time we get a dollar from the NEA, we get matched \$12. "It is important," they said to me, "for our community." As a matter of fact, they said to me, "Can't you fight so that we can spend 50 cents per person in a year? If we spend 50 cents per person a year, we would get that much more leverage, that much more job creation, that much more tourism, and it would help us." So it is very interesting. In San Diego, CA, I get called to a meeting and I am told to fight for more. Here I find myself fighting just to keep what we have.

So when we talk about tax load, don't be fooled about that. Don't be fooled. In essence, what we have here is a grant program that is far lower than it was under George Bush and Ronald

Reagan who, by the way, signed all those bills for the NEA—and it costs 38 cents per person.

Public funding of the arts is good for the economy. Now, there was a recent study by McKinsey Consultants for New York City and they said in their study that funding of the arts generates taxes, which brings down the deficit, jobs and economic growth far in excess of the amounts invested.

I used to be a stockbroker. When you look at recommending a stock, you look at whether or not it is a good investment. Does it bring back dividends? When you put in a dollar, what do you get out? This is clear. Republicans in my State, Democrats in my State, Independent voters in my State—this is the place where they cross over party lines. They want us to save the NEA. They think it is good. They know mistakes will happen, yes, when you give thousands of grants. I think they are willing to forgive a grant made in 1968. An investment of \$100 million in the NEA is relatively small. We are talking about less than one one-hundredth of 1 percent of the nearly \$1.5 trillion Federal budget.

Now, I want to share with you some pictures because I think they are worth many times a thousand words. Let me talk about Leon Bates, a world-class, highly respected concert pianist, who has appeared with major orchestras throughout the United States, Europe and Africa. By the way, my colleagues have talked about Communist countries and have somehow linked what we are doing here to communism. You know, if you look at every capitalist country in the world, every democracy and capitalist country in the world, they spend a far greater proportion of their budgets on the arts than we do. So I don't get how communism, socialism and capitalism comes in here, because in fact every capitalist democracy in the world spends more on the arts than we do. So I don't see how that gets into the debate.

Well, here is Leon Bates. He has traveled in Europe, Africa, and the United States. He was hired by the Long Beach Symphony Orchestra to perform a piano concerto in January of 1996.

As part of this week-long residency of rehearsals and public appearances, Mr. Bates performed for an audience of 250 members of the Long Beach Boys and Girls Club.

Everyone in here stands up and talks about the children—everyone of us. And we should.

I wish you could see the faces on these kids at the Boys and Girls Clubs watching this creative genius perform his work with an NEA grant enabling him to go to the Boys and Girls Clubs, be a role model, and give them a love of music. He is the perfect ambassador for classical music to an audience of children, parents, and counselors who are not exposed to the world of performing

arts that often. He brought with him a full-sized concert grand piano, and in between anecdotes from his life as a musician he answered questions and played excerpts from several classical composers. The event was a spectacular success.

He was supported in part by the NEA. Without continued support of the NEA, the Long Beach Symphony Orchestra would not be able to bring in top-quality artists like Mr. Bates.

I want to show you another photograph which I think is wonderful. The Senator from Missouri holds up a poem from 1968. I am talking about what is going on now. This is a group called We Tell Stories. It is a performance group based in Los Angeles—a troop of actors which travels to museums, parks, schools, and libraries to perform stories for children. Its goal is to enhance cultural awareness, communication, and awaken a taste for theater and children of all cultures.

We Tell Stories received an NEA grant to support the creation and presentation throughout the United States of work by Carl Sandburg, a great American.

We Tell Stories began in cooperation with the Los Angeles County Museum of Art in 1981. Now in partnership with several organizations and agencies, including the Los Angeles Unified School District, and the troupe has performed for over 2 million people. In 1996, the troupe presented performances for 270,000 children.

I am coming to the conclusion of my remarks, much to the delight of several of my colleagues who are here to speak. But I want to show you one last photograph. This is one of the audience members who was watching a recent performance in Westwood, CA, by We Tell Stories. Look at her face. It captures the promise of the arts. The great expectations of the arts, the creativity, the imagination.

Will there be art without the NEA? Of course. I say to my colleague from Missouri, there will always be the arts. Why wouldn't there be? One of the things we do in this country is to give a very small amount—38 cents per person in this country to be matched 12 times by the private sector, the non-profit communities, the State governments. Why would we do that? To bring these opportunities to the people of our country—and, yes; to the children of our country—because that is what the NEA has been focusing on recently.

I just want to say that I know we have disagreements in this body. I respect those disagreements, and I respect my colleagues who come at it from a different way. But I think for the sake of this debate the American people—and I know the people in my State of every political persuasion—again, in my State, there are three issues that unite people along party lines. This is California, and I can't

speak for Missouri, and I can't speak for any other State, but there are three issues that make people cross over party lines.

One of them is the environment. People cross over, and they say, "You know, I don't care if you are a Democrat or Republican. I want clean air. I want clean water. And I want my kid to grow up without getting environmental cancer."

So there are no politics in that issue, in my opinion, in my State.

Another issue is a woman's right to choose. It's the same thing—people from both parties come to me, and they say, "Please. This is a private personal matter, and it has nothing to do with Government. Stay out of our lives."

And the third issue is funding for the arts. I have letters. I have phone calls. I have gone to meetings. I have never seen such bipartisan audiences as I have with those three issues.

On this issue, they all agree that we need to put the facts on the table. This isn't some political issue. This is a really important issue for our people. Will we stand up and say, "For a modest amount per person, 38 cents a year, we will work with the States, the local groups, the local symphonies, the local Girl Scouts, the groups that benefit from this to bring the arts to our people, to help them leverage that investment?"

I can't imagine why anyone would think that it is dangerous for us to have this very modest program that sparks such enthusiasm. Are there mistakes? Yes. Are there mistakes in everything we do in life? Absolutely. But that doesn't mean we destroy the idea of the spark.

Senator KENNEDY and Senator JEFFORDS across party lines have worked out an agreement on this. They would block grant up to 40 percent of the NEA funds and send it back to the States. That is a good compromise. That would be up from 35 percent.

I hope we can come together across party lines because we need to do that.

I hope we will reject this amendment. I hope that we will support the Jeffords-Kennedy attempt to resolve this matter. And let's make sure that we fulfill our responsibilities, it seems to me, to have a small, dynamic, flexible program that responds to criticism but continues to give a modicum of support—let's use it to support dance and the arts in this Nation.

Thank you, very much, Mr. President.

I yield the floor.

I reserve the remainder of our side's time.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I yield myself such time as I may consume.

I thank the Senator from California for correcting the fact that I am not

from Ohio. I didn't want people from Ohio to be too upset. It reminds me of my having been introduced as having been an individual from Missouri but who was born in Illinois. I say, "Yes, both States claim me. Missouri claims I am from Illinois, and Illinois claims I am from Missouri."

The truth of the matter is that I would like to address some of the issues which the Senator from California has talked about.

She mentions the fact of a poem—for which we paid \$214 a letter—which was paid for earlier in the history of the National Endowment. She is correct. But it is incorrect to suggest that there are not abuses now that are even more egregious.

This is one of the more decent egregious abuses of National Endowment money.

I have excerpts from a book in my hand which very proudly bears the imprint, the so-called good seal of approval, of the National Endowment for the Arts. This book was published in 1996 after all the supposed improvements, after all of these wonderful safeguards to make sure that our money is well spent. I think it is instructive to read just what the authors say about their own book. This isn't some attack upon the book. This is the bragging of the authors.

I read:

The blood of the Mugwump clan of Catholic gender-shifting vampires has become infected by decadent words and confused memories.

It talks about a man trapped inside a body that is always changing from male to female, and dealing with his polysexual sister.

I asked my staff to just take a couple of pages of the book. And this book was written because the National Endowment for the Arts felt that the American people needed to have this capacity to identify good art so they could invest in it under the "Good Housekeeping" or "good art" seal. I asked them just to get a couple of pages of the book and Xerox them. But I said, "Be sure to mark out the things that would be not suitable to be shown on C-SPAN in the middle of the day."

This is what a typical set of pages looks like. This is what the American people are paying for. This isn't something from 30 years ago. This is something from 30 minutes ago. This is something that is current. This is something from 1996.

No. 1, the so-called reforms have been ineffective. And, if we had an abuse which was at least not obscene—our abuses have not gone uphill. They have gone downhill.

I have a list of current abusive things funded by the National Endowment for the Arts. I could go through them time after time. I will not bother to give them to you. Hundreds of thousands—hundreds and hundreds and hundreds of

thousands of dollars wasted in the current selection of grantees. They are not as easy to describe, and they are not as suitable for television as the 30-year-old abuses are. Unfortunately, they are not as easy to use on television.

The Senator from California pled for honesty and integrity in talking about whether or not we would have any funding—that somehow there is a matching grant program. There is no matching program. We are not talking about matching funds here. We are just talking about other money spent on the arts—most of it in the private sector. And when they have that kind of an expenditure, sure enough, they could say, "For every dollar we have in Federal money we have \$12 in private money." That doesn't mean the private money wouldn't have been spent anyhow. After all, what happened before 1965 when Lyndon Johnson concluded in the Great Society that we had to have funding for the arts? For several hundred years America had great artists, and we weren't devoid of expenditure. We had great museums. We had tremendous collections. We had artists who thrived. We had novelists, and poets.

So it is pretty clear to me that art is not dependent upon some matching fund system.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

The Senator from Iowa.

Mr. HARKIN. How much time do we have?

The PRESIDING OFFICER. The Senator from Iowa has 40 minutes and 41 seconds.

Mr. HARKIN. Mr. President, I yield myself such time as I may consume.

Mr. President, first of all, the Senator from Missouri has repeatedly talked about the poem "Lightht." He has held up this little piece of paper, and he has talked about this poem and castigated it as one of the great spending holes of the U.S. Government, we spent money on the poem "Lightht."

Well, I saw that and I recognized it. Believe it or not, I recognized that poem. And so I thought I would take some time since I have a history in this to shed a little light on "Lightht".

Now, again, I am glad that the Senator from California brought this up because the Senator from Missouri never did mention this until the Senator from California, Mrs. BOXER, brought it up. This poem "Lightht" was published in 1969. The Senator from Missouri did not say that. He admitted it after the Senator from California pointed that out. But in listening in the last couple of days to the Senator from Missouri, one would have assumed that this grant was just made, not in fact made in 1969, when it was.

Mr. President, the debate on the NEA, National Endowment for the Arts, has set a new standard for debate

in the Senate. First of all, suggesting that we should eliminate the National Endowment for the Arts in 1997 because of a grant that was made in 1969 begs incredulity. That would be like saying the State of Missouri, since it had laws on its books that allowed segregated schools until the 1960's, will not be eligible for Federal education programs. Or saying that the University of Alabama will be prohibited from participating in Federal student aid programs because it was segregated prior to June 1963, or the schools in Little Rock, AR. Times change. Conditions change.

Well, now, the Senator from Missouri said, oh, OK, fine. "Lightht," this was 1969, but then he held up a piece of paper which he was reading something from—I didn't catch it all, but it was from a book called "Blood of Mugwump," which I never heard of until today, but I remembered someone had said something to me about it and I looked it up. My staff gave me this. Lo and behold, the Senator from Missouri is wrong again. "Blood of Mugwump" did not receive any NEA funding. How many of these misrepresentations will we hear from the Senator from Missouri in debate on funding of the National Endowment for the Arts?

Now, I have here a letter, Mr. President, from People For The American Way. It said:

In a letter to Congressional Members dated June 25, 1997, the Christian Coalition urged Members to "vote against any amendments to increase NEA funding" and asserted that the NEA is now "funding the proliferation of pornography," citing specifically two films, "Sick" and "Age 12," and one book, "Blood of Mugwump."

Fact 5: The Christian Coalition is wrong. The NEA did not fund any of the three examples used.

Mr. President, I ask unanimous consent that this material from the People For The American Way be printed in the RECORD.

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

Claim: In a letter to Congressional members dated June 25, 1997, the Christian Coalition urged members to "vote against any amendments to increase NEA funding" and asserted that the NEA is now "funding the proliferation of pornography," citing specifically two films, "Sick" and "Age 12" and one book, "Blood of Mugwump."

Fact: The Christian Coalition was wrong. The NEA did not fund any of the three examples used.

Mr. HARKIN. If the Senator from Missouri would like, I am sure that we could sign him up for People For the American Way, and he could get the correct information as to what is going on and not the false information that he got from the so-called Christian Coalition.

And so again the Senator from Missouri has brought up something that simply has no basis in fact. And I have here again, Mr. President, a letter dated March 17, 1997, from Karen

Christensen, general counsel of the National Endowment for the Arts. It is written to Mr. Curtis White. I will not read the whole thing. It just said here:

The progress report which you filed with this agency erroneously included "Blood of Mugwump" as among those volumes partially supported by a grant from the National Endowment for the Arts; this is not the case.

In any future publications, including promotional materials and reprints of FC2 volumes, please remove any reference to the National Endowment for the Arts from any publication which is not supported by an NEA grant.

I would appreciate prompt attention to this matter.

Mr. President, I ask unanimous consent that this letter be printed in the RECORD.

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

THE NANCY HANKS CENTER,
Washington, DC, March 17, 1997.

Re Grant #96-5223-0091.

Mr. CURTIS WHITE,

Co-Director, Fiction Collective 2, Unit for Contemporary Literature, Illinois State University, Normal, IL.

DEAR MR. WHITE: It has come to my attention that the National Endowment for the Arts has been credited with supporting a number of books published by FC2 that were not funded by a grant from this agency. As you know and as the Endowment's grant letter makes clear, funds are released for the specific project described in the grant letter and specified in the grant application. The Endowment's logo should be used only on those publications for which a grant was received.

Grant #96-5223-0091, which will conclude on June 30, 1997, awarded funds for the following books: S&M, by Jeffrey DeShell; Mexico Trilogy, by D.M. Stuefloten; A Spell for the Fulfillment of Desire, by Don Webb; Memory Wax, by Alan Singer; and Aviary Slag, by Jacques Servin. The progress report which you filed with this agency erroneously included Blood of Mugwump as among those volumes partially supported by a grant from the National Endowment for the Arts; this is not the case.

In any future publications, including promotional materials and reprints of FC2 volumes, please remove any reference to the National Endowment for the Arts from any publication which is not supported by an NEA grant.

I would appreciate your prompt attention to this matter.

Sincerely,

KAREN CHRISTENSEN,
General Counsel.

Mr. HARKIN. Again, Mr. President, if the Senator from Missouri was really serious, I am sure that he could have found out that in March of this year the National Endowment for the Arts wrote a letter to the director, who put out this book, I guess, under this grant, that it wasn't supported by the NEA. And the Senator from Missouri would not have stood in this Chamber today and said that "Blood of Mugwump" was another example of bad taxpayer spending by the National Endowment for the Arts.

I caution my friend from Missouri that he simply check his facts. That is all. And I am certain that if he just wanted to check his facts, if the Senator from Missouri just simply wanted to check whether or not what he was saying was factual, a simple call to the National Endowment for the Arts—they are not hard to get hold of. They are right down here in Washington, DC. Their phone number is 682-5400. I would suggest to my friend from Missouri that he simply pick up the phone and call them, ask them: Is it so that "Blood of Mugwump" was funded by an NEA grant? And he would have been told the facts.

So I think we have an obligation when we debate here on the Senate floor to be, at least, somewhat careful. I know we make mistakes around here. But, at least, try to check our facts out.

In that regard, Mr. President, I would like to talk a little bit more about the poem "Lightht." Now, the reason this came to my attention is because this was an issue in my first campaign for public office in 1974 when then incumbent Congressman Bill Scherle in the House had gone after the National Endowment for the Arts on the same basis, that they had funded this word, one-word poem "Lightht."

And so I want to set the record straight, and I want to talk a little bit about it to get the facts out, the latest facts out. Mr. President, here are the facts. The National Endowment for the Arts sponsored a three-part series entitled "American Literary Anthology." This was the idea of George Plimpton and also Roger Stevens, that they would seek out writers, poets around the country who were not well known, who maybe had published in small literary journals that had small circulation, to have a contest to put them together and to pick what judges decided were the best of these new writers and to put them in an American anthology to give them a wider berth so that more people could read them.

The purpose again was to support small literary magazines and their contributors. After all, most writers, Mr. President, don't start writing for *Esquire* or the *New Yorker* or the big magazines. They start with small literary journals around the country. And so that was the idea of George Plimpton and Roger Stevens, to get some of these new writers out there and bring them in and give them a wider circulation.

I spoke just the other evening with George Plimpton about this. He and Peter Ardery were the directors of the "American Literary Anthology." He told me that the NEA grant in 1966 had three goals. First, to provide wider distribution for literary works which first appeared in magazines with limited circulation. Second, to supplement the small stipend the magazines used to provide to the authors.

As Mr. Plimpton told me, in many cases these writers got nothing except four or five copies of the magazine in which they were published.

So, it was to supplement it. And here was the supplement: \$1,000 for prose material, \$500 for poems. That was to the contributor, the writer. And, third, to reward the magazines which published the literary works in the first place: \$500 for prose, \$250 for poems. The total was \$60,000 for the second volume. So the Senator from Missouri is wrong again. Again, I ask the Senator from Missouri, please check your facts. The amount of grant for this one-word poem was not \$1,500, it was \$750: \$500 to the writer, \$250 to the magazine.

I am certain the Senator will say that \$750 is still too much for this poem, but nonetheless I thought it important to set the record straight, that it is not \$1,500, it was \$750.

I got a copy of the *American Literary Anthology*, volume II. Actually I read some of the poems in it. It is interesting that the Senator from Missouri picked out a poem written by Aram Saroyan, the son of William Saroyan, by the way. I don't know Aram Saroyan. I have never read his poetry before and I have not since. But I looked in volume II of the *American Literary Anthology* to see who else was published: people like Robert Penn Warren, John Ashberry, Jim Harrison—I say to the Senator from Missouri, Jim Harrison, who later wrote "Legends of the Fall," which has been made into a movie, I guess; W.S. Merwyn, Pulitzer Prize-winning poet who also attended the Writers Workshop at the University of Iowa, and I will say more about that in a second; James Tate, one of our foremost poets in America; Joyce Carol Oates, also in volume II.

That is just a sampling. Why didn't he pick out some of those? No; he picked out this one-word poem, just to show people how it appeared in the book. Here it is, volume II, a one-word poem, on one page.

This is called calligraphic poetry. Calligraphic poetry is poetry where it's not just the content of the poem, but it is how it is laid out on the page that also sends a message, or conveys a thought or a feeling. I might point out to the Senator from Missouri that calligraphic poetry is not new; it is very old. In fact, some calligraphic poetry goes back to the 18th century, some in religious poetry. These religious poetry might be shaped in the form of pulpits, crosses, churches, saints, icons, things like that, to convey a religious image by the way the poem looked as well as the words that the poem contained.

I must say, I think the Senator from Missouri, if I might just say—I think the Senator from Missouri picked the wrong poem. There is a poem, it starts on page 273 of the second volume of the *American Literary Anthology*. It is

"The Last Will And Testimony of Art Evergreen," and it goes on for 17 pages. If the Senator had picked that poem, he might have a little more sympathy from this Senator. I say that tongue in cheek.

But why did the Senator not also pick the poem on page 339 by James Tate called "Stray Animals"? No; he picked this one-word poem because, obviously, he doesn't like it. Frankly, I am not certain I like it either. It doesn't say much to me. But some calligraphic poetry I like, in the way the words are shaped and put on a page. That one doesn't say much to me at all. But, nonetheless, it is legitimate poetry. And there are a lot of other poems in there.

Again, the Senator may not care for this type of poetry, but that is no reason to abolish the National Endowment for the Arts. Over its 32-year history, the NEA has made 112,000 grants. To date, about 40 that we have been able to find have caused people some problems—about 40 out of 112,000. I think that is a pretty good record. Again, the Senator did not mention all of the other people who have gotten grants from NEA.

A little while ago I spoke on the phone with Jorie Graham. She is at the Writers Workshop at the University of Iowa. Last year, 1996, she won the Pulitzer Prize for poetry. I had a long talk with her. Here is an individual who received an NEA grant, and she told me without that she would not have been able to take the year off and write poetry because she had a young child. So that grant enabled her to do that.

I might also point out with some sense of pride that in 1996, last year, the three nominees for the Pulitzer Prize in poetry, Charles Wright, Donald Justice, and Jorie Graham, were all from the Writers Workshop at the University of Iowa. It is interesting to note that it was the student, Jorie Graham, who won the prize. All three were recipients of NEA grants.

Why does the Senator from Missouri not talk about that? Why doesn't he go after the Writers Workshop at the University of Iowa?

Here, I will be glad to give it to my friend from Missouri. Here is a whole packet of pages, going clear back to 1970, of writers and poets who have received grants, who were at the Writers Workshop. Who will the Senator find in here? People like Robert Penn Warren, he'll find people like Kurt Vonnegut, he'll find people like Tennessee Williams—he may not like Tennessee Williams.

Mr. ASHCROFT. Will the Senator yield? The Senator asked me a question.

Mr. HARKIN. I will be glad to yield to the Senator in just a second. He'll find people like John Irving, Kurt Vonnegut, Tennessee Williams, Flannery O'Connor, Jane Smiley, who just

wrote the wonderful book "A Thousand Acres" and won a Pulitzer Prize for it. It is now being made into a movie. Writers Workshop. NEA recipients.

No, he didn't mention those.

Mr. ASHCROFT. Will the Senator yield?

Mr. HARKIN. Now I will be glad to yield for a question.

Mr. ASHCROFT. The Senator has asked why I didn't cite all these others. Is it the Senator's position that none of these people would have been writers absent these grants? That absent the ability to have the Federal subsidies we could not have literature like this in the United States?

Mr. HARKIN. I will just answer my friend from Missouri. I just had a long conversation on the phone with Jorie Graham, the poet from the University of Iowa Writers Workshop, who won the Pulitzer Prize last year. She told me without that NEA grant—she had a little child—she would not have been able to take the year off to develop her talents as a poet that enabled her to win the Pulitzer Prize. Yes, she absolutely stated that to me.

Some of these, maybe not. But I can tell you some people like Kurt Vonnegut and some people, when they first started out—no. They needed these grants to get up to a level.

Mr. ASHCROFT. Did Kurt Vonnegut start out with an NEA grant?

Mr. HARKIN. I don't know. He got an NEA grant at one point, I believe.

Mr. ASHCROFT. I see. It seems to me, will the Senator concede we had a lot of great poets and a lot of great artists in America between the time of the founding of this culture and the time in the mid-1960's when we started NEA grants.

Mr. HARKIN. I will respond to my friend this way. That is true. We have had a lot of great poets and writers who received no NEA grants. How many more, though, were out there in the little towns of Missouri, in the fields of Iowa, around the coal mines of Kentucky and in the hills of Kentucky, who wanted to develop their writing skills and their talents but did not have the support to do so? How many were left lying fallow in the ground because we wouldn't even come up with the two pennies, the two pennies per taxpayer per year, to help them to develop their talent?

I think that is the appropriate question to ask, is how many were out there who didn't get the nourishment who, if they had the nourishment, could have been great writers and poets in our society today?

Mr. ASHCROFT. I can name—

Mr. HARKIN. I will yield for a question.

Mr. ASHCROFT. In response to that question, I can name at least one who didn't have that kind of grant, who was a poor fellow from a small town in Missouri. His name was Samuel Clemens.

He wrote under the name of Mark Twain. He seemed to do pretty well. In the name of artists whose works are arrayed in this Capitol, George Caleb Bingham, who is considered to be the American Rembrandt, who was a Missouri State treasurer, who did not have a public subsidy to do it. We could go through the list. Obviously you could always say there may have been lots more. There may have been some who would have been great artists in the last 25 years but, because they didn't get the seal of approval, weren't able to market as successfully their artwork, now that the arts community has been so oriented to the Federal approval or disapproval.

It seems to me, how many would be here or how many would be there is not a question that would be very productive in leading us to good policy.

Mr. HARKIN. I only responded because the Senator raised the issue. He was saying, questioning me, that was I saying all these great ones all received NEA grants. I would say no. But I think the question I asked was how many more were out there that could have risen up?

He mentioned Samuel Clemens. That was the last century and of course, again, we had great musicians and we had great artists and poets in the past. But again, I challenge my friend from Missouri to think about this. The few that we talk about in the past century were so few in number. I mean, they were absolutely the pinnacle, absolutely the best. How many more who didn't quite make it up there could have been very good? Maybe they wouldn't have been the top echelon, but they might have been very good writers and purveyors of senses of the esthetics of different regions of this country that weren't there.

Sure, you can point to Samuel Clemens and a few others. But how many more might have come along, might have been great, might have been maybe not at that pinnacle, but maybe up in that level who died aborning because they had no support whatsoever?

I might also, tongue in cheek, ask my friend from Missouri, who has gone after some writings that he claims are not quite appropriate for readers to read—you know, old Samuel Clemens wrote some things that were pretty risqué. I wonder if the Senator from Missouri has ever read "Letters From Heaven"? If the Senator from Missouri has never read "Letters From Heaven" by Samuel Clemens, I ask him to read it and bring it on the floor and read it. I doubt he would want to read "Letters From Heaven" on the floor of the Senate.

Mr. ASHCROFT. Will the Senator yield?

Mr. HARKIN. I will be glad to.

Mr. ASHCROFT. I thank you for raising the extent to which I have read

Samuel Clemens' work, Mark Twain. I find him to be an interesting author, and I think some of his works are better than others and some of them are very helpful and some of them moved society in the right direction—I think move us all and inspire us all.

The point is not whether or not a writer has the ability to write things that might be appropriate in one setting or not appropriate in another setting. The point is, what do you do by way of subsidy and whether the Government decides to endow any particular writer with a special stamp of approval and discriminate in favor of that writer and thereby discriminate against every other writer? Had Samuel Clemens been a writer 100 years ago and had there been the current NEA and had the fellow from down the river in St. Louis gotten the grant and Samuel Clemens been discriminated against and shunned by the arts community because the other guy had gotten the grant, we might never have known about Samuel Clemens.

The point is, when you start with Government identifying and establishing the value for one artist over another, picking and choosing between the levels of free expression, free expression in the free society, pushing people toward politically correct expression, there are risks involved there that might result in stifling other people who are not favored by the Government. So, it seems to me there are equally—it's equally possible that there are great writers who are being stifled by the current system—there are art critics who say there are—just as much as there might have been people in previous years who didn't rise to the level of being able to write because they lacked the Federal subsidy.

Mr. HARKIN. I say to my friend from Missouri, he couldn't be further from the truth. This is the American Literary Anthology in which the poem "Light" appears. No Government agent or employee decided what went into this book. I can't for the life of me figure out what the Senator from Missouri is talking about.

For example, who decides whether a writer gets published? It is the editor of a magazine, the publisher of the magazine. Who decided what poems and what fiction, essays, went into this anthology? Editors and publishers of magazines. They all got together and went through all of their different magazines and decided who they thought ought to be in here. It wasn't Government. No Government agent did this. No Government employee did that.

Does the Senator think that writers just sort of spring up and, because they are so good in the beginning, that right away they appear in the New Yorker Magazine? Of course not.

They appear in these small literary magazines around the country, and it

is the editors of those magazines and the publishers who decide what gets published. They were the ones who decided what went into this anthology. There is no Government agency. I don't know of one Government agent who decided on an NEA grant. It has all been done in a peer review process.

That would be like saying, I say to my friend from Missouri, that we should cut out research at the National Institutes of Health because it is Government money, and why should the Government pick which research to do, whether it is cancer or heart, whether it is diabetes or Alzheimer's? The present occupant of the chair knows a lot about this. Should the Government be picking the researchers because we put the money into the NIH? We put a lot of money, as the occupant of the chair knows, into NIH. We don't tell them what to pick. They do it through the peer review process, through scientists in the field who decide what is legitimate, good research to do.

The same is done in the National Endowment for the Arts. We don't sit there. No one in the Government sits there and says we pick this and we pick that. They set up boards, commissions, they set up peer review entities that decide what is going to be. You can disagree with them, and sometimes I have disagreed with them, too, but that is no reason to end the National Endowment for the Arts.

So I repeat, Mr. President, I had a lengthy conversation yesterday with Mr. George Plimpton and today, again, with Jorie Graham, who, I repeat to my friend from Missouri, won the 1996 Pulitzer Prize for poetry. She was emphatic that she and so many of her colleagues would not have been able to develop their talents were it not for the NEA grants they received, and then go on to win the Pulitzer Prize.

She said the NEA took a risk, I say to my friend from Missouri. She said it was a gamble. They didn't know if she was going to be a good writer, poet or not. But she said the cost to the taxpayers for the creative fellowship was 2 cents, two pennies. That is what we are putting into supporting writers and poets around the country—2 cents per taxpayer.

Again, if I may use the analogy of the National Institutes of Health, we don't expect that all \$13.5 billion that we have put in every year at NIH is going to produce a medical miracle. Not at all. A lot of that research is dead end and nothing ever happens, but we believe in doing the research.

So, again, NIH is not right 100 percent of the time, and we shouldn't expect the National Endowment for the Arts to be right 100 percent of the time and that every writer that is picked through this process is going to be a Pulitzer Prize winner or another Samuel Clemens or another Jorie Graham. No, some of them won't make it, but at least we are getting them out.

As Jorie Graham told me, she said, "You know, there is a market out there. The American people aren't stupid. If they read the poetry and they read the literature, like cream on milk, the best will rise to the top." But until you put that milk together and put it in the bottle, forget it. That is what we are doing through the NEA grants; we are bringing these people together and giving them an outlet for their creative abilities. Some will make it, some won't. Some will write a one-word poem that is calligraphic. It may mean something to somebody. It doesn't particularly to me. Or some people like the poet I just pointed out will write a 17-page poem, which also didn't mean much to me either.

But I can tell you that there are some writers in here that have meant a lot to me and a lot to a lot of other people. People like Robert Penn Warren, John Ashberry, Jim Harrison, W. S. Merwyn, who, by the way, was also at the Writers Workshop and received the Pulitzer Prize in poetry, and James Tate, Joyce Carol Oates. They were in this anthology, too. So I guess that is what we are saying. It is not an elitist institution. The creative writer fellowships are made to writers with no other means to support themselves. These grants don't go to the wealthy; they don't even go to the middle class.

Second, I might point out to my friend from Missouri, these grants also are awarded geographically, not just to a few areas. Since these grants are awarded on a geographical basis, the writings that we get reflect the regional and aesthetic values of those regions. How else could we get the flavor of what it means to be born and raised in Iowa on a farm unless perhaps we read something by Jane Smiley, "A Thousand Acres," and what it means today about what is happening to the farmers in Iowa. Or what would it mean if we didn't have a flavor of what was happening in the West or in the South with writers who can understand, who feel and are sensitive to the aesthetics of that State or that region or that area? That is why NEA grants go out to regions and geographically so it doesn't just go to one certain area of America.

The critics many times focus only on those from the cities, but as I have just pointed out, many, many, many rural writers have also received awards and many have gone on to do great things.

So, the Senator from Missouri can get up all he wants. I just wish he would be straight with the facts. First of all, he or his staff should have checked and let us know—let everyone know—that this poem was awarded a grant in 1969.

Second, I wish the Senator from Missouri had further checked his facts and found out that the book "Blood of Mugwump" received no NEA grant. A letter from NEA March 17, 1997, points

out that "Blood of Mugwump" did not receive an NEA grant.

As I said to my friend from Missouri, all he has to do, if ever he has a doubt about what NEA is doing, is pick up the phone and call them—they are here in Washington—and ask them and they will be glad to set you straight on what they are doing.

I will wind up by saying, Mr. President, for 2 cents from every taxpayer in America—just 2 pennies—we can go out and lift up some of these young writers and poets all over America, artists who may be like Jorie Graham and have a young child but they have innate talent, to be able to get across to people, as she did with poetry, what it is like in small rural towns or small communities of rural Iowa. She said without those 2 cents and with a small child, she wouldn't have been able to do it.

The Senator can get up and say he doesn't like "Light"; that is fine. There is a lot of poetry I don't like either. As I said, I am not partial to this particular poem, although there is a lot of calligraphic poetry I do like.

I will say one other thing. I was looking at some information that came out from Mr. Frank Luntz. I don't know Mr. Frank Luntz, but he has been in the news a lot lately. He wrote a book on how the GOP can use language to manipulate people. His book is called "The Language of the 21st Century." I guess it was presented to the Republican conference before the August recess. I was looking at some excerpts from Mr. Luntz' book. He is saying how people should talk about things. Oh, there is addressing the gender gap. There is health care. How to talk about Clinton. Education. And then he has here, "Prolog: Luntz's 12 step program to make Republican language more soothing to voters."

Here is a quote from his book:

Every time Republicans get into a conflict with the President, you begin to shout, mistakenly believing that if you speak loud enough, your message will get through. But the American people aren't deaf. They simply don't understand what you're saying, nor understand its relevance to their day-to-day lives. Linguistically, you're out of touch with the American people.

So he has 12 principles. I will not read them all, obviously, but I will read the seventh principle of Mr. Frank Luntz, who is writing this for the GOP: "Abolish the National Endowment for the Arts." That is what he is saying Republicans should say: "Abolish the National Endowment for the Arts."

"This makes sense," Mr. Luntz says, "for strategic reasons as well as on principle." I will give him that benefit. "Napoleon spoke of the importance of feeding your army if you expect the soldiers to go off to battle. You must deliver some nourishment to the true believers. You need a symbol that both differentiates the two parties and stirs up the troops."

No. 7 in his book of the 12 principles.

If you want to stir up the troops, that is fine. Again, I hope they will be clear on the facts and that we understand what this is about. I don't believe it is really valid, and, again, I happen to like the Senator from Missouri, he is a good guy and I like him, but I think he has gotten mixed up on his facts. But then, again, we all do periodically around here. But I just wish that he would be a little bit more careful in looking at what the National Endowment for the Arts really does and how it operates in Missouri and Iowa and the Midwest and to think about whether or not we would want to throw out all funding for the National Institutes of Health because some of the money we gave them might have gone for bad research or something we didn't like. I don't think so.

We may not like all the things the NEA does, but on the whole, out of 112,000 grants in its history, this Senator only knows of 40 that has been raised as issues on the floor of the Senate or the House in the 22 years I have been privileged to serve here.

So, again, Mr. President, the National Endowment for the Arts is much too important to us as a nation, much too important for America, for our diversity, for understanding who we are and where we have come from and perhaps even where we are going to have maybe one example of one poem disliked by one or two or three Senators be the cause of not funding the entire National Endowment for the Arts. It has done an outstanding job. We should make sure we continue to fund it, not so that Government can pick winners and losers and all that, but to make sure that those who are out there in the field, those budding writers and poets will at least have some hope that they, too, can become the next Jorie Graham at the Writers Workshop in Iowa and win a Nobel Prize for her or his poetry. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I wish to speak for a few minutes also in support of the National Endowment for the Arts and a strong Federal role in supporting the arts. I am honored to follow the eloquent Senator from Iowa. I think he has made a very strong case for continued Federal support in this area. I also believe the Senator from Utah, Senator BENNETT, made a very eloquent statement in support of the NEA and demonstrated great common sense in much of what he said there.

Over the past few days, several of my colleagues have attacked the NEA, and one of the attacks has been that NEA funds are concentrated too much in big cities—six big cities in particular. I want to make it clear at the beginning of my comments that none of those big

cities are in New Mexico, but still the NEA does support a very wide spectrum of arts in my State of New Mexico.

NEA funds come to my State and support everything from opera to cowboy poets. In my hometown of Silver City where I grew up, we have an annual event where cowboy poets come from all over the country to participate. It is my understanding—and I can be corrected on this—but it is my understanding that the first cowboy poetry convention or conference that occurred in this country was in Elko, NV, and was sponsored by the NEA. And they have continued with that tradition in Elko, NV, ever since.

So clearly the funds go to a broad range of arts. There have been more than 20 national competitive grants in my State in 1996.

NEA National Heritage awards have gone to individuals in my State. NEA has supported the arts in education strongly in my State.

This year, the NEA provided the New Mexico State arts agency with a \$380,000 block grant. So some of the Federal funds that come from the NEA do come in block grant form so that the State can make the judgment. Those funds are matched on a 2-to-1 basis with State funding. They enable our State agency to make 125 awards, both small awards and large awards.

NEA's goal is to support the arts that enrich the lives of everyone in our country. I have seen that in my own State of New Mexico over the 14, 15 years that I have served here in the Senate, Mr. President. I have seen arts councils established and grow in virtually every community in New Mexico.

There was a time in my State when the arts were essentially Santa Fe and Taos. If you started talking about the arts, whether they were paintings or chamber music or the opera or any of a variety of arts, you talked about Santa Fe and Taos. But that is no longer true in my home State of New Mexico.

At the present time in New Mexico there is an arts council in virtually every community, every community of any size in the State. And those arts councils are bringing into those communities artists who contribute a tremendous amount to the lives of the people who live there. I am very proud of the rich tradition of arts that we have in my State and in the Southwest in general.

New Mexico has a wealth of artists and musicians, museums and arts centers. NEA support over the last several years has strengthened the arts and strengthened arts education in New Mexico in very important ways. It has benefited the children in my State.

Research has shown that art and music education is extremely important to the development, the proper development of a child. Healthy brain de-

velopment in very young children is aided by arts education and by exposure to art and to music. Problem-solving skills are enhanced. There is improvement even on math tests as a result of exposure to music. That has been demonstrated in various tests in recent years.

I recently attended a program in Albuquerque which was inspirational. It was called "Starts with the Arts." It was a conference for children with exceptional needs at the Very Special Arts Center in Albuquerque. Clearly, this is making a great contribution to the lives of those children.

In 1997, \$90,000 from the National Endowment for the Arts came through our State arts agency to assist with that type of program.

This has benefited not only children, young children, but it benefits students, programs like the Working Classroom in Albuquerque. This is a free year-round art and theater instruction program in the Broadway section of Albuquerque in southeast Albuquerque.

Disadvantaged, at-risk children starting in their early teenage years participate in this. There is reduced dropout rates as a result of this work. There is substantial beautification of some areas of downtown Albuquerque through the painting of murals. That program has been supported by NEA funding as well.

In 1997, they received \$15,000 from the NEA through a State block grant. So the decision was made by the State to put that money into the Working Classroom Program, but it was funding that came through the National Endowment for the Arts.

There have been benefits to many of the communities in our State, as I indicated, that not only benefits to the cultural lives of those communities but also to tourism, to economic development, to job creation.

Mr. President, I do not have exact figures to provide to the Senate today, but I can tell you that the arts are a substantial part of the reason why tourists come to my State. Whatever we do to strengthen the arts also strengthens our economy and helps to strengthen the economy of all those communities. It benefits a wide audience.

We benefit a wide audience by giving recognition to local artists, artists such as Ramon Jose Lopez, who is a santero and is a master metalsmith. He won an NEA National Heritage Fellowship last year. He was involved with the Smithsonian Institution in an exhibit that attracted national attention. And this type of recognition enriches the lives of many of our artists and of visitors that come to our State.

I fought very hard in the last Congress to maintain the program of heritage grants to outstanding individuals. But despite all these benefits that I

have gone through here we have Members of Congress, Members of the Senate, who continue to campaign to eliminate the National Endowment for the Arts. I believe we need to resist that. We need to also resist turning this into a block grant program.

On July 23 of this year the Labor Committee marked up and passed the NEA's reauthorization. Even though the measure has not come to the Senate floor, people here in the Senate need to know the outcome of the committee's deliberations.

Like most of us in the committee, I concluded that the NEA now strikes the right balance, the right balance between national involvement, State and local involvement.

NEA has been criticized as inefficient. But under the leadership of its present chairman, the NEA has established numerous accountability and streamlining measures that ensure responsible use of Federal funds—consolidating administrative operations of the NEA and the NEH, the National Endowment for the Humanities; reducing administrative costs of both.

There are peer review panels that are chosen from all sections of the country under this language that we adopted in this reauthorization bill. We ensured that all sections of the country would be represented. We ensured also that on the peer review panels that no State would be unduly represented.

Some groups continue to spread what I believe are misrepresentations about NEA support for obscene art projects. Most of those stories turn out to be half-stories. Many of those stories involve subgranting of NEA dollars for objectionable projects. It is my understanding that the chairman, the present chairman of the NEA, has eliminated the practice of subgranting NEA awards except to State arts councils.

I am convinced that the arts and arts education contribute enormously to the cultural life of our country. I strongly believe we should maintain it.

I had the good fortune, Mr. President, last night to attend a reception and dinner at the Library of Congress and to see there the program that they have developed and put on the Internet for anyone in this country to dial up, who wants to dial up, Thomas—"www.Thomas.org" I believe is how. But you can get into Thomas. And when you do, you can get access to all of the photographs that were taken in this country during the 1930's under the Federal Writers Project which was part of the Works Progress Administration, the WPA, at that time. That was money well spent.

We are not here through the NEA having the Government choose who to support and who not to support. That is done by peer review panels. But I think it is anomalous to suggest that the Federal Government has no inter-

est in this issue or to suggest that Federal Government should not be able to lend its support to a richer cultural life for this country.

So, I very much hope that we will resist all efforts to eliminate the NEA and to drastically change its structure.

Ms. MIKULSKI. Mr. President, I rise today in opposition to the Ashcroft amendment. This amendment would eliminate the National Endowment for the Arts [NEA], an organization which has come under unfair attack in the past few years.

Funding for the NEA has consistently dropped. Funding last year was \$99.5 million, a 39-percent decrease in 2 years. Now, many of my colleagues want to abolish the endowment completely. I disagree with this approach.

For every Federal dollar invested in the arts, our citizens receive an enormous return. My State of Maryland received \$1.4 million in arts funding last year. This means that the Baltimore Childrens Theater Association is able to thrive. It means that the Baltimore Museum of Art can bring world renown exhibits to the citizens of my State. And it means that local communities throughout Maryland have access to community festivals, arts centers, and galleries.

There is a myth that the arts are for the elite. However, I believe the arts are about three things: Jobs, economic development, and families. The arts attract jobs. The arts help create economic development in communities. The arts are family first.

The cost of Federal funding for the arts is 35 cents for every citizen. The arts are a sound investment. The rewards are great.

Federal funding for the NEA has led to the flourishing of arts organizations in small cities and rural areas across the country. In my State of Maryland, local arts agencies are able to leverage Federal dollars for their fundraising efforts.

Without Federal support, Marylanders wouldn't have the Puppet Co. in Glen Echo, the Bluebird Blues Festival at Prince George's Community College, the Writers Center in Bethesda, or the University of Maryland music programs.

I am committed to protecting the Federal role in the arts. We should not become the only civilized country in the world that does not support the arts.

I urge my colleagues to join me in opposing the Ashcroft amendment.

Mr. CHAFEE. Mr. President, for years during consideration of the Interior appropriations bill, the Senate has debated the fate of the National Endowment for the Arts. Those debates have had mixed results. On one hand, NEA funding has been severely reduced. On the other hand, the NEA has made changes in its policies and operation to safeguard against providing

Federal dollars to distasteful and, yes, perhaps, inappropriate projects. So, some bad and some good has come from our discussions here.

Now, we are in the midst of another such debate. The House voted to eliminate funding for the NEA. It even rejected a proposal to provide \$10 million in closedown costs. There are Senators who support the House and have offered amendments to eliminate funding for the NEA altogether. Others would eliminate the Endowment by providing all of the appropriated dollars directly to the States in the form of block grants based on State populations. Still others would allow the Endowment to continue but would vastly diminish its role by sending the lion's share of funding to the States as block grants.

Earlier this summer, I introduced legislation with Senators JEFFORDS and KENNEDY to reauthorize both the National Endowment for the Arts and the National Endowment for the Humanities for 5 years. The Labor and Human Resources Committee marked up the bill and reported it from the committee on a bipartisan basis. According to our bill, 40 percent of funds would go to State arts agencies, 40 percent would be used by the Endowment to support projects of national significance, 10 percent would be for direct grants, and the remaining 10 percent would go to arts education in underserved communities. All funds appropriated beyond the current level of \$99 million also would go to arts education.

My colleagues might wonder: Why this emphasis on arts education? All across the Nation, arts education is being integrated into the core curriculum of schools. This integration is the result of the realization that an arts education can help students to develop better skills in analysis, problem solving, and just plain thinking. This is in addition to nurturing and developing the child's imagination and creativity.

A study by the College Entrance Examination Board found that students who have studied the arts regularly outperform students who do not have an arts background on SAT exams. According to the study, students who have studied the arts for 4 years score 53 points higher on the verbal SAT exam and 35 points higher in math than do students who lack arts education.

Senator GORTON recognizes the importance of continuing to fund the National Endowment for the Arts. The bill he has brought before us even provides a small increase to the NEA, from \$99 to \$100 million. The NEA costs each American less than 38 cents per year. My colleagues might be interested to know that a recent Lou Harris poll showed overwhelming support among the American people for arts funding, even if it meant a tax increase. For this minute investment of

38 cents per year, the American people get orchestras, chamber music ensembles, children's festivals, operas, poetry readings, concerts in the parks, music festivals, Shakespeare festivals, artists visiting schools, museum and gallery exhibits, dance troupes, and much more. For this tiny investment, local communities in rural areas far from our Nation's cultural centers are able to experience our rich artistic traditions.

According to BusinessWeek magazine, the arts support 1.3 million jobs. The arts contribute \$36.8 billion annually to our economy, and 6 percent of the GNP is attributable to nonprofit arts activities.

In Rhode Island, we count our artists among our State's natural resources, among the resources that are contributing to a wonderful revitalization, particularly evident in Providence. We are very fortunate to be home to one of the most prestigious art schools in the Nation, Rhode Island School of Design. RISD draws young artists to Rhode Island from around the globe. Perhaps because of our State's marvelous quality of life or perhaps because of the efforts of community leaders and State officials to develop an atmosphere in which the arts can flourish, many of these fine art students stay and contribute to our community and to our economy.

Let me share a few excerpts from a letter I received earlier this summer from Roger Mandle, President of RISD. Mr Mandle writes:

Federal support for the arts and humanities is more than a symbolic matter, and helps to leverage strong state and local private sector support for operas, dance companies, symphonies and museums. Students of schools and colleges gain access, some for the first time, as performers or audiences for these cultural activities. Cities and towns benefit from the tourism generated by the institutions and events they sponsor. Federal inspiration to maintain and support America's cultural heritage comes at a small price to every citizen. The existence of these Endowments helps to compare ourselves favorably to other nations whose governmental support for the arts exceeds that of the United States by many times.

Some critics of the NEA suggest that supporting the arts should be left up to the private sector. They contend that there is no purpose for Federal support and that the arts would do just fine without it. Mr. President, you may be interested to know that since the creation of the NEA 30 years ago, the number of nonprofit theaters has grown from 56 to more than 400; the number of orchestras has quadrupled to more than 200; the number of opera companies has grown from 27 to more than 100; the number of dance companies has increased from 30 to about 250; and today there are more than 3,000 public arts agencies in small cities and towns throughout the United States. There is no doubt in my mind that the NEA, whose budget is seven-tenths of 1

percent of Federal spending, has had a sizable contribution in making the arts accessible to all Americans, rather than to an elite few.

I was curious about the idea of providing block grants to the States. Surely, that would mean more money to the State arts agencies, and they would be all for it. But, of course, that is not the case at all. I asked Randall Rosenbaum, executive director of the Rhode Island State Council on the Arts, what he thought of either providing the entire appropriated amount for the NEA directly to the States in the form of block grants, or increasing the size of the State block grants by scaling back NEA grants to projects of national significance. Here is what Mr. Rosenbaum had to say:

While the Rhode Island State Council on the Arts might, on appearance, benefit from such a move (we would not), the Nation as a whole would suffer immeasurably. The Federal Government's leadership in arts funding has been critical to State and local efforts to raise matching dollars from public and private sources to support the arts. Stacks of research support this point . . .

More to the point, if the money is just block granted to the States, we will lose one of the most precious things the NEA has to offer, leadership in development of public policy in support of the arts. A strong federal presence through the arts endowment has changed the nature of an arts field I have worked in since 1976. Through its consensus building, policy making, and yes, financial support, I have seen more emphasis on access for all Americans to the arts. NEA-supported projects in Rhode Island ensure that everyone, from toddlers to seniors, experiences the arts on a personal level.

The NEA supports the Rhode Island Philharmonic Orchestra, and I have heard from many of its musicians writing in strong support of continued funding. It provides funds to the Trinity Repertoire Co., to RISD and to Brown University. But it also provides funds to smaller, less well known theater and dance companies, such as "Lydia Perez and Ensemble" whom I was privileged to hear at a gathering in Providence in July. Ms. Perez specializes in bomba" music. Grants have gone to the All Children's Theater Ensemble in Providence, to the Blackstone Valley Tourism Council, to the Capeverdean American Community Development Center in Pawtucket, to the Children's Museum of Rhode Island, to the Festival Ballet of Rhode Island, to the Island Arts Center in Newport, to the Ocean State Light Opera, and to literally dozens of other community arts groups.

Mr. President, I wholeheartedly support Senator GORTON's efforts to continue to fund the National Endowment for the Arts and the National Endowment for the Humanities, and I support Senator JEFFORDS as he works to reauthorize both Endowments for 5 years. I urge my colleagues to reject efforts to eliminate the Endowments, either by cutting funding or by creating block grants to the States.

Mrs. FEINSTEIN. Mr. President, the Senate today is considering the Ashcroft amendment to eliminate the National Endowment for the Arts. I oppose the amendment. There are also several amendments that seek to restrict, censor, or block grant the NEA.

Mr. President, in my view, the arts play an enormously important role in shaping our national culture and our local communities. The question is what is the best way for the Federal Government to fund the arts, if at all.

NEA IS A SUCCESS

Since the NEA's creation in 1966, there has been an explosion of community arts in local communities throughout the country. There are 8 times more nonprofit theaters, 7 times more dance companies, and 4 times more orchestras and opera companies. The impact of the National Endowment is far reaching. Through sponsorship of the arts, the NEA can stimulate expressions of our national character in many localities and guide our young people and pump hundreds of millions of dollars into local economies. Mr. President, if it were not for the strong leadership of the NEA, many rural areas and impoverished communities would be denied the opportunity to experience artistic presentations, performances, and education.

ACADEMIC BENEFITS

Exposure to the arts has academic benefits. According to College Entrance Examination Board, students with more than four years of course work in the arts score 59 points higher on the verbal and 44 points higher on the math portions of the SAT. Children with a background in piano have also scored better in math.

ECONOMIC BENEFITS

The National Endowment for the Arts contributes to our national economy. For every \$1 spent by the NEA, \$34 are returned to the U.S. Treasury. Because of the Endowment's support of the arts, the arts industry has boomed. Every \$1 spent by the NEA attracts \$12 to the arts from other sources. The nonprofit arts industry now generates \$37 billion annually in economic activity. The nonprofit arts industry also employs nearly 1.3 million Americans and represents nearly one percent of the entire U.S. work force.

BLOCK GRANTS

Some of my colleagues believe that all of the NEA's funds should go to the states in the form of block grants. Under current law, states have direct control over 35% of NEA funds in the form of block grants and state arts agencies believe this is the appropriate federal-state balance.

LOSSES UNDER BLOCK GRANTS

If further block granting is successful, states will lose hundreds of national grants that benefit all Americans. For example, according to the NEA, under block granting shows on

public television like Great Performances, Dance in America, American Playhouse, and American Masters will be lost. 98% of American homes have access to public television—a great example of one grant having a huge national impact. Programs of this large scale are best run, are most efficiently run, on a national level. Most states cannot take on a project of this magnitude. Another national program that the NEA says will be eliminated under block granting is the Mayor's Institute on City Design, in which over 300 of the nation's mayors have had the opportunity to meet with planners and architects to discuss urban design issues. This single grant benefited over 300 American communities.

PRIVATIZATION OF NEA

Other members of this body would like to privatize the National Endowment for the Arts. I believe this would be a grave mistake. According to Independent Sector's 1996 Giving and Volunteering survey, households giving to the arts, culture, and humanities has decreased by 29 percent since 1987. "Giving USA" found that total donations to the arts and humanities declined by \$270 million between 1992 and 1995 and private donations to the arts and humanities decreased by 7.7 percent in 1992 and to 6.9 in 1995. These statistics do not bode well for arts without the support of a federal endowment.

CONTROVERSIAL NEA GRANTS

I have heard some Senators criticize the questionable content of past NEA grants. I agree there have been mistakes. Yet, throughout the NEA's 30-year history, "objectionable" grants have amounted to only 45 out of more than 112,000 grants. This figure translates to approximately four-one-hundredths of 1 percent of all grants. Few other federal agencies can claim the same small proportion of error or high rate of success.

NEW REFORMS

NEA grantees must now adhere to strict guidelines to ensure quality content: all grants to individual artists have been eliminated, all grants to organizations must be for grants specifically described in the application, all grantees must file interim and final project reports, and all grantees must seek written permission in advance to change grant activities proposed in the organizational application.

In conclusion, Mr. President, I remind my colleagues that most great civilizations are remembered primarily for their arts. Already, the United States spends nearly fifty times less on the arts than any of its major allies. The National Endowment for the Arts represents a national commitment to our nation's culture, history, and people. If the NEA were to be privatized, block granted, or eliminated, not only would we suffer a great economic loss,

but more importantly Americans, particularly those living in rural and low-income areas, would suffer a great loss. The NEA benefits our young people, our communities, and our economy. We cannot deny our citizens this national treasure.

Ms. LANDRIEU. Mr. President, I rise before you today to express my support for the NEA and to articulate the importance of preserving the arts in America. I would like to take this opportunity to briefly describe to my colleagues how the NEA, in its unique capacity, has strengthened the values and cultural education of the people in my state. Specifically, it has played a critical role in enhancing the local talent and in funding community education activities for all Louisiana families and children. Mr. President, not only has the NEA provided access to the arts for the less advantaged in all of the 64 parishes, reaching a total audience of 7.5 million Louisianians by funding programs like philharmonics, ballets and training for young talented inner-city artists, but NEA has also played a vital role in supporting cultural tourism. The NEA-funded arts programs have remained a consistent source of economic revenue for Louisiana with our rich musical and cultural history. We have a brilliant history of talented local artists and renowned musicians that people from all over the world come to Louisiana to experience. Mr. President, as a nation that values the promotion of individual creative talent and these contributions to our cultural fabric, I encourage and respectfully ask my colleagues not to abandon our national responsibility and to support an equitable balance of grant distribution to the NEA. We have all seen the NEA adhere to the valid concerns of my colleagues, Senator HELMS and Senator SESSIONS. I give Jane Alexander her due credit for putting in place a new organizational structure—including the elimination of all sub-grants and grants to individual artists. Yes, there are clear examples in the past where the NEA should have used better judgment, but I ask my colleagues to concur that this is by no means grounds to deny our children the right to access the arts—and not just on the state level in the form of block grants—but with a national commitment. Mr. President, I do not want to debate the past nor do I think I can define what is art and what is not art. However, there are clear examples across the nation where NEA funding has supported the very talented and worthy people we all represent. I support my colleagues' efforts to continue to fund the NEA and to establish a permanent endowment fund that, matched with private funds, would continue the successful private/public partnerships the NEA has created. I look forward to the opportunity to work with my colleagues to find an agreeable funding

formula that will show the American people that this Congress values and supports American culture, our creative talent and the arts.

Mr. BINGAMAN. Mr. President, how much time remains if there is time allocated on my side on this issue?

The PRESIDING OFFICER (Mr. FAIRCLOTH). All the time in opposition to the amendment has expired.

Mr. BINGAMAN. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I yield myself so much time as I might consume.

I do want to be responsive to some of the comments that were made by those in opposition to this amendment.

They have suggested over and over again that difficulties are isolated, that they are misrepresented. And I want to bring some sense of authentication to the kinds of things in which I have been involved.

In talking about the poem "Lighthouse," if that is what this poem is, the one-word poem, there was a question about the documentation for the payment of \$1,500 for the poem. The documentation we have is from Policy Analysis, August 8, 1990, No. 137, "Subsidies to the Arts: Cultivating Mediocrity," by Bill Kauffman. And I quote:

The NEA has been more patronizing than patron to the towns and villages of Middle America.

So that is interesting to me, and especially in light of the remarks of the Senator from Iowa as if the NEA has been a savior to middle America.

An example: In 1969, NEA grantee George Plimpton, editor of the American Literary Anthology/2, confounded observers by paying \$1,500 for a poem by Aram Saroyan consisting of a single misspelled word, "light."

That is interesting. We have been through this particular poem. This is the entirety of the poem for which taxpayers paid. I suppose you can say it is a better poem if you put it on a bigger piece of paper so that you have a sense of the calligraphy involved. I will be willing to concede that, although I think the Senator from Iowa says it did not mean much to him anyhow.

But it is kind of an interesting thing, when an assistant to an Iowa Congressman asked this grantee about the meaning of the poem, here is what the person to whom we gave the Federal funds for the distribution among other authors in the assemblage of this work said. The editor replied, "You are from the Midwest. You are culturally deprived, so you would not understand it anyway."

When the representative of the agency that is doling out grants treats American people who ask that kind of

question, about whether or not this is an effective expenditure of tax dollars, that way, I do not think that is really such an enriching experience for our culture so that we need to continue that kind of subsidy.

There has been a persistent stream of suggestions additionally from those in opposition to this amendment that there is no problem in the way the grants are awarded, and that as a matter of fact these are done by independent groups and they do not have any particular slant. That is simply not the way the world looks at it when the world reviews these things.

From an article by Jan Breslauer, in a special to the Washington Post—and certainly the Washington Post is not some sort of conservative journal. Jan Breslauer is from Los Angeles and I believe is normally a critic for the Los Angeles Times in their arts department. She puts it this way, that the NEA has had a bad impact on art. It has—according to her—“... quietly pursued policies rooted in identity politics—a kind of separatism that emphasizes racial, sexual and cultural differences above all else.”

So in choosing people to assemble anthologies or in choosing publishers to favor or in choosing artists to favor, here is an independent individual who writes for the Los Angeles Times, writing in the Washington Post, and here is what she says about it on March 16, 1997.

Perhaps this poem that I used as an example is a poem from years gone by. It happens to be a lot cleaner than any of the other examples which are objectionable now. There are a lot of materials that I simply could not bring to the floor in good conscience. I held one up a moment ago that showed what we had to mark out in order to bring it to the floor.

But she puts it this way, that what has happened here is that the NEA “... has quietly pursued policies rooted in identity politics—a kind of separatism that emphasizes racial, sexual and cultural difference above all else.”

I would expect that to be something that hurts the culture. When the Government spends \$100 million to favor people who will emphasize racial, sexual and cultural differences, that is bad for America. My colleague and friend from Iowa can hold up 2 pennies and say this is what it costs. Well, he can show me the line on the appropriations, if he chooses, that says it costs 2 cents, but the truth of the matter is we are debating \$100 million in expenditures here, \$100 million in expenditure that, according to this independent observer, says it emphasizes our racial divisions. We don't need anyone to emphasize the divisions in this country racially, our divisions sexually, or our cultural differences.

America needs to get beyond our differences. We need to be one nation

united. We don't need to be a place where we emphasize these differences.

She says, “The art world's version of affirmative action, these policies haven't excited much controversy, but they have had a profoundly corrosive effect on the American arts.” Now, here is the real trigger. She states a condition which would make this very serious and adverse to our culture, and then she says, the truth of the matter is this hurts the arts. Then she goes on to say how it hurts the arts, “pigeonholing artists and pressuring them to produce work that satisfies a politically correct agenda rather than their best creative instincts.”

You have a situation where an independent observer says, all of what the NEA says aside, she says they emphasize things that divide us in race, culture, and sexual matters, and that they pigeonhole artists by getting them to know, if you want a grant from whomever it is that the NEA allows to make these designations, you have to satisfy a politically correct agenda.

It is interesting to note that there are those who are eager to satisfy a politically correct agenda, and in a list of projects that was favored with funds just this year, \$60,000 was given to the American Conservatory Theatre Foundation in San Francisco in order to put on a play by Tony Kushner. Here is what Tony Kushner said about art: Art should be used to “punish Republicans.” I suppose you can say that the funding of his plays is not a problem. You might say that more eagerly if you sat on the other side of the aisle than if you sat here, but frankly, I don't think anybody on any side of the aisle should want a Government subsidy that goes to people who say one of the purposes of art—and especially a subsidy for their art—is to punish any political party.

I would be ashamed if I were hearing arguments in favor of a subsidy for some sort of literature which was designed to punish Democrats. I disagree with Democrats, but I don't think they are to be punished because they don't agree with me. I don't think we need a subsidy for artists or authors or poets who would punish them or otherwise speak against them.

I think that is what Jan Breslauer was talking about when she said we are driving artists into a politically correct agenda. If you want to get the grant, you have to say things like the playwright whose plays are being subsidized in San Francisco, that art should be used to “punish Republicans.”

Incidentally, there is a list of things here of similar sorts of grants, the kinds of things that I don't think any of us would really want to support.

I should mention that Jan Breslauer, in her special to the Washington Post, of the Los Angeles Times, is not the only art critic who says we have been

wasting money on politically correct art. William Craig Rice, from Harvard University, put it this way: “The marketplace, with its potential for democratic engagement and dissemination, is hardly the enemy of the arts. The burgeoning American theater of the 19th century owed nothing to Washington. In fact, any system of selective, expert-dictated Federal support for the arts would have been anathema to the rollicking impresarios of that era.”

Here you have a poet who says, “Wait a minute, we had great art. We had great poetry. We had great drama. And we had a system of selecting and supporting on a selective basis art during that era. It would have been an anathema, an enemy, a corrosive impact on those who were involved in the art community; creative people expressing, and audiences receiving, without the independence or the confidence to pit their taste against those critics, performers, and artists.”

The point I am making, is the U.S. Government has no business spending \$100 million—you can talk about it being 2 cents if you want; I guess you can talk about it being 2 cents. The truth is \$100 million is \$100 million. To me that is significant. Most people in my State realize \$100 million is significant.

More important is the fact that Government should not be favoring one kind of speech or one kind of expression over another kind of speech or another kind of expression. We should not be highlighting someone's idea of what is good or what is bad.

I move to another individual, Hilton Kramer. This was published in the Indianapolis Star, in 1993. Kramer believes that the NEA has “gutted the initiative of private patronage.” He says that private donors lack the confidence of their own taste. Now they “wait to piggyback on NEA certification before they commit.” So they wait to see who the Government says ought to be favored and who the Government says shouldn't be favored, and then the private donors pile on. I think that is inverted. We have distorted the marketplace by putting Government funding into the marketplace.

Now, back again, to the first question of the Senator from Iowa about the one-word poem. He says we only paid \$107 a letter for this poem. I say we paid \$214 a letter for this poem based on the article in the Policy Analysis, but let's just reduce the price. I will give it to you cheap, Mr. President, \$107 a letter for this poem. Yes, it was 30 years ago, but have the abuses been corrected? Absolutely not.

I talked about a book, “Blood of Mugwump.” He says it was disavowed by the National Endowment for the Arts. Here is what the National Endowment for the Arts says in its letter to the publisher, massively subsidized in publishing this book: “The progress report which you filed with this agency

erroneously included 'Blood of Mugwump' as among those volumes partially supported by a grant from the National Endowment for the Arts; this is not the case." I want to know who knows what book was supported when they got the grant. Would the publisher know? If you were the businessman running the printing press, would you know how you spent the money? Apparently the people who publish the book thought they spent the money that came from the Government on the "Blood of Mugwump" book.

That is why on the book itself they put the seal of the National Endowment for the Arts. That is what the publisher thinks the money went for. It may be that the National Endowment for the Arts decided they didn't want to claim credit for the book when they saw what they had gotten, although I am puzzled by that, too, because of a letter I have seen from Jane Alexander, the Chairman for the National Endowment for the Arts, to the U.S. House of Representatives some 2 months after disavowing this book. In March they say we don't want to claim credit for "Blood of Mugwump," and we think you have mistakenly or illegally or inappropriately—in a letter from the general counsel—we think you have mistakenly, illegally, or inappropriately included the fact that you spent the money.

It looks to me like the author or publisher knew where they spent the money. What do they say about a publisher who does this later on? Here is what Ms. Alexander says about that publisher. She says, "The [American Family Association] also criticized the agency for supporting Fiction Collective 2 (FC-2), a small publisher at the University of Illinois, which has introduced some of our newest minority writers of quality to the American public. Over the years, FC-2 has sustained a commitment to intellectual challenge, and some of America's greatest writers have supported it."

She goes on to endorse the publisher. We provide the funding for which the publisher says part of what we got for it was "Blood of Mugwump." Here is a letter saying you better not say we helped publish "Blood of Mugwump," and then they endorse the publisher and say what a fine group they are.

You don't have to read too far between the lines to find out what is going on.

Incidentally, the "Blood of Mugwump" volume is one which is frankly so repugnant to the values of America—it talks about a clan of Catholic, gender-shifting vampires who get infections, viruses, by reading prayer books. The virus comes in through the eyes. I really cannot imagine this is the kind of thing we want to suggest to the American people, that the way you get the kind of fatal diseases or the way you really get involved in things that

are counterproductive is to somehow be involved with religious artifacts or read a prayer book that will get you infected so you start eating your own flesh or the flesh of others.

I had my staff look at the book and just Xerox a couple pages. I told them I didn't want anything that would offend the conscience of the American people if I showed it on television, to mark out that which should not be shown on Senate TV, and that is what came from the book. It carries the so-called Good Housekeeping Seal of Approval of the National Endowment for the Arts.

It is kind of interesting, though. Here is another set of individuals who have been careful about their statements, and I think they are appropriate. There have been a lot of suggestions here that this is important or we will not have anybody who is not well to do who can appreciate art or participate in art. I think that is nonsense.

They talked about Robert Penn Warren having been included in the anthology of poetry. The truth of the matter is Robert Penn Warren wrote his famous "All the King's Men" in 1945, 20 years before the National Endowment for the Arts came into existence. He was a nationally known, world-renowned author.

The truth of the matter is we have had great individuals who have not received NEA grants. The suggestion that because a few people have succeeded or a number of people have succeeded after they have received a Federal subsidy and that they somehow could not have succeeded without a Federal subsidy, I can't really follow that logic.

America has been full of good people who have written well and have produced well artistically. I don't think there has been any suggestion they have all been born to rich parents or even predominantly born to wealth. I don't think the ability to express one's self correlates to whether or not you have wealthy parents. It certainly doesn't correlate to whether or not you have been favored with a Federal grant.

One thing that does correlate is the fact that most Federal grants, or a large portion of them, go to support institutions that the wealthy patronize far more than the poor do.

I am quoting again from Policy Analysis in an article by Mr. Kauffman, No. 137, "Take art museums, a favorite NEA beneficiary. Eighty-four percent of art museum visitors have attended college; less than a third of the entire population has." So people who are getting that subsidy are people who are very well educated. He said "Blue-collar workers constitute 47 percent of the workforce but just 7 percent of the art museum audience."

So you have basically one-seventh of the art museum audience that is blue collar.

I am not saying we should not have art museums, but I am saying we ought to be careful, when we talk about subsidies, that we don't suggest to people we are subsidizing things for people who cannot afford them when in fact we are subsidizing programs for people who can very well afford them.

Robert J. Samuelson, a well-known, outstanding economist and commentator, put it this way, calling subvention of the arts "highbrow pork barrel," and "an income transfer from middle-class taxpayers to affluent museum goers."

Now, I think the point is that to suggest that the National Endowment for the Arts is some way that we somehow open a door for everyone who is poor to become a great artist is simply to misinterpret what is happening here. All too frequently, the National Endowment for the Arts is subsidy for well-to-do individuals to be able to do what they would do anyhow. I believe that our responsibility to tax Americans is not related to providing subsidies for people to do what they can do on their own. Maybe Abraham Lincoln said it better than anybody else, when he said that "The role of Government is to do for people what they cannot do well for themselves." I think these are things that can be done well.

There has been some suggestion on the part of those who would oppose this amendment, also, that the existence of good authors who have received help shows that we should have been subsidizing the program. I don't think that proves anything at all. You can have a good baseball player who got some help from the Government; does that mean we should have a program to subsidize baseball? You have to look at what happens in the absence of a subsidy and what happens in the presence of a subsidy. I think if you look at the first 200 years of this Nation's existence, basically where we had no subsidy, the quality of art was very good. As a matter of fact, it may have been better than it is today.

In many respects, whenever you provide a subsidy, you pay for something that the public would not pay for. Now, usually the public won't pay for things that are not as good. In business, for example, if you have a subsidy for something and it won't exist unless you subsidize it, it means that the market doesn't really believe that it is worth what people would be asked to pay for it and it simply doesn't survive. So that subsidies themselves become a way for picking up things, in many respects, at the bottom end of quality. I won't deny that there may be fledgling artists who may be beginning and might want to try and find somebody to provide them a stake so that they can get started. But people who find their way into other professions don't have a means of getting started in their writing, in their music, and in

their paintings. For my music and for my writing, I have never had that kind of subsidy. I have done it on my own. It is not that I resent those who do. But I think it is important for us to understand that when the Government chooses one and denies another, it expresses a special set of values. In my view, that special set of values is something that we ought to be careful about, especially when that special set of values is found in books like "Blood of Mugwump," where you have people who are sexual deviants and vampires, who involve themselves in cannibalism and other things as a result of their problems, which come to them because they were involved in religious experiences. I think that is an affront. I am not a Catholic. I am grateful for my Catholic friends and for the influence of the Catholic Church in this culture. But if I were, as a Catholic, to look at the book "Blood of Mugwump," about a Catholic family group of vampires with all this deviance and were to learn that it suggested in the book that many of their problems come as a result of a virus that infects them because they are involved in prayer, I don't know if I would think that was a very appropriate book. I don't think the Government needs to be in the business of approaching this culture of literature and subsidizing this literature, if it is going to pull the spiritual underpinnings of America from beneath us.

I know there is a dispute about whether this publisher was the one that got the assistance, or whether this specific book got the assistance. The publisher seems to be representing the fact that he used the money to publish this book. The National Endowment for the Arts, having learned that people are distressed about this, now wants to say that the publisher should not have used the money for the book. But then, later on, the Chairman of the National Endowment for the Arts indicates that this is one fine publisher and it ought to be credited for what it has done to bring on line exciting new authors who would have novel approaches to the world. Some of those novel approaches would certainly be best left without a Federal subsidy, in my judgment.

I observe the presence in the Chamber of other individuals, such as the senior Senator from North Carolina. I reserve the balance of my time at this moment and suggest the absence—

Mr. GORTON. Will the Senator withhold that?

Mr. ASHCROFT. Yes.

Mr. GORTON. Mr. President, I believe the senior Senator from North Carolina wishes to speak. I understand that the senior Senator from Illinois would like to speak and doesn't have any time left on her side. I ask, how long does she wish to speak?

Ms. MOSELEY-BRAUN. Thank you very much. I was going to ask my col-

league if it was possible to have 5 minutes to speak, obviously, in opposition to the amendment. I know there is no time for the opponents left. If my colleagues would so indulge me, I would be grateful.

UNANIMOUS-CONSENT AGREEMENT

Mr. GORTON. I am certainly not going to have any objection to that request. I wanted to find out where we are in order to announce what I can announce, and this would not be inconsistent with the request of the Senator from Illinois.

It looks like this debate will be concluded at about 4:45. There will then be a vote, I believe, on the amendment. I certainly do not propose to table the amendment.

I now, with the permission of the minority leader, ask unanimous consent that immediately following the vote on the Ashcroft amendment, there be 2 minutes of debate, equally divided between Senator BRYAN and myself, to be followed by a vote on or in relation to the Bryan amendment No. 1205.

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

Mr. ASHCROFT. May I inquire as to the current state of business in the Senate then? What has been done? Has the Senator from Illinois been granted time to speak?

Mr. GORTON. I don't think the request has been formally made yet.

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Illinois.

Ms. MOSELEY-BRAUN. Reserving the right to object, and I will not object, necessarily. I wanted to know if the Senator from Washington would be prepared to allow me to speak.

Mr. GORTON. The Senator from Washington is not going to object to a request by the Senator from Illinois.

Ms. MOSELEY-BRAUN. Could the unanimous-consent request be amended to provide 5 minutes for the Senator from Illinois before the vote?

The PRESIDING OFFICER. Is there objection?

Mr. ASHCROFT. Mr. President, reserving the right to object. May I inquire as to how much time is left for debate on this?

The PRESIDING OFFICER. There are 18 minutes 14 seconds for the Senator from Missouri and 5 minutes for the Senator from Washington.

Mr. ASHCROFT. Is it my understanding that the Senator from Washington is yielding his 5 minutes to the Senator from Illinois?

Mr. GORTON. That understanding would not be correct.

The PRESIDING OFFICER. That is not the case.

Mr. ASHCROFT. Then is it my understanding that the Senator from Illinois is asking that the proponents of this amendment, who have 18 minutes left,

yield to the opponents an additional 5 minutes from their time?

The PRESIDING OFFICER. No. The request, as I understand it, of the Senator from Illinois was simply for an extra 5 minutes—to delay the voting time 5 minutes to give her an additional 5 minutes.

Ms. MOSELEY-BRAUN. Mr. President, again, as a matter of deference to my colleagues, if they are prepared to give 5 minutes of debate to the opponent, I would be grateful to accept that. Alternatively, if the proponents of the amendment would agree to add an additional 5 minutes, I would be grateful for that. Really, I am not concerned as to the source of the time. I would like to have some time to speak to this before a vote takes place.

Mr. ASHCROFT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Is there objection to the request of the Senator from Illinois?

Without objection, it is so ordered.

Mr. GORTON. Mr. President, is my unanimous-consent agreement on the stacked votes agreed to?

The PRESIDING OFFICER. That has already been agreed to.

Mr. GORTON. One other point, for the convenience of colleagues. When those 2 stacked votes have been completed, we will go to the Abraham amendment and, after that, on the other two amendments that have already been extensively debated on the National Endowment for the Arts, I believe there will be 30 minutes equally divided agreed to on each of those. Whether or not those votes will be stacked to occur all at the same time or not is yet undecided. But there will be more votes this afternoon. There will be more debate on the National Endowment for the Arts.

The PRESIDING OFFICER. The Chair recognizes the Senator from Illinois.

Ms. MOSELEY-BRAUN. I thank the Chair. I am going to try to be brief. I have a lot to say and I will try to summarize. Some friends of mine were having a conversation over dinner, and their 5-year-old was sitting at the table. They were talking about this issue, the funding for the National Endowment for the Arts. And midconversation, the baby looked up and said, "Mommy, do Republicans hate Big Bird?" The answer is obviously that Republicans don't hate Big Bird and, in any event, "Sesame Street" is only indirectly supported by the National Endowment for the Arts. But there is little question but that

some have made this issue one of those wedge issues to inflame passions about cultural values and the role of Government, to pit people against each other and, again, to make us angry at each other as Americans, and focus in on those things that make us different from one another, on the things that separate us instead of the things that bring us together.

Public support of the arts ought to be one of those points around which we as Americans can come together, because it is one of the ways in which we define ourselves as Americans and in which we communicate the richness of our American culture.

The NEA follows in a noble tradition of publicly supported art initiatives. Just last night, we were over at the Library of Congress, and there we had an opportunity to see firsthand what public support of the arts can do. That building is one of the more magnificent treasures of this country. I hope every American can have the opportunity to see it. I was particularly impressed by the room in which we held our meeting, which had been built by American craftsmen—publicly supported, following the end of the Columbian Exposition in my hometown of Chicago—who brought a variety of skills to bear on its creation, the woodworking, plaster work, painting, ceramics—some so beautifully done that it lifted spirits just to look at them.

Some of them were so refined that, frankly, the talents, skills, and art involved are in danger of being lost to us forever.

Then in another part of the Library of Congress, there is a wonderful exhibit of the Works Progress Administration that was started, as you know, during the Depression, by President Roosevelt. President Roosevelt started WPA to hire starving artists, and, frankly, every American should be grateful that he did. The work that they did, preserved for us the indigenous music out of the Delta of Mississippi, folk music and blues—and oral histories that would have been lost to us forever. We would not have the value of the photographs and the paintings and the music and the original art that had been created all over this country had it not been for the activities and intercession of the WPA. And so they did all of this wonderful stuff and left it as a legacy to all of us.

By and through the arts, the cultural fabric of our country was reinforced during some of its darkest days. Now the National Endowment for the Arts, which was created in 1965, is under attack again. I point out what their charter says. It says: "To foster excellence, diversity and vitality of art and broad public access to the arts."

That is the charter; that is what NEA is supposed to do, and that is what it in fact has done. Has it followed tradition? A look at the good things it does

for our country resoundingly answers that question. In Illinois, it has supported the YMCA of Chicago, The Lyric Opera, the Art Institute, and other large institutions that might have private support, but then it also, most importantly, supports those smaller institutions that would not have the help otherwise.

We have in Illinois received NEA grants for the Peoria Symphony and the Little City Foundation, Glenn Ellyn Children's Choir—activities that would not have the support and would not be able to leverage private dollars were it not for the NEA.

These community initiatives educate children, provide adults with the tools to socialize our young people, help communities to build on positive values which art inspires.

I would like to quote from Tolstoy for a moment who defines art "as a human activity having for its purpose the transmission to others of the highest and best feelings to which men have risen."

Obviously, this amendment, I think, takes the position that if you do not have private money, those positive values won't be available to you or to your community.

Have there been embarrassments among the projects supported? Of course there have. As with any art, some of it will at all times be repugnant to somebody. There is 16th century art around that some of my colleagues will find offensive. That is a matter of their personal taste. But the truth is that in any republic such as ours the freedom we enjoy starts with the proposition that individual expression is a positive value. Instead of allowing for the fact that expression will be of all kinds, the sponsors of this amendment would shut down all expression because they don't like some of it.

I urge my colleagues to reject this attempt to divide us as Americans, and I urge their support of the NEA.

I thank my colleagues for their indulgence and thank the Chair.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The distinguished senior Senator from North Carolina, Senator HELMS, is recognized.

Mr. HELMS. I thank the Chair. I hope the Senator will yield to me 5 or 6 minutes.

Mr. ASHCROFT. The Senator from Missouri is pleased to yield as much time as the distinguished Senator from North Carolina desires.

Mr. HELMS. I certainly appreciate it. I would have been here earlier but we had a meeting on China in the Foreign Relations Committee. I couldn't leave. The witnesses were long-winded, as well as some others.

But I compliment the distinguished Senator from Missouri. I have been in the same position that he has been in

for several years. It is pretty lonely. But the people all across this country will admire the Senator from Missouri for it, and the Senator will hear from them—people who believe in high principles and morality. I just want the Senator to know that he is not being overlooked.

I want a few minutes this afternoon to reflect upon an Associated Press report published Tuesday morning quoting NEA spokeswoman Cherie Simon as claiming that "legislative restrictions" and "internal reforms" have solved the NEA problem and that the NEA "didn't fund some of the programs as Helms condemned".

Mr. President, isn't it interesting? You have a little lady—and I know she is a nice lady because she is somebody's daughter, but I never heard of her—make this statement, which is not true in the first place, that the NEA is not furnishing taxpayers' money for a whole plethora of rotten material. No other word will fit. This dissembling has been going on, but every year they come up, and say, "Oh, no. Not us. We just fund nice things."

It is sort of like the farmer who heard some noise in his chicken house. He said, "Who is out there?" He heard a voice say, "Just us chickens." And that is all the NEA says. I like Jane Alexander. I have met with her. But they are evading the issue every year. They are getting money that they ought not to get every year.

If spokeswoman Cherie Simon, whoever she is, believes that "legislative restrictions," as she put it, and "internal reforms," as she put it, have, as she put it, "solved" the problem, she needs to wake up and smell the coffee because she obviously didn't understand the problem in the first place. The truth is that legislative restrictions and internal reforms mean simply that the NEA has been using subterfuge and sophistry to spend the taxpayers' money on programs that every year outrage the taxpayers.

So the NEA wants to deny funding this filthy book, with all of their double talk about who is paying for it, or who has paid for it. This book, called "Blood of Mugwump" by a fellow named Doug Rice—the saints have been good to me; I have never heard of him before—the most filthy thing I believe I have ever read. And I have not read but about half a page of it. But down here it says—what do you guess? The National Endowment for the Arts. Up here it says that the National Endowment for the Arts is furnishing the money through the English Department for Contemporary Literature of Illinois State University, Illinois Arts Center.

That is the way it always is—subterfuge about what is going on with the taxpayers' money.

I am informed that while I was over in the Dirksen Building presiding in

the Foreign Relations Committee, Senator HARKIN inserted a letter from the NEA disavowing NEA connection with the book. Yet, even the letter acknowledges that it was published by FC2. That is the publishing company, FC2. And FC2 put the NEA seal of approval on the copyright page of this book. All I am doing is reading it to you.

The point, Mr. President, is this: The NEA and the FC2 can cook the books all they want to, but they know what this publishing company is all about, and they know about the filth that they have published, particularly in this book. There is not a Senator in this body who will take this book home and show it to his wife, or her husband, let alone their children. It is filth. And the taxpayers paid for it. No matter what Cherie Simon says about it, the taxpayers of America paid for this book.

On June 24 of this year—long after the Senator from Iowa claimed that the NEA disavowed "Blood of Mugwump"—Jane Alexander wrote that FC2—get this—"FC2 has sustained a commitment to intellectual challenge. . ." That is the lady who heads the agency. That is the lady whom I like personally. She is a nice lady. But I don't know where she is when all of these decisions are made. This book sure is an intellectual challenge, isn't it? I wish every citizen of America would take a look at it; they'd want to throw it in the furnace.

Perhaps we should examine another example of how these legislative restrictions and internal reforms work.

The other day on this floor I mentioned a grant—for fiscal year 1997—for a project by choreographer Mark Morris. This is the same guy who once staged a version of *The Nutcracker Suite* complete with cross-dressing and other unsavory themes.

If the folks at the NEA want to say that the taxpayers didn't fund that piece of work, they might be accurate. But, knowing this fellow Morris and his background, the NEA will nevertheless—nevertheless—funnel \$150,000 of the taxpayers' money this year to support his future work.

That is what is going on. They come forth with obfuscation and confusion, Mr. President, and they hoodwink a lot of Senators. They didn't hoodwink them over in the House of Representatives.

The amendment of the Senator from Missouri deserves to be approved on a unanimous vote. It won't be, because there are enough weak sisters sitting around that will find some excuse for not voting for it.

But I commend the Senator, and I praise him for taking the time to address this subject.

One final note. I think it is time to end the charade at the NEA and just acknowledge to the taxpayers once and for all that Congress will no longer

waste money on this Federal agency. So the Senate of the United States ought to do the right thing today by adopting the amendment of the Senator from Missouri.

Thank you, Mr. President.

I yield back such time as I may have.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Washington.

Mr. GORTON. Mr. President, this should be charged to my own time on this amendment.

Mr. President, I recommend to my colleagues the rejection of the Ashcroft amendment with a degree of sympathy and understanding of the purity and the sincerity of his motives. I don't intend to go into great detail on it. Personally, I think there has been too much detail spent on this amendment and this bill already.

Fundamentally, however, there are large numbers of people in the United States who believe passionately in the mission of the National Endowment for the Arts. There are millions more who benefit from it directly or indirectly through the various institutions, musical and otherwise, that it supports and the outreach in educational benefits that they provide. At the same time, there is not the slightest doubt but that the National Endowment for the Arts frequently follows the most recent politically correct trends, that it has wasted some of the money that has been granted to it and has financed other exhibits under the broad definition of "art" that are fundamentally offensive to large numbers—often to a majority of the American people.

I believe that the reforms of the last few years have to a significant degree corrected that shortcoming but that no set of reforms could correct them forever, simply because we have grants at two different levels. The first are the direct grants from the National Endowment itself over which we should exercise at least a degree of control that we already have and about which the National Endowment should be even more sensitive than it has been in the past. The second level, of course, are what grantees do with grants that they get from the National Endowment for the Arts. The process is more difficult for us to control and often presents some difficulty to the Endowment itself.

I have little doubt that there are those at the extremes of the art community who deliberately go out of their way to use money to offend a majority of Americans. But I want them to control the ultimate outcome of this debate no more than I want it controlled by those who would remove all limits from the National Endowment and spend far more money on it than we are doing at the present time.

I believe that on balance it is a healthy influence in American society and, therefore, I think agreeing with

the House in abolishing it, as this amendment would do, is inappropriate.

I have a somewhat greater degree of sympathy with those proposals that would decentralize it and give more to State art entities, although I must say I am not at all sure they are going to be less politically correct than is the National Endowment itself. My own opinion is that it is likely that we will come out of the conference committee with a somewhat more decentralized system than we have at the present time.

But, for the purposes of this debate, I don't believe that the Senate is going to accept the Ashcroft amendment. There was no sentiment for it on the 15-member subcommittee that I headed that reported this bill, and I do believe this is a case in which we should strive for greater improvement and greater public acceptability rather than destroy the entity in its entirety.

I yield the remainder of my time.

I believe it is appropriate for the proponent of the amendment to have the last word.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Missouri.

Mr. ASHCROFT. I thank the Chair. I thank the Senator from Washington. I believe the 8 minutes that I have remaining will be sufficient for me.

I want to begin by thanking Senator HELMS for his understanding of the fact that subsidized speech, the process of identifying for Americans what they should value and what they should not in terms of ideas, somehow selecting between one author and another, has been a bad concept. It has been a bad concept which turned into a horrible concept as we have literally wasted resources, and it has been a waste of resources from the inception. I provided examples from the 1960's, and I have examples from the 1990's.

Now, part of the activity on the part of the group that would seek to praise the National Endowment and say that it is just fine is the suggestion that the NEA disavowed involvement in the publication of the "Blood of Mugwump" book.

In March this year they said to the publisher: You shouldn't have used the money on "Blood of Mugwump." And this was brought to the floor by the Senator from Iowa as testimony that the National Endowment had nothing to do with the scandalous and literally revolting attack on faith and on persons of spiritual values and upon morality that the "Blood of Mugwump" book represents. And obviously, the National Endowment, having been caught in this indiscretion, feels bad about it and seeks to repudiate it. But the Senator from Iowa did not provide the additional documentation showing that 5 months before that the publisher was submitting a reimbursement form that included "Blood of Mugwump" as part of what was being subsidized.

Mr. President, I ask unanimous consent that this "Request for Advance or Reimbursement" form to which I am referring be printed in the RECORD.

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

REQUEST FOR ADVANCE OR REIMBURSEMENT
(Long Form)

Please type or print clearly.

Complete and mail the top three copies to: Grants Office, National Endowment for the Arts, 1100 Pennsylvania Avenue, N.W., Washington, DC 20506-0001 OR-FAX one copy to 202/682-5610. Do not do both.

If you need assistance, call 202/682-5403.

- National Endowment for the Arts
 Grant #96-5223-0091
 Type of payment requested
a. Advance
 Reimbursement
b. Final
 Partial
 Basis of request
 Cash
 Accrued Expenditures
 Payment request #2
 Grantee account or identifying #13-2957841
 Period covered by this request (month/day/year)
From 8-15-96 To 11-15-96

Grantee (Official IRS name/mailling address)
Fiction Collective, Inc. Unit for Contemporary Literature Illinois State University Normal, IL 61790-4241.

Remittance address. Complete only if different from #8.

For faster payment, complete #14 below.

- Computation of amount requested:
- | | |
|---|----------|
| a. Total project outlays to date (As of 10-10-96) | \$18,000 |
| b. Estimated net cash outlays needed for advance period ... | 7,000 |
| c. Total (a plus b) | 25,000 |
| d. Non-Endowment share of amount on line c | 0 |
| e. Endowment share of amount on line c (c minus d) | 25,000 |
| f. Endowment payments previously requested | 16,000 |
| g. Endowment share now requested (e minus f) | 9,000 |

Reminders:

a. Authorizing Official. This form must be signed by an authorizing official who either signed the original application or has a signature authorization form on file. If necessary, submit an updated signature authorization form.

b. Labor Assurances. In signing below, grantee is also certifying to the Assurances as to Labor Standards printed on the reverse of this form.

c. Progress Report. Complete #12 the first time the cumulative amount requested exceeds two-thirds of the grant amount. Consult the Reporting Requirements document included in your grant award package for guidance on the content of this report.

Progress report. Please respond in the space provided.

As of 10-15-96, Fc2 has produced, printed and released the following titles in our original NEA grant application:

Don Webb, A Spell for the Fulfillment of Desire

Alan Singer, Memory Wax
D.N. Stueflotan, Mexico Trilogy
Doug Rice, Blood of Mugwump

Jeffrey DeShell's S&M is in production; expenses for its production will be payable within 30 days.

Authorizing Official: To the best of my knowledge and belief, the data reported above are correct and all outlays were made in accordance with grant conditions. Payment is due and has not been previously requested.

Signature: Curtis White.
Name/Title: Co-director.
Contact Person: Curtis White.
Date 10-10-96.

Phone (309) 438-3582

Mr. ASHCROFT. Mr. President, the situation is simply this. The publisher in the previous year was claiming that it was publishing with the grant the "Blood of Mugwump." I think the record is clear. It may be that the National Endowment for the Arts doesn't want to say that the money, our money, your money, my money, taxpayers' money was being used for what was obviously revolting or repugnant literature. But the publisher knew what he was using it for and his request for reimbursement submitted to the agency well before, during the previous year indicated that the utilization of the resource was for "Blood of Mugwump." Nevertheless, the National Endowment for the Arts says that its grant wasn't "Blood of Mugwump." It was books like this one, "S & M." Frankly, I could not read a page out of this book that I have seen to the Senate; I could not read it in my home, could not read it anywhere else. It says on the front, "It's funny. It's smart." It is not, not at all.

Fellow Members of the Senate, the United States of America has been a culture that's been rich in good art and has been rich in good culture and has attained a level of being a world leader not because of Government sponsorship, not because of Government telling people what's good and what's not good and awarding scholarships or grants to one group and not to another. We attained our level of greatness in the absence of those things and in the presence of a free marketplace, in the presence of freedom for art.

Less than a month before John Kennedy was assassinated, less than a month before he died, he was asked to speak at Amherst College in Massachusetts to praise American poet Robert Frost. John Kennedy talked about art and about freedom and about how artists need to be free in order to express themselves with integrity and how Government might corrupt that process.

Now, you have to understand that there was no such thing as the National Endowment for the Arts in the lifetime of John Kennedy, President of the United States, assassinated in 1963. This program, the National Endowment for the Arts, was part of Lyndon Johnson's discontent with America, thinking we could make it a great society by infusing Government money everywhere. And you know what he did to the family; you know what he did with the welfare system, and you are seeing what he did to the arts.

Here are the words of John F. Kennedy.

For art establishes the basic human truths which must serve as the touchstones of our judgment. The artist, however faithful to his personal vision of reality, becomes the last champion of the individual mind and sensibility against an intrusive society and an officious State.

Let me just say that again and see if I can say it more clearly. John Kennedy says that the artist becomes an individual who stands against the intrusive society and the officious State. He sees the artist as a line of defense against statism. He sees it as a bulwark of freedom—John Kennedy. I wonder what he would have thought if the officious State was to be guarded by an artist paid by the State.

He goes on to say:

The great artist is thus a solitary figure. He has, as Frost said, "a lover's quarrel with the world."

Then John Kennedy is eloquent and insightful.

In pursuing his perceptions of reality, the artist must often sail against the currents of his time. This is not a popular role.

Well, against the currents of your time is not what we find is happening with the National Endowment for the Arts. They are directing the current. We have gone over and over the article by Jan Breslauer from the Los Angeles Times which reminds us that they are demanding that artists be politically correct in accordance with what the Government would dictate.

That is really not rising to the challenge of being against the officious State. That is falling into the trap of being a participant of the officious State telling citizens what to believe and how to think. So when John Kennedy was praising Robert Frost, John Kennedy put it this way:

In pursuing his perceptions of reality, the artist must often sail against the currents of his time.

Perhaps he might even dare be politically incorrect, but were he to do so, woe be unto his chance of being identified for a grant from the NEA.

Kennedy spoke in praise of Robert Frost who, without subsidy from the Government, wrote eloquently:

Two roads diverged in a wood and I, I took the one less traveled by, and that has made all the difference.

America could have art that was subsidized, controlled by, directed by Government. It can happen. You can look at the art of the Soviet Union of the last 70 years. They had art. They took the artists that weren't acceptable and they banished them. Solzhenitsyn was one of them. We don't manage artists but we identify ones for approval and others for subsidy, and some of those that don't get the subsidy and don't get the approval are individuals that we ought to be looking carefully at and they should not be discriminated against. A Government which discriminates against artists by discriminating

in favor of others violates our fundamental responsibility of free speech. And when it promotes morality, it undermines the very foundation and underpinnings of a culture.

We should defund the National Endowment for the Arts. We should not spend this \$100 million of taxpayer resources.

Mr. President, I yield the floor.

The PRESIDING OFFICER. All time has expired.

Mr. GORTON. Has all time expired? I assume that the Senator from Missouri wishes a rollcall?

Mr. ASHCROFT. Yes. I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. ABRAHAM). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the Ashcroft amendment numbered 1188. The yeas and nays have been ordered. The clerk will call the roll.

The result was announced—yeas 23, nays 77, as follows:

[Rollcall Vote No. 241 Leg.]

YEAS—23

Allard	Hagel	McConnell
Ashcroft	Helms	Nickles
Brownback	Hutchinson	Sessions
Coats	Inhofe	Shelby
Enzi	Kyl	Smith (NH)
Faircloth	Lott	Thompson
Gramm	Mack	Thurmond
Grass	McCain	

NAYS—77

Abraham	Dorgan	Levin
Akaka	Durbin	Lieberman
Baucus	Feingold	Lugar
Bennett	Feinstein	Mikulski
Biden	Ford	Moseley-Braun
Bingaman	Frist	Moynihan
Bond	Glenn	Murkowski
Boxer	Gorton	Murray
Breaux	Graham	Reed (RI)
Bryan	Grassley	Reid
Bumpers	Gregg	Robb
Burns	Harkin	Roberts
Byrd	Hatch	Rockefeller
Campbell	Hollings	Roth
Chafee	Hutchinson	Santorum
Cleland	Inouye	Sarbanes
Cochran	Jeffords	Smith (OR)
Collins	Johnson	Snowe
Conrad	Kempthorne	Specter
Coverdell	Kennedy	Stevens
Craig	Kerrey	Thomas
D'Amato	Kerry	Torricelli
Daschle	Kohl	Warner
DeWine	Landrieu	Wellstone
Dodd	Lautenberg	Wyden
Domenici	Leahy	

Mr. GORTON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1205

The PRESIDING OFFICER. The question now occurs on amendment No. 1205 offered by the Senator from the State of Nevada, Mr. BRYAN. Under the previous order, there will now be 2 minutes for debate equally divided between Senators BRYAN and GORTON.

Mr. GORTON. Will the Presiding Officer bring the Senate to order?

The PRESIDING OFFICER. The Senate will please come to order. This is an important amendment.

Mr. STEVENS. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senator from Alaska is correct. The Senate will be in order.

The Senator from Nevada.

Mr. BRYAN. I thank the Chair. Mr. President, I ask unanimous consent that Senator CAROL MOSELEY-BRAUN be added as a cosponsor to the Bryan amendment.

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

Mr. BRYAN. I thank the Chair.

Mr. President, I say to my colleagues, I want to tell you, first of all, what this amendment is not about. This amendment is not about timber harvesting in the national forests. It does not prevent it. And it does not prevent the construction of new roads in the national forests for purposes of timber access.

What it does is to eliminate a costly taxpayer subsidy that is part of the Forest Service program, a subsidy that has been roundly denounced, and correctly so, by virtually every taxpayer group in America, such as Citizens Against Government Waste and Taxpayers for Common Sense, because it cannot be justified.

Second, this is an important environmental vote, perhaps our most important environmental vote to date because we reduce by \$10 million an amount of money that is appropriated for new road construction in the national forests.

The amendment does absolutely nothing to reduce or to impede the accounts that are provided for in the maintenance of roads in the National Park System.

So Mr. President, I urge support of the Bryan amendment because it is truth in budgeting and makes sense from a fiscal point of view and because environmentally it is sound policy for the Nation.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized for 1 minute.

Mr. GORTON. Mr. President, harvesters in national forests have declined by more than two-thirds over the course of the last several years. This amendment is designed to cause them to decline still further. Many of its principal sponsors outside of this body have as their design the entire termination of any harvest on our Federal lands. This proposal drives significantly in that direction.

The amount of money in the bill for Forest Service roads is the recommendation of the Clinton administration. The Clinton administration reflects no savings of money by the ending of the Forest Service credit. It is simply another step in the desire to see

to it that there is no harvest whatsoever on our forest lands.

The PRESIDING OFFICER. All time for the debate on the amendment has now expired.

Mr. GORTON. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not been ordered.

Mr. GORTON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I have cleared this request with the Republican leader.

I ask unanimous consent that I may address the Senate for not to exceed 10 minutes following this rollcall vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GORTON. Mr. President, I would like to make a unanimous-consent request that I think will inform Members of where we are going in the next few minutes.

I ask unanimous consent that when the Senate considers the following amendments regarding the National Endowment for the Arts—that will be next—they be considered under a 30-minute time limit, equally divided in the usual form: the Abraham amendment No. 1206; the Hutchinson of Arkansas amendment No. 1187; the Hutchinson amendment No. 1186. I further ask unanimous consent that no second-degree amendments be in order to these amendments.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GORTON. I further ask unanimous consent that following the debate on the Abraham and the Hutchinson of Arkansas amendments, the Senate proceed to a rollcall vote on or in relation to amendment No. 1206, to be followed by a vote on or in relation to amendment No. 1187.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, and I will not object, there is an effort to have the Armed Services Committee meet. I was just speaking with the chairman. Would it be possible to have the votes on those three amendments lined up together at the end of the debate for all three? Was that part of the UC?

Mr. GORTON. The design of this request is that the votes on the first two be stacked, and there would be an hour between the end of the next rollcall and those two. The proponent of the third amendment does not want to stack her amendment with them. But there will be more than an hour for the committee to meet.

Mr. LEVIN. I thank the Senator. The PRESIDING OFFICER. Without objection, it is so ordered. The unanimous-consent request is agreed to.

Under the previous order, the question now occurs on agreeing to amendment No. 1205 offered by the Senator from Nevada. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 49, nays 51, as follows:

[Rollcall Vote No. 242 Leg.]

YEAS—49

Akaka	Ford	Lieberman
Biden	Frist	Mikulski
Bingaman	Glenn	Moseley-Braun
Boxer	Graham	Moynihan
Brownback	Gregg	Murray
Bumpers	Harkin	Reed
Chafee	Hollings	Reid
Cleland	Inouye	Robb
Conrad	Jeffords	Rockefeller
D'Amato	Johnson	Roth
Daschle	Kennedy	Sarbanes
DeWine	Kerrey	Thompson
Dodd	Kerry	Torricelli
Dorgan	Kohl	Wellstone
Durbin	Landrieu	Wyden
Feingold	Lautenberg	
Feinstein	Leahy	

NAYS—51

Abraham	Enzi	McCain
Allard	Faircloth	McConnell
Ashcroft	Gorton	Mack
Baucus	Gramm	Murkowski
Bennett	Grams	Nickles
Bond	Grassley	Roberts
Breaux	Hagel	Santorum
Bryan	Hatch	Sessions
Burns	Helms	Shelby
Byrd	Hutchinson	Smith (NH)
Campbell	Hutchison	Smith (OR)
Coats	Inhofe	Snowe
Cochran	Kempthorne	Specter
Collins	Kyl	Stevens
Coverdell	Levin	Thomas
Craig	Lott	Thurmond
Domenici	Lugar	Warner

The amendment (No. 1205) was rejected.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Mr. President, I move to reconsider the vote.

Mr. BRYAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

For the moment, there is not a sufficient second.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LOTT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The PRESIDING OFFICER. The question now occurs on the motion to reconsider the previous vote.

The yeas and nays are ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 49, nays 51, as follows:

[Rollcall Vote No. 243 Leg.]

YEAS—49

Akaka	Ford	Lieberman
Biden	Frist	Mikulski
Bingaman	Glenn	Moseley-Braun
Boxer	Graham	Moynihan
Bryan	Gregg	Murray
Bumpers	Harkin	Reed
Chafee	Hollings	Reid
Cleland	Inouye	Robb
Conrad	Jeffords	Rockefeller
D'Amato	Johnson	Roth
Daschle	Kennedy	Sarbanes
DeWine	Kerrey	Thompson
Dodd	Kerry	Torricelli
Dorgan	Kohl	Wellstone
Durbin	Landrieu	Wyden
Feingold	Lautenberg	
Feinstein	Leahy	

NAYS—51

Abraham	Enzi	McCain
Allard	Faircloth	McConnell
Ashcroft	Gorton	Mack
Baucus	Gramm	Murkowski
Bennett	Grams	Nickles
Bond	Grassley	Roberts
Breaux	Hagel	Santorum
Brownback	Hatch	Sessions
Burns	Helms	Shelby
Byrd	Hutchinson	Smith (NH)
Campbell	Hutchison	Smith (OR)
Coats	Inhofe	Snowe
Cochran	Kempthorne	Specter
Collins	Kyl	Stevens
Coverdell	Levin	Thomas
Craig	Lott	Thurmond
Domenici	Lugar	Warner

The motion was rejected. Mr. GORTON. Madam President, there is an amendment that might have caused a lot of debate that has been agreed to by Members on both sides. I request the President recognize Senator BUMPERS to offer that amendment. Senator BYRD has graciously agreed to give us a minute before his special order.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from West Virginia.

Mr. BYRD. Madam President, I yield 1 minute for that purpose without losing my right to the floor.

The PRESIDING OFFICER. Is the Senator from Arkansas offering a first-degree amendment to the bill?

EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 123, LINE 9, THROUGH PAGE 124, LINE 20

Mr. BUMPERS. I ask unanimous consent the pending amendment be laid aside and the Senate proceed to the committee amendment beginning on line 9, page 123 of the bill.

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

The text of the excepted committee amendment is as follows:

SEC. 339. (a) No funds provided in this or any other act may be expended to develop a rule-making proposal to amend or replace the Bureau of Land Management regulations found at

43 C.F.R. 3809 or to prepare a draft environmental impact statement on any such proposal, until the Secretary of the Interior establishes a Committee which shall prepare and submit a report in accordance with this section.

(b) The Committee shall be composed of appropriate representatives from the Department of the Interior and a representative appointed by the Governor from each State that contains public lands open to location under the General Mining Laws. The Committee shall be established and operated pursuant to the terms of the Federal Advisory Committee Act, 5 U.S.C. ap 21 et seq.

(c) The Committee established pursuant to subsection (b) shall prepare and submit a report to the Committees on Energy and Natural Resources and Appropriations of the United States Senate and the Committees on Resources and Appropriations of the United States House of Representatives which (1) contains consensus recommendations on the appropriate relationship of State and Federal land management agencies in environmental, land management and regulation of activities subject to the Bureau's regulations at 43 C.F.R. 3809, (2) identifies current and proposed State environmental, land management and reclamation laws, regulations, performance standards and policies, applicable to such activities, including those State laws and regulations which have been adopted to achieve primacy in the administration of federally mandated efforts; (3) explains how these current State laws, regulations, performance standards and policies are coordinated with Federal surface management efforts; and (4) contains consensus recommendations for how Federal and State coordination can be maximized in the future to ensure environmental protection and minimize regulatory duplication, conflict and burdens.

AMENDMENT NO. 1209 TO EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 123, LINE 9, THROUGH PAGE 124, LINE 20

(Purpose: To modify an antienvironmental rider to permit the Interior Department to revise environmental regulations governing hardrock mining on certain Federal land)

Mr. BUMPERS. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 1209 to excepted committee amendment beginning on page 123, line 9, through page 124, line 20.

Mr. BUMPERS. Madam 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:

Strike all after "SEC. 339." on page 123, line 9, of the pending Committee amendment and add the following:

"(a) No funds provided in this or any other act may be expended to develop a rule-making proposal to amend or replace the Bureau of Land Management regulations found at 43 C.F.R. 3809 or to prepare a draft environmental impact statement on such proposal, until the Secretary of the Interior certifies to the Committees on Energy and Natural Resources and Appropriations of the United States Senate and the Committees on Resources and Appropriations of the United States House of Representatives that the Department of the Interior has consulted with the governor, or his/her representative, from each state that contains public lands open to location under the General Mining Laws.

"(b) The Secretary shall not publish proposed regulations to amend or replace the Bureau of Land Management regulations found at 43 C.F.R. 3809 prior to November 15, 1998, and shall not finalize such regulations prior to 90 days after such publication."

Mr. BUMPERS. Madam President, this amendment has not only been agreed to, it has been microscopically fly-specked by all of the parties for the past 24 hours. I urge its adoption.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1209) was agreed to.

Mr. BUMPERS. Madam President, I move to reconsider the vote. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BUMPERS. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The question now occurs on the underlying committee amendment.

All those in favor, say aye.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. I suggest the absence of a quorum.

Mr. BYRD. Madam President, I don't yield the floor for that purpose. I yielded for 1 minute. I did not yield for that purpose.

The PRESIDING OFFICER. The Senator from West Virginia has 9 minutes, under the previous order.

Mr. BYRD. I thank the Chair. Madam President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order. The Senator from West Virginia.

THE UNITED STATES CONSTITUTION

Mr. BYRD. Madam President, today marks the 210th anniversary of the most successful political experiment in thousands of years of human history, because on this date in 1787, the United States Constitution was signed by a majority of delegates attending the Constitutional Convention in Philadelphia. This ingenious living document, thoughtfully crafted by our Founding Fathers more than two centuries ago, owes its enduring quality in great measure to one of its most basic, yet most ingenious and revolutionary ideas—namely, that the power and sovereignty of the United States Government ultimately rests in the hands of its citizens.

An active and educated citizenry, is therefore an essential component of the constitutional machinery that keeps our Government in tune. A citizen of the United States not only has the right to hold opinions, but he has a duty to work through his elected officials in behalf of those opinions. If the

Government is not being run effectively, efficiently, and constitutionally, citizens of the United States have a responsibility to work to correct that course through the exercise of their right to vote. It is not only a right, it is a privilege. In other words, the Government that stands over us is ours to endorse or to change.

Unfortunately, however, a recent poll commissioned by the National Constitution Center, an organization established to better educate Americans about the Constitution, reveals that a shocking number of people in this country have virtually no knowledge of what is contained in this vital document, and, thus, have no clue about how it affects their everyday lives.

In fact, according to the survey, only 5 percent of Americans could correctly answer 10 rudimentary questions about the Constitution. That is an embarrassingly low percentage. How can citizens be expected to meet their Constitutional responsibilities when they lack even basic knowledge about how our Government operates?

While 84 percent of those polled felt that to work as intended, the U.S. Constitutional system depends on an active and informed citizenry, only 58 percent surveyed could name the three branches that comprise our Federal Government—only 58 percent. And, less than half knew how many Members make up the U.S. Senate.

These are not difficult questions, but basic knowledge taught to schoolchildren at a young age when I was coming along, and should be taught today to schoolchildren at a very young age. Yet, only 66 percent of those surveyed knew that the first ten amendments to the Constitution are called the Bill of Rights—only 66 percent. Some even responded that the first ten amendments to the Constitution are called the Pledge of Allegiance. Now, think of that.

I wonder how many listening right now to my voice know how many amendments have been added to the Constitution since 1787. Only 19 percent of those surveyed answered correctly. There have been 27 amendments.

The 27 amendments that have been added to the Constitution—which include the first 10 amendments, or the Bill of Rights—reflect the genius that our Founding Fathers demonstrated in the creation of the document, by equipping the document with the inherent flexibility to accommodate the changes of a growing nation. Such flexibility is intended to be part of a continuing process, which gives the Constitution life and relevance to the daily affairs of all Americans. A course of apathy, and an ignorance of our civic responsibilities and rights threatens to completely undermine the democratic principles on which our sacred Republic was founded—the very principles which Americans say they value so highly.

If there is anything encouraging to come from the results of the National Constitution Center's poll, perhaps it is that 9 out of 10 people surveyed said that they were proud of the U.S. Constitution. On this anniversary of the signing of the U.S. Constitution, I hope that more citizens will demonstrate that pride by taking it upon themselves to learn more about their Constitution and their Government, and teach their children, so that they can adequately perform the responsibilities which were conferred upon them in Philadelphia in 1787 by some of the greatest minds in history.

Our first Chief Justice John Marshall once stated "The people make the Constitution, and the people can unmake it. It is the creature of their own will, and lives only by their will." If that will is motivated mostly by ignorance and misinformation our hard won, sacred freedoms appear to be in grave, grave peril indeed.

Madam President, I ask unanimous consent that the dismal results of the National Constitution Center's poll be placed in the RECORD at this point.

I thank Senators for listening and I yield the floor.

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

How People Answered the Constitution Poll

How do Americans feel about the Constitution?	Responses:
The U.S. Constitution is important to me	91% agree.
I am proud of the U.S. Constitution	89% agree.
The U.S. Constitution is used as a model by many countries	67% agree.
To work as intended, the U.S. Constitutional system depends on active and informed citizens	84% agree.
The U.S. Constitution doesn't impact events today	72% disagree.
The Constitution doesn't matter much in my daily life	77% disagree.
To understand the Constitution, you have to be a lawyer	77% disagree.
The question asked:	Percent of correct responses:
When was the Constitution written?	19%—1787.
Where was the Constitution written?	61%—Philadelphia, PA.
What are the first ten amendments to the Constitution called?	66%—the Bill of Rights.
Do you recall what the introduction of the Constitution is called?	55%—the Preamble.
How many branches of the Federal Government are there?	58%—three.
How many Senators are there in the U.S. Congress?	48%—100.

**How People Answered the Constitution Poll—
Continued**

How many years are there in a Senate term?	43%—6 years.
How many voting members are there in the House of Representatives?	23%—435.
How many years are there in a Representative's term?	45%—2 years.
Who nominates the justices of the Supreme Court?	70%—the president.
According to the Constitution, a person must meet certain requirements in order to be eligible to be elected President. Can you name any of these requirements?	69%—born in the US. 51%—35 years of age. 8%—lived in the US 14 years.
Can you recall any of the rights guaranteed by the first amendment?	64%—speech. 41%—religion. 33%—press. 17%—assembly. 88%—US Citizens.
Whose rights are guaranteed by the Constitution?	
Approximately how long is the U.S. Constitution?	29%—1-5 pages.
Who is Commander-in-Chief of the U.S. Armed Services?	74%—the President.
Can you name the group or any of the individuals who were responsible for drafting the U.S. Constitution?	7%—the Constitutional Convention.
How many amendments are there to the Constitution?	19%—27 amendments.
What are the names of the three branches of the Federal government?	51%—legislative. 50%—executive. 56%—judicial.
True or False: The Constitution states that all men are created equal	15%—false.
True or False: The U.S. Constitution can be modified	76%—true.
True or False: The Constitution is the supreme law of the land	86%—true.
True or False: The people can vote directly for President	42%—false.
True or False: When it was first written, the Constitution outlawed slavery	69%—false.
True or False: There are 10 Supreme Court Justices	48%—false.
True or False: Congressional Representatives are elected by the people	72%—true.

**How People Answered the Constitution Poll—
Continued**

True or False: The Constitution states that Christianity is the official religion of the U.S.	75%—false.
True or False: The Constitution states that the first language of the U.S. is English.	58%—false.
True or False: The text of the Constitution specifically protects a woman's right to have an abortion	74% false.

**DEPARTMENT OF THE INTERIOR
AND RELATED AGENCIES APPROPRIATIONS ACT, 1998**

The Senate continued with the consideration of the bill.

COMMITTEE AMENDMENT ON PAGE 96, LINE 12
THROUGH PAGE 97, LINE 8

The PRESIDING OFFICER. Under a previous order, the Senate will now resume consideration of the committee amendment on page 96, line 12.

The Senator from Michigan is recognized to offer a second-degree amendment, on which there shall be 30 minutes of debate equally divided.

The Senator from Michigan is recognized.

AMENDMENT NO. 1206 TO EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 96, LINE 12
(Purpose: To decrease funding for NEA)

Mr. ABRAHAM. Madam President, I would like to call up my amendment at this time, amendment No. 1206.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. ABRAHAM] proposes an amendment numbered 1206 to excepted committee amendment beginning on page 96, line 12.

Mr. ABRAHAM. Madam 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 96, line 16, strike "\$83,300,000" and insert "\$55,533,000".

On page 96, line 25, strike "\$16,760,000" and insert "\$11,173,000".

At the end of the amendment add the following:

SEC. . . Notwithstanding any other provision of law, not more than \$10,044,000 of the funds appropriated for the National Endowment for the Arts under this Act may be available for private fundraising activities for the endowment.

SEC. . . Notwithstanding any other provision of this Act, an additional \$32,000,000 is appropriated to remain available until expended for construction under the National Park Service, of which \$8,000,000 shall be transferred to the Smithsonian Institution and made available for restoration of the Star Spangled Banner, \$8,000,000 shall be transferred to the National Endowment for the Humanities and made available for the

preservation of papers of former Presidents of the United States, of which \$9,000,000 shall be available for the replacement of the wastewater treatment system at Mount Rushmore National Memorial, of which \$2,000,000 shall be available for the stabilization of the hospital wards, crematorium, and immigrant housing on islands 2 and 3 of Ellis Island, and of which \$5,000,000 shall be transferred to the Smithsonian Institution and made available for the preservation of manuscripts and original works of great American composers".

Mr. ABRAHAM. Madam President, I just would state at the outset it is not my intention, given the lateness of the day and the other amendments still to come, to necessarily use all of the time on this issue. In fact, I intend to make a brief statement. I will stay here to discuss it at greater length if opponents of this amendment want to engage in more discussion, although I know today most people have expressed themselves already on these issues pertaining to the National Endowment for the Arts. So I am going to make a brief statement and I will then wait to see whether others wish to speak. If not, I am prepared at a certain point to yield back the remainder of the time.

This amendment seeks to accomplish several key objectives.

First and foremost, it has been my goal since arriving in the Senate to move the NEA in a direction of being a private national entity supporting the arts. I believe that is in the long-term best interests of the taxpayers and of the arts. Since arriving here and well before my arrival, it has been obvious to me that these discussions about the NEA too often turn on questions of accusations from one side that we are spending tax dollars to basically promote things that are unacceptable or even obscene, and on the other side arguments from those who are part of the arts community that we in the Congress are trying to somehow censor the creative activities of people in our country. This will continue, Madam President, as long as taxpayer money is involved.

What I worry about as a supporter of the arts is that we will continue to see the NEA reduced in size and scope, both in terms of its budget, as well as in terms of its flexibility, because each time a new issue arises, Congress' response has been to reduce funding and to add more strings and more handcuffs to the Endowment.

The best way to address it, I think, is to move in the direction of privatization, move this out of the Government, and allow it to be as large as support for it can be. That is what my amendment seeks to set in motion by reducing for the upcoming year by approximately one-third the size of the Endowment but allowing the Endowment to spend a percentage of its revenues for the beginning of a fundraising program designed to ultimately produce adequate funds to sustain itself as an independently chartered entity.

I believe that will be a long-term approach. As I laid out in previous debates, I think there are a variety of indicators that suggest support for the Endowment would be existent, that there would be the kind of private support, given the magnitude of national support already for arts activities in our country of \$9 billion per year, given the fact that numerous private institutions are larger than the National Endowment for the Arts, even today. I believe such support would be existent. And so this would be the first step in that direction toward privatization.

If my amendment is adopted, I will have sense-of-the-Senate and other amendments that I will bring at appropriate times to buttress this plan of action.

The other goal of this amendment is to direct additional Federal dollars in support of other national treasures, some of them arch-related, that I think deserve our commitment: the Star-Spangled Banner, Ellis Island, the papers of our Presidents and Founders, the works of our great composers, Mount Rushmore. All five of these entities or institutions or documents, or in the case of the Star-Spangled Banner, the flag itself, are in various states of deterioration and lack of support.

My amendment would divert \$30 million from the NEA to the support of these entities at the amounts that have been requested by the people involved with them in order to facilitate restoration where that is appropriate, in order to facilitate maintenance where that is appropriate, in order to supply additional dollars to ongoing restoration projects, and so on.

I believe all of us should be able to agree that these five national treasures that I have outlined in this amendment deserve the support of the Congress. By moving in this direction, we can accomplish two very noble objectives, I think: On the one hand, the privatization and liberation of the National Endowment for the Arts, and on the other hand the preservation, restoration, and protection of great national treasures.

For those reasons, I call upon my colleagues to support this amendment. I think it is perfectly consistent with those who have argued for a national entity to support the arts. I think it is consistent with those who have argued that we shouldn't have taxpayer dollars engaged in that entity. I believe that it is the right way to strike a balance between the rival positions on this and at the same time do great good in preservation of very important national treasures.

At this point, Madam President, I yield the floor and see if anyone else wishes to speak on this amendment.

Mr. HUTCHINSON. Will the Senator yield?

Mr. ABRAHAM. I yield—how much time does the Senator from Arkansas desire?

Mr. HUTCHINSON. Madam President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator has 10 minutes remaining on his time.

Mr. HUTCHINSON. I inquire, do you have other Senators wishing to speak on behalf of your amendment?

Mr. ABRAHAM. What I was hoping for, if I can just indicate, was to determine if there was any further discussion or interest on the opposing side of this amendment. If there is, then I would want to speak about my amendment more. If not, I will be prepared to yield the remainder of my time to the Senator from Arkansas to speak on whatever matter he wants.

Mr. HUTCHINSON. I only anticipate perhaps 5 minutes.

Mr. ABRAHAM. That will be great. I yield 5 minutes to the Senator from Arkansas to speak on whatever issue he might wish, with respect to this amendment or upcoming amendments.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 5 minutes.

Mr. HUTCHINSON. Thank you, and I thank the Senator from Michigan for yielding.

Madam President, I commend the Senator from Michigan for his outstanding leadership on the issue of the National Endowment for the Arts, for his very constructive role that he has played over recent years since his entry in the Senate. I know this is an issue he has felt very strongly about, that he has looked for creative and innovative ways in which we can continue to fund arts in this country, in which we can continue to emphasize that arts are a priority and, at the same time, address many of the concerns that the American people have addressed concerning the National Endowment for the Arts, its administration and its elitist attitude.

I would just like to say in reference to that attitude, which has caused such consternation among those who sincerely believe that arts are important in America but are greatly troubled by what they see in the National Endowment for the Arts, a statement that was made by Jane Alexander, the Chairwoman of the National Endowment for the Arts, when she testified before the Labor and Human Resources Committee this past April.

In a dialog with myself and in response to the questions I posed to her, Ms. Alexander said:

Let me suggest an analogy here with regard to the arts.

Her response was in direct answer to my question concerning the situation in Arkansas in which, out of 12 grant applications, only one was granted. A little over \$400,000 went to the whole State of Arkansas, while single exhibits around this country received more. In response to that she said:

Let me suggest an analogy here with regard to the arts . . . There are apples grown in practically every State of the United States, but there are few States that have the right conditions for nurturing and developing apple trees; and then, they are distributed all throughout the Nation.

The implication being that arts are like apples, that there are only a few places they are really going to flourish, and that Arkansas was not one of them. I hope my constituents understand and I hope that my colleagues understand why that was so offensive to me. She went on:

The same is true of the arts. The talent pools, the areas of nurturing and development of artists tend to be located in a few States.

Perhaps that explains why one-third of all of the direct grants of the National Endowment go to six cities. Perhaps this attitude, revealed in an unguarded moment, explains why one-third of the congressional districts in this country receive nothing from the National Endowment for the Arts. This is an agency whose original mission was to broaden access to the arts. Broaden access to the arts—I ask, is that going to be the result of the attitude that development of artists tend to be located in a few States, that the talent pool is only located in a few States? I take great, great exception to that, and that is why I believe the Senator from Michigan—I have my own amendment I will be talking on later—but I commend the Senator from Michigan for the good job he has done in addressing these kind of abuses and this kind of attitude.

I have pointed out that the administrative costs for the National Endowment are well above most other Federal agencies—almost 20 percent. Almost a penny out of every nickel that the NEA has is spent on administration overhead.

So I believe the votes that we are going to cast this evening on the Abraham amendment, on the Hutchinson-Sessions amendment, and on the Hutchison of Texas amendment will be, to a great extent, a vote on whether we want the Washington bureaucracy or whether we want more local control on funding for the arts.

So I ask support for the Abraham amendment. I also ask support for other amendments that will be offered concerning the National Endowment. We must not obfuscate, we must not confuse what this issue is. It is not are you proarts or against arts. So often I have heard proponents of the NEA come down and say, "Well, arts are good." Of course, arts are good. They are beneficial, uplifting and they are inspiring and ennobling. They are all of those things, but you cannot equate the NEA with arts. In fact, the NEA funds less than 5 percent of the Federal contribution to arts in this country. So it is time that we reform. It is time we made a change in the status quo.

I commend the Senator from Michigan. I thank him for yielding.

Mr. ABRAHAM. Madam President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged to anyone.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ABRAHAM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. ABRAHAM. Madam President, it is my intention to offer a unanimous consent request which I think has now been cleared on both sides. I ask unanimous consent that the votes ordered with respect to the NEA issue be stacked to occur at 7:30 p.m., with 4 minutes of debate equally divided prior to the votes on those issues.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ABRAHAM. I now ask unanimous consent to have the time remaining on both sides of the debate on the Abraham amendment be yielded back.

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

Under the previous order, the Abraham amendment No. 1206 is set aside, and the Senator from Arkansas is recognized to offer a second-degree amendment to the committee amendment on page 96, line 12 through page 97, line 8. There will be 30 minutes of debate on the amendment equally divided in the usual form.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Was the unanimous consent request agreed to?

The PRESIDING OFFICER. The unanimous consent request has been agreed to.

Mr. GORTON. So there will be votes at 7:30?

The PRESIDING OFFICER. The Senator is correct.

Mr. GORTON. Madam President, we will try to find some other business to occupy the Senate until that time.

Does the Senator from Arkansas wish to speak?

The PRESIDING OFFICER. Under the previous order, the Senator from Arkansas is recognized to offer his amendment.

AMENDMENT NO. 1187 TO EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 96, LINE 12
(Purpose: To provide financial assistance to States to support the arts)

Mr. HUTCHINSON. Madam President, I call up amendment No. 1187.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Arkansas [Mr. HUTCHINSON] for himself, Mr. SESSIONS, Mr. ABRA-

HAM and Mr. ENZI, proposes an amendment numbered 1187 to excepted committee amendment beginning on page 96, line 12.

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

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. HUTCHINSON. Madam President, we have 30 minutes equally divided; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HUTCHINSON. Madam President, over and over during the debate on the National Endowment for the Arts we have heard the proponents come to the floor and say how good and beneficial the arts are. Who can argue with that? The argument they seem to make is, we ought to automatically reauthorize, that we ought to automatically appropriate \$100 million for the National Endowment for the Arts because art is good, without any scrutiny, without any close examination of how the National Endowment is operating, how they are working today.

The debate has in fact deteriorated into kind of a syllogism. The syllogism goes like this: Art is good. The National Endowment for the Arts is art; and, therefore, the NEA is good.

Obviously, art is good. It is inspiring. It is uplifting. We have heard anecdote after anecdote of the benefits of art in our lives. But the NEA is not the equivalent of art.

In fact, as we see on this chart, the NEA is less than 5 percent of the total Federal support for the arts and the humanities. You can look at the Smithsonian, the military bands, the Fulbright International Exchange, the National Endowment of the Humanities, the National Gallery of Art, the Holocaust Memorial Council. On and on we find the Federal role in arts is not limited to the National Endowment at all.

Only 5 percent, in fact, of all of the Federal involvement, involves the NEA. That 5 percent though, as we have seen, has been eroded by extravagant overhead, over 18 percent administrative costs that are immediately taken off because of the bureaucracy here in Washington. And that small 5 percent is absorbed by six cities—six cities. And one-third of all of the congressional districts in the United States receive nothing from the National Endowment of the Arts.

So in all of this debate, the problems in the NEA have gone unanswered. I heard the proponents of the NEA come to the floor, and over and over again they laud how wonderful art is—Who can object to that?—how great literature is. Who can complain about that? But they never respond to the ob-

jections that have been raised concerning the National Endowment for the Arts.

Their mission is broader public access to the arts. Yet, as we saw just a few moments ago in a statement by Chairwoman Jane Alexander, she says that there are only a few States that have the proper nurturing and development to produce artists. That, to me, will never fulfill their mission of broadening public access to the arts.

Fully 85 percent of the 1997 grantees were past recipients of NEA largess—85 percent. That is not going out and fostering new artists, new writers, new sculptors.

Here are the issues before the Senate. No. 1, accountability. As the proponents of the NEA come down, they have not responded to the NEA's own IG report which listed the abuses, things like 63 percent of the grantees that had project costs that were not reconcilable to accounting records, 79 percent with inadequate documentation of personal costs charged to the grant, 53 percent failed to engage independent auditors to conduct grant audits as required by the OMB.

No one responded to that. I listened and listened. No one would respond to the inspector general's report or the General Accounting Office's evaluation of the NEA and how it operates. So accountability is an issue.

Local control is an issue. Do we want to continue to say yes to Washington bureaucrats, or do we want to say yes to local control of how these dollars are spent?

Third, the issue is fairness and funding. Under the proposal of Senator SESSIONS and myself we have offered an amendment that will allow 45 States to receive more for arts. I hope that all of my colleagues in the U.S. Senate will pick up the "Dear Colleague" on their desk that we so often overlook. If Members look up your State, you will see exactly how much more will be available for arts education or available for the local artists under our amendment as opposed to the status quo.

Say no to Washington. Say yes to local control. Say yes to the Hutchinson-Sessions amendment.

If there are no opponents here to speak I yield to the cosponsor of this amendment, Senator SESSIONS.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Madam President, I am honored to have the opportunity to join Senator HUTCHINSON from Arkansas in support of this bill which I believe certainly answers all the objections of those who are concerned that somehow we would be cutting support for arts in America.

It answers the concerns of those who believe that the National Endowment for the Arts, as shown by its own inspector general's office, has mismanaged itself, has not managed the

taxpayers' money—money taken from working citizens all over America—who have entrusted it to their Government in hopes that Members of this body will appropriate it wisely and effectively to further national goals.

Our bill says, all right, we can fund arts, but we want to do it a different way. We are tired of trusting that inside group, the elite corps, that has been distributing moneys, in my opinion, unfairly, for quite a number of years.

It is quite an interesting fact that six cities in this Nation receive one-third of the moneys from the entire National Endowment for the Arts. This chart will reflect that and give some appreciation for this fact. The big cities, the wealthiest cities in the world, really, are the ones receiving the most money. That is because the distribution of that money is being decided by a group in Washington that is not connected to the arts communities in places all over America—whether it is Indiana, Kansas, Ohio, Alabama or Arkansas. They are not connected with those communities. So they tend to further the people they are dealing with. It has been going in drastically unfair proportions to cities that are wealthier than any cities in the world. We think that is a major factor that we ought to think about today.

New York City itself received more money than 29 different States, including my State of Alabama. Madam President, 75 percent of the money, as Senator HUTCHINSON has pointed out, 75 percent of these moneys have gone in what may be considered a political direction. Seventy-five percent has gone to the districts of Democratic Congressmen. That, I think, should concern people, because a majority of the citizens of this country have elected their representatives to be Republicans. It is not fair that the money be distributed just to the Democrats.

They made very, very poor funding decisions. They funded programs that are arcane, bureaucratic, bizarre, and often just plain silly, and not supporting funding for programs that are worthy and needy.

In my hometown of Mobile, AL, we have an opera that celebrated its fiftieth anniversary a few years ago. A group of citizens who love the music and fine arts came together and formed that organization. It received a paltry \$4,000 from the National Endowment for the Arts, whereas, as Senator ASHCROFT so eloquently talked about yesterday, this organization gave \$1,500 to a poem consisting of one word—L-I-G-H-G-H-T. I don't know what it says or what language it is but they spent that much, and we only got \$4,000 for an opera that does outstanding work in our community.

The opera in Mobile performs works that I think anyone can support, "La Boheme," and "Pirates of Penzance,"

one of my favorites, just last year. In "Pirates" I recall the great phrase, he is the very model of a modern major general, he knows all things, agricultural, chemical and mineral, but he didn't know how to fight a war. That was a good lesson. Arts do teach us. We learn from those kind of things.

I am not against art. I think we can do a better job of supporting. I am willing to support arts funding. This bill represents a huge infusion of money into the arts community all over America in virtually every State.

Look at this: Alabama goes from \$750,000 to \$1.6 million, a \$900,000 increase; Alaska shows a \$50,000 increase; Arizona, a \$600,000 increase; Arkansas, a \$770,000 increase; California, a \$1 million increase; Colorado, a \$97,000 increase; Connecticut, a \$127,000 increase; Delaware, a \$152,000 increase; Washington, DC, \$1.8 million reduction. Washington, DC, has money already funded for the National Gallery of Art, the Kennedy Center, and many other activities in this community by this body.

Madam President, I say that art is valuable. Good art does uplift. All of us who care about a greater America should support the arts. We should support fine arts. But just as good art uplifts, poor art can demean and undermine the qualities of a great Nation.

Too often, this organization has supported art that is not healthy, "art from the gutter," as has been said. Just this past year, as was demonstrated on "Dateline" with Jane Pauley this summer, a special on the National Endowment for the Arts showed explicit homosexual activities on the screen using a \$31,000 grant by the National Endowment for the Arts.

One of the reasons they say they want to remain in existence is because they helped set the standard, they are the Good Housekeeping Seal of Approval. What kind of approval is that, for this Government to fund obscene and pornographic material with taxpayers' money, against and contrary to the basic and deepest decent views of the average citizen in our Nation?

Madam President, 45 States will get more. Our orchestras in virtually every State will get more. Our museums will get more. Our theaters will get more. Our folk art will have more opportunities for additional funding.

I submit this proposal answers all of the objections of the critics who say that we should continue to fund arts. It continues to fund arts at a greater degree than we have done before and eliminates the mismanagement that we have seen in Washington.

This is a good bill. I urge all my colleagues to support it. It is time to bring to an end an agency that has abused its power, who for year after year after year has come before this body and promised to do better but does not do so. It is time to bring that

agency to an end and take the taxpayers' money and spend it wisely in real support of real art all over America.

Madam President, that concludes my remarks. I note that Senator JESSE HELMS, who voted to end all funding for the National Endowment for the Arts, also has expressed a wish to join in as a cosponsor to this amendment. I think that should be noted for the RECORD.

I yield the floor.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Madam President, how much time remains?

The PRESIDING OFFICER. There are 15 minutes remaining in opposition to the amendment. Senator HUTCHINSON has 3 minutes 33 seconds remaining on his side.

Mr. DODD. Madam President, I yield myself 7 minutes. If I need an additional minute or so, I may ask unanimous consent for that. Will the Chair notify me when 7 minutes have expired and maybe we can work something out here.

The PRESIDING OFFICER. The Chair will so advise the Senator.

Mr. DODD. Madam President, let me begin by expressing my appreciation to our colleagues who rejected the proposal to eliminate the National Endowment for the Arts in its entirety by a vote of 23 to 77. I think it was a good vote and a strong vote, one in which the Senate can take legitimate pride. I think that vote expresses the feelings of most of us here that the National Endowment for the Arts has been a very successful agency that has made a significant contribution, and continues to do so, to the vitality, health, well-being, and cultural heritage of our country.

I know it has been said that there have been examples cited of where NEA grants or subgrants or subcontracts over the years, from time to time have been given that have supported or produced or been involved with some productions of art that have been distasteful to many people in this country. I am not here to argue the merits or demerits of those particular cases. In fact, in several instances, I, too, was sort of stunned that certain productions were provided with that kind of financing and backing.

But I think it is important for everybody to understand and to put this into context, if we can. As I understand it now, since the creation of the National Endowment for the Arts, going back more than a quarter of a century ago, there have been over 100,000 grants that have been extended by the NEA. Of that 100,000, I am told, if you take all the controversial grants that have been given, the number is around 40 or 45 maybe. That, many would argue, goes beyond the ones that were the most

controversial, which number in the single digits. I wanted to put that into perspective.

Mr. HUTCHINSON. Will the Senator yield for a question?

Mr. DODD. If I can just finish my remarks, I will be glad to yield at that time.

The reason I cite those statistics is I think it is important, as we look at these agencies, that we keep this in context. No agency is perfect. There have been questionable grants given by the Housing Administration, by the Defense Department, and by the Commerce Department. In fact, I would match up the total amount of grants given by the NEA, those that are controversial or distasteful, and compare that with almost any other agency of the Federal Government and compare their track record in terms of cases where there has been fraud, abuse, or waste of millions of dollars.

So nobody is standing here suggesting perfection at all. What we are arguing about is whether or not there is a legitimate purpose in having a National Endowment for the Arts, a federally chartered agency that tries to express the importance of the cultural contribution of the arts. I have often said to students in my State, or elsewhere, when this issue comes up—I think almost every grade school student can tell you the name of the artist who painted the roof of the Sistine Chapel. But I defy anybody to tell you who the Pope was at that time, or to name the Emperor of Rome. We don't remember the political figures throughout history, but artists have given us a definition, a signature, in many cases, of a generation or a time. Certainly, we have seen that in our country.

We define our own heritage by literature, art, and music. To have our Government, in a sense, speak to that and try to provide guidance, assistance, and support for areas of the country that would not otherwise get that assistance, I think is something we ought to build upon and perpetuate. We build stadiums for sports with taxpayers' money. These stadiums today can cost \$100 or \$115 million to house 30,000 or 40,000 people to watch a sporting event. The entire budget we are talking about here for the National Endowment for the Arts is \$100 million for all 50 States, to support our cultural activities.

There has been a tremendous burst and blossoming of activities in the last 30 years in this country in the arts area. The number of nonprofit theaters has grown from fifty-six 30 years ago to over 400 in the country today. Orchestras have quadrupled in number, to over 200 in our Nation. Public arts agencies in small towns and cities have climbed to over 3,000 in the last 30 years.

Yet, today, we see another attempt here to try, in one way or another, to

get rid of the agency, to either vote it out of existence or, with all due respect, to block grant the money to eliminate it. We also know that this very agency has been the one which has served as the impetus, the spark, if you will, that has aided in the flourishing of the arts we have seen over these past three decades.

With a deep commitment and a meager budget, the NEA has provided vital support to States, local communities, schools, artistic and cultural institutions, artists, and others for over 30 years.

While always limited, these dollars do make a difference. It is hard to leverage out of a block grant, if you will, the kind of private contributions NEA has been able to generate. So by removing the kind of programs that we have seen here and leaving things up to sort of the political vagaries, we leave this commitment that we have made over the years in great, great jeopardy.

Currently, 35 percent of the NEA's budget flows directly to the States—in effect, a block grant, if you will. I understand that the States deserve a role, but it needs to be a partnership with the Federal Government. The success of the NEA is rooted, obviously, in its national presence—once that is lost, I think we all lose in this country.

Why is the Federal leadership role important? First, I happen to believe that Federal leadership allows better access to the arts for all Americans. It assures all Americans, regardless of income or geography, that they will have access to the arts. Grants allow quality orchestras and theater groups to travel throughout the country. The NEA helps communities with few resources to develop local talent through exposure to operas, theaters, and orchestra groups.

Second, the NEA develops public-private partnerships that work. NEA grants, as I said a moment ago, help raise and leverage private dollars. Also, it is the prestige of an NEA grant that, on average, attracts money from other public and private funding sources. There is no guarantee that these same sources will risk supporting a festival or exhibit sponsored by an unknown State art council with no track record and without the stature of the NEA. In essence, NEA grants raise money; block grants do not.

Third, support for programs with a national impact is a goal and commitment of the NEA and can only be forwarded by an organization with resources and the kind of clout and prestige of a Federal agency. It puts us on record, as a Nation, that we stand and support these efforts.

The NEA supports such nationally important work as the Vietnam Veterans Memorial, or public television shows; these are national in scope not State by State, or community by community. We lose that if we don't have a national focus and direction.

National studies into the importance of arts education can be lost. Supporting American artists that represent the United States as a nation in cultural festivals overseas are supported by the NEA. Who is going to do this if we, in fact, distribute the resources around the country and lose the national presence of the National Endowment for the Arts?

The National Endowment for the Arts dollars go to regional projects—not just State and local ones—such as exhibiting the traditional folk arts of the Delaware Valley. Only the NEA, as a fully funded Federal agency, can garner the resources and provide the leadership for such nationally important work.

Fourth, NEA dollars receive economic returns. These dollars create \$37 billion in national economic activity, and \$1 billion alone in my home State of Connecticut. Grants spur economic activity throughout the country. NEA grants generate tourism, stimulate business development, drive urban renewal and contribute to our Nation's economic vitality. Over 1.3 million jobs are supported by the arts.

Finally, the NEA is a leader. The NEA provides cultural leadership for the Nation in such areas as education, crime prevention initiatives, city design, public arts, and preservation of the Nation's cultural heritage.

By giving the majority of funds to the States, by cutting out the so-called middleman here in Washington, you are not helping, necessarily, the local artist, the local orchestra, or the local theater. In many cases, I suggest that you are actually hurting them.

The NEA is the keystone here. Once removed, I think we all lose.

Mr. President, the arts adds to our culture, to our Nation and our economy. I believe it is time that we look for a source of funding, in addition to Federal funds, to maintain the NEA's vital role.

Our colleague from Alaska, Senator STEVENS, has a proposal—a sense-of-the-Senate resolution—that we conduct some extensive hearings in the coming Congress to look at ways in which we might supplement the Federal funding for the NEA. It is time we do more to ensure the future viability of the NEA and the NEH.

I am looking at a way in which we might get beyond the debate, and create a true endowment to supplement federal funds. I suggest looking into an innovative way to create this true endowment. I propose tapping revenue from a copyright extension to fund this true endowment. My idea is to extend, or rather to terminate the copyright period—whatever it may be, 50 70, or 90 years—that there be a period of say 20 years after that period in which the Government would auction off these copyrights. Individuals would bid on the copyrights. And the resources that

came in from the bids would support a national arts endowment, a true endowment. But this would allow one generation of artists supporting future generations; in a sense, a true endowment.

This is no endowment. I don't know why we call this a National Endowment for the Arts. It is not an endowment. It is an appropriations that we have year in and year out. The idea of a true endowment is not a perfect one at all. But it would be a way of us getting away, if you will, from the constant battle of appropriations to a way of having the arts in effect generate revenues.

You may not get much immediately. But I suspect with all the technology that is being developed—the preservation, the ability to preserve works of art and many art forms emerging—that in the 21st century, long after all of us are gone, there might be a substantial amount of revenues that would be generated to support arts activities in the country.

I raise the idea of a true endowment as a mere suggestion and I hope the Senate will look into the suggestion. It is time to endow the NEA and the NEH with a future and secure a national cultural endowment for generations to come.

With that, I thank my colleagues for their patience in listening. But I know my colleague from Arkansas wanted to raise a question. I would be glad to at least try to respond.

Mr. HUTCHINSON. First, I commend the Senator from Connecticut for his creative and innovative ideas on how we might truly have endowment of the arts. I hope that everyone understands on both sides of this debate that there is support for funding for the arts. The issue is the National Endowment—the so-called National Endowment for the Arts.

As I have listened to the proponents of the NEA, I have heard glowing commendations and glowing reports about arts in America. But what I have failed to hear anyone respond to—and the question I would pose to the Senator from Connecticut—is the very I think deplorable record that the NEA has established, both in its administrative costs and over 18 cents on the dollar, by a nickel more per dollar, than the National Endowment for the Humanities, or other Federal agencies.

The inspector general, who, in conducting his grantee audits from 1991 to 1996, found that absolutely deplorable record of audits, a lack of accountability without knowledge of where the money was going, who was spending it, who was receiving it. It is that kind of slipshod management that has put a question mark over I think the future of the NEA. And when we talk about funding for the arts, only 5 percent of the Federal involvement in the arts at the Federal level is the NEA. There are

literally hundreds of billions of dollars being spent at the Federal level in support of various arts programs and other agencies and departments. It is not a matter of pulling out the Federal role in arts.

I would welcome the response.

Mr. DODD. If my colleague would give me a chance to respond to the question, he raises the issue in the committees. He is not just raising it here on the floor.

First, let me—I should have mentioned these in my remarks—comment here. I happen to believe that Jane Alexander has done a brilliant job at NEA—a remarkable individual, truly a national treasure. I recall the specific questions being raised about these issues. Certainly legitimate questions should be raised about how well an agency functions, whether or not we are getting much for the dollar for the purposes intended, or how much gets consumed by administrative costs. I think that is a legitimate question raised in ways in which we make an agency function better. Certainly we have seen this administration focus a great deal of its attention on so-called “reinvention of Government”—trying to streamline 180,000 fewer jobs at the Federal level, and fewer pages of Federal regulations. I think we all applaud that.

I think it is a legitimate issue to look to see how we can make this agency perform better so that the American people will be the greater beneficiary, if you will, of the role of and the purpose of the NEA. But I would respectfully say to my colleague from Arkansas, as legitimate as those questions are, it seems to me that we ought not to try to eliminate in effect, through either block grant or total elimination, a Federal agency that has played such a critical role in giving national voice, as I said earlier, to the arts efforts, not to mention regional aspects, and the like. My fear is that, of course, by doing this through a block grant we would achieve just that—rather than an appropriate examination of how we can make the NEA work better, respond better, reduce its overhead costs so that more of those dollars will actually reach the artists, the communities, and the artistic efforts that we all would like to see happen. That is my concern here. We seem to be saying that no matter what you try to do, there is nothing that could be done here—that there is no way whatsoever to make this agency work better. I believe there are ways. I think Jane Alexander has certainly demonstrated that over the last several years under her leadership.

So, I urge that, rather than discarding in a sense de facto—that would be the result here—with all due respect the NEA, we ought to look at ways in which the Senator might suggest how we can improve the NEA's performance

rather than certainly suggesting its elimination.

My colleague I see may have another question.

Mr. HUTCHINSON. No. I was going to inquire of the Chair the amount of time left in this debate.

The PRESIDING OFFICER. The Senator from Arkansas controls 2 minutes. The Senator from Connecticut controls 15 seconds.

Mr. DODD. Madam President, if I may, I still have the floor.

Mr. GORTON. Will the Senator yield? I would like for Members to have more time, if I may.

Mr. DODD. I yield for the purposes of making a request.

Mr. GORTON. Madam President, we have until 7:30 before the vote. I think it would be appropriate to ask unanimous consent that the time between now and 7:30 be evenly divided between the two sides with the last 4 minutes devoted to the opponents and proponents using 2 minutes.

Mr. DODD. Reserving the right to object, I want to inquire of the leadership.

I have no objection.

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

Mr. DODD. Madam President, I ask unanimous consent that an article by Lewis Hyde that appeared in the Los Angeles Times, a MacArthur Fellow and Professor of Art and Politics at Kenyon College, that talks about concept and idea, that I mentioned in terms of establishing a true endowment, be printed in the RECORD.

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

USE COPYRIGHT EXTENSION TO ENDOW
CREATIVITY

(By Lewis Hyde)

The mother lode of creative work from the early days of film and sound recording will soon begin to enter the public domain. This potentially enormous wealth could be used to support the community of artists and scholars from which it ultimately derives. But Congress is considering a bill that would essentially transfer the wealth from the public domain to the pockets of private corporations and individuals. It would be a serious loss if the decision to give the money away were not joined to the debate about how we support creativity.

A 1994 proposal from Sen. Christopher J. Dodd (D-Conn.) lays out an ingenious way to use the value of past intellectual property to support artists and scholars working today. The “Arts Endowing the Arts Act” would add 20 years to the term of copyright protection and use the income from those extra years to underwrite current creative work.

At present, U.S. copyright protects an individual's work for his or her lifetime, plus 50 years; corporations with works “made for hire” hold rights for 75 years. Under Dodd's proposal, at the end of each of these terms, the rights to an additional 20 years would be publicly auctioned, the proceeds going to build an endowment dedicated to the arts and humanities.

Sen. Orrin Hatch (R-Utah) is sponsoring a bill that would similarly extend the term of

copyright for 10 years, but the proceeds of this windfall would go to current rights holders. Supporters of Hatch's bill point out that the European Union has directed its member states to unify their terms of copyright at "life plus 70 years," and they contend that many benefits would follow if we did the same, chief among them an increase in the U.S. balance of trade. They also contend that many countries follow "the rule of the shorter term" when foreign and local laws differ; thus, if the U.S. term is shorter, Americans would forfeit income they might otherwise have earned abroad.

None of these arguments holds up under scrutiny. The arithmetic doesn't make sense, for one thing. Corporations owning made-for-hire works currently hold copyrights for 75 years; under Hatch's bill, the term would run 95 years, a welcome change for ASCAP and the Motion Picture Assn. but not one that brings U.S. law into harmony with European law. To do that would mean reducing the work-for-hire term by five years, not adding 20 to it.

As for gains in the balance of payments or losses under the "rule of the shorter term," we should remember that Europeans are not the only consumers who would pay for this change. The bulk of the cost of this corporate handout would be borne by U.S. citizens, who would be obliged to continue paying royalties for works that would have otherwise become common property.

Since its beginnings in the 18th century, U.S. copyright law has sought to balance private gain and public good. If Congress now wants to change the terms of copyright, the crucial question to ask is not whether it would be harmonious with Europe's, but whether the constitutional mandate to balance private and public good would be upheld. The beauty of the Dodd proposal is that it not only addresses issues set in motion by Europe's longer term, but it does so without any theft from the public side of the scale. It adds a middle term between public and private, a transition period during which we designate as "the public" that community of artists and scholars whose calling already makes them the initial heirs of our cultural patrimony.

It would be best if the income from such a plan went to build endowments for the National Endowment for the Arts and the National Endowment for the Humanities so they might eventually be free of their reliance on congressional funding. For many years, supporters of the arts have sought some way in which the arts and humanities might benefit from their own streams of wealth, rather than having to go begging for tax dollars. The American creative community already has riches and income. It needs only institutions designed to translate some of that wealth into support for those who labor today to create the cultural riches that will be passed on tomorrow.

By extending copyright to help build the endowments, Congress can create such an institution. If, on the other hand, it extends copyright with no regard for the public domain, it will have done little more than sponsor a remarkable theft.

Mr. DODD. Second, I will conclude my remarks so others may have a chance to speak on this issue. In the reauthorization bill, which passed 14 to 4 by the Labor and Human Resources Committee, we adopted an amendment by our colleague that codifies the inspector general's recommendations that the Senator from Arkansas has identified before the committee today.

So that the suggestions that are being made are ones that we think ought to be made a part of making NEA perform better. That is a legitimate function of a congressional committee—to examine all of our agencies to determine how they can function better. We did that pretty overwhelmingly in the committee.

I commend my colleague for the amendment and the suggestion that codified those ideas.

Second, Mr. President, administrative costs were lower at the agency when, frankly, the appropriations were higher. You shrink a budget down and, of course, if you are trying to maintain a programmatic level, what can happen is you find your percentage costs rise with the shrinkage of dollars, so that more and more of it gets eaten up in administration. When we actually appropriated more for the NEA, those administrative costs were a lower percentage of the overall budget. Audit findings were from a group of grants recommended by the staff of the NEA for audit because of concerns about the grant administration, and they were not randomly selected, I might point out as well.

At any rate, Mr. President, just to make the final point on this from my perspective here, I think we ought to be celebrating the success of the agency. To have had 100,000 grants in 30 years with 40 controversial ones, I defy any other Federal agency to have a track record even remotely close to that record. Any other agency that provides grants to anyone, where they have had only 40 that fall into the category of controversial, that is a remarkable record and one I think we ought to applaud. We ought to be celebrating the National Endowment for the Arts and its contribution to our country and what it has stimulated, what it has brought to enrich our heritage, our culture, our time.

Someone was pointing out to me earlier today there was a great debate in the Congress over whether or not we ought to accept the library of Thomas Jefferson when he offered it to the United States. Of course, the successor of that it is the Library of Congress, but it was the Jefferson library that was offered. The debate was a raging debate, and some suggested we only ought to accept the Jefferson library if we extracted from it any books which spoke about atheism or other questions which were not mainstream or popular or certainly rejected the values of our society as a whole. It was a relatively close vote, but that idea was rejected and we bought the entire Jefferson library. Today, I think our Library of Congress and the contribution that Thomas Jefferson made is something all of us applaud.

We might find it even somewhat amusing today to have heard there was that kind of debate. I would suggest

today that even with these highly controversial performances that people do not like, that offend them, we can focus on that if we want, but why not focus as well on the over 100,000 grants that have enriched our society, have brought a great wealth to this Nation, opportunities to people in areas of this Nation that never would have had that benefit.

My hope is that when our colleagues vote on this particular amendment, they will be mindful of that contribution, of this great success and of the great fortune we have as a Nation to have someone of Jane Alexander's abilities and background and qualities to help lead this agency, as sensitive as she is, listening to the concerns of any Member who cares to have her time in how to make this agency work better. I hope we would keep that in mind as we cast our votes, so future generations look back on this time and say that in this Congress at the close of the 20th century the Senate insisted, a majority of us here, to keep the National Endowment for the Arts, to prepare for the 21st century and to leave a legacy of riches, of cultural riches. We lose that, Mr. President, if we abandon this agency and turn this into a block grant.

Mr. President, I yield the floor.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER (Mr. BROWNBACK). Who yields time to the Senator from Alabama?

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. I yield such time as he might consume to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized. The Senator from Arkansas controls 8 minutes 20 seconds.

Mr. SESSIONS. I say to the eloquent Senator from Connecticut, to talk about retreating from the arts, this is not the appropriate argument here. We are talking about spending more money directly for the arts.

As he was talking, I did a quick look at how the State of Connecticut would fair under a block grant program, and they would go from \$1,265,000 to \$1,392,000, actually increase \$128,000 in real moneys they can use for arts in the State of Connecticut. But I would also add, Connecticut is one of the wealthiest States, I think perhaps the wealthiest State in America. It is a State with a great tradition of arts, but I notice they received 28 grants last year totaling \$1,059,000—28 grants, \$1,059,000. Under our plan they would receive more money than that.

But let me tell you, I represent the people of the State of Alabama, and I have had three groups representing orchestras in my State in my office. I know of the great Shakespeare theater

in Montgomery. I am aware of the opera and museums in Mobile. We have a great history of arts, too, but we received only 11—not 28. We received 11 grants at only \$540,000, even though we have more people in the State of Alabama paying taxes to this country than they do in the State of Connecticut.

One of the real problems with this program is it has not allocated the money fairly. How can I support a program that takes money from taxpayers in Alabama to support the wealthiest States in art endeavors when we have art endeavors we are striving every day to enhance and improve?

Bureaucracies have never created art. Nothing of beauty has come out of a committee. It takes the intelligence and genius of individual citizens to do it. So I say it is the wrong approach to think that we can send money to Washington, DC, and that they can somehow decide how to nourish art. That is not the way it is going to happen. Let us put that money out into the States, to the arts councils of the States, and let them look at how they can contribute the money to those budding artists who need money, to those orchestras that need just that extra amount to keep their doors open, to assist those communities that are working hard to raise money to preserve folk art.

That is what we ought to be doing. I do not think there is any doubt about it. This is as clear a vote as I have ever seen in this Senate. The choice is clear. Do we send money to Washington to allow them to mismanage it and a bureaucracy to use almost 20 percent or do we send this money out to the arts councils around this Nation so they can use it to improve the operas and orchestras and museums of our States throughout our Nation? That is what we ought to do.

Mr. President, I yield the floor.

Mr. KENNEDY. Mr. President, the National Endowment for the Arts has been accused of elitism. But the true record of the Endowment is far different. It is a record of diversity, excellence, and outreach.

The Endowment has been supportive of National efforts of the Country Music Foundation. The Endowment supported their commission of the Thomas Hart Benton famous last painting "Sources of Country Music" through its Art in Public Places Program. The painting is on display, it has traveled the Southeast, and has been exhibited in a vast array of venues from the Hirshhorn Museum to the cafeteria of the Nissan Plant in Nashville, TN.

Another grant in the late 1970's catalyzed fundraising for a major country music discography of the early 78 rpm recordings from 1922 through the 1940's. The project is just being completed today.

Again, in the 1980's, the NEA supported an educational kit entitled

"Tennessee Traditions" distributed to every public school in Tennessee. One of the components of the kit was a folk music tape.

Each year the Arts Endowment honors National Heritage Fellows. The fellows are from a wide variety of disciplines of the folk and traditional arts. Among the honorees this year are bluegrass musicians Jim and Jesse McReynolds of Tennessee; Gladys LeBlanc Clark who is a Cajun weaver from Louisiana; blacksmith Francis Whitaker from Carbondale, CO; Hystercine Rankin, a quilter from Lorman, MS; and Ramon Jose Lopex, a metalsmith from Santa Fe, NM.

These honorees will be honored next week at a White House ceremony and will perform and celebrate their work. The National Heritage Fellowships are the Nation's most prestigious recognition of accomplishment in the folk and traditional arts. And it is an NEA program.

Another traditional program that owes early and critical support to the NEA is the Cowboy Poets Festival. In the early 1980's Elko, NV, was chosen as the site for the Western Folklife Center. It was established in the center of the ranching community to celebrate its culture and folk traditions.

They approached the NEA for support when corporate sponsors and other funders were hard to come by. With NEA support in 1985, the first cowboys festival got underway, with about 60 poets and approximately 1,000 audience members.

Today, corporate supporters join the NEA to support the festival and the center and this year's festival welcomed 8,000 attendees.

Support for the folk and traditional arts continues at the Arts Endowment. This year the Endowment has funded the Southern Arts Federation's "Southern Connections," which is a 2-year training and touring program to support indigenous southern artists.

The Endowment also supported the West Virginia Folk Arts Apprenticeship program; the Creative Arts Guild of Dalton, GA; and the Alabama Folklife Association. The grant to Alabama will support the publication of documentation of primitive Baptist hymn singing through a publication, cassette recordings, and compact discs.

The Endowment also funded Appalshop, Inc., Roadside Theater in Whitesburg, KY. This grant will work with the theater and a consortium of the Performing Arts League/Prairie Mountain Players of Choteau, MT, and Community Connection of Austin, TX, to develop, test, and document a nationally applicable model for the creation of rural drama.

I hope that, as we debate the appropriate funding level for the National Endowment for the Arts, we can be fair about its record, and responsive to the overwhelming need across America for

the programs that the Endowment supports.

In many ways, in so many communities, the NEA is a lifeline of financial stability.

I urge my colleagues to oppose the seemingly relentless attacks of the critics and support the record of the Endowment. Let's support full funding for this small, but worthy, Federal program.

Mrs. MURRAY. Mr. President, the following is an article written by Metropolitan King County Councilman Larry Philips of the fourth district and Metropolitan King County Councilwoman Louise Miller of the third district. I ask unanimous consent that the article be printed in the RECORD.

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

CONGRESS SHOULD EMBRACE INVESTMENT IN
ARTS, CULTURE

(By Louise Miller and Larry Phillips)

"Democracy demands wisdom and vision in its citizens and * * * must therefore foster and support a form of education, and access to the arts and the humanities, designed to make people of all backgrounds * * * masters of their technology and not its unthinking servant."—The Declaration of Purpose for the National Foundation of the Arts and Humanities Act of 1965.

With the establishment of the National Endowment for the Arts (NEA) in 1965, our country has come a long way in achieving the ideal of access to and participation in the arts for all Americans. Today, that ideal is under attack.

There has been a movement in Congress to eliminate all public investment in the cultural activities of our nation, specifically, by targeting the NEA. Although funding for the NEA was recently restored by a Senate subcommittee after it had been eliminated by the House, the agency's future remains uncertain. In September, a joint committee of House and Senate members will negotiate the fate of the NEA and the investment we make in our arts and cultural heritage. Is the U.S. to be the only Western nation on earth not to fund its cultural legacy?

As elected leaders in King County, we firmly believe that the NEA is a critical investment that helps keep the arts alive and accessible for all residents in our nation and, closer to home, in King County. Why is the NEA so important? With the NEA's support, the King County Arts Commission (KCAC) was created in 1967—the nation's first county arts commission. Since then, an entire "cultural sector" has burgeoned in our region, stimulating a stronger economy, enriching our quality of life and enhancing education in the arts.

Vital arts organizations and active participation in the arts are increasingly essential to our regional economy. Not only do the arts contribute to our quality of life in the Northwest, but they also generate over \$180 million annually to our economy, according to a Corporate Council on the Arts 1992 economic impact study. In addition, cultural tourism means big business to our area. When the Seattle Opera presents Wagner's Ring Cycle, it attracts an audience from all 50 states and 18 countries.

Opponents of the NEA state that the arts should be funded exclusively through private contributions. This demonstrates a lack of

understanding about arts funding. Many private organizations will not make a financial donation to an artist or arts organization unless they have also received grant funding from the NEA or their state or local arts agency. Donations by private corporations, foundations and individuals cannot fill the financial gap that would be created if the NEA were eliminated. In other words, the small percentage of funds contributed by the NEA and public agencies is essential in order for nonprofit arts organizations to leverage donations from private sources.

Critics of the NEA have questioned the value of the artwork that has received NEA funds. Let's look at the real picture. In the last three years, over 40 local and regional arts organizations have received \$3.1 million in direct NEA grants (equal to about 1 percent of their combined operating budgets). Who are these organizations? They range from major ones like the Seattle Symphony, the Seattle Opera and the Seattle Repertory Theater, so suburban groups like the Village Theater in Issaquah and the Vashon Allied Arts, to youth-centered organizations including the Seattle Youth Symphony Orchestra, the Northwest Girlchoir and Seattle Children's Theater.

These organizations reflect the rich diversity of our community and the best work of our finest artists. More importantly, the grant funding helps ensure that the arts—and all the enrichment and joy that they bring—are affordable for the families and young people of our region. A requirement for an arts organization that receives grant funding is to broaden public access to the arts. That may be in the form of reduced ticket prices or special performances for school groups.

Another good example of local NEA support is this year's inaugural season of the King County Performance Network, a collaboration between the KCAC and 14 suburban arts agencies. A \$60,000 grant from the NEA to the KCAC will help bring outstanding dance ensembles to under-served suburban communities from Redmond to Federal Way beginning Sept. 6. The Performance Network is a good example of the vast majority of projects supported by the NEA: It brings art into the lives of those who may not otherwise have the opportunity.

The success of the arts in our region is the result of a strong partnership among the NEA, more than two dozen local governments and nonprofit arts agencies, hundreds of businesses and foundations, and thousands of private citizens. Thanks to this partnership, King County residents enjoy one of the highest cultural participation rates per capita in the nation. With the full participation of the NEA, that partnership is threatened, and the rich cultural environment of our nation and King County will be severely undermined.

As we celebrate 30 years of public support of the arts, we strongly believe that public investment for culture and the arts should be strengthened and valued. The partnership we have enjoyed for nearly a generation should be preserved so that today's and tomorrow's citizens may enjoy the cultural heritage and traditions of our region and our nation. As we look toward the future, the county pledges to continue its mission to raise the standard of artistic accomplishment in King County and to broaden cultural opportunities for all our citizens, not merely those who can afford it. Congress should do the same.

Mr. REED addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. REED. Mr. President, I will yield myself such time as is controlled by the opponents of the amendment.

The PRESIDING OFFICER. There is 3 minutes and 40 seconds controlled by those in opposition. The Senator from Rhode Island is recognized for such time.

Mr. REED. I thank the Chair.

I rise in strong support of the arts. Earlier this afternoon, we were able to fend off a frontal assault on the National Endowment by the Ashcroft amendment. Today we are debating two amendments that would also do great damage to the National Endowment for the Arts.

I come to this position with I think a very special standing because I have succeeded Senator Claiborne Pell, who was one of the architects of the National Endowment for the Arts. Senator Pell recognized that centuries from now this Nation would be recognized far more for its contribution to the human spirit than perhaps anything else. And through his efforts, the National Endowment was created and through the efforts of the National Endowment theater, ballet, and opera has spread throughout this country.

One of the fallacies I think that is found in the argument of my colleagues is that the States are quite capable of doing this, they are ready to do this. But the reality is that before the National Endowment for the Arts there was not much art throughout many parts of this country, that there were not as there is today opera companies throughout America and theater companies. In fact, if the National Endowment for the Arts is eliminated, if this is put into a block grant, I fear, and I think I fear with very, very good evidence, that what will happen is a shriveling of the arts in America.

Many of us have been in State government. We know that there is no monopoly on great wisdom or aesthetic sensibility at the State level, no more so than at the Federal level. We know that this money might be ill used. But we also know that it will be subject to a much more narrower and parochial focus. We have within the National Endowment a national vision, a national vision, though, that acts through local individuals, and that is what is critical also.

The National Endowment is not running a great national theater here in Washington exclusively. But what it is doing is reaching into every corner of America and giving people an opportunity to appreciate and participate in the arts. In my home State of Rhode Island, we have theater companies that are supported by the NEA. We have educational programs that allow young children to witness the arts. Indeed, the first time I ever saw a play was as a grammar school student in Cranston, RI, when I went to see the Trinity Repertory Company, supported by the Na-

tional Endowment, by Federal support, put on "Saint Joan" by George Bernard Shaw. That was a moving experience. And that experience is replicated every day throughout this country because of the National Endowment.

In addition to contributing to the artistic quality of America, this agency has generated tremendous economic development and progress throughout the country. In my own State, its contribution to the arts has been multiplied in terms of the economic effect. Providence, particularly, has become a city that is proud of our arts, that has thriving companies that need the National Endowment, not just for aesthetic reasons but for good, solid economic reasons. And by eliminating the National Endowment, or by block granting its funds, we will, I think, dissipate that energy, that enthusiasm, and that achievement we have seen today.

The arts are not only a source of pleasure, but in many cases a source of great economic progress, particularly in my home State of Rhode Island. So, for many, many reasons, I believe that these amendments, while well intentioned, will undercut what is a strong national policy to support the arts.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Arkansas.

Mr. HUTCHINSON. May I inquire how much time opponents of the amendment have remaining?

The PRESIDING OFFICER. The time of the opponents has expired. The proponents control 4 minutes 45 seconds.

Mr. HUTCHINSON. Mr. President, I will take just a few minutes that we have remaining to respond to some of the statements made by the opponents of the amendment. I remind Senator REED, incidentally, the State of Rhode Island would gain \$123,000 in additional funds for arts spending in Rhode Island under the block grant amendment that Senator SESSIONS and myself have offered. I remind each Senator that they can check on their desks here in the Senate Chamber exactly how much, but 45 States will receive more funds under this amendment to support the arts within their own States.

I was interested that Senator REED spoke of the shriveling of the arts. If we take this pittance, this relative pittance, in view of the Federal budget, of \$100 million and we remove that National Endowment funding, that national entity, that somehow the arts in this country would begin to shrivel. I think, in all due respect, the Senator from Rhode Island underestimates the American people, underestimates the arts community in the United States, and underestimates how much the arts flourish today without a huge injection of Federal funds.

As an example, the Metropolitan Opera, which has a total income of \$133 million, the Lyric Opera, which has an

annual income of \$37 million, the Boston Symphony, which has an annual income of \$43 million, and the Art Institute of Chicago, which has an annual income of \$96 million—all of them receiving NEA grants. Most of these wealthy organizations experienced significant cuts in NEA funding in the last 2 years. Yet, in spite of those cuts in NEA funding, each one reported dramatic increases in total income in 1996. The point being that even as funding cuts in the NEA have occurred, arts in this country have continued to flourish.

But I will tell you what is offensive to me. What is offensive to me is that the Metropolitan Opera is getting an NEA grant. What is offensive to me is the Boston Symphony, with a \$43 million income, is getting an NEA grant, while the Opera Theater in Wildwood, in Little Rock, AR, got \$4,000. The mission of the NEA was to broadly increase access to the arts. That is not what is happening. Mr. President, 85 percent of the grantees in the last fiscal year have been previous recipients of NEA funds. That is not increasing access to the arts.

So I suggest that, if we really care about the arts, removing the Washington bureaucracy, sending the money to the States, allowing those closest to the people to make those decisions, will be far wiser and far more productive for arts in this country.

I have raised great issues as to the priorities of the National Endowment, the decisions they are making. The State of Arkansas—you know, I heard Senator DODD. I have the greatest respect for him.

Mr. REED. Will the Senator yield?

Mr. HUTCHINSON. I will be glad to yield, but let me finish my point. I have the greatest respect for Senator DODD, but he spoke of, "Let's not concentrate on the few bad grants, let's concentrate on the 100,000 good grants." When he said that, I thought about Arkansas, because we got one last year. We made 12 applications and we received 1, for the Arts Council in Arkansas.

So I have great questions about the priorities. In Arkansas, the NEA spent 17 cents for every man, woman and child in Arkansas; 17 cents. In New York State the NEA spent \$1 for every man, woman and child in New York State.

I'm sorry, everybody says, "Give the NEA a chance." We have given them chance after chance after chance. Year after year these objections and these concerns have been raised. We see no reform. We see no change. Instead we see arrogant elitism. And I say it is time to end the NEA. Don't end support for the arts—no. But end this Washington bureaucracy, send that money back so Rhode Island will have another \$123,000, so Arkansas will have another \$700,000, so Alabama will have

another half-million dollars, so the States all over this country can do more for those artists, for those schoolchildren who, too often, fall through the cracks.

I believe that the amendment that we have offered makes eminent common sense.

I will be glad to yield to the Senator from Rhode Island.

Mr. REED. I would say you have trotted out some impressive statistics about income as a measure of the wealth of these artistic enterprises like the Metropolitan, but the other side of the equation is their cost. Many of these institutions, even the famous ones, find it very difficult to make ends meet.

Mr. HUTCHINSON. Reclaiming my time, I will just say, if you check each one of these institutions, they are well endowed, they have good support and good sources of income and the dependence upon any kind of NEA grant, I think, is simply not justifiable. If you are looking at the Boston Symphony, the Art Institute of Chicago, with the kind of support base that they have, and compare them—

AMENDMENT NO. 1206

The PRESIDING OFFICER. All time has expired on this amendment.

We will now proceed with amendment No. 1206, the Abraham amendment. By previous agreed-upon order, there will be 2 minutes of debate equally divided between the sides. Who seeks recognition? The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I will quickly summarize. My amendment is designed to accomplish two things: To begin an effort to privatize the NEA so it can be as large as it wants to be and as liberated from the strings which Congress has attached to it as it wants to be. I believe this is feasible and I think it would take away from us, finally and once and for all, this ongoing debate between obscenity and censorship. Let the arts be free and creative and at the discretion of an independent entity. At the same time, my amendment would provide new funding to try to maintain and restore such treasures as the Star Spangled Banner, the works of our great composers, Presidential papers, Ellis Island, and Mount Rushmore.

By moving in this direction, if my amendment passes, I will be offering a sense-of-the-Senate amendment which would incorporate the privatization concept, and then begin working on a variety of mechanisms by which I believe we in Congress can legislatively assist a private entity to thrive and be successful.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, the National Endowment for the Arts has served this Nation well for many, many years. There are things that we can do to improve its performance, but the

wholesale scuttling of the National Endowment would, I think, be a mistake. I believe that we can make improvements but we cannot give up the vision of a national agency which reaches into every corner of this country to encourage and inspire the artistic excellence of the American people. By supporting the NEA, we can accomplish that. I believe these amendments would disrupt that support, and, therefore, I oppose them and request that my colleagues oppose them.

I yield back my time.

The PRESIDING OFFICER. All time has expired.

Mr. ABRAHAM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment, No. 1206. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. GRAMM. I announce that the Senator from Arizona [Mr. MCCAIN], is necessarily absent.

The result was announced, yeas 26, nays 73, as follows:

[Rollcall Vote No. 244 Leg.]

YEAS—26

Abraham	Gramm	McConnell
Allard	Grams	Nickles
Ashcroft	Hagel	Roberts
Brownback	Helms	Sessions
Coats	Hutchinson	Shelby
Coverdell	Inhofe	Smith (NH)
Enzi	Kyl	Thompson
Fairecloth	Lott	Thurmond
Frist	Mack	

NAYS—73

Akaka	Durbin	Lieberman
Baucus	Feingold	Lugar
Bennett	Feinstein	Mikulski
Biden	Ford	Moseley-Braun
Bingaman	Glenn	Moynihan
Bond	Gorton	Murkowski
Boxer	Graham	Murray
Breaux	Grassley	Reed
Bryan	Gregg	Reid
Bumpers	Harkin	Robb
Burns	Hatch	Rockefeller
Byrd	Hollings	Roth
Campbell	Hutchison	Santorum
Chafee	Inouye	Sarbanes
Cleland	Jeffords	Smith (OR)
Cochran	Johnson	Snowe
Collins	Kempthorne	Specter
Conrad	Kennedy	Stevens
Craig	Kerry	Thomas
D'Amato	Kerry	Torricelli
Daschle	Kohl	Warner
DeWine	Landrieu	Wellstone
Dodd	Lautenberg	Wyden
Domenici	Leahy	
Dorgan	Levin	

NOT VOTING—1

McCain

The amendment (No. 1206) was rejected.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mr. CHAFEE. I move to lay it on the table.

The motion to lay the amendment on the table was agreed to.

Mr. GORTON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call.

Mr. LOTT. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LOTT. In just a few minutes I will propound a unanimous-consent request. I had hoped we would be able to finish the interior appropriations bill by tonight. We have not been able to do so because of a number of conflicts and amendments that have been offered.

Senator DASCHLE and I have tried to move it along and we have not been able to do so yet. I understand that Senators still have some amendments they would like to offer. We have one more vote pending tonight which has already been called for.

I believe the next amendment then would be the Hutchinson amendment. I will ask unanimous consent that we have a time limit of about 20 minutes, and that we do that vote at 9:30 in the morning. I will also ask that we get a list of amendments tonight to see what we are dealing with, to begin to close this out. I don't think we have that many problems, but because of the length of time that we have put into the amendments we have already voted on, a number of Senators would like to see this list and work through it in the morning.

Again, I hope we can work together to get it done. We could have as many as five votes tonight—could have. You know, one of these days we may have to do that. But in view of the circumstances, since we seem to be contributing to some of the problems, and everybody has tried to work in good faith, I think the better part of valor tonight would be to have this one last vote and get the UC, and we would begin votes again in the morning. Is there any comment on that from the minority leader?

Mr. DASCHLE. Mr. President, I appreciate the majority leader's consideration of schedules. I do hope that all Senators will cooperate. We have had good debate on the NEA and I hope we can get it behind us. We have a lot of other issues and they all deserve some consideration.

I hope we can create a finite list tonight and reach some agreement about what that list is so that we can complete our work, hopefully, tomorrow. So I ask for the cooperation of all of our colleagues on my side of the aisle in an effort to get that finite list so we can continue our work and, hopefully, complete it by the end of the day tomorrow.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that, following the

amendment remaining to be voted on, the next amendment in order to the Interior appropriations bill be the Hutchinson amendment, and that the vote on that would occur at—we would begin debate at 9:30 in the morning with 20 minutes, equally divided, before the vote.

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

Mr. LOTT. I further ask unanimous consent that, following the amendments, we have a list that would be the only remaining amendments in order to the Interior appropriations bill, and that they be offered in the first or second degree on this list.

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

Mr. LOTT. Mr. President, in light of that somewhat haphazard unanimous consent request, there will be no further votes tonight. Members are urged to get their amendments offered. We will begin voting at 9:30 a.m.

I yield the floor.

AMENDMENT NO. 1187

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate, equally divided, on amendment No. 1187, the Hutchinson amendment, which had been previously agreed to.

Who yields time?

Mr. HUTCHINSON. Mr. President, I thank Senator SESSIONS, Senator ASHCROFT, and Senator ABRAHAM for their work on behalf of this amendment. It does not change the appropriations for the arts; it is \$100 million, block granted to the States. There is a chart down in the well. Everybody has seen what their State will do. Forty-five States will have more resources for arts funding under this amendment.

The National Endowment has simply failed on their mission to broaden public access to the arts. One-third of the congressional districts in this country get zero from the National Endowment for the Arts. One-third of the funding of the NEA goes to six cities. This is unfair.

The issue is simply local control. The issue is more resources for art. I ask my fellow Senators to say "yes" to more resources for art and to say "no" to Washington bureaucrats and support this amendment. It means more money for your States to help on those local arts projects.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second?

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time in opposition? Is all time yielded back?

All time is yielded back.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. GRAMM. I announce that the Senator from Arizona [Mr. MCCAIN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 37, nays 62, as follows:

[Rollcall Vote No. 245 Leg.]

YEAS—37

Abraham	Gramm	Murkowski
Allard	Grassley	Nickles
Ashcroft	Hagel	Robb
Breaux	Helms	Roberts
Brownback	Hutchinson	Santorum
Burns	Hutchison	Sessions
Coats	Inhofe	Shelby
Coverdell	Kempthorne	Smith (NH)
Craig	Kyl	Thomas
DeWine	Lott	Thompson
Enzi	Lugar	Thurmond
Faircloth	Mack	
Frist	McConnell	

NAYS—62

Akaka	Durbin	Leahy
Baucus	Felngold	Levin
Bennett	Feinstein	Lieberman
Biden	Ford	Mikulski
Bingaman	Glenn	Moseley-Braun
Bond	Gorton	Moynihan
Boxer	Graham	Murray
Bryan	Grams	Reed
Bumpers	Gregg	Reid
Byrd	Harkin	Rockefeller
Campbell	Hatch	Roth
Chafee	Hollings	Sarbanes
Cleland	Inouye	Smith (OR)
Cochran	Jeffords	Snowe
Collins	Johnson	Specter
Conrad	Kennedy	Stevens
D'Amato	Kerry	Torricelli
Daschle	Kerry	Torricelli
Dodd	Kohl	Warner
Domenici	Landrieu	Wellstone
Dorgan	Lautenberg	Wyden

NOT VOTING—1

McCain

The amendment (No. 1187) was rejected.

AMENDMENT NO. 1204

Mr. BROWNBACK. Mr. President, I call up amendment No. 1204.

The PRESIDING OFFICER. Amendment No. 1204 is before the Senate.

Mr. BROWNBACK. Mr. President, this is an amendment that basically seeks to preserve tribal Indian land as a cemetery and burial ground in Kansas City, KA. It is a very contentious issue there. But this is and has been an Indian burial ground since 1855. There are plans to put a casino on it now. This is being contested. But clearly the land should remain a tribal ancestral land. We put forth this amendment to do that.

I believe we have consent from all sides and all parties for this amendment to be agreed to.

I would like to yield to the Senator from Colorado for a brief statement in that regard.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Mr. President, thank you.

Mr. President, I appreciate the time, and my colleague from Kansas allowing me to speak to this a little bit today. Yesterday, we had a very extended debate here on the floor of the Senate,

and several of us took the opportunity to address this Nation's shameful history in its dealings with American Indians. One of the areas that is the most shameful is the history of failing to abide by its treaties and agreements with native tribes.

This country, as you know, Mr. President, coming from a State that has so many Indian tribes, has had very little respect for the lands and rights of aboriginal people, including the rights of the Wyandotte Tribe in question today.

For example, in 1966 the Congress enacted a law requiring the Wyandotte cemetery be transferred and sold. That law is still on the books, fortunately. The tribe, however, opposed the action and the cemetery was not sold. In this respect, the tribe was seeking to preserve its burial site, culture, and history at a time when the United States was ignoring the tribe's rights.

Frankly, Mr. President, being the chairman of the Committee on Indian Affairs, I find nothing more distasteful to me than to referee intertribal fights. Those disagreements often pit family against family, brother against brother, sister against sister. But I feel compelled to speak out in support of the Brownback amendment today.

Let me try and ferret through this as I understand it. We have two tribes linked by culture, linked by history, linked genetically, probably linguistically, too. The Oklahoma Wyandottes have trust title, although this is being contested as I understand in Federal court and also being dealt with in the Department of the Interior.

The focal point is a cemetery. The Indians that have control of the cemetery, i.e., they have kept it up and taken care of it, are the Kansas Wyandottes. This cemetery, as Senator BROWNBACK has said, has been a burial place for predominantly Indians ever since 1855, 140 years.

Now, the Oklahoma Wyandottes want to build a casino on this cemetery. That in itself is very interesting to me, Mr. President, because those of us who live on reservations, who come from Indian country, we have known literally since childhood the reverence, the feeling that Indians have about burial places. Most of the time, regardless of years, they don't call them cemeteries. They call them holy places or burial places. They consider them places that should be undisturbed, treated with reverence, and very seriously. I pity the construction company that would ever try to build a high rise or a roadway or something of that nature through an Indian burial ground because they do have laws on the books, we have laws on the books right now dealing with Indian burial places that prevent construction in those areas.

Well, very simply, Mr. President, just because they are Indian, they can't have it both ways, and it would seem

to me there are many questions that are left unanswered if we try to make a policy change on an appropriations bill. For instance, we have not, to my knowledge, heard from the State of Kansas. Under the 1988 IGRA any tribe that wants to build a casino or open a casino within a State has to reach some kind of understanding with the State, not to exceed the State law in non-Indian owned casinos. To my knowledge, they have not done this. We have not heard, to my knowledge, from anybody at Huron who would be affected. We haven't heard from people in the local communities, the citizens who are going to be affected or the mayor of Kansas City. We simply do not know, if we do pass this into law, how it would affect the ongoing litigation. I simply think it is the wrong vehicle.

Now, I am not familiar beyond that with the circumstances of this case, but I think that we could be doing ourselves a disservice by not having the supporters of this, that is, the opponents of the Brownback amendment, bring it forward as a legislative piece of paper where we can deal with it in legislative committees. I am not aware of any bill being introduced to that effect either.

So I would go on record, Mr. President, as saying that my feeling from a historical and cultural standpoint is this should continue to be used what it was originally used for, and that's basically what the Brownback amendment does. But no Congress is bound by the action of a previous Congress. We all know that. So if at later date a future Congress, whether it is the 106th, the 108th or whatever, feels it should reverse that because of something we don't know and do it by legislative action, then that's the way it should be done.

Now, they tell me that the Wyandottes of Oklahoma were only informed as late as last week of the Brownback amendment, but by the same token many supporters of the Brownback amendment didn't know of the original language in this bill until the last couple of days. So I think they are on a level playing field from that standpoint.

With that, Mr. President, I simply say I hope my colleagues would support the Brownback amendment. I yield the floor. I thank you.

Mr. INOUE. Mr. President, as the vice chairman of the Committee on Indian Affairs, I feel that I must object to this amendment.

However meritorious its intent may be, it seems to me that there are serious legal ramifications to the proposal that we have not had an opportunity to evaluate.

As Americans, we have come to rely on the constitutional protections that are accorded to property rights under the law.

One of those rights is to be free in the use and enjoyment of our property—provided of course that our uses of property do not present any danger to the health or safety of the public.

Even when land is held in trust by the United States for an Indian tribe, the principal restriction on the use of trust property is a restriction against alienation.

In the modern era of self-governance and self-determination, this Government has long since abandoned the paternalistic stance of dictating to the tribes the details of everyday life on reservations.

The principle which informs the fifth amendment to our Constitution—that there will be no taking of property without just compensation—is precisely why we have spent so much time debating the issue of federally imposed land restrictions in the Congress.

The Wyandotte Tribe of Oklahoma has owned the Huron cemetery—held beneficial title to the Huron cemetery as a function of an 1867 treaty—for 130 years.

And yet today, without the benefit of a hearing or any public consideration—and importantly—without the benefit of any consultation with the Wyandotte Tribe of Oklahoma, we are being asked to impose a restriction on the tribe's use of its own land.

Mr. President, I am not aware that there is any emergency at stake here.

I know of no reason why we must take this precipitous action on an appropriations bill.

I believe if the good gentleman from Kansas were to introduce his amendment as authorizing legislation, we could all have the benefit of the kind of information that can be gathered in a formal hearing.

We could be apprised of what legal liabilities may flow from the proposed amendment.

The Wyandotte Tribe of Oklahoma can be afforded the due process of law which our Constitution guarantees to all Americans, before the Senate of the United States decides to dictate to this tribe, the manner in which it can use its property.

Mr. President, I would be remiss if I were to fail to seize this opportunity to suggest that were we to adopt this amendment without the benefit of any hearings or any assessment of its impact—both as a legal matter and as a matter of policy—we will be establishing a precedent that we ought to think very carefully about.

Are we going to vest ourselves with the responsibility of micro-managing the use of tribal lands across this Nation—50 million acres of land?

Are we going to return to the days when this Government told the Indians that we were the "Great White Father"—and we would decide what was best for them?

I, for one, will not go down that road, and I hope that my colleagues will not

do so either, until and unless, there is some overwhelming and compelling reason for doing so.

Personally, I don't believe that the use of the Huron cemetery by the Wyandotte Tribe of Oklahoma presents that compelling a case—nor do I know why we would or should address this matter today.

Mr. President, let us proceed cautiously and deliberately, as the American public desires us to do—let us examine carefully what is at issue, and take action, only after we have done so, and only after we are informed of all of the facts.

The PRESIDING OFFICER (Mr. COATS). Is there further debate on the amendment?

Mr. BROWNBACK. I urge adoption of the amendment, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kansas.

The amendment (No. 1204) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mr. BROWNBACK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INDIAN PROVISIONS

Mrs. BOXER. I am delighted that a compromise was reached yesterday on Sections 118 and 120 to the Interior Appropriations bill. As a Senator for California and as a citizen, I am greatly relieved that these two provisions will no longer endanger the rights of our Nation's Indian tribes.

Sections 118 and 120 would have directly violated the bargain struck between the United States and Indian tribes over a century ago. In hundreds of treaties, the United States agreed to make payments to Indian tribes in exchange for nearly 100 million acres of tribal lands. Section 118, which would have imposed a means test on these payments, violates both the letter and the spirit of these contracts. The result would have been to impose a penalty against tribal governments for improving services for their citizens and trying to achieve self-sufficiency.

Section 120 would have gone even further in violating the promises the United States made to the tribes. It would have required tribes to choose between the payments promised to them and their inherent right to sovereign immunity, a right acknowledged in the United States Constitution.

The United States has a long history of recognizing tribes as sovereign entities. As early as 1895, the United States Court of Appeals for the 8th Circuit ruled that tribal sovereign immunity from lawsuit is analogous to state sovereign immunity, which is protected by the 11th Amendment to the Constitution. Section 120 would have ignored this history and stripped tribes of their

Constitutional right to sovereign immunity without due process.

Sections 118 and 120 would have also significantly undermined the efforts of our Indian tribes to improve the quality of life for their people. Tribal Priority Allocations are funds targeted at addressing the most critical areas of need among our Nation's Native Americans. Without these funds, many tribes would be unable to pay for essential services, such as public schools, health care, social services, law enforcement, and road maintenance.

Ironically, Section 120 would not have affected the few tribes that are economically able to forgo Federal funding. Only the most dependent tribes, those suffering most from poverty, would have been forced to trade their sovereign status for Federal support they desperately need to survive. The effect would have been the creation of two disparate classes of tribes, those who could afford to be sovereign and those who could not.

Sections 118 and 120 would have had a particularly harmful effect in my State. In California, there are 104 federally recognized tribes, and over 250,000 Native Americans, who would be financially and emotionally devastated had this provision become law. The vast majority of tribes desperately need Federal funds for daily survival. One third of all Native Americans live below the poverty level. Nearly half of all Native Americans living on reservations are unemployed. Of those who do work, almost a third earn less than \$7,000 per year. Those Indian businesses that are experiencing any measure of success are just now beginning to create jobs and economic opportunity. To take away funding now for essential services like public schools and health care would have destroyed any chance for self-sufficiency for many tribes.

We must also keep in mind the potentially devastating effect Section 120 would have had on our Federal courts. Our Federal court system is already severely overburdened, a situation magnified by the 97 vacancies that plague our Federal judiciary. Chief Judge Proctor Hug of the Ninth Circuit Court of Appeals recently reported that he was forced to cancel more than 600 civil cases due to the shortage of judges. This already overburdened system could not absorb the thousands of cases that would have potentially flooded our Federal courts had tribes been stripped of their sovereign immunity. At a minimum, such a far-reaching proposal should be subject to the careful, deliberative process of the proper authorizing committees.

For all of these reasons, I was, and continue to be, strongly opposed to Sections 118 and 120 and I am happy to see them removed from the bill.

Mrs. MURRAY. Mr. President, I rise in support of the Interior appropriations bill. I commend the chairman and

ranking member for developing a bill that provides a number of benefits to the people of the Nation and, particularly, the people of the Pacific Northwest. I want to highlight some of the bill's strengths and weaknesses.

FOREST ROAD POLICY

I voted in favor of the amendment offered by my colleague, Senator BRYAN, on forest road funding and purchaser road credits. I did so in response to the enormous outpouring of public opposition to the current road-building policies of the Forest Service. Everyplace I've gone in recent months, I have been approached by average citizens—not just environmental activists—and urged to slow new road construction and stop subsidies to timber companies. Editorial boards across my State and the Nation have said now is the time for a change in the road building policies of the Forest Service. I agree.

However, this has been a difficult decision for me. My top forest priority is full implementation of the President's forest plan, including meeting timber production goals. A severe cut in road construction and reconstruction might have impacted the Forest Service's ability to meet all of the plan's objectives. However, I have been assured by the administration that the Northwest forest plan remains a top priority and it will not be affected by the \$10 million cut in road construction proposed by the Bryan amendment. The administration believes it can minimize the impact of these cuts on the timber program throughout the country, but will make the scientifically validated Northwest forest plan a priority.

Despite my strong and continuing support for the Northwest forest plan, I am concerned about the Forest Service's policies on roadless areas. The scientific assessment recently completed for the Interior Columbia Basin ecosystem management project demonstrates the importance of roadless areas for fish, wildlife, water quality, and ecosystem health. Thus, I believe we should only build new roads into large roadless areas infrequently and with great care and full environmental analysis.

That said, I continue to be a strong supporter of multiple use, including timber harvest, on our Nation's national forests. I cannot fathom why some want to prohibit harvest of second growth timber of Forest Service land. Timber harvest not only provides needed jobs and wood products, but in some cases it can improve the health of timber stands and reduce the risk of devastating wildfire.

I intend to work with the administration to improve our road-building policies, reduce subsidies, protect vital watersheds, and ensure ecologically healthy systems remain strong. I do not support elimination of all new roads, because roads are necessary for

timber harvest. But we must stop subsidies and/or the appearance of subsidies by revamping the agency's accounting systems and ensuring our Nation's public lands are managed as economically viably as possible.

LOG EXPORTS

I want to explain why I believe the provisions in this bill regarding log export restrictions make good environmental and economic policy. As many of my colleagues know, the issue of log exports is very contentious. The battle over log export policy has raged in the Pacific Northwest for years. We first passed a comprehensive log export bill in 1990. Since then Congress has revisited that law in 1992, briefly in 1996, and again this year. The USDA Forest Service issued regulations in 1995 that would have seriously impacted the entire timber economy of the Northwest. Those regulations precipitated a demand by Senator GORTON for those Washington State entities impacted by log export policy to develop legislation they could all support. That was a tall order, but this legislation embodies the best compromise that could be developed. Let me explain what these provisions do.

First, this bill imposes a permanent ban on the export of all logs cut from State lands. My home State of Washington has been the biggest exporter of public timber in the Nation. However, under the compromise law Congress passed in 1990, no timber from State land could be exported for the first 5 years of the law. Those 5 years have passed, so the State ban on log export will—on October 1—be lifted and the existing law will prohibit the export of only 400 million board feet, of a total sale program of 650 million board feet. That means without this bill, 250 million board feet will go overseas without domestic processing. That means jobs would be lost in rural America and our region's forests would be cut without gaining their highest economic value.

Second, this bill also protects the private property rights and values of both industrial and family tree farmers. Without these provisions, a timber grower whose land was located next to a sawmill that uses Federal timber could not sell his or her trees to that sawmill if that sawmill also used Federal timber. That limitation does not encourage domestic processing of timber—one of the original goals of the 1990, and this, legislation. In addition, the proposed agency regulations that this legislation will correct would have required all private timber owners to brand each and every tree cut on his or her land. It is simply bad policy and does not encourage landowners to keep their lands in timber production instead of selling them off for development.

Third, some have objected to the so-called buyer-broker provision saying its guts existing log export law. This

provision allows a third party sawmill owner that uses Federal timber also to purchase private timber from another company or individual and export a portion and process a portion of that timber. This allows a timber purchaser both to supply an American sawmill and pay the landowner the highest price for the trees. Currently, the State of Washington has very similar policy instituted in its log export regulations—and the ban on State log export has worked, by all accounts, very well. This provision provides necessary flexibility and will likely lead to more private timber being processed domestically than would otherwise occur. And, let me be clear, under this bill, a private company that grows timber on its own land still cannot export that timber from the same area in which it purchases Federal timber.

Finally, this provision will hopefully bring closure to log export policy. I—and the vast majority of the public—support a permanent ban on the export of unprocessed timber from public lands. Most of us would also like to encourage greater processing of private timber. This provision provides the tools to accomplish these goals. It is the right economic and the right environmental policy.

EXPORT OF FOREST SERVICE ALASKA RED CEDAR

I have offered an amendment that I hope will be accepted under unanimous consent regarding the domestic processing of Alaska red cedar from National Forests in Alaska. Alaska is a unique place. When most of us think of exporting a product, we think of exporting it out of the United States. In Alaska, a product is exported if it leaves Alaska—even if that product goes to the lower 48 States.

Thus, on the Tongass National Forest, Western red cedar is first offered to Alaska timber purchasers. However, there is no market or no capacity to manufacture this species in Alaska, so it has been declared a "surplus species." As a surplus species, these fine, scarce logs can be sold on the long export market to Asian buyers. While American companies are certainly free to purchase these public logs, they must pay the significantly higher prices offered on the export market. In the lower 48 States, Western red cedar is very much in demand.

Under my amendment, these national logs must be offered at domestic prices to mills in the lower 48 States. My amendment requires the Forest Service to establish a three-tiered policy giving Alaskans first priority, other American companies next priority, and only if no one wants these logs—which is highly unlikely—may they be exported.

The current policy must be remedied. I hope my amendment will be accepted.

LAND AND WATER CONSERVATION FUND

This bill provides critical funding for important land acquisition within the

Pacific Northwest. The Columbia Gorge National Scenic Area will receive \$8 million to purchase land to protect the ecological and scenic values in the gorge. It includes funds to acquire land and develop a trail along Cape Horn, one of the most beautiful areas on the Washington side of the gorge. Outside of the gorge, we appropriated \$1.5 million for vital wetlands along the Black River in Thurston County. This unique, spring-fed river contains lands threatened by the growing population around Olympia and Tacoma.

I am very excited by the commitment Chairman GORTON has made to help secure funding to purchase the Elwha and Glines Canyon dams with land and water conservation funds. The acquisition and removal of the Glines Canyon and Elwha dams have been a priority of mine since I was elected in 1992. So far, we have \$8 million authorized to purchase both dams from Diashowa Co. for a total of \$29.5 million. It appears we can tap some of the \$700 million allocated for LWCF purchases this year to acquire both dams and begin the process of removing one dam and restoring the outstanding salmon fisheries in this Olympic National Park River.

RECREATIONAL TRAILS FUNDING

I also support the increased funding for trails contained in this bill. Recreational use of our national forests has increased almost every year since the 1950's. This year, we added \$3.5 million to the President's already high budget request for Forest Service trails maintenance in Washington and Oregon. These dollars desperately needed to keep our beautiful forests accessible, disperse forest users, and protect the forest system.

TITLE VI

Mr. CRAIG. I rise for a brief colloquy with the manager of the bill. First, I would like to commend the Senator from Washington for his hard work on title VI of this bill. Title VI, which includes the forest resources conservation and shortage relief provisions, represents a considerable amount of effort. The title is a thoughtful attempt to resolve a very complex issue in an equitable fashion. The title is necessary because of difficulties caused by the administration regulations restricting the movement of logs across different jurisdictions. However, because the provisions of the title are so complex and involve so many intensely disputed issues, I would hope we would use the next year as a time for testing the provisions in the title and securing additional comments from all interested parties. We can evaluate how successful the provisions are, and develop any necessary changes together with other interested Senators over the course of the next year. I ask my colleague from Washington whether he agrees that we should look at the following year as a test period for this

measure so that we can together evaluate any needed changes.

Mr. GORTON. I fully understand the concerns that have been raised about these provisions. As is the case with any measure developed over a long process, there are parts of this title which will not please everyone. I believe my proposal represents the most comprehensive solution possible given this issue's complexity. While I sincerely hope that we do not have to revisit this issue again next year, it is certainly appropriate to look at the next year as a test period, to evaluate how well the provision works, and to assess what changes, if any, are necessary. I commit to my colleague from Idaho that I will work with him and other interested Senators and parties to this end.

Mr. SMITH of Oregon. I also would like to commend the Senator from Washington for his diligence in pursuing a solution to this issue. I would be pleased to work with the Senators from Washington and Idaho on this effort to evaluate how well this provision works, and to consider the need for any changes.

FUNDING FOR RENOVATION OF MONTEZUMA CREEK HEALTH CLINIC

Mr. HATCH. Mr. President, as the Senate considers the Interior appropriations bill, H.R. 2107, I want to comment briefly about a small but very important provision in the bill that will provide \$100,000 in Federal money to renovate the Montezuma Creek Health Clinic in Montezuma Creek, Ut.

The Montezuma Creek Clinic is located in the rural community of Montezuma Creek in the southeastern part of Utah in San Juan County. This community serves as the population center for the eastern portion of the Utah Navajo region which is home to more than 6,000 Navajos who live on and around the Navajo Reservation.

This area also has one of the most critical health care shortages in Utah and, in fact, in the entire region of the western United States.

Located in the heart of this community is the Montezuma Creek Health Clinic which was initially operated by the Indian Health Service [IHS] to serve the Navajo population.

Today, the clinic principally serves the 6,000 Navajos as well as the non-Indian population who live in southeast Utah and northeast Arizona. The clinic is presently operated in a cooperative effort between the Utah Navajo trust fund as the owners of the clinic facility, the San Juan County Health Care Services as the county provider of health services, and the IHS which provides contract support services.

It is ironic that there is only one IHS facility located in the entire State of Utah when neighboring States have as many as a dozen or more facilities each. The only IHS facility in Utah is an outpatient facility at Fort

Duchesne which is located over 350 miles away.

It is obvious that the health care needs for this segment of the Utah Native American population are greatly underserved.

For over 3 years, I have worked with the IHS, the Utah Navajo trust fund, the State of Utah, the Aneth Chapter of the Navajo Nation, San Juan County and many other concerned parties in an effort to improve the delivery of health care for the residents of this community.

Unfortunately, it has not been an easy task.

The Federal budgetary pressures on facility construction projects within the IHS budget have prevented Federal dollars for the construction of a new facility at Montezuma Creek.

Moreover, the current IHS facility's priority list—which includes construction funding for projects on the priority list—has as a practical matter precluded the addition of new facilities for Utah. This is very unfortunate for the community of Montezuma Creek. It seems that Utah has always been short-changed when it comes to IHS and IHS-related health care services in our State.

And, I would remind my colleagues that the health status of Utah Navajos living in San Juan County is lower than the Utah Native American population in general which, overall, is even lower than the Native American population as a whole.

In spite of the difficulties, the Montezuma Creek Clinic continues to operate and provide life saving health care services to the community albeit in the facility that is clearly outdated and in need of renovation.

Although the facility is functional, it is in poor condition and inadequate for the provision of needed services to the 65 to 110 patients served on a daily basis. In addition, there is a need to bring the facility into compliance with modern building codes for medical facilities.

Accordingly, I am delighted that the Interior bill contains Federal funds in the amount of \$100,000 for design and construction purposes in renovating the existing facility.

Moreover, these funds will be matched dollar for dollar by the State of Utah and the Utah Navajo trust fund to collectively bring the total to \$300,000. It is my hope that the Federal commitment of \$100,000 will also prompt private contributions from those national corporations operating in San Juan County. I believe with the collective support and backing of all parties we will be able to set in motion much needed improvements in health care for the residents of Montezuma Creek.

I also want to thank my good friend and colleague from Utah, Senator BENNETT who, as a member of the Interior

Appropriations Subcommittee, was extremely helpful in securing these funds for this project.

Moreover, let me thank the distinguished chairman of the Interior Subcommittee, Senator GORTON, for agreeing to this modest request and including it in the bill.

I must say that I am delighted we are finally able to help this clinic.

A great deal of time and effort has been devoted by many people in securing both the needed money and the cooperative arrangements for carrying out this project.

In addition to Senator BENNETT and Senator GORTON, I want to thank Judy Edwards with the Utah Department of Health, Ed Alter who serves as Chairman of the Utah Navajo trust fund in which the combined funding will be deposited, Mark Maryboy with the Aneth Chapter of the Navajo Nation—Utah—and Donna Singer with the Montezuma Creek Clinic.

I look forward to working with these individuals and others in the months ahead on the long needed renovation of Montezuma Creek Clinic.

AMERICAN HERITAGE RIVERS INITIATIVE

Mr. KEMPTHORNE. Mr. President, the American Heritage Rivers Initiative [AHRI] was first announced by President Clinton in his State of the Union Address to provide Federal support to communities undertaking river restoration projects through improved access to Federal resources and by encouraging private sector support for local efforts.

An interagency team led by the Council on Environmental Quality [CEQ] was established. The CEQ formally announced the program in the May 19, 1997, Federal Register. The Federal Register announcement stated that the goal of the AHRI was to address a need for concerted, long-term efforts in water quality improvement, river restoration, and economic revitalization within and along the river. Under the proposed rule, any person or community may nominate a river or entire watershed for designation by the administration.

I, like many of my colleagues, have concerns about this initiative. For one thing, those who could be affected by such a proposal have not had sufficient time or opportunity to comment. Second, Members of Congress have not received a detailed briefing from the administration on how this plan is to be carried out. It appears that the administration has completely circumvented the affected public and Congress in an effort to implement the AHRI.

I have concerns about where the funding and staff necessary to run this program will come from. In a time where budgets are constrained and the Federal Government is required to do more with less, it is difficult to support increased funding for a proposal initiated by the administration and where

Congress has been left out of the implementation strategy.

A while back I cosigned a letter to the administration outlining our concerns with this proposal, and to request an extension of the public comment period for an additional 120 days which was granted, and expired on August 20. I signed a second letter from the Idaho delegation to Ms. Katy McGinty, CEQ Chair.

Mr. President, I ask unanimous consent that these letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
Washington, DC, June 5, 1997.

HON. KATHLEEN A. MCGINTY,
Chair, Council on Environmental Quality, The White House, Washington, DC.

DEAR MS. MCGINTY: We are writing on behalf of numerous constituents who have an interest in the newly announced American Heritage Rivers Program, which involves thirteen executive departments and agencies. We are requesting an extension in the public comment period of 120 days.

According to the May 19, 1997 Federal Register announcement, under this program rivers across the country will be designated as "American Heritage Rivers." A designation is intended to address a "need for concerted, long-term efforts in water quality improvement, river restoration, and economic revitalization within and along the river." Any person can nominate a river or entire watershed for designation by the administration, which is intended to preserve the natural, historic, cultural, social, economic and ecological diversity of the nation's rivers.

This program was first announced by President Clinton on February 4, 1997. Several public hearings were apparently held during April and May, although the hearings were not noticed in the Federal Register, nor were Congressional offices uniformly notified of the hearings. On May 19, 1997 this program was announced in the Federal Register for the first time. The comment period closes June 9, 1997, allowing only three weeks for public comment.

Given the vast scope of the goals of this proposed program and the magnitude of possible designations, this program will potentially implicate a vast range of interests. We believe that three weeks is clearly an insufficient amount of time to permit all interested parties to submit meaningful comment on the proposal.

Under the circumstances, and with the large impact this may have on the citizens of our states, we urge you to extend the comment period for an additional 120 days. This would ensure the submission of thoughtful comment representative of all interested parties and organizations. Surely you agree that the success of the proposed program hinges on addressing the concerns of the widest cross-section possible of affected parties. To adequately inform all parties, we also urge you to schedule public hearings on this program, after first notifying all congressional offices and noticing the hearings in the Federal Register of the scheduled hearings.

Thank you for your most expeditious response to these concerns.

Sincerely,

Conrad Burns, Rick Santorum, Sam Brownback, Ted Stevens, Larry E.

Craig, Kay Bailey Hutchison, Robert T. Bennett, Tim Hutchinson, Craig Thomas, Richard Shelby, Slade Gorton, — — —, Trent Lott, Dirk Kempthorne, Pete Domenici, and Don Nickles.

CONGRESS OF THE UNITED STATES,
THE IDAHO DELEGATION,
Washington, DC, August 14, 1997.

HON. KATHLEEN A. MCGINTY,
Chair, Council on Environmental Quality, Old Executive Office Building, Washington, DC.

DEAR CHAIRMAN MCGINTY: The following are comments from Idaho's united Congressional delegation on the American Heritage Rivers Initiative as described in the *Federal Register*, Volume 62, No. 96, Monday, May 19, 1997.

Let us be clear—we have serious concerns with the initiative. We are not only concerned about the initiative itself, but the manner in which it was advanced. It is a clear effort on the part of the Administration to bypass the Constitutionally directed lawmaking power of Congress and our system of checks and balances. Congress has not authorized this initiative and has not appropriated money for this program. Additionally, the Council on Environmental Quality (CEQ) is not granted the power to govern or regulate rivers or watersheds within sovereign states. As such, this initiative represents a challenge of Congress' power and the rights of states, in line with the protections guaranteed in the Fourteenth Amendment.

We have other objections beyond this fundamental concern. For example, this initiative actually works against its stated goals: to streamline the federal process dealing with river protection. There are existing federal and state authorities that are charged with the mission of regulating water resource planning and allocation. In addition, there are nearly a hundred grass roots watershed councils across the nation that are accomplishing the same objectives as the initiative, but they have local input as opposed to federal control. The initiative creates an unnecessary, additional layer of bureaucracy that will make it more difficult for private individuals to continue to develop and use water resources that have in the past been controlled by state and local government entities.

Another concern relates to the effort to obtain local input regarding the designation of rivers as an American Heritage River. While we support obtaining local input, we question whether the initiative is designed to achieve a truly representative sampler. This is because the local input is based upon what is referred to as "river communities." Any small group, environmental organization or local civic club could be defined as a "community." The initiative redefines communities, watersheds, and jurisdictional boundaries to create this governing entity, which will then have the power to decide the "length of the area" to be designated "whether it be an entire watershed, the length of an entire river, or a short stretch of a river, and may cross jurisdictional boundaries."

Because these communities have no set definition and because of the diverse, and often conflicting set of options, this may cause real communities to become fragmented. Worse, there is no guarantee that private property owners will be included in any decisions made by this river community. In fact, a river could be designated over the specific protests of local private property owners whose land would be most affected.

This potential threat to property rights is a serious one. There are no safeguards written into the initiative to protect the rights of property owners. On the contrary, it appears the initiative could result in rezoning properties, thereby disallowing legitimate uses or development. It's also feared that property values will decline because of the designation.

Another major concern with this initiative is that the designation of a river is essentially permanent. While CEQ may claim that a river can be undesignated at any time, according to the wishes of the local community, there is no defined process for undesignation. And you are aware, the needs and wishes of communities change and a community may decide it no longer wants to have that section of river designated.

The process by which this initiative was proposed is flawed, as well. It is in violation of the National Environmental Policy Act (NEPA), which requires an Environmental Impact Statement (EIS) to be filed for any federal action which would significantly impact our environment. No EIS was filed. Furthermore, NEPA requires a ninety-day public comment period for any EIS. A mere three weeks was originally provided for public comment. While we appreciate the extension of the comment period to sixty days, it was only after extensive public outcry.

Despite all of these significant problems with the initiative, there is still one more that cannot be ignored. If this initiative were to be enacted, it would conflict with the Idaho Constitution, Article XV, Section 1 of the Constitution of the State of Idaho, as approved by the U.S. Congress states: "The use of all waters . . . [is] subject to the regulations and control of the state. . . ." Additionally, Idaho Code 42-101 states: "All the waters of the state, when flowing in their natural channels, including the waters of all natural springs and lakes within the boundaries of the state are declared to be the property of the state, whose duty it shall be to supervise their appropriation and allotment to those diverting the same therefrom for any beneficial purpose." Idaho clearly has jurisdiction, control, and sovereignty over water within her own borders and any federal attempt to usurp or interfere with that authority will be aggressively resisted.

As you can see, we have some serious reservations about your American Heritage Rivers initiative. Our concerns can be summed up into three basic areas: the lack of Congressional approval, the vague language and absence of definitions and the excess federal control over private property and state water rights.

We thank you for extending the comment period to sixty days, but we request you withdraw this initiative and allow the local stakeholders and the state to use their current laws to govern their water.

Sincerely,

HELEN CHENOWETH,
Member of Congress.
LARRY E. CRAIG,
United States Senator.
MIKE CRAPO,
Member of Congress.
DIRK KEMPTHORNE,
United States Senator.

Mr. KEMPTHORNE. Mr. President, Idahoans are quite opposed to the AHRI. They see it as a further encroachment of the Federal Government not only into their lives but onto their lands. Even though the administration insists the initiative would be locally

driven and administered, the average Idahoan strongly disagrees with this notion and simply wants the Federal Government's role to decrease in every possible aspect.

Mr. President, I support the amendment to H.R. 2107 submitted by the Senator from Arkansas.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I ask unanimous consent to be able to proceed in morning business for up to 5 minutes.

The PRESIDING OFFICER (Mr. HUTCHINSON). Without objection, it is so ordered.

HELICOPTER CRASH IN BOSNIA

Mr. BIDEN. Mr. President, I rise this evening to comment on the tragic news from Bosnia. Earlier today, a U.N. helicopter carrying several international officials crashed 40 miles northwest of Sarajevo. Twelve people are reported dead and four injured. The latest reports indicate that on board were four or five Americans, still unidentified, who were working for the International Police Task Force and the Office of the High Representative for Bosnia. Among the dead was Gerd Wagner, the Senior Deputy High Representative for Bosnia. Ambassador Wagner was well known to many of us in the Congress, since before he took up his post this past summer he was the political counselor at the German Embassy in Washington.

A Balkan expert who learned Serbo-Croatian while serving in Belgrade earlier in his career, Ambassador Wagner answered the call to take up the challenging and dangerous post as Senior Deputy to High Representative Carlos Westendorp.

I had dinner with the Ambassador 3 weeks ago in Sarajevo. In the presence of a diverse group of Bosnian Muslims, Croats, and other international officials, he spoke out forcefully in favor of the difficult task of making the Federation work. Much of the credit for refugee resettlement and for fleshing out the political institutions mandated by the Dayton accords belongs to Gerd Wagner.

Mr. President, this terrible helicopter crash follows just 2 years after the accident on Mount Igman that took the lives of three dedicated American diplomats—Joe Kruzal, Bob Frasure, and Nelson Drew. In neither the Mount Igman accident in 1995 nor today's helicopter crash was any foul play suspected.

As a matter of fact, the early reports are reminiscent—Dr. Haltzel, of the Foreign Relations Committee staff, and I were talking about it today—of our own helicopter travel in Bosnia 3 weeks ago. We were in a similar situation. Reportedly the reason Ambas-

sador Wagner's delegation crashed was heavy fog. We also took off from Sarajevo in a peasoup fog, and the pilot of our American Blackhawk helicopter expressed concern about the fog and the mountains. Obviously, in our case it turned out not to be a problem. Tragically in this case for Ambassador Wagner's Czech-made helicopter, it ended up being a fatal problem.

As I mentioned, apparently the crash was not the consequence of any foul play. The accident occurred while Ambassador Wagner's party was on a regular peacekeeping mission. The sacrifices of these brave individuals point out the dangers that international peacekeepers, mediators, diplomats, USAID workers, and others face in Bosnia every day, even if they may not be the direct victims of the ethnic fighting.

If the cause of stabilizing the fragile peace in Bosnia and putting that country back on the road to political and economic recovery is important to the United States and its allies, as I firmly believe it is, then we must take the risks to achieve our goals. Our diplomats in Bosnia understand that simple truth, our volunteer professional soldiers in SFOR understand that simple truth, our USAID workers in Bosnia understand it, and our volunteers working for the International Police Task Force in Bosnia understand it. And Gerd Wagner understood it.

Mr. President, our hearts go out to the families of all the victims, the relatives of the as yet unnamed Americans on board, and Ambassador Wagner's wife, Mrs. Sandra Wagner, their two sons, and their daughter, who has been studying at the University of California at Berkeley. Gerd Wagner was a fine German diplomat, a dedicated international civil servant, and a good friend of the United States of America. He will be sorely missed.

Mr. President, I thank my colleague from Iowa for allowing me to speak ahead of him, and I yield the floor.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

TRIBUTE TO BOBBY SILVERSTEIN

Mr. HARKIN. Mr. President, I rise now to pay tribute to a great friend of mine, a close personal friend and someone who has added significantly to the Senate and the House over the course of almost an entire adult lifetime of work and, moreover, who has added to moving America forward in terms of how we feel and how we care about each other and really moving America forward toward the ideal of our Nation. And that is a nation without barriers to anyone, a nation of opportunity for all.

Mr. President, I speak of Bobby Silverstein, who later this month will leave the Senate to teach and establish

a center for the study and advancement of disability policy at George Washington University.

For the past decade, Bobby has been my chief counsel and staff director of the Subcommittee on Disability Policy. During this time, he has been the behind-the-scenes architect of legislation that has truly revolutionized our Nation's policy toward its citizens with disabilities and expanded opportunities for the more than 49 million Americans with disabilities and their families. There is simply not a more knowledgeable, skillful, accomplished and respected person in the field of disability policy in our entire Nation.

Bobby Silverstein played a significant role in crafting the Americans with Disabilities Act, ADA. Before the ADA, discrimination on the basis of disability was wrong, but it was not illegal. Bobby helped me fashion a coalition of grassroots and Washington-based advocacy groups and demonstrated the significant political strength of this unity. Through this coalition, every Member of Congress was educated that disability is a natural part of the human experience, that discrimination on the basis of disability can be tolerated no longer, and that people with disabilities must be judged on what they can do, not on the basis of myths, stereotypes or fears.

His mastery of the issues, unrivaled negotiating skills, patience, and excellent working relationships with those in the disability community, the business community, the Congress, and the White House enabled what many have called the emancipation proclamation for people with disabilities—the Americans With Disabilities Act.

Under Bobby's behind-the-scenes leadership, public policy for infants, children, and adults with disabilities and their families has been strengthened and expanded in every aspect of life: education, employment, civil rights, housing, income maintenance, health, transportation, telecommunications, and recreation. In addition to the ADA, he was my chief aide responsible for securing passing of legislation establishing the National Institute of Deafness and Communication Disorders at the National Institutes of Health. This Institute has contributed significantly to the knowledge of deafness, and has led to improvements in the lives of millions of Americans who are deaf or hard-of-hearing, including senior citizens. Bobby also shaped legislation to reauthorize the Rehabilitation Act, which supports essential job training, employment, and independent living opportunities for thousands of adults with disabilities. On October 16, 1990, the Television Decoder Circuitry Act became law and opened up the information available on television to the millions of individuals who can

benefit from captioned television, including deaf individuals and those children and adults who are learning English.

Prior to this time, people who were deaf, like my brother Frank, had to have a great big box that they set on top of their television set that would receive the signal and decode it for that television. Those units cost, if I am not mistaken, in the neighborhood of a couple of hundred dollars. But as my brother said to me one time, that's fine when I'm home watching television; I can get the news and the weather and other information I need through my decoder on my television. But what about when I travel and I stop at a motel or hotel and I want to find out what the weather is going to be, or I want to listen to the news? I can't take that box with me.

So, beginning in 1988, 1989, we began having hearings on the possibility of mandating every television set sold in America have a little chip put in it so that every television could decode the signal for closed captioning. I remember the hearings. The companies came in and said, "Oh, no, this was going to cost too much money."

Bobby wasn't satisfied. He went to the manufacturers of the chips, asked how much it would cost to produce the chips, and if every television set had them in it how much would it cost. And it came down to mere pennies. So, armed with that information, we were able to get that information to our committee, to Members of the Senate and the House. The bill passed and, as I said, was signed into law by President Bush on October 16, 1990.

So, every time when you turn on that television and a phone call comes in and you want to watch what is going on but you want to turn the sound down so you punch that button on your remote and the captions come up so you can follow the news and still answer that phone call, think of Bobby Silverstein. He is the one who made it happen. It was a great law and one that has just helped millions of Americans, including people like me who do not suffer from deafness, for just the very kind of purpose I just mentioned.

Bobby also championed the Assistive Technology for Individuals With Disabilities Act, protection and advocacy legislation for individuals with mental illness, the Development Disabilities Assistance and Bill of Rights Act and landmark family support legislation. Most recently, Bobby was the lead Democratic staffer for the negotiations that led to the bipartisan enactment of Public Law 105-17, the Individuals with Disabilities Education Act—known as IDEA—Amendments of 1997. This passed this year. IDEA guarantees a free, appropriate public education for more than 6 million children with disabilities.

Bobby came to the Senate after several years working for Congressman

Pat Williams of Montana in the House of Representatives, where his skills resulted in landmark legislation that established early intervention and preschool opportunities for very young children with disabilities—what we now call part H. These two programs have enabled hundreds of thousands of children to obtain the services and support they need to live with their families and develop to their potential.

In addition to his impressive legislative achievements, Bobby has extensive experience working in Federal agencies and the private sector. He has drafted policy interpretations for the Office of Civil Rights of the United States Department of Health, Education and Welfare on issues related to persons with disabilities under section 504 of the Rehabilitation Act of 1973; race and national origin issues under title VI of the Civil Rights Act of 1964; and gender issues under title IX of the Education Amendments of 1972. In private practice, he trained professionals on the legal framework of the Rehabilitation Act, as well as serving as legal counsel for parents of children with disabilities in cases relating to securing a free appropriate public education for their children.

Bobby Silverstein has won not only my unquestioned respect and deep admiration, but that of Republican and Democratic Senate and House Members, leaders of the disability community, the business community and grassroots activists. His knowledge of the issues and his intellectual rigor and honesty are recognized by everyone with whom he's worked.

If Bobby Silverstein says something or is involved with putting forward a point of view, everyone knows that he has come to that position after meticulous study and careful, objective and reasoned analysis. Bobby has taught us all the importance of working together to achieve a common goal. He was able to achieve consensus among parties with strongly held competing views. The great respect he commands from those across the political spectrum is rare and is clearly a tribute to his abilities and tireless dedication to good research and sound analysis. It is this widespread trust and respect for Bobby and his work that has made much of the legislation we've enacted possible.

Mr. President, I, along with every American, owe a great debt to Bobby Silverstein. In all my years in public service, I have not encountered a more dedicated, caring and good-hearted person. He exemplifies all that is good about public service. He is truly among the best and the brightest individuals in the field of public policy. In the field of disability policy, he has no equal.

Mr. President, as you know and as I know and so many people know, as we pass legislation here, it gets our name on it. We are the sponsor of the bill. When it is enacted into law, it is our

name that is on it. So often we know it is dedicated staff that really do the work.

I said so many times that most of the legislation that we pass dealing with people with disabilities, if it were not for Bobby Silverstein, it never, ever would have happened.

So, in that way his mark will remain for a long, long time, not only here in the Senate but all across America.

I will yield to my friend and colleague, the Senator from Vermont.

Mr. JEFFORDS. I could not help but come in and join you, associate myself with your remarks for Bob, because I worked with him both in the House and the Senate. I agree with everything you said. He did so much to assist all of us who wanted to benefit those in the most needy situations. I agree with you. If it wasn't for him—and also of course Patricia Morrissey on my side, those two who worked so very closely together all during that period of time—we would not have accomplished so much. Bobby was incredible. I know he is going to have even, perhaps, a more useful role now that the basic work is done in the profession he is going into. But he is one wonderful person.

You are to be commended for recognizing that and utilizing him, of course, to benefit all of us. I thank the Senator for his comments.

Mr. HARKIN. I thank my friend, the Senator from Vermont, who again is known for his keen intellect, but also a big heart. I appreciate what he just said about Bobby Silverstein. I should have recognized the fact that the Senator would have worked with him, of course, on the House side.

Again, the people who worked so hard to make our country more fair and to break down barriers of discrimination against people—surely no one can claim that Senator JIM JEFFORDS needs to take a back seat to anyone.

Certainly, Senator JIM JEFFORDS of Vermont need not take a back seat to anyone. Senator JIM JEFFORDS has always been in the forefront of those fights, especially working on the issue I have been talking about, people with disabilities. The Senator from Vermont has always been in the forefront assuring that people with disabilities have their full constitutional and civil rights in this country. So I appreciate what he said about Bobby Silverstein, and coming from the distinguished Senator from Vermont, believe me, it means a lot to me and it means a lot to Bobby Silverstein.

Mr. JEFFORDS. Mr. President, I have enjoyed working with the Senator from Iowa. I think we have been together on every issue here over the course of the years. I have been with him, or just a little bit behind him, on all of these. I commend him for all the work he has done. We both know that without Bobby and Pat Morrissey, we

would not have been as successful as we were.

Mr. HARKIN. Absolutely true. I appreciate what the Senator said. It has been a real joy working with the Senator from Vermont both in the House and in the U.S. Senate.

So, Mr. President, as the Senator from Vermont said, Bobby is moving on. I am absolutely certain that his next endeavor, which is the center for the study and advancement of disability policy located at George Washington University, will have an immediate and long-term effect on national policy for Americans with disabilities. I might just add as an aside, Bobby is capable of nothing less.

So as Bobby Silverstein leaves the Senate, I congratulate him on his outstanding accomplishments. I thank him for his tireless service to his country. I extend my best wishes to Bobby, to his wife Lynne and their sons, Mark and Evan, for continuing success in the many years ahead. So, Bobby, thank you for a job well done.

Mr. President, I yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPRO- PRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

Mr. JEFFORDS. Mr. President, while we are waiting for a final draft of the amendment I intend to offer, I thought in the meantime I might just as well talk about it, and then we can take care of it when it is ready.

Senator TORRICELLI and I had a very interesting time earlier this week in helping celebrate the aftermath of the reenactment of the Battle of Antietam which occurred this past weekend, which reenacted one of the most, if not the most, violent battles in the history of warfare in the Civil War.

It was a remarkable experience, because not only were there thousands of people participating in the reenactment, but there also were over 100,000 people who watched the reenactment of that incredible battle which was, they say, the most bloody of the Civil War.

It reminded me of this Nation, as we march on toward the end of this millennium, that we do have an obligation to make a commitment to ourselves in this interim before we go to the next millennium to ensure that we have learned the lessons of history, especially in this Nation, now the most proud and important and strongest Nation in the world, of how we formed and how we lived our lives up through the time it was created in respect to its modern form of people arriving from Europe and other places, and the struggles that we had which were not easy ones.

We are still, in a sense, living some of the aftermath with respect to some of the biases and problems of discrimination in this Nation against those in the black community, who, as we all know, came over here as slaves, and then the great Civil War between the North and the South fought, to some extent, based upon the principles of the States rights, and yet also the very, very difficult question of abolishment of slavery in this country.

I have had the opportunity over the course of time to study a great deal about that war, for Vermont was very dedicated and, in many ways, was the leader in the sense of commitment, for it was early on that Vermonters participated in a higher number per capita than any State in the North. In battle after battle, Vermonters were at the head of the troops. In fact, Lincoln at one time commented after reviewing the efforts of Vermonters, "Just tell them to follow the Vermonters."

When I was first in the Senate, our Vermont Legislature, in commemoration of the 100th year of the Battle of Cedar Creek—I guess it was a little longer than that, 120th, or something like that, because that was 1864, so I wasn't quite here yet, obviously. But anyway, they, in a sense, passed a resolution telling the Vermont delegation that they should go to the Battle of Cedar Creek and locate a monument which was erected there many, many years ago which commemorated the Vermonters. I will mention a little bit about that in a moment.

We went there and had to locate it. It was at the back of a private house, and we found that it was all grown up and trees were winding in and out of the fencework around it. So we took immediate steps to get permission from the landowner and then transferred that information back to our legislature.

But it brought to mind that before the memorabilia and memorials all disappeared, it would be important for us to try and see what we could do to retain them and make them available for future generations.

So I introduced a bill to commemorate, in a sense, the battle in 1864 which led to the election of Lincoln, but also I became so entranced with Stonewall Jackson that I began to study the Stonewall Jackson campaign which occurred earlier in 1862 and recognized and realized from reading that it was the Jackson campaign in the Shenandoah Valley that led to a whole new concept of how to conduct war.

In those battles, Stonewall Jackson took advantage of modern movement by the railroads. So he would appear in one place in Virginia, lodge a battle and then hop on a train and move to a totally different area, and in wonderment, he would appear miles and miles away and have another battle.

So I came to the conclusion that it would make it very interesting if we

could save those battlefields and to create a sort of historic trail with the Park Service so that people could, in a few days, start and follow the Stonewall Jackson campaign and move up through the Shenandoah Valley and then turn around and come back.

That idea grew. Then attached to that at that time came the thought that we ought to take a look at conserving all battlefields that had a meaningful part of our history. Thus, the Battlefield Commission was created and the coin and all to try and fund it. That happened.

Now we are coming, as I started to say, to the end of our century, the end of the millennium, and still much needs to be done to be able to make sure that the history and the battlefields which were the main battles of the Civil War are not lost for future generations.

We have found that many of them are up for sale or the lands around them or critical pieces of land that were involved with those battlefields are up for sale.

Thus, shortly we will be introducing an amendment to make sure that we do not lose the opportunity to provide the funding and the direction to the appropriate Federal officials to make sure that there are funds available to ensure that we can maintain the integrity of the main battlefields of the Civil War.

I know my friend from New Jersey, who was with me as we thought about this and met with people this past week, joins me in this. I now yield the floor and allow him to participate in this discussion as we await the final draft.

Mr. TORRICELLI. Mr. President, I thank Senator JEFFORDS for giving me the opportunity to join with him in this amendment and offer not only my support by my appeal to our colleagues to not only support us in this effort tonight but in future years to keep the commitment to respond to the threat to battlefield sites and other aspects of American history, to give our true measure to protecting the history of this country.

In his Pulitzer prizewinning book, "Battle Cry of Freedom," James McPherson once wrote of the Civil War that:

Most of the things that we consider important in this era of American history—the fate of slavery, the structure of both the North and South, the direction of the American economy . . . the definition of freedom, the very survival of the United States—rested on the shoulders of those weary men in blue and grey * * *.

Most of those men, Mr. President, were simple volunteers, laborers, farmers. They were paid little and endured horrific conditions. Throughout the duration of the war, 620,000 Americans, black and white, North and South, soldiers and sailors, paid an extraordinary price to preserve this Nation or to define it as they would have had its future.

Mr. President, I rise today with Senator JEFFORDS in memory of those brave men because the lands where they fought, the places where they sacrificed, face a new threat. The battlefields of America, which define this country, where they gave their lives, may be lost to history. Future generations who might have been instructed by their sacrifices or discovered America by understanding what occurred on these lands will be denied the opportunity.

We rise, Mr. President, on an auspicious occasion in offering this amendment because it was 135 years ago today, only miles north of this Senate Chamber, when more than 125,000 Americans, Union and Confederate, gathered on the rolling fields near Sharpsburg, MD, for what we know as the Battle of Antietam.

It is therefore a fitting evening as we gather tonight to consider saving the lands where they died, to remember that only 12 hours after they gathered, in what would be remembered tomorrow, 23,000 men lay dead and wounded in what was the bloodiest day in American history, a day in which three times as many Americans fell as died on D-Day.

I remember this anniversary, Mr. President, because I come to this effort helping Senator JEFFORDS here tonight because, with friends, I visited the Antietam Battlefield only months ago. I stood in the Sunken Road where 5,000 men fell as a part of that battle.

And as I stood in the Sunken Road, where so many men gave their lives, looking from the Confederate positions to where the Union assault would have come, I recognized something peculiar that did not belong, strange to a great Nation, a "For Sale" sign stuck into this sacred ground rested where brave men led an assault to save or define or to change the United States.

Mr. President, when Abraham Lincoln dedicated the national cemetery at Gettysburg, he said:

We cannot consecrate—we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract.

I recall these words in this Chamber today because it is now for us to decide whether Lincoln was right or was wrong, because a "For Sale" sign is on lands where so many Americans fell, where generations will seek to visit to learn of their sacrifice and understand the rich and proud history of America. It is no place for commercial development, the sale and destruction of lands. It is, Mr. President, a desecration.

The battlefield of Antietam is not alone. Today, hundreds of battlefields, where thousands of others died, face the similar threat of "For Sale" signs, a future as shopping malls, strip development, or suburban housing tracts.

The battlefields of Antietam, where Senator SESSIONS and Senator MURRAY

tell me that their own great-grandfathers lost their lives, will soon be housing tracts or the same commercial development that I fear.

North of Antietam, in Gettysburg, home to Pickett's charge, Senator LOTT tells me his own great-grandfather fell, on the left flank of what was the bloodiest battle where 55,000 Americans were killed and wounded in 3 days, as many as in all the battles in the war of 14 years in Vietnam.

South of here, in the lands around Fredericksburg, best captured by the photograph to my right—home to the battles of Chancellorsville, Wilderness, and Spotsylvania Court House—important Civil War landmarks have already been destroyed by housing tracts and shopping centers.

Places where schoolchildren would have visited to remember their own relatives, learn about their sacrifices, understand how America came to be as we know it today will never have the experience. But it isn't just Gettysburg, it isn't only Antietam, it isn't simply experienced by Fredericksburg. It's Vicksburg, MS; Petersburg, VA; Mobile, AL; Fort Donelson, TN; Perryville, KY; Bentonville, NC; Chickamunga, GA.

Indeed, two-thirds of the most important Civil War battlefield sites in our Nation in the next 6 years could be irrevocably lost to history. We are not, Mr. President, the first Senate to recognize this threat. In November 1990, under the leadership of Senator BUMPERS and in the House of Representatives under the leadership of Congressman Mrazek of New York, with the signature of President Bush, we established the Civil War Sites Advisory Commission to advise the Congress on how to preserve these lands. This 15-member panel identified 384 critical Civil War battles or engagement sites that, in their judgment, should be preserved.

Even 7 years ago, however, they recognized that 20 percent were already lost to history through commercial development. But they recognized that there are still 260 that could be saved. They warned then that time was short. Now, it is even shorter.

Our amendment, through a sense of the Senate, will ask that the conferees use their best efforts to use funding available in the Land and Conservation Fund to immediately make available, within Park Service boundaries, funding to save those lands still available. It will use less than 10 percent of the funding available to the Congress this year out of the conservation funds.

We offer this as a sense of the Senate because we have Senator LOTT's commitment, and I believe his sincere pledge, to defend the interests of this Senate in preserving these lands, but mostly because Senator GORTON has given his own commitment. Because of his own sincere belief in this effort, he will lead us in this important cause.

Mr. President, I am standing here tonight as a representative of a young country. We are challenged, I think, by the notion that if we stood not in the U.S. Congress but in the French National Assembly, the British Parliament, or any other great assembly in Europe, it would be unthinkable that the lands of Verdun or Stalingrad or Waterloo would ever be destroyed through commercial development.

Perhaps our Nation is not as old, but its history is just as important. Our own children will look for instruction from what occurred in these important lands just as much as those of France, Russia or Britain.

So, Mr. President, I offer this amendment with Senator JEFFORDS, giving my thanks to our colleagues who join with us and, indeed, to Professor McPherson, who has inspired yet another generation with his writing and battle cry of freedom and for writing to Members of the Senate today in support of this important amendment.

Senator JEFFORDS, thank you for your leadership, and, Senator GORTON, thank you for your help in representing the Senate in the conference in preserving the sense of the Senate and dedicating these funds to this important effort.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, as I said at the beginning of the discussion of this bill last Thursday afternoon, my subcommittee is an extremely popular one. I had some 1,800 special requests from Members, almost all for projects of one sort or another in their own States. I believe we may finish this bill tomorrow, but we have some two pages of amendments, most of which are not matters of profound national policy but, again, for specific programs or projects in individual States.

It is with that in mind that I want to say how refreshing it is to hear from these two Senators of their tremendous desire to save the sites of the most important battles, many of the most important battles, in the history of the United States that were fought in that profound turning point in our history, the Civil War.

I am quite a Civil War buff myself, a fan of Professor McPherson's book, perhaps an even greater fan of Shelby Foote, but with all of my reading, I fail to remember a single battle that took place in the State of New Jersey, and I can remember of only one skirmish that took place in the State of Vermont that was made into a movie a couple of decades ago. So the Senate has not heard from two Senators who are attempting to create projects in their own States. They are hearing from Senators who care deeply about our heritage and care deeply about the preservation of the physical aspects of that heritage.

At least two of the amendments that will be adopted tomorrow will relate to sites of battles that have already been preserved in large part but where the ravages of time are having a negative impact. The Senators know of my bias in favor of supporting them.

Even so, when the two Senators who sponsor this amendment first brought it to me, they placed me on the horns of a dilemma from which they now have most graciously removed me. The source of the money for the preservation of these sites is the Land and Water Conservation Fund. A \$700 million infusion into the Land and Water Conservation Fund was a recommendation of the President, which at least at that level was acceded to by the Senate leadership in negotiations over the budget. It was not a mandatory part of that budget agreement. The House of Representatives omitted to fund any portion of that \$700 million.

Feeling very strongly, in general terms, about the importance of not just this kind of preservation but of other preservation, my bill does include that \$700 million. It sets three priority items for use of that money, two of which amount to almost half of the \$700 million, high-profile priorities of the President of the United States—the Headwaters Forest in California and the New World Mine in Montana.

Another \$100 million in it is appropriately earmarked for the States' share program, money to share with the States as we have in the past for their own preservation of recreational and other property.

So when the Secretary of the Interior came to me with this request, we made the determination that we would not earmark money directly for any other projects. I didn't want to be faced with a whole series of recommendations from the administration in which we in the Congress played no role. And I think it's safe to say the Secretary of the Interior and the administration didn't want us to spend all of the money without the administration playing any role in that determination. So I agreed that we would oppose additional specific earmarks in this bill.

At that point, these two Senators came along, either on their own, or knowing my own biases, and asked for money for a purpose which I think is worthy and of the highest possible priority. So they did put me on the horns of a dilemma. They have now agreed to make this a sense-of-the-Senate resolution as to how the money ought to be spent, with my support and with the support of the majority leader.

So I want to do two things. I want to thank them for phrasing it in this fashion and I pledge my support as we vote on the amendment. I also want to tell them that as we do work with the administration to set priorities across the country for the spending of the money from the Land and Water Con-

servation Fund, assuming that we can get the House of Representatives to agree that we are going to have the money at all, it is very difficult for me to imagine any higher priority than the preservation of these Civil War sites. So I want to agree with this amendment.

AMENDMENT NO. 1218

(Purpose: To express the sense of the Senate regarding the preservation of Civil War battlefields)

Mr. JEFFORDS. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS] for himself and Mr. TORRICELLI proposes an amendment numbered 1218.

Mr. JEFFORDS. 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:

At the end of title III, insert the following: SEC. . It is the sense of the Senate that—

(1) preserving Civil War battlefields should be an integral part of preserving our Nation's history; and

(2) Congress should give special priority to the preservation of Civil War battlefields by making funds available for the purchase of threatened and endangered Civil War battlefield sites.

Mr. JEFFORDS. Mr. President, my amendment is a critically important amendment to make sure that we preserve the Civil War battlefields for those people who will be in the next millennium to better understand this Nation.

Mr. President, I am proud to be joined today by Senator TORRICELLI in offering this amendment of national historic significance.

The American Civil War is thought by many historians to be the fundamental event shaping the character of the United States. This amendment takes a giant stride at preserving our history by establishing that it is these funds that be made available to protect the threatened American Civil War battlefields.

I am proud to say that there is in this land a great wellspring of caring for the places where freedom was won and defended. Millions of Americans have, in recent years, become aware of the hallowed ground of our Civil War battlefields, have visited them, read of them, many have written of them.

The clear and eloquent message I hear is that these treasured places should be saved, intact, for future generations. The preservation message goes forth from Gettysburg, Antietam, Manassas, Cold Harbor, Malvern Hill, Cedar Creek, Petersburg, Stones River, and dozens more Civil War places.

When battlefields become severely threatened there quickly develops a continuity of Americans that spreads nationwide. The American people care

about their history, look on these places as national treasures, and speak eloquently and effectively for their preservation.

Preserving our Nation's battlefields is a subject very close to my heart. My efforts to preserve our Nation's historic places actually began in my State of Vermont several years ago when the Vermont Legislature unanimously passed a resolution asking Congress to save the places where Vermonters fought in the Civil War. The resolution was presented to me, and I went to work finding out all I could about the battlefields and what was needed. It quickly became apparent that the Civil War battlefields were in need of protection.

Over 7 years ago, Congress responded to the growing awareness of our Civil War heritage and the concern for the sites where that heritage took form, by passing legislation that created a national Civil War Sites Advisory Commission. Composed of distinguished historians, supported by a staff of National Park Service experts, the commission for 2 years studied the remaining Civil War battlefields. Civil War sites were visited, public meetings held, and in the end a report was written. The report presented a plan of action for protecting what remain of the Civil War battlefields. It is a plan that has recognized the need to act, a plan that I strongly favor.

Mr. President, as a proud American, preserving our great history is an opportunity I am always ready to seize. Congress should do what we can to help meet the recommendations of the Civil War Advisory Commission by preserving the country's most endangered Civil War sites.

In fighting to preserve Civil War battle sites, we have aimed to create the chance for our citizens to travel from battlefield to battlefield and to relive the brilliant Jackson campaign of 1862, and the successful Union campaign of 1864. By preserving these sites, we will allow people to enjoy the beautiful surroundings such as the Shenandoah Valley and give area economies an important boost.

Several years ago, I had the privilege to travel from battlefield to battlefield with several Civil War historians and Civil War buffs. We saw those battlefields pretty much as they were during the Civil War. We relived Jackson's battles of the 1862 campaign, one of the most studied campaigns in history. We also retraced the Union campaign of 1864. At that time the election was not looking so good for President Lincoln, and the Union was in dire need of battle victories. General Sheridan marched the Union forces up to the valley and won a series of battles culminating in the Battle of Cedar Creek. Many historians believe that this was the turning point in the war.

Mr. President, I came away from this trip with the strong feeling that it is

my responsibility as U.S. Senator to help preserve this part of our national heritage. Bruce Catton, one of our Nation's most eminent historians has written:

Any historian who confronts a gap in the record of bygone days knows moments of despair when he complains bitterly that no one took the trouble to dig out and assemble all of the facts while those facts were still available. To use unlimited resources in as broad and as all-inclusive as it possibly can be, to do it while everything is still fresh, and to do it with no other earthly motive than a desire to establish the full truth—this is the sort of thing that only governments can do, and they almost never dream of doing it.

Mr. Catton's words are more important than just an expression of the historian's frustration at not having access to "all the facts." His words constitute a challenge, a challenge to government to preserve and protect the fragile bits and pieces of our Nation's history that remain with us today, but which tomorrow could vanish forever.

Just this past weekend, the Battle of Antietam or Sharpsburg, as it was referred to by the Confederates, was relived as over 15,000 Civil War enthusiasts reenacted this bloody battle before over 100,000 spectators. On this day, 135 years ago, over 23,000 brave Americans lost their lives at the Battle of Antietam. The number of casualties was three times greater than the number of Americans killed at Normandy on D-day. Left for the dead on the battlefield, but surviving, was a young captain from Massachusetts who became one of the nation's most respected Supreme Court Justices, Oliver Wendell Holmes, Jr. General McClellan sent a message to Washington of a great victory, however the Confederates escaped across the Potomac and retreated into the lower Shenandoah Valley with little interference. Many believe that the victory prompted Abraham Lincoln to unveil his preliminary Emancipation Proclamation on September 22, 1862.

Mr. President, if we persist, we could give to future generations of Americans a gift of history, the opportunity to see, to walk, the hallowed ground of one of the most beautiful places on earth where this Nation's history was written. If we fail, we must answer to future generations who go in vain to seek places of our heritage. On October 19, 1864, with victory in his grasp, Jubal Early declined to launch a last attack. Early believed his valiant Confederate troops had won an adequate victory for the day along the banks of Cedar Creek. "But this is the Sixth Corps," an aide protested, "and they will not go unless we drive them." Early did not attack and his day was soon lost.

To those who would act too cautiously here, I say, "But this is the eleventh hour. The battlefields will be lost unless we act now and decisively."

Mr. President, I ask unanimous consent that an editorial from the New

York Times of July 4, 1997, on the "latest battle of Gettysburg" be printed in the RECORD, along with a letter from James M. McPherson, of Princeton University, supporting my amendment.

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

[From the New York Times, July 4, 1997]

THE LATEST BATTLE OF GETTYSBURG

When Abraham Lincoln said of Gettysburg that "the brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract," he did not reckon on the power of 20th-century developers.

At issue are 50 acres just outside the protective boundaries of the Battlefield Historic District at the interchange of Routes 15 and 30 in Pennsylvania. Gettysburg has mushroomed as a bedroom community in the last five years because of its proximity to the Baltimore-Washington area. Wal-Mart, several large hotels, fast-food franchises, grocery stores and a miniature golf course line the Route 30 corridor. Now, developers want to build a Giant Superstore on land that used to be Camp Letterman.

Camp Letterman was merely a field hospital in the sense that Gettysburg, where more than 7,000 died and 50,000 were wounded, was merely a battle. Nearly 5,000 union and Confederate soldiers were cared for in 500 tents at the camp. Historical records indicate that more than 1,200 were buried at the site. Although a mobile home park now sits on a small portion of Camp Letterman, which is under option by a development company, there has been no bulldozing or land contouring. Straban Township, where the camp is located, recently granted conditional approval to the development plan, although final approval is still pending with the Army Corps of Engineers, which can withhold building permits if significant archeological resources are discovered during excavation efforts. Archeological surveys so far have yielded indications of a grave.

The situation at Camp Letterman is emblematic of a national epidemic. Hallowed ground throughout the country is threatened by commercial development. For instance, a gravel company has optioned Buffington Island, the site of the only major battle in Ohio. If plans go through, the battlefield will be mined into a heap of pebbles. One of the more infamous struggles between development and historical preservation occurred in 1994 when the Walt Disney Company proposed to build a theme park in Virginia near the Civil War shrines of Manassas. Had it not been for loud opposition from a conglomerate of scholars and legislators, Disney would have damaged an important historic area.

But most of the sites in jeopardy do not get publicity on the scale of Manassas, if they receive any attention at all. That should not diminish the significance of places like Camp Letterman, where soldiers spilled their blood for the sake of their country. In 1991, Congress created the Civil War Study Commission to avoid such dilemmas. The commission was charged with identifying high-priority sites and drawing up a plan to protect them. One of the most important discoveries involved public perception. Americans overwhelmingly believe that all Civil War sites are already protected. In fact, less than 4 percent fall under the national park system. More than one-third of all important battlefields are either ruined or nearly so. Without swift preservation efforts,

the nation stands to lose two-thirds of its main battlefields within 10 years.

When the commission released its report in 1993, it recommended that Congress enact a "Civil War Heritage Preservation" law that would establish a national policy to protect the battlefields and related sites through a cooperative effort by national, state and local governments and private groups. But in a time of shrinking fiscal resources, its suggestions were shelved.

Sites like Camp Letterman tell the story of bravery and human suffering and conviction. The exchange of this heritage for strip malls and grocery stores is reprehensibly cheap. Before important parts of our past disappear, Congress should look to the future by re-examining the Civil War Study Commission's recommendations.

PRINCETON UNIVERSITY,
DEPARTMENT OF HISTORY,

Princeton, NJ, September 16, 1997.

Senators JAMES JEFFORDS AND ROBERT G.

TORRICELLI,

U.S. Senate,

Washington, DC.

DEAR SENATORS JEFFORDS AND TORRICELLI: I strongly support the American Heritage Preservation Amendment that you have introduced in the Senate to use part of the proceeds from the Land and Water Conservation Fund for Civil War battlefield preservation.

In his address at Gettysburg to dedicate the cemetery for soldiers who had died in the epic battle, Abraham Lincoln said that the world "can never forget what they did here." Nor has the world forgotten. Millions of people visit Gettysburg and other Civil War battlefields every year. Most come away profoundly moved by the experience. Yet portions of many of these battlefields are endangered by encroaching commercial and residential development. Thousands of acres of hallowed ground may disappear under concrete and asphalt unless we act now.

As a member of the congressional Civil War Sites Advisory Commission, which in 1993 recommended urgent action by public-private partnerships to purchase or otherwise protect these acres, I have been disappointed by the failure of Congress to act. Private organizations such as the Association for the Preservation of Civil War Sites, the Civil War Trust, and the Conservation Fund have raised millions of dollars for this purpose. But they cannot do it all alone. That is why I urge Congress to pass your American Heritage Preservation Amendment, which will dedicate a small portion—no more than 10 percent—of the \$700 million already designated for land acquisition from the LWCF for the purchase of important Civil War sites.

"We cannot consecrate—we cannot hallow this ground," said Lincoln at Gettysburg. "The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract." Lincoln was both right and wrong. We cannot consecrate this ground, but we can desecrate it. We must take steps now to prevent that desecration. The Jeffords-Torricelli Amendment is a crucial first step toward this goal.

Sincerely yours,

JAMES M. MCPHERSON.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1218) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JEFFORDS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT AGREEMENT

Mr. GORTON. Mr. President, on the bill, I ask unanimous consent to make a technical clarification to the committee report on page 32 of the report, which indicates that a report on the Natchez National Historic Park as being due on January 30, 1997. The actual due date, obviously, would be January 30, 1998.

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

AMENDMENT NO. 1212

(Purpose: Requires the Forest Service to implement recreation residence special use permit fees over a 5 year phase-in period and provides that no increases in fees may occur on the Sawtooth National Forest until January 1, 1999, and further provides that no fees may be increased sooner than a year after release of the Forest Service appraisal of the property)

Mr. GORTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. CRAIG, proposes an amendment numbered 1212.

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 127, at the end of Title III add the following general provision:

SEC. 3. The Secretary of Agriculture shall hereafter phase in, over a 5 year period, the fee increase for a recreation residence special use permit holder whose fee increase is more than 100 percent of the previous year's fee, provided that no recreation residence fee may be increased any sooner than one year from the time the permittee has been notified by the Forest Service of the results of an appraisal which has been conducted for the purpose of establishing such fees, and provided further that no increases in recreation residence fees on the Sawtooth National Forest will be implemented prior to January 1, 1999.

Mr. GORTON. Mr. President, this suspends, for the period of this next fiscal year, the implementation of fees for recreational use for cabins in a national forest in Idaho, while Senator CRAIG and the appropriate committee discusses the method by which those fees were arrived at. It is cleared by both sides.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1212) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mr. JEFFORDS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1213

(Purpose: To revise the boundaries of the Arkansas Post Memorial, and for other purposes)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. BUMPERS, proposes an amendment numbered 1213.

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:

At the end of title I, add the following new section:

SEC. . ARKANSAS POST NATIONAL MEMORIAL.

(a) The boundaries of the Arkansas Post National Memorial are revised to include the approximately 360 acres of land generally depicted on the map entitled "Arkansas Post National Memorial, Osotouy Unit, Arkansas County, Arkansas" and dated June 1993. Such map shall be on file and available for public inspection in appropriate offices of the National Park Service of the Department of the Interior.

(b) The Secretary of the Interior is authorized to acquire the lands and interests therein described in subsection (a) by donation, purchase with donated or appropriated funds, or exchange: *Provided*, that such lands or interests therein may only be acquired with the consent of the owner thereof.

Mr. GORTON. This amendment will modify the boundaries of the Arkansas Post Memorial.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1213) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mr. JEFFORDS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1214

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. COCHRAN, proposes an amendment numbered 1214.

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 47, line 9, following "(25 U.S.C. 45, et seq.)" insert the following: "or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501, et seq.)".

Mr. GORTON. Mr. President, this technical amendment clarifies lan-

guage on the investment of certain funding by tribes and tribal organizations. The committee included language to provide some flexibility to tribes receiving advance payments of school grant funds. This language clarifies that such advance payments include those under the Indian Self-Determination and Education Assistance Act, or the Tribally Controlled Schools Act of 1988.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1214) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mr. JEFFORDS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1215

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. MURKOWSKI, proposes an amendment numbered 1215.

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:

At the appropriate place insert the following:

"SEC. . Entry and permit limitations for Glacier Bay National Park shall not apply to the Auk Nu Marine—Glacier Bay Ferry entering Bartlett Cove for the sole purpose of accessing park or other authorized visitor services or facilities at, or originating from, the public dock area at Bartlett Cove: *Provided*, That any such motor vessel entering park waters for this stated and sole purpose shall be subject to speed, distance from coast lines, and related limitations imposed on all vessels operating in waters designated by the Superintendent, Glacier Bay, as having a high probability of whale occupancy based on recent sighting and/or past patterns of occurrence: *Provided further*, That nothing in this Act shall be construed as constituting approval for such vessels entering the waters of Glacier Bay National Park beyond the immediate Bartlett Cove area as defined by a line extending northeastward from Pt. Carolus to the west to the southernmost point of Lester Island, absent required permits."

Mr. MURKOWSKI. Mr. President, this amendment is designed to bring an important element of the Alaskan national park experience to a wider range of visitors than has previously been the case.

Glacier Bay National Park and Preserve, west of Juneau, can be reached only by boat or plane. Park headquarters at Bartlett Cove is 65 miles from Juneau. It is an additional 40 miles from Bartlett Cove to the park's signature tidewater glaciers.

Glacier Bay proper is highly regulated by the National Park Service. Currently, only two cruise ships are allowed to proceed, from the outside, into Glacier Bay per day.

This amendment is not about cruise ships, nor will it adversely impact the forty miles from Bartlett Cove to the tidewater glaciers. In fact, this amendment has nothing to do with going into the bay beyond Bartlett Cove at the entrance to the Park.

Bartlett Cove, within Glacier Bay National Park, contains the Glacier Bay Lodge and Visitor Center, campground, Ranger Station, employee housing, maintenance facilities, etc. In short, it is the only developed area within the 3.3 million acre park.

The Cove also includes the docking facilities for NPS craft and the daily concession-operated tour boat. Overnight facilities are extremely limited, so day-use concession trips are one of the only ways, short of taking a cruise ship from Vancouver, to visit the park.

According to a recent "Consumer Reports" article, Glacier Bay is the highest rated park in America. The article does, unfortunately, mention the words "if you can get to it".

Currently, daily or overnight guests who leave Juneau by ferry for Glacier Bay National Park must disembark at the Gustavus docking facility and then get into a bus and drive for 45 minutes to an hour, to get to the NPS unpaved portion of the road which then leads to the docking facility so that you can again board a tour boat to go out and see the tidewater glaciers.

On the way back to Juneau from the glaciers, visitors travel by tour boat, then by the bus back through Gustavus, and finally by boat, back to Juneau.

Mr. President, this amendment is about: Convenient visitor access, access for the handicapped, access for the elderly; and, safety.

Somewhere along the line, in its effort to control the waters of Glacier Bay, the Bureaucracy forgot the concept that we are here to serve the all of the public * * * all of the people who would like to be National Park visitors * * * including the elderly, including those with handicaps and those whose age or physical condition necessitate easier forms of access to their national park.

It may be a surprise to some, but, some park visitors cannot leap tall facilities in a single bound. Some visitors, because of a disabling condition cannot get from the deck of a boat to a deteriorating dock facility 18 feet overhead.

Some visitors, even the most able among us, cannot be expected to jump from a boat on to an unprotected dock in high and windy seas just off of Icy Passage.

Unfortunately, in Alaska, and specifically Glacier Bay National Park, we

have forgotten about the park visitor's convenience and safety. The dock facility at Gustavus is inconvenient, it is less than handicapped accessible, it can certainly be considered unsafe in certain wind and sea conditions.

This amendment will only allow the Auk Nu Marine—Glacier Bay Ferry to deliver park visitors, safely, to the protected harbor at Bartlett Cove within the boundaries of Glacier Bay National Park so that they can conveniently board the tour boat, or go to the lodge * * * period. The amendment does nothing else.

This amendment does not preclude the Superintendent from imposing speed limits and/or taking any other such actions to protect the wildlife and the other natural resources or waters of Glacier Bay National Park.

The amendment is not an attempt to subvert the current permit system, it is not as complicated as how do you know when it's time to tune your bagpipes. The amendment is simple and straight forward.

This amendment only involves safe and user-friendly access to the developed park facilities. I urge my colleagues to join me in this effort.

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The amendment (No. 1215) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mr. JEFFORDS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1216

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. MURKOWSKI, proposes an amendment numbered 1216.

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:

Title I of Public Law 96-514 (94 Stat. 2957) is amended under the heading "Exploration of National Petroleum Reserve in Alaska" by striking "(8) each lease shall be issued" through the end of the first paragraph and inserting in lieu thereof the following:

(8) each lease shall be issued for an initial period of ten years, and shall be extended for so long thereafter as oil or gas is produced from the lease in paying quantities, or as drilling or reworking operations, as approved by the Secretary, are conducted thereon; (9) for purposes of conservation of the natural resources of any oil or gas pool, field, or like area, or any part thereof, lessees thereof and their representatives are authorized to unite with each other, or jointly or separately with others, in collectively adopting and operating under a unit agreement for such

pool, field, or like area, or any part thereof (whether or not any other part of said oil or gas pool, field, or like area is already subject to any cooperative or unit plan of development or operation), whenever determined by the Secretary to be necessary or advisable in the public interest. Drilling, production, and well re-working operations performed in accordance with unit agreement shall be deemed to be performed for the benefit of all leases that are subject in whole or in part to such unit agreement. When separate tracts cannot be independently developed and operation in conformity with an established well spacing or development program, any lease, or a portion thereof, may be pooled with other lands, whether or not owned by the United States, under a communitization or drilling agreement providing for an apportionment of production or royalties among the separate tracts of land comprising the drilling or spacing unit when determined by the Secretary of the Interior to be in the public interest, and operations or production pursuant to such an agreement shall be deemed to be operations or production as to each such lease committed thereto; (10) to encourage the greatest ultimate recovery of oil or gas or in the interest of conservation the Secretary is authorized to waive, suspend, or reduce the rental, or minimum royalty, or reduce the royalty on an entire leasehold, including on any lease operated pursuant to a unit agreement, whenever in his judgment the leases cannot be successfully operated under the terms provided therein. The Secretary is authorized to direct or assent to the suspension of operations and production on any lease or unit. In the event the Secretary, in the interest of conservation, shall direct or assent to the suspension of operations and production on any lease or unit, any payment of acreage rental or minimum royalty prescribed by such lease or unit likewise shall be suspended during the period of suspension of operations and production, and the term of such lease shall be extended by adding any such suspension period thereto; and (11) all receipts from sales, rentals, bonuses, and royalties on leases issued pursuant to this section shall be paid into the Treasury of the United States: *Provided*, That 50 per centum thereof shall be paid by the Secretary of the Treasury semiannually, as soon thereafter as practicable after March 30 and September 30 each year, to the State of Alaska for (a) planning, (b) construction, maintenance, and operation of essential public facilities, and (c) other necessary provisions of public service: *Provided further*, That in the allocation of such funds, the State shall give priority to use by subdivisions of the Senate most directly or severely impacted by development of oil and gas leased under this Act.

Mr. GORTON. Mr. President, this clarifies conditions for oil and gas leasing of a national petroleum reserve in Alaska.

Mr. President, I should make clear that this amendment is cleared on both sides and is acceptable to the administration.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1216) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mr. JEFFORDS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1217

(Purpose: Includes language limiting the expenditure of funds which may occur to fund the Forest Service's Juneau regional office)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. MURKOWSKI, proposes an amendment numbered 1217.

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 69, lines 9 and 10, strike "the relocation of the Regional Office for Region 10 to Ketchikan and other".

On page 77, beginning on line 14 add the following: "Funds appropriated by this Act for Region 10 of the Forest Service to implement the Revised Tongass National Forest Land Management Plan, shall be spent and obligated at the Forest Supervisor and Ranger District levels. No funds appropriated under this or any other Act for the purpose of operations conducted at the Region 10 headquarters, including funding of centralized field costs for funding of persons employed at the Regional Office, shall be obligated or expended in excess of \$17,500,000 from the total funds appropriated for Region 10".

Mr. MURKOWSKI. Mr. President, the managers of the bill have accepted an amendment I have offered concerning the organization and funding for the Alaska Region of the U.S. Forest Service. I appreciate the consideration of the managers on this matter.

As many of my colleagues know, the Forest Service has recently completed the Tongass land management plan after a 10-year and \$13 million effort. The Committee on Energy and Natural Resources has conducted an extended oversight process on the development of this plan and on the prospects for successful implementation upon completion. Hearings held in July, August, and this month have raised significant questions about whether the Forest Service is organized, staffed, and funded to assure full implementation of the Tongass land management plan.

As a consequence of concerns raised during the early hearings in this series, the subcommittee chairman agreed to include language in the committee bill directing a reorganization of the Alaska Region. In subsequent hearings, we have collected additional information that suggests that, rather than moving to immediately reorganize the Alaska Region, it might be better to provide the Agency some direction on: First, the allocation of funds within the Alaska Region; and second, the development of a transition plan for implementation of the Tongass land management plan.

I believe that through the information collection in the oversight process conducted by the Commission on Energy and Natural Resources we have developed a more perfected proposal than the one included in the committee bill. Therefore, I am offering, as an amendment to the committee bill, new language which directs that:

Funds appropriated by this Act for Region 10 of the Forest Service to implement the Revised TLMP shall be spent and obligated at the Forest Supervisor and Ranger District levels. No funds appropriated under this or any other Act for the purpose of operations conducted at the Region 10 Headquarters, including funding of centralized field costs or funding of persons employed at the Regional Office, shall be obligated or expended in excess of \$17.5 million from the total funds appropriated for Region 10.

The managers have also agreed to the following explanatory language in their statement explaining changes made to the committee bill:

The Tongass Land Management Plan reduces the Allowable Sale Quantity of the Alaska region. It is presumed that the Forest Service will tailor its workforce and organization appropriately. The Committee notes that expenditures on Regional Office operations and centralized field costs at the Region Headquarters has risen to 30 percent from 18 percent of annual appropriated funds since 1993. The Committee recognizes that the reduced timber volume offered under this plan will create economic hardships for local communities and that imbalanced distribution of remaining federal jobs and spending in the region may compound those hardships. Accordingly, the Committee expects the Regional Forester to conduct a regional work load study and to develop a workforce plan that ensures high levels of customer service throughout the region, preserves the Regional Headquarters in Alaska, evaluates the need to consolidate and/or relocate offices, including relocating the Regional Office to Ketchikan, and provides for implementation by January 1, 2000. Further, the Committee expects the workforce plan to reflect the full participation of affected Southeast Alaska communities, and to include a community by community assessment of economic impacts and the rationale used by the Regional Forester to distribute federal jobs under the workforce plan. The Committee expects that the workforce plan will emphasize retention of personnel experience in Southeast Alaska's multiple use mission, will make maximum use of local hiring authority, and will be submitted to committees of jurisdiction in both the House and the Senate by March 1, 1998 for review and further guidance, if warranted. Any expenditures at the Regional Office in excess of \$17.5 million from the funds provided to the Region shall be preceded by a 60-day notification of the Appropriations Committees of the Senate and the House of Representatives.

I believe that this language will provide direction to the Forest Service to allocate funds in a fashion that will come closer to assuring full implementation of the Tongass land management plan.

This approach will materially improve Forest Service operations in Alaska. During our oversight process, we discovered that over the last 6 years the Agency has increased the amount

of funds consumed in the Regional Office from an average of 18 percent of annual Regional appropriations to something closer to 30 percent. This has diminished the Agency's field capability. Now, with the TLMP complete it should be the Forest Service's intention to focus more of the funding and effort at the field level.

Should the conferees be agreeable to adopting the language that we are including in the Senate bill, I would hope that conference report language could be included which directs the Forest Service to tailor its work force and organization appropriately.

I would hope that the conferees note that expenditures on regional office operations and centralized field costs at the regional headquarters have risen to 30 percent from 18 percent of annual appropriated funds since 1993.

I trust that everyone recognizes that the reduced timber volume offered under the new TLMP plan will create economic hardships for local communities and that imbalanced distribution of remaining Federal jobs and spending in the region may compound those hardships. Accordingly, I would hope that the conference report would direct the regional Forester to conduct a regional work load study and to develop a work force plan that ensures high levels of customer service throughout the region, preserves the regional headquarters in Alaska, evaluates the need to consolidate and/or relocate offices, including relocating the regional office to Ketchikan, and provides for implementation by January 1, 2000.

Further, the workforce plan should reflect the full participation of affected southeast Alaska communities, and include a community-by-community assessment of economic impacts and the rationale used by the regional forester to distribute Federal jobs under the work force plan. I hope that any work force plan will emphasize retention of personnel experienced in southeast Alaska's multiple use mission, will make maximum use of local hiring authority, and will be submitted to committees of jurisdiction in both the House and Senate by March 1, 1998, for review and further guidance, if warranted.

Under my amendment, any expenditures at the regional office in excess of \$17.5 million from the funds provided to the region would have to be preceded by a 60-day notification of the Appropriations Committees of the Senate and the House of Representatives. I believe this language properly reflects the results of the Committee on Energy and Natural Resources oversight efforts.

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The amendment (No. 1217) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mr. JEFFORDS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. GORTON. Mr. President, I understand the Presiding Officer has certain announcements to make.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 101-445, appoints Charles H. White, of Mississippi, to the National Nutrition Monitoring Advisory Council.

TREASURY, POSTAL SERVICE, AND RELATED AGENCIES APPROPRIATIONS ACT FOR FISCAL 1998

The PRESIDING OFFICER. The Chair announces that the Senate has received from the House H.R. 2378, the Treasury-Postal Service appropriations bill for fiscal 1998.

Under a previous order, all after the enacting clause of H.R. 2378 is stricken, and the text of S. 1023, as passed by the Senate, is inserted in lieu thereof, the House bill, as amended, is read a third time, and passed. The Senate insists on its amendment, requests a conference with the House, and the Chair appoints the following conferees.

The Presiding Officer (Mr. HUTCHINSON) appointed Mr. CAMPBELL, Mr. SHELBY, Mr. FAIRCLOTH, Mr. KOHL, and Ms. MIKULSKI, conferees on the part of the Senate.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION AND RELATED AGENCIES APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1998

The PRESIDING OFFICER. The Chair announces that the Senate has received from the House H.R. 2264, the Labor-HHS appropriations bill for fiscal 1998.

Under a previous order, all after the enacting clause of H.R. 2264 is stricken and the text of S. 1061, as passed by the Senate, is inserted in lieu thereof. The House bill is read a third time, and passed. The Senate insists on its amendment, requests a conference with the House, and the Chair appoints the following conferees.

The Presiding Officer (Mr. HUTCHINSON) appointed Mr. SPECTER, Mr. COCHRAN, Mr. GORTON, Mr. BOND, Mr. GREGG, Mr. FAIRCLOTH, Mr. CRAIG, Mrs. HUTCHISON, Mr. STEVENS, Mr. HARKIN, Mr. HOLLINGS, Mr. INOUE, Mr. BUMPERS, Mr. REID, Mr. KOHL, Mrs. MURRAY, and Mr. BYRD conferees on the part of the Senate.

MORNING BUSINESS

Mr. GORTON. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

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

OPERATION DRUG FREE GEORGIA

Mr. COVERDELL. Mr. President, during a recent meeting in my home State of Georgia, a young woman approached me to express her concerns and hope that we can soon eradicate drugs from her home town of Cordele, GA. Her comments were written down on a piece of paper and were as follows:

I can be anything, if I put my mind to it. But, if I use drugs I won't have a mind to do anything.

Drugs Destroy Dreams.

United we can help Senator Coverdell stomp out drugs in Cordele.

Mr. President, her comments struck me because they are frank and hard-hitting—if you use drugs, you will not be able to follow your hopes and dreams.

As we legislate in this body, we must continue to listen to our youth as they convey this message. For after all, they are the ones in which the future, and all of our dreams, lies.

SALLIE MAE

Mr. COVERDELL: Mr. President, a constituent of mine, Mr. Brad Cohen, has been named the winner of the 1997 Sallie Mae First Class Teacher Award for the State of Georgia. I ask unanimous consent that a congratulatory letter to him be printed in the RECORD.

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

U.S. SENATE,

Washington, DC, August 26, 1997.

Mr. BRADLEY COHEN,
Atlanta, GA

DEAR BRAD: It gives me great pleasure to congratulate you on being named the winner of the "1997 Sallie Mae First Class Teacher Award" for the State of Georgia.

Brad, you have every reason to be proud of this achievement; it is indeed a special honor to have been singled out among the thousands of gifted and dedicated school teachers throughout our wonderful State. You have set a marvelous example for your students, enlightening them with your own experience and the importance of self-confidence. Your second-graders are truly lucky to share your knowledge and enthusiasm.

Thank you for your outstanding contributions to the youth of Georgia, and best wishes for every continued success.

Sincerely,

PAUL D. COVERDELL,
U.S. Senator.

Mr. COVERDELL. Mr. President, I thank you, and once again congratulate Mr. Cohen on his achievement.

U.S. FOREIGN OIL CONSUMPTION FOR WEEK ENDING SEPTEMBER 5TH

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending September 12, the United States imported 9,371,000 barrels of oil each day, 1,799,000 barrels more than the 7,572,000 imported each day during the same week a year ago.

Americans relied on foreign oil for 59.6 percent of their needs last week, and there is no sign that the upward spiral will abate. Before the Persian Gulf war, the United States obtained approximately 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970's, foreign oil accounted for only 35 percent of America's oil supply.

Anybody else interested in restoring domestic production of oil? By U.S. producers using American workers?

Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the United States—now 9,371,000 barrels a day.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, September 16, 1997, the Federal debt stood at \$5,391,866,026,111.66. (Five trillion, three hundred ninety-one billion, eight hundred sixty-six million, twenty-six thousand, one hundred eleven dollars and sixty-six cents)

One year ago, September 16, 1996, the Federal debt stood at \$5,217,327,000,000 (Five trillion, two hundred seventeen billion, three hundred twenty-seven million)

Five years ago, September 16, 1992, the Federal debt stood at \$4,036,030,000,000. (Four trillion, thirty-six billion, thirty million)

Ten years ago, September 16, 1987, the Federal debt stood at \$2,353,294,000,000. (Two trillion, three hundred fifty-three billion, two hundred ninety-four million)

Fifteen years ago, September 16, 1982, the Federal debt stood at \$1,105,897,000,000 (One trillion, one hundred five billion, eight hundred ninety-seven million) which reflects a debt increase of more than \$4 trillion—\$4,285,969,026,111.66 (Four trillion, two hundred eighty-five billion, nine hundred sixty-nine million, twenty-six

thousand, one hundred eleven dollars and sixty-six cents) during the past 15 years.

RETIREMENT OF RONNIE ABRAMS

Mr. FORD. Mr. President, I rise today to honor a great friend and a great Kentuckian. This month, Ronnie Abrams will retire from Coopers & Lybrand L.L.P. after 40 years of dedicated service. I first met Ronnie and his wife Marie when I was Governor of Kentucky. Since then, I've not only had the pleasure of working with him on many Kentucky projects, but I've also come to count on his advice and counsel over the years.

Ronnie has made many contributions to his hometown of Louisville through his work with a wide range of groups including Adath Israel B'Rith Shalom, the Jewish Community Federation, Metro United Way, and the Louisville Chamber of Commerce. In each of these organizations, Ronnie has served in leadership positions and devoted countless hours of volunteer service. In recognition of his efforts to make the community a better place for everyone, the B'nai Brith honored him with the 1992 Person of the Year Award.

Ronnie has also been an active member of his profession through the American Institute of CPA's tax division, the Louisville Chamber of Commerce's State tax committee, the Estate Planning Council of Louisville, and as chairman of the Kentucky Society of CPA's State taxation committee.

Beyond his community and professional activities, Ronnie has been an invaluable advisor to many political leaders, myself included. He has shared his expertise in tax matters with policy makers at the State, local, and Federal level, providing both his expertise and old-fashioned commonsense.

During his four decades at Coopers & Lybrand L.L.P., Ronnie has provided solutions on tax planning and compliance matters to a large clientele in the manufacturing, retail, financial service, and health care sectors. He began his career with the firm in 1957 after graduating from Vanderbilt University and the University of Louisville. A partner since 1971, he retires as the tax market leader for Kentucky.

Mr. President, I hope all my colleagues will join me in thanking Ronnie for his hard work over the years, wishing him and his family the best of luck in the future. I know that no matter what he chooses to do, he will continue to excel and to be an asset to the community.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON FEDERAL ADVISORY COMMITTEES FOR FISCAL YEAR 1996—MESSAGE FROM THE PRESIDENT—PM 66

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs.

To the Congress of the United States:

As provided by the Federal Advisory Committee Act (FACA), as amended (Public Law 92-463; 5 U.S.C., App. 2, 6(c)), I am submitting the Twenty-Fifth Annual Report on Federal Advisory Committees, covering fiscal year 1996.

The executive branch continues to implement my policy of maintaining the number of advisory committees within the ceiling of 534 required by Executive Order 12838 of February 10, 1993. As a result, the number of discretionary advisory committees (established under general congressional authorizations) was held to 501, or 37 percent fewer than those 801 committees in existence at the beginning of my Administration. Savings achieved through the elimination of discretionary committees during fiscal year 1996 totalled \$2.5 million.

Through the advisory committee planning process required by Executive Order 12838, departments and agencies have worked to minimize the total number of advisory committees specifically mandated by statute. The 407 such groups supported at the end of fiscal year 1996 represents a modest 7 percent decrease over the 439 in existence at the beginning of my Administration. However, more can be done to assure that the total costs to fund these groups in fiscal year 1997, or \$38.5 million, are dedicated to support high-priority public involvement efforts.

During fiscal year 1996, the General Services Administration (GSA) initiated a process for collaborating with executive departments and agencies to increase public participation opportunities at all levels of American society. Building upon my Administration's commitment to expand access to Federal decisionmakers, managers at all levels will be provided with more timely guidance that includes enhanced options for achieving objectives, better training, and exposure to a variety of tools and techniques, which when used

in conjunction with advisory committees, offer additional flexibility to address a wide variety of public participation needs.

Actions to broaden the scope and effectiveness of public participation within the Federal sector will continue during fiscal year 1997. During the year, GSA will develop newly updated guidance implementing FACA. At the same time, GSA will continue to support and work closely with such agencies as the Council on Environmental Quality and the Departments of Agriculture and the Interior to align its efforts with key Administration policies relating to ecosystem and land management priorities.

My Administration will continue to work with the Congress to assure that all advisory committees that are required by statute are regularly reviewed through the congressional reauthorization process and that remaining committees are instrumental in achieving national interests.

WILLIAM J. CLINTON.

THE WHITE HOUSE, September 17, 1997.

REPORT ON THE NATIONAL EMERGENCY—MESSAGE FROM THE PRESIDENT—PM

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

I hereby report to the Congress on developments concerning the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995, and matters relating to the measures in that order and in Executive Order 12959 of May 6, 1995. This report is submitted pursuant to section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c) (IEEPA), section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-9(c). This report discusses only matters concerning the national emergency with respect to Iran that was declared in Executive Order 12957 and does not deal with those relating to the emergency declared on November 14, 1979, in connection with the hostage crisis.

1. On March 15, 1995, I issued Executive Order 12957 (60 *Fed. Reg.* 14615, March 17, 1995) to declare a national emergency with respect to Iran pursuant to IEEPA, and to prohibit the financing, management, or supervision by United States persons of the development of Iranian petroleum resources. This action was in response to actions and policies of the Government of Iran,

including support for international terrorism, efforts to undermine the Middle East peace process, and the acquisition of weapons of mass destruction and the means to deliver them. A copy of the order was provided to the Speaker of the House and the President of the Senate by letter dated March 15, 1995.

Following the imposition of these restrictions with regard to the development of Iranian petroleum resources, Iran continued to engage in activities that represent a threat to the peace and security of all nations, including Iran's continuing support for international terrorism, its support for acts that undermine the Middle East peace process, and its intensified efforts to acquire weapons of mass destruction. On May 6, 1995, I issued Executive Order 12959 to further respond to the Iranian threat to the national security, foreign policy, and economy of the United States.

Executive Order 12959 (60 *Fed. Reg.* 24757, May 9, 1995) (1) prohibits exportation from the United States to Iran or to the Government of Iran of goods, technology, or services; (2) prohibits the reexportation of certain U.S. goods and technology to Iran from third countries; (3) prohibits dealings by United States persons in goods and services of Iranian origin or owned or controlled by the Government of Iran; (4) prohibits new investments by United States persons in Iran or in property owned or controlled by the Government of Iran; (5) prohibits U.S. companies and other United States persons from approving, facilitating, or financing performance by a foreign subsidiary or other entity owned or controlled by a United States person of certain reexport, investment, and trade transactions that a United States person is prohibited from performing; (6) continues the 1987 prohibition on the importation into the United States of goods and services of Iranian origin; (7) prohibits any transaction by a United States person or within the United States that evades or avoids or attempts to violate any prohibition of the order; and (8) allowed U.S. companies a 30-day period in which to perform trade transactions pursuant to contracts predating the Executive order.

At the time of signing Executive Order 12959, I directed the Secretary of the Treasury to authorize, through specific licensing, certain transactions, including transactions by United States persons related to the Iran-United States Claims Tribunal in The Hague, established pursuant to the Algiers Accords, and related to other international obligations and United States Government functions, and transactions related to the export of agricultural commodities pursuant to pre-existing contracts consistent with section 5712(c) of title 7, United States

Code. I also directed the Secretary of the Treasury, in consultation with the Secretary of State, to consider authorizing United States persons through specific licensing to participate in market-based swaps of crude oil from the Caspian Sea area for Iranian crude oil in support of energy projects in Azerbaijan, Kazakhstan, and Turkmenistan.

Executive Order 12959 revoked sections 1 and 2 of Executive Order 12613 of October 29, 1987, and sections 1 and 2 of Executive Order 12957 of March 15, 1995, to the extent they are inconsistent with it. A copy of Executive Order 12959 was transmitted to the Speaker of the House and the President of the Senate by letter dated May 6, 1995.

2. On March 5, 1997, I renewed for another year the national emergency with respect to Iran pursuant to IEEPA. This renewal extended the authority for the current comprehensive trade embargo against Iran in effect since May 1995. Under these sanctions, virtually all trade with Iran is prohibited except for trade in information and informational materials and certain other limited exceptions.

3. On August 19, 1997, I issued Executive Order 13059 in order to clarify the steps taken in Executive Order 12957 and Executive Order 12959, to confirm that the embargo on Iran prohibits all trade and investment activities by United States persons, wherever located, and to consolidate in one order the various prohibitions previously imposed to deal with the national emergency declared on March 15, 1995. A copy of Executive Order 13059 was transmitted to the Speaker of the House and the President of the Senate by letter dated August 19, 1997.

The order prohibits (1) the importation into the United States of any goods or services of Iranian origin or owned or controlled by the Government of Iran except information or informational material; (2) the exportation, reexportation, sale, or supply from the United States or by a United States person, wherever located, of goods, technology, or services to Iran or the Government of Iran, including knowing transfers to a third country for direct or indirect supply, transshipment, or reexportation to Iran or the Government of Iran, or specifically for use in the production, commingling with, or incorporation into goods, technology, or services to be supplied, transshipped, or reexported exclusively or predominantly to Iran or the Government of Iran; (3) reexportation from a third country of controlled U.S.-origin goods, technology, or services by a person other than a United States person; (4) purchase, sale, transport, swap, brokerage, approval, financing, facilitation, guarantee, or other transactions or dealings by United States persons, wherever located, related to direct or indirect trade with Iran or

the Government of Iran or to goods or services of Iranian origin or owned or controlled by the Government of Iran; (5) new investment by United States persons in Iran or in property or entities owned or controlled by the Government of Iran; (6) approval, financing, facilitation, or guarantee by a United States person of any transaction by a foreign person that a United States person would be prohibited from performing under the embargo; and (7) any evasion, avoidance, or attempt to violate a prohibition under the order.

Executive Order 13059 became effective at 12:01 a.m., eastern daylight time on August 20, 1997. Revocation of corresponding provisions in prior Executive orders does not affect the applicability of those provisions, or of regulations, licenses, or other administrative actions taken pursuant to those provisions, with respect to any transaction or violation occurring before the effective date of Executive Order 13059. Specific licenses issued pursuant to prior Executive orders continue in effect, unless revoked or amended by the Secretary of the Treasury. General licenses, regulations, orders, and directives issued pursuant to prior orders continue in effect, except to the extent inconsistent with Executive Order 13059 or otherwise revoked or modified by the Secretary of the Treasury.

4. The Iranian Transactions Regulations, 31 CFR Part 560 (the "ITR"), were amended on April 18, 1997 (62 *Fed. Reg.* 19670, April 23, 1997), on July 30, 1997 (62 *Fed. Reg.* 41851, August 4, 1997), and on August 25, 1997 (62 *Fed. Reg.* 45098, August 25, 1997). In April 1997, Section 560.603 was amended to require a United States person to file a transaction report as to each foreign affiliate that engages in reportable oil-related transactions involving Iran of \$1,000,000 or more during the calendar quarter.

In July 1997, sections 560.510(d)(1) and (d)(2) were amended to generally license all payments of awards against Iran issued by the Iran-U.S. Claims Tribunal in The Hague, irrespective of the source of funds for payment, and to generally license implementation (except exports or reexports that are subject to export license application requirements of Federal agencies other than the Department of the Treasury's Office of Foreign Assets Control (OFAC)) as well as payment of awards or settlements in cases to which the United States Government is a party.

Sections 560.525(a)(3) and (a)(5)(i) were amended to generally license the provision of legal services to initiate and conduct U.S. court and other domestic legal proceedings on behalf of persons in Iran or the Government of Iran and to initiate proceedings to resolve disputes between the Government of Iran or an Iranian national and the United States or a United States national, notwithstanding the prohibition

on exportation of services to Iran. On August 25, 1997, general reporting, record keeping, licensing, and other procedural regulations were moved from the ITR to a separate part (31 CFR Part 501) dealing solely with such procedural matters. (62 *Fed. Reg.* 45098, August 25, 1997). A copy of these amendments is attached.

5. During the current 6-month period, OFAC made numerous decisions with respect to applications for licenses to engage in transactions under the ITR, and issued 12 licenses. The majority of denials were in response to requests to authorize commercial exports to Iran—particularly of machinery and equipment for various industries—and the importation of Iranian-origin goods. The licenses issued authorized certain financial transactions, including those relating to disposal of U.S.-owned goods located in Iran and extension of, but not payment under, standby letters of credit. Pursuant to sections 3 and 4 of Executive Order 12959 and consistent with the Iran-Iraq Arms Non-Proliferation Act of 1992 and other statutory restrictions concerning certain goods and technology, including those involved in air-safety cases, Treasury continues to consult with the Departments of State and Commerce on these matters.

The U.S. financial community continues to scrutinize transactions associated with Iran and to consult with OFAC about their appropriate handling. Many of these inquiries have resulted in investigations into the activities of U.S. parties and, where appropriate, the initiation of enforcement action.

6. On March 20, 1997, a seven-count indictment was returned by a grand jury in the District of Maryland against a U.S. resident and two Iranian co-conspirators. The March indictment superseded a two-count indictment handed down on February 13, 1997. Each indictment charged violations of IIEPA and the ITR involving the attempted exportation from the United States to Iran of sophisticated state-of-the-art gas chromatographs used in the electric power industry, which were prevented from reaching Iran.

The U.S. Customs Service has continued to effect numerous seizures of Iranian-origin merchandise, primarily carpets, for violation of the import prohibitions of the ITR. Various enforcement actions carried over from previous reporting periods are continuing and new reports of violations are being aggressively pursued. Since my last report on March 14, 1997, OFAC has collected four civil monetary penalties totaling nearly \$22,000. The violations relate to the unlicensed import from or exports of goods to Iran. Civil penalty action is pending against 37 companies, financial institutions, and individuals for violations of the Regulations.

7. The expenses incurred by the Federal Government in the 6-month period

from March 15 through September 14, 1997, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to Iran are approximately \$850,000, most of which represent wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the U.S. Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel), the Department of State (particularly the Bureau of Economic and Business Affairs, the Bureau of Near Eastern Affairs, the Bureau of Intelligence and Research, and the Office of the Legal Adviser), and the Department of Commerce (the Bureau of Export Administration and the General Counsel's Office).

8. The situation reviewed above continues to present an extraordinary and unusual threat to the national security, foreign policy, and economy of the United States. The declaration of the national emergency with respect to Iran contained in Executive Order 12957 and the comprehensive economic sanctions imposed by Executive Order 12959 underscore the United States Government opposition to the actions and policies of the Government of Iran, particularly its support of international terrorism and its efforts to acquire weapons of mass destruction and the means to deliver them. The Iranian Transactions Regulations issued pursuant to Executive Order 12957 and 12959 continue to advance important objectives in promoting the nonproliferation and antiterrorism policies of the United States. I shall exercise the powers at my disposal to deal with these problems and will report periodically to the Congress on significant developments.

WILLIAM J. CLINTON.

THE WHITE HOUSE, September 17, 1997.

MESSAGES FROM THE HOUSE

At 12:35 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 910. An act to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 1998 and 1999, and for other purposes.

The message also announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 562. An act to amend section 255 of the National Housing Act to prevent the funding of unnecessary or excessive costs for obtaining a home equity conversion mortgage.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1254. An act to designate the United States Post Office building located at 1919

West Bennett Street in Springfield, Missouri, as the "John N. Griesemer Post Office Building".

H.R. 903. An act to amend the National Institute of Standards and Technology Act to enhance the ability of the National Institute of Standards and Technology to improve computer security, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 95. Concurrent resolution recognizing and commending American airmen held as political prisoners at the Buchenwald concentration camp during World War II for their service, bravery, and fortitude.

H. Con. Res. 109. Concurrent resolution recognizing the many talents of the actor Jimmy Stewart and honoring the contributions he made to the Nation.

H. Con. Res. 134. Concurrent resolution authorizing the use of the rotunda of the Capitol to allow Members of Congress to greet and receive His All Holiness Patriarch Bartholomew.

At 5:26 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2264. An act making appropriations for the Departments of Labor, Health, and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

H.R. 2378. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1998, and for other purposes.

ENROLLED BILLS SIGNED

At 6:04 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 63. An act to designate the reservoir created by Trinity Dam in the Central Valley project, California, as "Trinity Lake".

H.R. 2016. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 1254. An act to designate the United States Post Office building located at 1919 West Bennett Street in Springfield, Missouri, as the "John N. Griesemer Post Office Building"; to the Committee on Governmental Affairs.

H.R. 903. An act to amend the National Institute of Standards and Technology Act to enhance the ability of the National Institute of Standards and Technology to improve computer security, and for other purposes; to the Committee on Commerce, Science, and Transportation.

The following concurrent resolutions were read and referred as indicated:

H. Con. Res. 95. Concurrent resolution recognizing and commending American airmen held as political prisoners at the Buchenwald concentration camp during World War II for their service, bravery, and fortitude; to the Committee on the Judiciary.

H. Con. Res. 109. Concurrent resolution recognizing the many talents of the actor Jimmy Stewart and honoring the contributions he made to the Nation; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2957. A communication from the Director, Regulations Policy, Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, two rules received on September 15, 1997; to the Committee on Labor and Human Resources.

EC-2958. A communication from the Inspector General of the U.S. Railroad Retirement Board, transmitting, a notice relative to the Chairman of the Railroad Retirement Board; to the Committee on Labor and Human Resources.

EC-2959. A communication from the Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, a notice relative to the report on Reserve retirement initiatives; to the Committee on Armed Services.

EC-2960. A communication from the Acting Assistant Secretary of Defense (Command, Control, Communications, and Intelligence), transmitting, pursuant to law, a report relative to the White House Communications Agency; to the Committee on Armed Services.

EC-2961. A communication from the Assistant Secretary of the Navy (Installations and Environment), transmitting, pursuant to law, a report relative to an outsourcing study; to the Committee on Armed Services.

EC-2962. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a rule entitled "Canadian Border Boat Landing Program" (RIN 1115-AE53) received on September 11, 1997; to the Committee on the Judiciary.

EC-2963. A communication from the Director of the Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, a rule entitled "Fees for Motions to Reopen or Reconsider" (RIN 1125-AA15) received on September 12, 1997; to the Committee on the Judiciary.

EC-2964. A communication from the Attorney General, transmitting, pursuant to law, the report of a supplemental brief; to the Committee on the Judiciary.

EC-2965. A communication from the Administrator of the Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, a rule entitled "Medicaid Program (Coverage of Personal Care Services)" (RIN 0938-AH00) received on September 17, 1997; to the Committee on Finance.

EC-2966. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Notice 97-53 received on September 16, 1997; to the Committee on Finance.

EC-2967. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to India; to the Committee on Banking, Housing, and Urban Affairs.

EC-2968. A communication from the Director of the Office of Surface Mining, Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, a rule entitled "Virginia Regulatory Program (Subsidence)" (VA106FOR) received on September 15, 1997; to the Committee on Energy and Natural Resources.

EC-2969. A communication from the Assistant Secretary of the Interior (Land and Minerals Management), transmitting, pursuant to law, the report relative to royalty management and delinquent account collection activities for Federal and Indian mineral leases; to the Committee on Energy and Natural Resources.

EC-2970. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation entitled "The Egg and Egg Product Safety Act of 1997"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2971. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation entitled "The Food Safety Enforcement Enhancement Act of 1997"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2972. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation entitled "The Farm Safety Net Improvement Act of 1997"; to the Committee on Agriculture, Nutrition, and Forestry.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-227. A resolution adopted by governing body of the City of Absecon, New Jersey relative to ocean dumping; to the Committee on Environment and Public Works.

POM-228. A resolution adopted by Commission of the City of Miami, Florida relative to the U.S. Immigration and Naturalization Service; to the Committee on the Judiciary.

POM-229. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Environment and Public Works.

JOINT RESOLUTION

Whereas, Congress is currently considering the reauthorization of the Intermodal Surface Transportation Efficiency Act of 1991; and

Whereas, the Intermodal Surface Transportation Efficiency Act of 1991 established a new vision for transportation in the United States by declaring that the national transportation system should be intermodal in character, economically efficient, environmentally sound and socially responsive; and

Whereas, the Intermodal Surface Transportation Efficiency Act of 1991 provides for the funding of transportation enhancement projects, or activities related to transportation that are designed to strengthen the cultural, aesthetic and environmental aspects of the country's transportation system; and

Whereas, transportation enhancement projects add community or environmental value to any active or completed transportation project, and include:

1. Facilities for pedestrians and bicycles;
2. The acquisition of scenic easements and scenic or historic sites;
3. Scenic or historic highway programs;
4. Landscaping and other scenic beautification;
5. Historic preservation;
6. The rehabilitation and operation of historic transportation buildings, structures or facilities, including railroad facilities and canals;
7. The preservation of abandoned railway corridors and the conversion of such corridors to other uses;
8. The control and removal of outdoor advertising;
9. Archaeological planning and research; and
10. The mitigation of water pollution resulting from highway runoff; and

Whereas, transportation enhancement projects enjoy broad popular support and have benefited the cities and counties of Nevada by improving the quality of life and economic development of those cities and counties; Now, therefore, be it

Resolved by the Assembly and Senate of the State of Nevada, jointly. That the members of the 69th Session of the Nevada Legislature urge Congress, in considering reauthorization, to maintain the course set by the Intermodal Surface Transportation Efficiency Act of 1991 through dedicated funding for transportation enhancement projects within the successor to the act; and be it further

Resolved. That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

Resolved. That this resolution becomes effective upon passage and approval.

POM-230. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Foreign Relations.

Whereas, throughout the world, an estimated 200 million children are at work, with many of them working under intolerable conditions; and

Whereas, child labor distorts and degrades an entire society, where children are cheated out of their childhoods, denied even the most basic education and set out, often at an early age, to difficult and dangerous work at pitifully low wages; and

Whereas, this abuse of children prevents many grown men and women from finding work because employers would rather hire and exploit their sons and daughters; and

Whereas, children as young as 6 years of age work 15 hours a day, 7 days a week, scrambling for food, drugged to enable them to work longer and faster and often bent, cowed and crippled from overwork, accidents and starvation; and

Whereas, at a time when new technologies allow monetary investments to cross national borders with a keystroke on a computer and where capital can shop the world for the least expensive and most vulnerable workers, citizens of the United States must ensure that human values such as the dignity of working men and women and the dreams for their children continue to be honored; and

Whereas, international economic competition must not be allowed to degenerate into a race to the bottom where standards under which most people live are sacrificed for the private profit of a privileged few; and

Whereas, companies in the United States must be held accountable for the actions of their contractors at home and abroad; and

Whereas, persons in business, labor and government in our country need to do more by taking action against sweatshops and child labor in our own country as well as in other countries in the world; now, therefore,

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Section 1. 1. The Nevada Legislature hereby urges:

(a) Congress to address the problem of child labor, both in the United States and abroad;

(b) Congress to support the adoption of the International Labor Organization convention on the elimination of child labor resulting from the 86th and 87th congressional sessions of the International Labor Organization in 1998 and 1999, respectively; and

(c) Businesses in the State of Nevada not to sell products made through the labor of children.

2. The Secretary of the Senate shall prepare and transmit a copy of this act to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation.

SEC. 2. This act becomes effective upon passage and approval.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROTH, from the Committee on Finance, with an amendment in the nature of a substitute:

S. 1093. A bill to extend nondiscriminatory treatment (most-favored-nation treatment) to the products of the Lao People's Democratic Republic, and for other purposes (Rept. No. 105-83).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DURBIN (for himself, Ms. COLLINS, Mrs. BOXER, Mr. BUMPERS, Mr. DEWINE, Mrs. FEINSTEIN, Mr. HARKIN, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LEAHY, Mr. REED, Ms. SNOWE, Mr. WELLSTONE, and Mr. WYDEN):

S. 1183. A bill to repeal the provision crediting increased excise taxes on certain tobacco products against payments made pursuant to the tobacco industry settlement legislation; to the Committee on Finance.

By Mr. HATCH (for himself, Mr. KENNEDY, Mr. ABRAHAM, Mr. LEAHY, Mr. DEWINE, and Mr. BIDEN):

S. 1184. A bill to amend the Immigration and Nationality Act to waive nonimmigrant visa fees for aliens seeking to enter the United States to engage in certain charitable activities; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself and Mr. BREAU):

S. 1185. A bill to provide employees with more access to information concerning their pension plans and with additional mechanisms to enforce their rights under such plans; to the Committee on Labor and Human Resources.

By Mr. DEWINE (for himself, Mr. JEFFORDS, Mr. KENNEDY, and Mr. WELLSTONE):

S. 1186. A bill to provide for education and training, and for other purposes: to the Committee on Labor and Human Resources.

By Mr. LAUTENBERG (for himself, Mr. HOLLINGS, and Mr. THURMOND):

S. 1187. A bill to suspend temporarily the duty on ferroboration; to the Committee on Finance.

By Mr. KOHL:

S. 1188. A bill to amend chapters 83 and 85 of title 28, United States Code, relating to the jurisdiction of the District Court for the District of Columbia, and the United States Court of Appeals for the District of Columbia, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH of Oregon (for himself and Mr. HATCH):

S. 1189. A bill to increase the criminal penalties for assaulting or threatening Federal judges, their family members, and other public servants, and for other purposes; to the Committee on the Judiciary.

By Mr. ALLARD:

S. 1190. A bill to reform the financing of Federal elections; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself, Mr. KENNEDY, Mr. ABRAHAM, Mr. LEAHY, Mr. DEWINE and Mr. BIDEN):

S. 1184. A bill to amend the Immigration and Nationality Act to waive nonimmigrant visa fees for aliens seeking to enter the United States to engage in certain charitable activities; to the Committee on the Judiciary.

THE MOTHER TERESA FEE WAIVER ACT OF 1997

Mr. HATCH. Mr. President. I am proud today to introduce—along with my colleagues Senators KENNEDY, ABRAHAM, LEAHY, and DEWINE—the Mother Teresa fee waiver bill of 1997.

While daily newscasts focus our attention on the scourge of senseless crime and deadly drugs in our country and around the world, Mother Teresa's death last week focused the world's attention on the simple good works that are all too often overlooked.

As the flag of India was draped over Mother Teresa, an observer commented "She now belongs to the State." I think it is more accurate to say that Mother Teresa has and will always belong to the world. In an era where the phrase "global economy" has become commonplace, Mother Teresa represented a "global morality." Her good works, and those of so many other religious organizations around the world are not, and should not be, confined by national borders and boundaries.

Shortly before her death, Mother Teresa personally sought a waiver of the fees charged to her missionaries seeking to enter this country on a temporary basis to help the poorest of the poor and the sickest of the sick in our own cities. Of course, she was absolutely right. We should give thanks to these kind and giving persons who travel to foreign lands for no other purpose than to give of themselves to help the neediest in those lands. Instead,

we've been charging them. It is an absurd situation that needs to be remedied.

I am, therefore, pleased today to stand with my colleagues in introducing a simple and straightforward bill that would waive the fees for persons coming here temporarily for the purpose of engaging in charitable activities to help the needy. This bill is but one small but fitting and timely tribute to Mother Teresa who stood under 5 feet but whose goodness and righteousness made her tower among us.

I look forward to the Senate's swift action on this measure.

Mr. KENNEDY. I am pleased to join with Senator HATCH in sponsoring legislation requested by Mother Teresa to waive visa application fees for religious workers coming to the United States to perform charitable work for temporary periods.

During her visits to the United States, Mother Teresa asked President Clinton to take this step to waive visa fees for her missionaries coming to work in this country. Her Missionaries of Charity come to America to help the poor in our communities and to minister to the sick and the elderly. Each time they travel here, they are required to pay a \$120 visa fee to the U.S. Government.

It makes no sense to require these religious workers to pay a fee to the Federal Government in order to come here to help our communities. The legislation we introduce today would waive the fee in these instances.

This past weekend, while attending Mother Teresa's funeral in India, the First Lady met with Sister Nirmala, Mother Teresa's successor at the Missionaries of Charity Order in Calcutta. Sister Nirmala asked once again for a waiver of the visa fee and was delighted to learn that the U.S. Senate would be considering legislation this week to accomplish this goal as Mother Teresa had requested.

This is an important step that Congress can take to honor the memory of Mother Teresa and the compassionate work that her order brings to America. I urge my colleagues to support this legislation.

Mr. ABRAHAM. Mr. President. I am pleased to be a cosponsor of legislation authored by Senators HATCH and KENNEDY to waive the visa fees for religious workers who enter to perform charitable functions.

It is not in the U.S. interest to impose fees that inhibit or otherwise burden individuals who seek to help our communities. Mother Teresa spoke specifically of eliminating these fees for members of her mission coming to the United States to serve the poor, so as to make the money available for more good works. I applaud Senators HATCH and KENNEDY for introducing this important legislation.

By Mr. GRASSLEY (for himself and Mr. BREAUX):

S. 1185. A bill to provide employees with more access to information concerning their pension plans and with additional mechanisms to enforce their rights under such plans; to the Committee on Labor and Human Resources.

THE PENSION TOOLS ACT

Mr. GRASSLEY. Mr. President, today I rise to introduce the Pension Tools Act of 1997. Why pension tools? Because this legislation contains the components, or tools that will assist pension participants and retirees to understand the fundamentals of their pension plans, get them to think about their retirement for the long term, and when problems arise—help put in place a cost-effective conflicts resolution process.

This legislation is very important to today's retirees and workers. In June, the Senate Aging Committee, which I chair, convened a hearing which highlighted the growing problem of pension mistakes. That's right, Mr. President. A pension mistake. The problem addressed at the hearing did not target intentional wrongdoing—but honest mistakes by employers which can lead to a cut in a monthly pension payment or a lump-sum payment a worker takes when leaving a job.

It's impossible to determine how big the problem is, but it is a growing concern. To try to document how big the problem could be, I asked the Pension Benefit Guaranty Corporation [PBGC] to provide me with data about a program they administer called the standard termination audit program. The program audits a sample of plans which have terminated—these are not plans which have gone bankrupt. The PBGC released a letter to my committee which showed that certain pension payouts have errors in the range of 8 percent. That number has increased since the program started back in 1986 when it was 2 percent. Many of these errors involve substantial sums of money. In fact, one in three people who were shortchanged, were shortchanged by at least \$1,000.

Other pension experts and advocates would put the number of mistakes at a higher rate—in the range of 15 to 20 percent. But we just can't say what the number is because none of the agencies who regulate pensions audit whether or not the pensions and lump-sum payments that are made to the majority of workers and retirees are usually accurate. Most employers are doing their best to pay the right amount but mistakes do happen. The problem is that people are not aware that they really need to verify that their pension payouts are the right amount.

The hearing called attention to that very problem. Too many workers lack a full understanding of how their pension works and how much their benefit will be until just before retirement.

It is my hope that this legislation will be a vital part of our effort to educate people about the need to prepare for retirement. One of the components of good retirement preparation is tracking your employer-provided pension and knowing your pension rights.

Specifically, this legislation will give employees the opportunity to have benefit statements sent to them on a regular basis. In addition, the legislation clarifies that pension plan participants and beneficiaries should have access to plan documents which show how their pension benefit was calculated. That way, they can check the math and verify that their benefit is correct.

My bill will also address two other problems raised at the hearing. First, one problem faced by pension participants and beneficiaries is that employers are slow to respond to their requests for information. To address that problem, we will authorize the Secretary of Labor to assess a fine if an employer fails or refuses to provide information in a timely manner. The other problem that this bill will address is to clarify that a person who has been cashed out of a plan can still get information from the plan administrator if a problem arises after the person separates from employment.

Senator BREAUX and I are also including a directive to the Secretary of Labor to draft model procedures for alternative dispute resolution. The enforcement option open to pension participants now—a lawsuit—is simply too costly for many people who are living on a fixed income.

Part of the problem we see is that pensions are very complex. It is hard for employers to administer pensions even with the expert advice of paid pension consultants. I am continuing to seek ways to alleviate some of the pressure on employers. We have already taken the first step of asking the General Accounting Office to review the changes in the law since the passage of GATT—this had an impact on interest rates—one of the areas where we see the most problems in pension errors. We are also looking into the usefulness of mandating that employers provide a summary annual report of the pension plan to participants every year. These summary reports are not user-friendly and do not provide the participants with information in an accessible way. Benefit statements and the use of education and outreach may provide a substitute for the annual mailing of summary annual reports to pension participants.

I am also submitting for the RECORD two letters of support for the legislation. The first letter is from the Pension Rights Center here in Washington, DC. The center has a long history as an effective advocate for participant rights. The second letter was submitted by the American Society of

Pension Actuaries. This group strongly supports the idea of automatic benefit statements and we will certainly work with them to clarify language in the legislation.

While great strides have been made since the act went into effect, participants and beneficiaries still lack access to basic but vital information and tools to enforce their rights. Having a pension can make all the difference to people once they retire. The Pension Tools Act strikes the right balance to get people useful information about their pensions and help them enforce basic rights to that information. I urge my colleagues to support the efforts of Senator BREAUX and myself to ensure that retirees and workers get every penny they have earned when the time comes to retire.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

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

AMERICAN SOCIETY OF
PENSION ACTUARIES,

Arlington, VA, September 16, 1997.

HON. CHARLES E. GRASSLEY,
Special Committee on Aging, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN GRASSLEY: The American Society of Pension Actuaries appreciates your efforts to ensure that plan participants and beneficiaries have sufficient information about their plan benefits. ASPA believes that better informed participants will become more active participants. Particularly, ASPA strongly supports your proposals to provide for participant benefit statements and benefit calculations. This invaluable information will allow plan participants to more accurately plan for retirement.

We agree conceptually with the other proposals outlined in the "Summary of Pension Tools Act of 1997," which was provided to us by your staff. However, we are unable to more fully endorse the entire bill until we have had an opportunity to review the detailed legislative language. Further, we would like to alert you about two general concerns we have pertaining to two of the proposals outlined.

First, one of the proposals would treat participants who have been "cashed out" of the plan as "active" participants for purposes of obtaining information about the plan as allowed under the Employee Retirement Income Security Act. Although we appreciate the general objective underlying this proposal, we are concerned if the proposal would allow, for instance, a former participant to request a benefit calculation after ten years. Such a request would be a tremendous hardship on the plan sponsor or plan administrator since in most cases such records are not retained for a long period of time. We would suggest giving participants a fixed period of time—such as 18 months after they have received their benefits—to request this information.

Second, another proposal would require the Secretary of Labor to develop model alternative dispute resolution procedures. We agree that such procedures can often be a more efficient means for resolving disputes, and we also agree with your conclusion to give plans the option of choosing to adopt

such procedures. The summary further indicates that the Secretary of Labor would formulate a list of neutral experts to serve as mediators. We are concerned that such a list would become politicized. Consequently, we would suggest as an alternative that the Secretary of Labor be tasked with simply maintaining the list and that any pension professional meeting objective qualification requirements be permitted to be listed.

We hope these comments are helpful and we look forward to working with you and your staff toward passage of this legislation.

Respectfully,

BRIAN H. GRAFF, Esq.,
Executive Director.

PENSION RIGHTS CENTER,

Washington, DC, September 11, 1997.

Hon. CHARLES GRASSLEY,

Chairman, Special Committee on Aging, Senate Dirksen Office Building, Washington, DC.

DEAR SENATOR GRASSLEY: I am writing to express the Pension Rights Center's strong support for the Pension Tools Act of 1997. Your proposed legislation will help assure that employees will receive accurate and timely information about their future pension benefits. It will also give retirees the opportunity to check the accuracy of plan calculations, and develop an inexpensive forum where they can challenge improper benefit denials.

Sincerely your,

KAREN W. FERGUSON,
Director.

By Mr. DEWINE (for himself, Mr. JEFFORDS, Mr. KENNEDY, and Mr. WELLSTONE):

S. 1186. A bill to provide for education and training, and for other purposes; to the Committee on Labor and Human Resources.

THE WORKFORCE INVESTMENT PARTNERSHIP ACT

Mr. DEWINE. Madam President, as a member of the Senate Labor and Human Resources Committee and chairman of the Subcommittee on Employment and Training, I have spent the last few years examining our Federal job training programs. During this examination, it has become clear to me as well as many others, that these programs are in dire need of reform. The status quo is just plain unacceptable.

What we are faced with today is a fragmented and duplicative maze of narrowly focused programs administered by numerous Federal agencies that lack coordination, a coherent strategy to provide training assistance, and the confidence of the two key consumers who utilize these services—those seeking the training, and those businesses seeking to hire them. Despite spending billions of tax dollars each year on job training programs, most Federal agencies do not know how their programs work and if their programs are really helping people find jobs.

Here is what we do know. Today's job training system is no system at all—it is a complex patchwork of numerous rules, regulations, requirements, and overlapping bureaucratic responsibilities. As a result, programs are largely

ineffective. Frustration and confusion is widespread throughout the system—by program administrators and employers, and most important, by those seeking assistance. People have difficulty knowing where to begin to look for training assistance because there are no clear points of entry and no clear paths from one program to another.

This is frustration at the breaking point.

Frustration to the point that business community participation, which is absolutely necessary for success, is waning.

Frustration to the point that community activists, again whose participation is absolutely necessary for success, are becoming disenchanted.

Frustration to the point that we have begun to question our commitment to job training.

Fragmentation, duplication, ineffectiveness, and frustration—these are the words that describe the current Federal job training apparatus. That is the status quo. That is unacceptable. That is largely why reform is needed now.

There are other important reasons why reform is necessary. The economic future of our country depends on a well-trained work force. I have heard from employers at every level who find it increasingly difficult to attract and find qualified employees for high-skilled, high-paying jobs as well as qualified entry level employees. If we are going to remain economically competitive, we must address this growing shortage of workers.

Reform also is needed if the welfare reform bill Congress passed last year is going to have any chance of succeeding. We need to provide States with the tools necessary to develop a comprehensive system to assist people make work, not welfare, their way of life.

To achieve all of these goals, job training is the key.

The bill that I introduce today with Senators JEFFORDS, KENNEDY, and WELLSTONE represents a bipartisan belief that we can do better and we can achieve these goals. We can replace the current system of frustration and provide a framework for success.

By removing or reforming outdated rules and regulations, we can remove the barriers that have stymied reform in the past. We can empower States to boldly move forward, transforming the current patchwork of programs into a comprehensive system to make it easier for all consumers seeking assistance to receive assistance.

Just like we did with welfare reform, job training reform is about recognizing the leadership of States that have shown innovation and initiative over the last few years, even in the midst of numerous Federal barriers and obstacles. It is about allowing them and encouraging them to continue with

the innovations they have implemented without Federal reform legislation.

We can establish a framework for a system that provides consumer choice. Individuals seeking assistance should have a say in where, how, and what training they will receive. At the same time, the Federal bureaucracy should not engage in micro-management by mandating vouchers or any other specific local delivery system. This is a decision that belongs to the States and localities. This bill takes the opposite approach—it provides States and localities the flexibility to develop training programs that meet the real needs of those seeking training. It is to the consumer that these programs should be tailored to, not Washington.

We can establish an accountable system. Training programs must demonstrate their effectiveness to be certified as eligible programs. This means proving that training leads to meaningful, unsubsidized employment—showing how many people were placed, at what cost, and how many people remained employed 6 months to a year later. We owe this to the individuals seeking assistance and to the American taxpayers who pay for these programs.

We can establish a framework that not only allows for business community involvement, but business community leadership. The private sector must outline their employment needs and assist in the design of training programs.

The Workforce Investment Partnership Act incorporates all of these principles. The programs incorporated in the legislation include job training, vocational education, and adult education. Additionally, it provides strong, mandatory linkages to welfare to work, Wagner-Peyser, Job Corps, Older Americans, Vocational Rehabilitation, the Bureau of Apprenticeship and Training, veterans, Trade Adjustment Assistance, as well as other training related programs.

While separate funding streams will be maintained for each of the activities, in recognition of their function, States and localities will be empowered with the tools and the flexibility to implement real reform in order to provide comprehensive services to those seeking assistance.

Under this bill, States will have the ability to submit a unified plan for all of the programs incorporated in and linked to this legislation to the appropriate Secretary describing how they will coordinate services in order to avoid duplication.

Statewide and local partnerships, led by the business community, will be established to assist in the development of such a plan, set policy for training, and generally advise the appropriate elected official overseeing the system.

At the local level, all services provided must be accessible through a one

stop customer service system. Consumers, both employers and job seekers seeking assistance, will be able to receive comprehensive information regarding the availability, eligibility, and quality of the programs. With this kind of system, we can remove the confusion and frustration inherent in the current programs.

Finally, training will be delivered under a framework of an individual training account which will be used to ensure the principle of consumer choice. The specific nature of the individuals training account will be determined by States and localities.

In conclusion, I would like to thank my colleagues, Senators JEFFORDS, KENNEDY, and WELLSTONE, as well as the other members of the Subcommittee of Employment and Training for their cooperation and dedication in developing a piece of legislation that moves us forward. This has been a bipartisan effort from Day One. I believe that level of cooperation and leadership is essential if we are to have a chance to pass real reform.

There have been a number of organizations—both public and private—who have participated in an open and constructive process used to develop this legislation. Their input has been vital.

Again, the Workforce Investment Partnership Act is designed to address and reform the Federal Government's role in providing job training assistance to Americans. For too long, that role has been to foster confusion, frustration and complication. With this bill, we offer a new foundation, and a positive framework for success. Instead of rules that tie the hands of States and localities, this bill provides the tools to empower them to develop comprehensive work force investment systems that address the needs of job seekers and employers. This bill is a road map to a better system, and if we are to achieve the goals we have set—a stronger economy, a better-trained work force, and welfare reform—we need to begin that journey today.

Mr. KENNEDY. Madam President, an educated work force has become the most valuable resource in the modern economy. Our Nation's long term economic vitality depends on the creation of an effective, accessible, and accountable system of job training and career development which is open to all our citizens. Schools must assume more responsibility for preparing their students to meet the challenges of the 21st century workplace. Disadvantaged adults and out of school youth need the opportunity to develop job skills which will make them productive members of the community. Dislocated workers who have been displaced by the rapid pace of technological change deserve the chance to pursue new careers. The way in which we respond to these challenges today will determine how prosperous a nation we are in the next century.

The importance of highly developed employment skills has never been greater. The gap in earnings between skilled and unskilled workers is steadily widening. For those who enter the work force with good academic training and well developed career skills, this new economy offers almost unlimited potential. However, for those who lack basic proficiency in language, math and science and who have no career skills, the new economy presents an increasingly hostile environment.

The Workforce Investment Partnership Act which I am introducing with Senators JEFFORDS, DEWINE, and WELLSTONE will provide employment training opportunities for millions of Americans. It responds to the challenge of the changing workplace by enabling men and women to both acquire the skills necessary to enter the work force and upgrade their skills throughout their careers. It will provide access to the educational tools that will enable them not only to keep up, but to get ahead.

The legislation which we will be introducing represents a true collaboration of our four offices. I want to publicly commend Senators JEFFORDS and DEWINE for the genuine spirit of bipartisanship which has made this collaborative effort possible. Senator WELLSTONE and I appreciate it. Over the last 6 months, each of us has devoted an enormous amount of time and effort to fashioning a legislative consensus which will truly expand career options, encourage greater program innovation, and facilitate cooperative efforts amongst business, labor, education, and State and local government. While each of us can cite provisions in this bill which we would like to change, we all believe that the Workforce Investment Partnership Act will accomplish our principal goals.

I also want to recognize the important role President Clinton has played in bringing about this dramatic reform of our current job training system. He has consistently emphasized the need for greater individual choice in the selection of career paths and training providers. The philosophy behind the skill grant proposal is reflected in our legislation.

The Workforce Investment Partnership Act is designed to provide easy access to state of the art employment training programs which are geared to real job opportunities in the community. The cornerstones of this new system are individual choice and quality labor market information. In the past, men and women seeking new careers often did not know what job skills were most in demand and which training programs had the best performance record. All too often, they were forced to make one of the most important decisions in their lives based on anecdotes and late-night advertisements.

No training system can function effectively without accurate and timely

information. The frequent unavailability of quality labor market information is one of the most serious flaws in the current system. In order to make sound career choices, prospective trainees need both detailed information on local career opportunities and performance based information on training providers. That information will now be available at easily accessible one stop employment centers, along with career counseling and other employment services. The legislation places a strong emphasis on providing information about what area industries are growing, what skills those jobs require, and what earning potential they have. Extensive business community participation is encouraged in developing this information. Once a career choice is made, the individual must still select a training provider. At present, many applicants make that choice with a little or no reliable information. Under our bill, each training provider will have to publicly report graduation rates, job placement and retention rates, and average earnings of graduates.

Because of the extensive information which will be available to each applicant, real consumer choice in the selection of a career and of a training provider will be possible. The legislation establishes individual training accounts for eligible participants, which they can use to access career education and skill training programs. Men and women seeking training assistance will no longer be limited to a few predetermined options. As long as there are real job opportunities in the field selected and the training provider meets established performance standards, the individual will be free to choose which option best suits his or her needs.

This legislation will organize the delivery of services more effectively and utilize resources more creatively. There will be a significant consolidation of the dozens of narrowly focused programs which currently exist into several broad funding streams for the distinct populations needing assistance. Consolidation makes sense in those areas in which multiple programs are currently serving the same population. However, it is equally important to preserve separate streams of funding for distinct populations. The programmatic needs of middle age dislocated workers with extensive employment histories are quite different from the services required by young adults with limited skills and no work histories. Similarly the problems faced by out of school youth require very different solutions than those confronting the adult population. Ensuring that services which are designed to meet the needs of each of these populations are available is a Federal responsibility. For that reason, this legislation maintains distinct programs with separate appropriations for dislocated workers,

disadvantaged adults, and at risk youth.

The WIPA gives State and local government significantly enhanced discretion in designing their training systems. If this reform is to be truly responsive to those at the community level who are in need of services, it is essential that the authority which the Federal Government delegates to the States be exercised through a broad based decisionmaking process. Governors, State legislatures, mayors, and other county and local officials should all have a meaningful voice in the design of a State's new job training system and they will under this legislation. Local boards of business, labor, education and community leaders are—in my opinion—essential to insuring that programs meet the real world needs of participants, and that the training programs correspond to labor market demands. The success we have had in Massachusetts has been due to large measure to active participation by local business leaders on the regional employment boards. WIPA strengthens the role of such boards, giving them major new policy making responsibilities. These boards will play the primary role in assuring that training programs address the actual employment needs of area businesses.

An essential element of the new system we have designed in accountability. As I noted earlier, each training provider will have to monitor and report the job placement and retention achieved by its graduates and their average earnings. Only those training programs that meet an acceptable performance standard will remain eligible for receipt of public funds. The same principle of accountability is applied to those agencies administering State and local programs. They are being given wide latitude to innovate under this legislation. But they too will be held accountable if the programs fail to meet challenging performance targets.

There is no challenge facing America today which is tougher or more important than providing at risk, often out of school, youth with meaningful education and employment opportunities. Far too many of our teenagers are being left behind without the skills needed to survive in the 21st century economy. I am particularly proud of the commitment which the Workforce Investment Partnership Act makes to these young men and women. This legislation authorizes a new initiative focused on teenagers living in the most impoverished communities in America. These areas range from the poorest neighborhoods of our largest cities to impoverished rural counties. Each year, the Secretary of Labor will award grants from a \$250 million fund to innovative programs designed to provide opportunities to youth living in these areas. The programs will emphasize mentoring, strong links between aca-

demical and worksite learning, and job placement and retention. It will encourage broad based community participation from local service agencies and area employers. These model programs will, we believe, identify the techniques which are most effective in reaching those youth at greatest risk.

The Workforce Investment Partnership Act includes titles reauthorizing major vocational education and adult literacy programs. Both programs will continue to be separately funded and independently administered. We have incorporated them in the Workplace Act because they must be integral components of any comprehensive strategy to prepare to meet the demands of the 21st century workplace. Students who participate in vocational education must be provided with broad based career preparation courses which meet both high academic standards and teach state of the art technological skills. Adult literacy programs are essential for the 27 percent of the adult population who have not earned a high school diploma or its equivalent. Learning to read and communicate effectively are the first steps to career advancement. In vocational education and adult literacy, we are placing the same emphasis on program accountability which we did in job training.

The Workforce Investment Partnership Act we are introducing today will make it possible for millions of Americans to gain the skills needed to compete in a global economy. In doing so, we are also enabling them to realize their personal American dreams.

In closing, I want to recognize the important contribution which Stephen Springer, a key member of my staff during the 104th Congress, played in the evolution of job training reform. Tragically, he died at a young age after a courageous battle with cancer. He believed that the type of innovative workforce development system which this legislation would create had the potential to open doors of opportunity for millions of Americans. His commitment was extraordinary. He continued to work on this issue even as his health was failing. He is no longer with us, but he continues to inspire us. Stephen Springer's creative vision of a workforce development system equal to the challenges of the 21st century economy is reflected in the Workforce Investment Partnership Act. When enacted, it will be a wonderful legacy for this extraordinary individual.

Mr. WELLSTONE. Mr. President, I am pleased to join my colleagues, Senators DEWINE, JEFFORDS, and KENNEDY, in introducing the Workforce Investment Partnership Act of 1997. This bipartisan bill is a major accomplishment for Americans who need Federal assistance to acquire skills to qualify for good jobs.

The bill also is a major accomplishment for my colleague from Ohio, Sen-

ator DEWINE, Chairman of the Labor Committee's Employment and Training Subcommittee, whom I commend for bringing us to this point through numerous valuable hearings and a rigorous, cooperative drafting process. A number of Minnesotans testified at our hearings. Groups from Minnesota and from around the country have been consulted and listened to. I thank both Senator DEWINE and Senator JEFFORDS for the openness of the process. As always, I would also like to acknowledge the leadership of Senator KENNEDY. His deep experience and commitment have helped make this an excellent bill.

As leaders for our respective parties on the Subcommittee and on the full Labor Committee, the four of us may not always agree on issues facing America's working families. But we agree on this bill. It will fundamentally improve our Federal system of job training, adult and vocational education, and vocational rehabilitation programs.

The bill will help coordinate, streamline and decentralize our Federal job training system. It will make that system more accountable to real performance measures. It gives private sector employers—the people who have jobs to offer and who need workers with the right skills—a greater role in directing policy at the State and local level, which is where most decision-making power resides in this bill. And it moves the whole country to where Minnesota has already moved decisively: to a system of one-stop service centers where people can get all the information they need in one location. At these one stops, people then will have the ability to make their own choices, based on the best information, about which profession they want and ought to pursue, about the skills and training they'll need, and about the best place to get those skills and that training. I have visited one-stop centers in Minnesota. They work.

In addition, and this is very important, our bill achieves the things I have mentioned above without neglecting the need to target resources from the Federal level to those who need them most: to disadvantaged adults and youth, and to dislocated workers.

That is crucial. This bill does not overreach. It does not block-grant all Federal job training, adult education and vocational education programs to governors. It retains crucial federal priorities, then allows State and local authorities to decide how best to address their needs. That is why I believe this Congress will succeed where we did not during the last Congress. We'll pass this bill, reach an acceptable conference agreement with the House, and send major, important legislation to the President for his signature.

By Mr. LAUTENBERG (for himself, Mr. HOLLINGS and Mr. THURMOND):

S. 1187. A bill to suspend temporarily the duty on ferroboration; to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

Mr. LAUTENBERG. Mr. President, I rise today to introduce legislation with Senators HOLLINGS and THURMOND to temporarily suspend the rate of duty imposed on imported ferroboration. Ferroboration is the key raw material in amorphous metal electrical power distribution transformer cores. Transformers using these cores reduce energy losses and greenhouse gas emissions associated with these losses by 60 to 80 percent when compared to other transformer core technologies. This provides both increased energy conservation and decreases environmental degradation in those developing nations where the most promising market opportunities exist.

While these benefits are tangible and significant, they, and the extensive research and development that yielded them, are costly. An amorphous metal transformer has an initial cost 20 to 30 percent higher than the less energy efficient and environmentally friendly transformers it seeks to replace. Fortunately, because of its many benefits, the total owning cost of an amorphous metal transformer over its 20- to 30-year life is far lower than the initially cheaper competition. Reducing the cost of an important and costly raw material, by suspending the duty paid on it, helps to ensure the cost-competitiveness of the end product in the export markets. This is good for manufacturers, for American workers, and for our economy.

Mr. President, I have received assurances from my constituent, AlliedSignal, Inc., that there is no U.S. manufacturer of ferroboration, thus, this legislation does not adversely affect any American business.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1187

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY SUSPENSION OF DUTY.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.72.02 Ferroboron (pro- vided for in sub- heading 7202.99.50.	Free change	No change	No change	On or be- fore 12/ 31/2000".
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(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.

By Mr. KOHL:

S. 1188. A bill to amend chapters 83 and 85 of title 28, United States Code,

relating to the jurisdiction of the District Court for the District of Columbia, and the United States Court of Appeals for the District of Columbia, and for other purposes; to the Committee on the Judiciary.

THE COURT CONSISTENCY IN COMMUNICATIONS ACT OF 1997

Mr. KOHL. Mr. President, I rise today to introduce the Court Consistency in Communications Act of 1997. The purpose of this bill is to bring consistency to the judicial interpretation of some of the central provisions of the Telecommunications Act, to make sure that an appellate court with broad and deep understanding of these issues can bring its expertise to bear on them, and to resolve related litigation as quickly as possible. In many other areas, such as bankruptcy and labor, strong precedent exists for consolidation of cases to bring about more efficient and informed judgments.

This measure is simple, effective and straightforward. It consolidates in the District of Columbia Federal courts all appeals of FCC decisions under title II of the Communications Act of 1934 and State commission decisions under section 252 of the Telecommunications Act of 1996. Let me tell you why this legislation is crucially needed.

The telecommunications industry accounts for about one-sixth of our national economy. And almost 2 years ago we passed legislation designed to unleash competition in the industry. It was signed into law with great fanfare. As President Clinton said, "Today with the stroke of [my] pen, competition and innovation can move as quick as light." But we are still waiting for lower rates, better service, and greater innovation that was promised when the Telecom Act was signed.

The sad truth is that the promise of the Telecom Act has gotten bogged down in litigation. Lawyers are arguing about the meaning of its provisions in courts all across the country. Indeed, today a major challenge to the FCC's jurisdiction over long distance service is being filed in the Eighth Circuit. In my opinion, even under current law this case should have been filed in the District of Columbia.

We don't, of course, want to take away people's ability to redress grievances through the courts. The right to sue is, for better or worse, almost sacred to American culture. But while some people may choose to wait for a resolution to emerge from the 93 different Federal district courts and 12 distinct Federal circuits, to my mind the better way to bring competition to telecommunications markets is to have some judicial certainty about the rules of the game—and to have it sooner, rather than later. This bill should create the necessary framework for predictability in the courts, so that companies can shift their rivalry from the courtroom to the marketplace.

This proposal is not a panacea, but it does move us in the right direction. By streamlining the appellate process, the Court Consistency in Communications Act will speed the arrival of local and long distance telephone competition. It will help consumers—the people who pay the bills, who deserve more choice and who wonder why their rates aren't going down.

Mr. President, this judicial reform bill does not alter the substance of the Telecommunications Act in any way—that is clearly in the jurisdiction of the Commerce Committee. Nor does it affect pending cases. Finally, to those who have expressed concerns about the measure, let me remind them that this is not a final product, but a work in progress; in other words, we want to work with you.

I urge my colleagues to support this measure, because all of us have an interest in reducing litigation and encouraging competition.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1188

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 "Court Consistency in Communications Act of 1997".

SEC. 2. JURISDICTION OF THE DISTRICT COURT FOR THE DISTRICT OF COLUMBIA AND THE COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA.

(a) JURISDICTION OF REVIEW BY DISTRICT COURT FOR THE DISTRICT OF COLUMBIA.—

(1) IN GENERAL.—Chapter 85 of title 28, United States Code, is amended by adding at the end the following:

"§ 1369. District Court for the District of Columbia; review of certain communications determinations

"The United States District Court for the District of Columbia shall have exclusive jurisdiction to review a determination as provided under section 252(j)(2) of the Communications Act of 1934 (47 U.S.C. 252(j)(2))."

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 85 of title 28, United States code, is amended by adding at the end the following:

"1369. District Court for the District of Columbia; review of certain communications determinations."

(b) JURISDICTION OF THE COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT.—

(1) IN GENERAL.—Chapter 83 of title 28, United States Code, is amended by adding at the end the following:

"§ 1297. Jurisdiction of the United States Court of Appeals for the District of Columbia Circuit

"The United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction of an appeal as provided under sections 252(j)(2) and 402(b) of the Communications Act of 1934 (47 U.S.C. 252(j)(2) and 402(b))."

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 83 of

title 28, United States Code, is amended by adding at the end the following:

"1297. Jurisdiction of the United States Court of Appeals for the District of Columbia Circuit."

(C) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—The Communications Act of 1934 is amended—

(A) in section 252 (47 U.S.C. 252)—

(i) in subsection (e)(6), by striking the second sentence;

(ii) by redesignating subsection (j) as subsection (k); and

(iii) by inserting after subsection (i) the following new subsection (j):

"(j) JUDICIAL REVIEW OF STATE COMMISSION ACTIONS.—

"(1) REVIEW.—In any case in which a State commission makes a determination under this section, any party aggrieved by the determination shall bring an action for the review of the determination, if at all, in the United States District Court for the District of Columbia.

"(2) APPEAL.—Any appeal of a decision of the court under subparagraph (A) shall be brought in the United States Court of Appeals for the District of Columbia Circuit.";

(B) in section 402(b) (47 U.S.C. 402(b)), by adding at the end the following:

"(10) By any person challenging any other decision or order of the Commission under title II."

"(2) APPLICABILITY.—The amendments made by paragraph (1) shall apply to determinations of the Federal Communications Commission under title II of the Communications Act of 1934 and to determinations by State commissions (as that term is defined in section 3(41) of that Act (47 U.S.C. 153(41)) under section 252 of that Act on or after the date of enactment of this Act.

By Mr. SMITH of Oregon (for himself and Mr. HATCH):

S. 1189. A bill to increase the criminal penalties for assaulting or threatening Federal judges, their family members, and other public servants, and for other purposes; to the Committee on the Judiciary.

THE FEDERAL JUDICIARY PROTECTION ACT OF 1997

Mr. SMITH of Oregon. Mr. President, former Secretary of State, John Foster Dulles once stated that "Of all the tasks of government, the most basic is to protect its citizens against violence." While this has been one of our biggest challenges, Congress has the ability to also strengthen those laws that deter violence and provide protection to those whose careers are dedicated to protecting our families and also our communities.

With that intent, I rise today with my colleague, Senator HATCH, to introduce the Federal Judiciary Protection Act, a bill to provide greater protection to Federal law enforcement officials and their families. Under current law, a person who assaults, attempts to assault, or who threatens to kidnap or murder a member of the immediate family of a U.S. official, a U.S. judge, or a Federal law enforcement official, is subject to a punishment of a fine or imprisonment of up to 5 years, or both. This legislation seeks to expand these

penalties in instances of assault with a weapon and a prior criminal history. In such cases, an individual could face up to 20 years in prison.

This legislation would also strengthen the penalties for individuals who communicate threats through the mail. Currently, individuals who knowingly use the U.S. Postal Service to deliver any communication containing any threat are subject to a fine of up to \$1,000 or imprisonment of up to 5 years. Under this legislation, anyone who communicates a threat could face imprisonment of up to 10 years.

Briefly, I would like to share an example illustrating the need for this legislation. In my State of Oregon, Chief Judge Michael Hogan and his family were subjected to frightening, threatening phone calls, letters, and messages from an individual who had been convicted of previous crimes in Judge Hogan's courtroom. For months, he and his family lived with the fear that these threats to the lives of his wife and children could become reality, and, equally disturbing, that the individual could be back out on the street again in a matter of a few months, or a few years.

Judge Hogan and his family are not alone. In April of this year, the wife of a circuit court judge in Florida was stalked by an individual who had been convicted of similar offenses in 1994 and 1995. Mrs. Linda Cope, the wife of Circuit Judge Charles Cope was leaving a shopping mall one afternoon and as pursued by a man named Stelios Kostakis. As she left the parking lot, she realized that she was being followed and attempted to lose Kostakis by taking alternative routes and speeding through residential streets. In a desperate attempt, Mrs. Cope cut in front of a semitrailer truck, risking a serious accident and possible loss of life, to escape. Even after this third offense, stalking the wife of a circuit court judge, he was sentenced to only 6 months on probation and \$150 in fines and other court costs.

In September 1996, Lawrence County Judge Dominick Motto was stalked, harassed, and subjected to terrorist threats by Milton C. Reiguert, who was upset by a verdict in a case that Judge Motto had heard in his courtroom. After hearing the verdict, Reiguert stated his intention to "point a rifle at his head and get what he wanted."

Mr. President, these are only a few examples of vicious acts focused at our Federal law enforcement officials. As a member of the legislative branch, I believe it is our responsibility to provide adequate protection to all Americans who serve to protect the life and liberty of every citizen in this Nation. I encourage my colleagues to join us in sponsoring this important legislation.

By Mr. ALLARD:

S. 1190. A bill to reform the financing of Federal elections; to the Committee on Rules and Administration.

THE CAMPAIGN FINANCE INTEGRITY ACT OF 1997

Mr. ALLARD. Mr. President, campaign finance reform is the catch phrase of the year in politics. The problem is that every Senator has a different definition of reform, including myself. That is why today I am introducing the Campaign Finance Integrity Act. I want to ensure that we change the campaign finance system without being unconstitutional and that flies in the face of the first amendment, especially in light of the fact that today is the 210th anniversary of the signing of the Constitution.

Some in Congress have stated that freedom of speech and the desire for healthy campaigns in a healthy democracy are in direct conflict and that you can't have both. But fortunately for those of us who believe in the first amendment rights of all American citizens, the Founding Fathers and the Supreme Court are on our side.

Thomas Jefferson repeatedly stated the importance of the first amendment and how it allows the people and the press the right to speak their minds freely. Jefferson clearly stated its importance back in 1798 with, "One of the amendments to the Constitution * * * expressly declares that 'Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press,' thereby guarding in the same sentence and under the same words, the freedom of religion, speech, and of the press; inasmuch that whatever violates either throws down the sanctuary which covers the others." Again in 1808, he stated that "The liberty of speaking and writing guards our other liberties." And in 1823, Jefferson stated, "The force of public opinion cannot be resisted when permitted freely to be expressed. The agitation it produces must be submitted to." Jefferson knew and believed that if we begin restricting what people say, how they say it, and how much they can say, then we deny the first and fundamental freedom given to all citizens.

The Supreme Court has also been very clear in its rulings concerning campaign finance and the first amendment. Since the post-Watergate changes to the campaign finance system, 24 congressional actions have been declared unconstitutional, with 9 rejections based on the first amendment. Out of those nine four dealt directly with campaign finance reform laws. In each case, the Supreme Court has ruled that political spending is equal to political speech.

In the now famous decision, or infamous to some, Buckley versus Valeo, the Court states that,

The First Amendment denies government the power to determine that spending to promote one's political views is wasteful, excessive, or unwise. In the free society ordained by our Constitution it is not the government but the people—individually as citizens and candidates and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign.

Simply stated, the government cannot ration or regulate political speech of an American through campaign spending limits any more than it can tell the local newspaper how many papers it can print or what it can print. This reinforces Jefferson's statement that to impede one of these rights is to impede all first amendment rights.

Also, supporters of some of the campaign finance reform bills, believe that if we stop the growth of campaign spending and force giveaways of public and private resources then all will be fine with the campaign finance system. It seems to me that if you look at history, price controls didn't work in the 1970's and they won't work in the 1990's. The Supreme Court agrees and is again very clear in its intent on price controls in campaigns. The Buckley decision says, " * * * the mere growth in the cost of federal election campaigns in and of itself provides no basis for governmental restrictions on the quality of campaign spending. * * *"

Campaigns are about ideas and expressing those ideas, no matter how great or small the means. The "distribution of the humblest handbill" to the "expensive modes of communication" are both indispensable instruments of effective political speech. We should not force one sector to freely distribute our political ideas just because it is more expensive than all the other sectors. So no matter how objectionable the cost of campaigns are, the Supreme Court has stated that this is not reason enough to restrict the speech of candidates or any other groups involved in political speech.

We need a campaign finance bill that does not violate the first amendment, while providing important provisions to open the campaign finance of candidates up to the scrutiny of the American people and I believe the Campaign Finance Integrity Act does that.

My bill would: Require candidates to raise at least 50 percent of their contributions from individuals in the State or district in which they are running; equalize contributions from individuals and political action committees, PAC's, by raising the individual limits from \$1,000 to \$2,500 and reducing the PAC limit from \$5,000 to \$2,500; index individual and PAC contribution limits for inflation; reduce the influence of a candidate's personal wealth by allowing political party committees to match dollar for dollar the personal contribution of a candidate above \$5,000; require organizations, groups, and political party committees to dis-

close within 24 hours the amount and type of independent expenditures over \$1,000 in support of or in opposition to a candidate; require corporations and labor organizations to seek separate, voluntary authorization of the use of any dues, initiative fees or payment as a condition of employment for political activity, and require annual full disclosure of those activities to members and shareholders; prohibit depositing of an individual contribution by a campaign unless the individual's profession and employer are reported; encourage the Federal Elections Commission to allow filing of reports by computers and other emerging technologies and to make that information accessible to the public on the Internet less than 24 hours of receipt; ban the use of taxpayer financed mass mailings, and create a tax deduction for political contributions up to \$100 for individuals and \$200 for a joint return.

This is commonsense campaign finance reform. It drives the candidate back into this district or State to raise money from individual contributions. It has some of the most open, full, and timeliest disclosure requirements of any other campaign finance bill in either the Senate or the House of Representatives. I strongly believe that sunshine is the best disinfectant.

The right of political parties, groups, and individuals to say what they want in a political campaign is preserved but the right of the public to know how much they are spending and what they are saying is also recognized. I have great faith that the public can make its own decisions about campaign disclosure if it is given full and timely information.

Many of the proponents of the more popular campaign finance bills try to reduce the influence of interests by suppressing their speech. I believe the best ways to reduce the special interests influence is to suppress and reduce the size of government. If the government rids itself of special interest funding and corporate welfare, then there would be little influence left for these large donors. Campaign contributions would no longer be based on special interests but on ideas. Let's stop corporate welfare, especially the Overseas Private Investment Corporation, OPIC, where companies get a subsidized ride on the backs of taxpayers in order to invest without risk or without the market controlling the outcome. The best way to eliminate corporate subsidies is to eliminate the Department of Commerce, where a majority of corporate welfare programs are funded. To break special interest money, we must break the so-called iron triangle of big business, big labor, and big government.

Objecting to the popular catch phrase of the moment is very difficult for any politician, but turning your back on the first amendment is more difficult

for me. I want campaign finance reform but not at the expense of the first amendment and that is what my legislation does. Not everyone will agree with the Campaign Finance Integrity Act and many of us will disagree on this issue but the first amendment is the reason we can disagree.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1190

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the "Campaign Finance Integrity Act of 1997".

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CONTRIBUTIONS

Sec. 101. Requirement for in-state and in-district contributions to congressional candidates.

Sec. 102. Use of contributions to pay campaign debt.

Sec. 103. Modification of political party contribution limits to candidates when candidates make expenditures from personal funds.

Sec. 104. Modification of contribution limits.

TITLE II—DISCLOSURE REQUIREMENTS

Sec. 201. Disclosure of certain expenditures for issue advocacy.

Sec. 202. Disclosure of certain non-Federal financial activities of national political parties.

Sec. 203. Political activities of corporations and labor organizations.

TITLE III—REPORTING REQUIREMENTS

Sec. 301. Time for candidates to file reports.

Sec. 302. Contributor information required for contributions in any amount.

Sec. 303. Prohibition of depositing contributions with incomplete contributor information.

Sec. 304. Filing of reports using computers and facsimile machines; required electronic disclosure by commission.

TITLE IV—MISCELLANEOUS

Sec. 401. Ban on mass mailings.

Sec. 402. Tax deduction for political contributions.

Sec. 403. Effective date.

TITLE I—CONTRIBUTIONS

SEC. 101. REQUIREMENT FOR IN-STATE AND IN-DISTRICT CONTRIBUTIONS TO CONGRESSIONAL CANDIDATES.

(a) **IN GENERAL.**—Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended—

(1) by redesignating subsections (e), (f), (g), and (h) as subsections (f), (g), (h), and (i), respectively;

(2) by inserting after subsection (d) the following:

"(e) **REQUIREMENT FOR IN-STATE AND IN-DISTRICT CONTRIBUTIONS TO CONGRESSIONAL CANDIDATES.**—

"(1) **DEFINITIONS.**—

"(A) **IN-STATE CONTRIBUTION.**—In this subsection, the term 'in-State contribution'

means a contribution from an individual that is a legal resident of the candidate's State.

"(B) IN-DISTRICT CONTRIBUTION.—In this subsection, the term 'in-district contribution' means a contribution from an individual that is a legal resident of the candidate's district.

"(2) LIMIT.—A candidate for nomination to, or election to, the Senate or House of Representatives and the candidate's authorized committees shall not accept an aggregate amount of contributions of which the aggregate amount of in-State contributions and in-district contributions is less than 50 percent of the total amount of contributions accepted by the candidate and the candidate's authorized committees.

"(3) TIME FOR MEETING REQUIREMENT.—A candidate shall meet the requirement of paragraph (2) at the end of each reporting period under section 304.

"(4) PERSONAL FUNDS.—For purposes of this subsection, a contribution that is attributable to the personal funds of the candidate or proceeds of indebtedness incurred by the candidate or the candidate's authorized committees shall not be considered to be an in-State contribution or in-district contribution."

(b) CONFORMING AMENDMENTS.—Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended—

(1) in subsection (b)(1)(A), by striking "(e)" and inserting "(f)";

(2) in subsection (d)(2), by striking "(e)" and inserting "(f)"; and

(3) in subsection (d)(3)(A)(i), by striking "(e)" and inserting "(f)".

SEC. 102. USE OF CONTRIBUTIONS TO PAY CAMPAIGN DEBT.

Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) (as amended by section 101) is amended by adding at the end the following:

"(j) LIMIT ON USE OF CONTRIBUTIONS TO PAY CAMPAIGN DEBT.—

"(1) TIME TO ACCEPT CONTRIBUTIONS.—Beginning on the date that is 90 days after the date of a general or special election, a candidate for election to the Senate or House of Representatives and the candidate's authorized committees shall not accept a contribution that is to be used to pay a debt, loan, or other cost associated with the election cycle of such election.

"(2) PERSONAL OBLIGATION.—A debt, loan, or other cost associated with an election cycle that is not paid in full on the date that is 90 days after the date of the general or special election shall be assumed as a personal obligation by the candidate."

SEC. 103. MODIFICATION OF POLITICAL PARTY CONTRIBUTION LIMITS TO CANDIDATES WHEN CANDIDATES MAKE EXPENDITURES FROM PERSONAL FUNDS.

(a) IN GENERAL.—Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) (as amended by section 102) is amended by adding at the end the following:

"(k) CONTRIBUTION LIMITS FOR POLITICAL PARTY COMMITTEES IN RESPONSE TO CANDIDATE EXPENDITURES OF PERSONAL FUNDS.—

"(1) IN GENERAL.—In the case of a general election for the Senate or House of Representatives, a political party committee may make contributions to a candidate without regard to any limitation under subsections (a) and (d) until such time as the aggregate amount of contributions is equal to or greater than the applicable limit.

"(2) APPLICABLE LIMIT.—The applicable limit under paragraph (1), with respect to a candidate, shall be the greatest aggregate

amount of expenditures that an opponent of the candidate in the same election and the opponent's authorized committee make using the personal funds of the opponent or proceeds of indebtedness incurred by the opponent (including contributions by the opponent to the opponent's authorized committee) in excess of 2 times the limit under subsection (a)(1)(A) with respect to a general election.

"(3) DEFINITION OF POLITICAL PARTY COMMITTEE.—For purposes of this subsection, the term 'political party committee' means a political committee that is a national, State, district, or local committee of a political party (including any subordinate committee)."

(b) NOTIFICATION OF EXPENDITURES FROM PERSONAL FUNDS.—Section 304(a)(6) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(6)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following:

"(B)(1) The principal campaign committee of a candidate for nomination to, or election to, the Senate or House of Representatives shall notify the Commission of the aggregate amount expenditures made using personal funds of the candidate or proceeds of indebtedness incurred by the candidate (including contributions by the candidate to the candidate's authorized committee) in excess of an amount equal to 2 times the limit under section 301(a)(1)(A).

"(ii) The notification under clause (i) shall—

"(I) be submitted to the Commission not later than 24 hours after the expenditure that is the subject of the notification is made;

"(II) include the name of the candidate, the office sought by the candidate, and the date and amount of the expenditure; and

"(III) include the aggregate amount of expenditures from personal funds that have been made with respect to that election as of the date of the expenditure that is the subject of the notification."

SEC. 104. MODIFICATION OF CONTRIBUTION LIMITS.

Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A), by striking "\$1,000" and inserting "\$2,500"; and

(B) in paragraph (2)(A), by striking "\$5,000" and inserting "\$2,500"; and

(2) in subsection (c)—

(A) in paragraph (1), by striking "subsection (b) and subsection (d)" and inserting "paragraphs (1)(A) and (2)(A) of subsection (a) and subsections (b) and (d)"; and

(B) in paragraph (2)(A), by striking "means the calendar year 1974." and inserting "means—

"(i) for purposes of subsections (b) and (d), calendar year 1974; and

"(ii) for purposes of paragraphs (1)(A) and (2)(A) of subsection (a), calendar year 1997."

TITLE II—DISCLOSURE REQUIREMENTS

SEC. 201. DISCLOSURE OF CERTAIN EXPENDITURES FOR ISSUE ADVOCACY.

(a) ISSUE ADVOCACY.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end the following:

"(d) ISSUE ADVOCACY.—

"(1) REQUIRED REPORT.—A person (other than a candidate or a candidate's authorized committee) who makes a payment in an aggregate amount equal to or greater than \$1,000 for a communication containing issue

advocacy shall submit a statement to the Commission (not later than 24 hours after making the payment) describing the amount spent, the type of communication involved, and the market or area in which the communication was disseminated.

"(2) DEFINITION.—

"(A) IN GENERAL.—In this subsection, the term 'a communication containing issue advocacy' means a communication that—

"(i) uses the name or likeness of an individual holding Federal office or a candidate for election to a Federal office;

"(ii) mentions a national political party; or

"(iii) uses the terms 'the President', 'Congress', 'Senate', or 'House of Representatives' in reference to an individual holding Federal office.

"(B) EXCEPTION.—The term shall not include a payment which would be—

"(i) described in clause (i), (ii), or (v) of section 301(9)(B) if the payment were an expenditure under such section; or

"(ii) an independent expenditure."

(b) INCREASED REPORTING FOR INDEPENDENT EXPENDITURES.—Section 304(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(c)) is amended in the matter following paragraph (2)(C), by striking "after the 20th day, but more than 24 hours, before any election" and inserting "during a calendar year".

SEC. 202. DISCLOSURE OF CERTAIN NON-FEDERAL FINANCIAL ACTIVITIES OF NATIONAL POLITICAL PARTIES.

Section 304(b)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(4)) is amended—

(1) in subparagraph (H)(v), by striking "and" at the end;

(2) in subparagraph (I), by inserting "and" after the semicolon; and

(3) by adding at the end the following:

"(J) for a national political committee of a political party, disbursements made by the committee in an aggregate amount greater than \$1,000, during a calendar year, in connection with a political activity (as defined in section 316(c)(3));"

SEC. 203. POLITICAL ACTIVITIES OF CORPORATIONS AND LABOR ORGANIZATIONS.

(a) DISCLOSURE TO EMPLOYEES AND SHAREHOLDERS REGARDING POLITICAL ACTIVITIES.—Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding at the end the following:

"(c) AUTHORIZATION REQUIRED FOR POLITICAL ACTIVITY.—

"(1) IN GENERAL.—Except with the separate, written, voluntary authorization of each individual, a national bank, corporation or labor organization shall not—

"(A) in the case of a national bank or corporation described in this section, collect from or assess its stockholders or employees any dues, initiation fee, or other payment as a condition of employment or membership if any part of the dues, fee, or payment will be used for a political activity in which the national bank or corporation is engaged; and

"(B) in the case of a labor organization described in this section, collect from or assess its members or nonmembers any dues, initiation fee, or other payment if any part of the dues, fee, or payment will be used for a political activity.

"(2) EFFECT OF AUTHORIZATION.—An authorization described in paragraph (1) shall remain in effect until revoked and may be revoked at any time.

"(3) DEFINITION OF POLITICAL ACTIVITY.—For purposes of this subsection, the term 'political activity' includes a communication

or other activity that involves carrying on propaganda, attempting to influence legislation, or participating or intervening in a political party or political campaign for a Federal office.

“(d) DISCLOSURE OF DISBURSEMENTS FOR POLITICAL ACTIVITIES.—

“(1) CORPORATIONS AND NATIONAL BANKS.—A corporation or national bank shall submit an annual written report to shareholders stating the amount of each disbursement made for political activities or that otherwise influences Federal elections.

“(2) LABOR ORGANIZATIONS.—A labor organization shall submit an annual written report to dues paying members and nonmembers stating the amount of each disbursement made for political activities or that otherwise influences Federal elections, including contributions and expenditures.”

(b) DISCLOSURE TO THE COMMISSION OF CERTAIN PERMISSIBLE ACTIVITIES BY LABOR ORGANIZATIONS AND CORPORATIONS.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended in section 201) is amended by adding at the end the following:

“(e) REQUIRED STATEMENT OF CORPORATIONS AND LABOR ORGANIZATIONS.—Each corporation, national bank, or labor organization who makes an aggregate amount of disbursements during a year in an amount equal to or greater than \$1,000 for any activity described in subparagraph (A), (B), or (C) of section 316(a)(2) shall submit a statement to the Commission (not later than 24 hours after making the payments) describing the amount spent and the activity involved.”

TITLE III—REPORTING REQUIREMENTS

SEC. 301. TIME FOR CANDIDATES TO FILE REPORTS.

Section 304(a)(2)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(2)(A)) is amended—

(1) in clause (ii), by striking “and” following the semicolon;

(2) in clause (iii), by striking “; and”; and

(3) by adding at the end the following:

“(v) monthly reports during the months of July, August, September, and October, that shall be filed no later than the final day of the reporting month; and

“(vi) 24-hour reports, beginning on the day that is 15 days preceding an election, that shall be filed no later than the end of each 24-hour period; and”

SEC. 302. CONTRIBUTOR INFORMATION REQUIRED FOR CONTRIBUTIONS IN ANY AMOUNT.

(a) SECTION 302.—Section 302 of the Federal Election Campaign Act of 1971 (2 U.S.C. 432) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “, and if the amount” and all that follows through the period and inserting: “and the following information:

“(A) The identification of the contributor.

“(B) The date of the receipt of the contribution.”; and

(B) in paragraph (2)—

(i) in subsection (A), by striking “such contribution” and inserting “the contribution and the identification of the contributor”; and

(ii) in subsection (B), by striking “such contribution” and all that follows through the period and inserting “, no later than 10 days after receiving the contribution, the contribution and the following information:

“(i) The identification of the contributor.

“(ii) The date of the receipt of the contribution.”;

(2) in subsection (c)—

(A) by striking paragraph (2);

(B) in paragraph (3), by striking “or contributions aggregating more than \$200 during any calendar year”; and

(C) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively; and

(3) in subsection (h)(2), by striking “(c)(5)” and inserting “(c)(4)”.

(b) SECTION 304.—Section 304(b)(3)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(3)(A)) is amended by striking “whose contributions” and all that follows through “so elect.”

SEC. 303. PROHIBITION OF DEPOSITING CONTRIBUTIONS WITH INCOMPLETE CONTRIBUTOR INFORMATION.

Section 302 of Federal Election Campaign Act of 1971 (2 U.S.C. 432) is amended by adding at the end the following:

“(j) DEPOSIT OF CONTRIBUTIONS.—The treasurer of a candidate’s authorized committee shall not deposit or otherwise negotiate a contribution unless the information required by this section is complete.”

SEC. 304. FILING OF REPORTS USING COMPUTERS AND FACSIMILE MACHINES; REQUIRED ELECTRONIC DISCLOSURE BY COMMISSION.

Section 304(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)) is amended by striking paragraph (11) and inserting the following:

“(11) ELECTRONIC FILING.—

“(A) IN GENERAL.—The Commission shall issue a regulation to permit a report, designation, or statement required to be filed with the Commission under this Act to be filed in electronic form accessible by computer or through the use of a facsimile machine or other method of transmission that corresponds with the method of record-keeping or transmission used by persons required to file under this Act.

“(B) INTERNET ACCESS TO CAMPAIGN FINANCE INFORMATION.—The Commission shall make the information contained in a designation, statement, report, or notification filed with the Commission under this section accessible to the public on the Internet and publicly available at the offices of the Commission not later than 24 hours after the designation, statement, report, or notification is received by the Commission.”

TITLE IV—MISCELLANEOUS

SEC. 401. BAN ON MASS MAILINGS.

(a) IN GENERAL.—Section 3210(a)(6) of title 39, United States Code, is amended by striking subparagraph (A) and inserting the following:

“(A) A Member of, or Member-elect to, Congress may not mail any mass mailing as franked mail.”

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 3210 of title 39, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (3)—

(I) in subparagraph (G), by striking “, including general mass mailings.”;

(II) in subparagraph (I), by striking “or other general mass mailing”; and

(III) in subparagraph (J), by striking “or other general mass mailing”;

(ii) in paragraph (6)—

(I) by striking subparagraphs (B), (C), and (F);

(II) by striking the second sentence of subparagraph (D); and

(III) by redesignating subparagraphs (D) and (E) as subparagraphs (B) and (C), respectively; and

(iii) by striking paragraph (7);

(B) in subsection (c), by striking “subsection (a) (4) and (5)” and inserting “paragraphs (4), (5), and (6) of subsection (a)”;

(C) by striking subsection (f); and

(D) by redesignating subsection (g) as subsection (f).

(2) Section 316 of the Legislative Branch Appropriations Act, 1990 (39 U.S.C. 3210 note) is amended by striking subsection (a).

(3) Section 311 of the Legislative Branch Appropriations Act, 1991 (2 U.S.C. 59e) is amended by striking subsection (f) and inserting the following:

“(f) [Reserved].”

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect at the beginning of the first Congress that begins after December 31, 1998.

SEC. 403. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act shall apply with respect to elections occurring, payments made, and filing periods beginning after December 31, 1998.

ADDITIONAL COSPONSORS

S. 222

At the request of Mr. DOMENICI, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of S. 222, a bill to establish an advisory commission to provide advice and recommendations on the creation of an integrated, coordinated Federal policy designed to prepare for and respond to serious drought emergencies.

S. 260

At the request of Mr. ABRAHAM, the name of the Senator from Minnesota [Mr. GRAMS] was added as a cosponsor of S. 260, a bill to amend the Controlled Substances Act with respect to penalties for crimes involving cocaine, and for other purposes.

S. 358

At the request of Mr. DEWINE, the name of the Senator from Rhode Island [Mr. REED] was added as a cosponsor of S. 358, a bill to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products, and for other purposes.

S. 401

At the request of Mr. JEFFORDS, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 401, a bill to improve the control of outdoor advertising in areas adjacent to the Interstate System, the National Highway System, and certain other federally assisted highways, and for other purposes.

S. 852

At the request of Mr. LOTT, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 852, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, non-repairable, and rebuilt vehicles.

S. 948

At the request of Mr. GRASSLEY, the name of the Senator from Louisiana

[Ms. LANDRIEU] was added as a cosponsor of S. 948, a bill to amend the Older Americans Act of 1965 to improve the provisions relating to pension rights demonstration projects.

S. 980

At the request of Mr. DURBIN, the names of the Senator from California [Mrs. BOXER] and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of S. 980, a bill to require the Secretary of the Army to close the United States Army School of the Americas.

S. 1042

At the request of Mr. CRAIG, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 1042, a bill to require country of origin labeling of perishable agricultural commodities imported into the United States and to establish penalties for violations of the labeling requirements.

S. 1062

At the request of Mr. D'AMATO, the names of the Senator from Rhode Island [Mr. CHAFEE] and the Senator from Ohio [Mr. GLENN] were added as cosponsors of S. 1062, a bill to authorize the President to award a gold medal on behalf of the Congress to Ecumenical Patriarch Bartholomew in recognition of his outstanding and enduring contributions toward religious understanding and peace, and for other purposes.

S. 1113

At the request of Mr. GRASSLEY, the name of the Senator from Missouri [Mr. ASHCROFT] was added as a cosponsor of S. 1113, a bill to extend certain temporary judgeships in the Federal judiciary.

S. 1153

At the request of Mr. BAUCUS, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 1153, a bill to promote food safety through continuation of the Food Animal Residue Avoidance Database program operated by the Secretary of Agriculture.

S. 1164

At the request of Mr. ABRAHAM, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 1164, a bill to state a policy of the United States that engages the People's Republic of China in areas of mutual interest, promotes human rights, religious freedom, and democracy in China, and enhances the national security interests of the United States with respect to China, and for other purposes.

S. 1178

At the request of Mr. ABRAHAM, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 1178, a bill to amend the Immigration and Nationality Act to extend the visa waiver pilot program, and for other purposes.

SENATE JOINT RESOLUTION 30

At the request of Mr. WARNER, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of Senate Joint Resolution 30, a joint resolution designating March 1, 1998, as "United States Navy Asiatic Fleet Memorial Day," and for other purposes.

SENATE CONCURRENT RESOLUTION 42

At the request of Mr. D'AMATO, the names of the Senator from Rhode Island [Mr. CHAFEE] and the Senator from Oregon [Mr. WYDEN] were added as cosponsors of Senate Concurrent Resolution 42, a concurrent resolution to authorize the use of the rotunda of the Capitol for a congressional ceremony honoring Ecumenical Patriarch Bartholomew.

AMENDMENTS SUBMITTED

THE DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

BROWNBACK AMENDMENT NO. 1204

Mr. BROWNBACK proposed an amendment to the bill (H.R. 2107) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes; as follows:

At the appropriate place in title I, insert the following:

"SEC. 1. . (a) In this section—

(1) the term "Huron Cemetery" means the lands that form the cemetery that is popularly known as the Huron Cemetery, located in Kansas City, Kansas as described in subsection b(3);

(2) the term "Secretary" means the Secretary of the Interior;

(b)(1) The Secretary shall take such action as may be necessary to ensure that the lands comprising the Huron Cemetery (as described in paragraph (3)) are used only in accordance with this subsection.

(2) The lands of the Huron Cemetery shall be used only—

(A) for religious and cultural uses that are compatible with the use of the lands as a cemetery; and

(B) as a burial ground.

(3) The description of the lands of the Huron Cemetery is as follows:

The tract of land in the NW¼ of sec. 10, T. 11 S., R. 25 E., of the sixth principal meridian, in Wyandotte County, Kansas (as surveyed and marked on the ground on August 15, 1888, by William Millor, Civil Engineer and Surveyor), described as follows:

"Commencing on the Northwest corner of the Northwest Quarter of the Northwest Quarter of said Section 10;

"Thence South 28 poles to the 'true point of beginning';

"Thence South 71 degrees East 10 poles and 18 links;

"Thence South 18 degrees and 30 minutes West 28 poles;

"Thence West 11 and one-half poles;

"Thence North 19 degrees 15 minutes East 31 poles and 15 feet to the 'true point of beginning', containing 2 acres or more."

BRYAN (AND OTHERS)

AMENDMENT NO. 1205

Mr. BRYAN (for himself, Mrs. BOXER, Mr. TORRICELLI, Mr. KERRY, and Ms. MOSELEY-BRAUN) proposed an amendment to the bill, H.R. 2107, supra; as follows:

On page 65, line 18, strike "\$160,269,000" and insert "\$150,269,000".

On page 65, line 23, after "205" insert ", none of which amount shall be available for purchaser credits in connection with timber sales advertised after September 30, 1997, unless the credits were earned in connection with sales advertised on or before that date (and no purchaser credits shall be earned for the construction or reconstruction of roads on the National Forest transportation system in connection with timber sales advertised after that date (but the foregoing disallowance of purchaser credits shall not affect the availability of the purchaser election under section 14(i) of the National Forest Management Act of 1976 (16 U.S.C. 472a(i)))".

On page 127, between lines 15 and 16, insert the following:

SEC. . TREATMENT OF ROAD CONSTRUCTION COSTS ESTIMATED FOR TIMBER SALES AS MONEY RECEIVED FOR THE PURPOSE OF PAYMENTS TO THE STATES FOR SCHOOLS AND ROADS.

During fiscal year 1998, the term "money received", for the purposes of the Act entitled "An Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and nine", approved May 23, 1908 (35 Stat. 260, chapter 192; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963, chapter 186; 16 U.S.C. 500), shall include—

(1) the amount of purchaser credits earned in connection with timber sales advertised on or before September 30, 1997; and

(2) the amount of specified road construction costs estimated in the agency appraisal process in connection with timber sales advertised after that date.

ABRAHAM AMENDMENT NO. 1206

Mr. ABRAHAM proposed an amendment to the bill, H.R. 2107, supra; as follows:

On page 96, line 16, strike "\$83,300,000" and insert "\$55,533,000".

On page 96, line 25, strike "\$16,760,000" and insert "\$11,173,000".

At the end of the amendment add the following:

SEC. . Notwithstanding any other provision of law, not more than \$10,044,000 of the funds appropriated for the National Endowment for the Arts under this Act may be available for private fundraising activities for the endowment.

SEC. . Notwithstanding any other provision of this Act, an additional \$32,000,000 is appropriated to remain available until expended for construction under the National Park Service, of which \$8,000,000 shall be transferred to the Smithsonian Institution and made available for restoration of the Star Spangled Banner, \$8,000,000 shall be transferred to the National Endowment for the Humanities and made available for the preservation of papers of former Presidents of the United States, of which \$9,000,000 shall be available for the replacement of the wastewater treatment system at Mount Rushmore National Memorial, of which \$2,000,000 shall be available for the stabilization of the hospital wards, crematorium, and

immigrant housing on islands 2 and 3 of Ellis Island, and of which \$5,000,000 shall be transferred to the Smithsonian Institution and made available for the preservation of manuscripts and original works of great American composers".

MCCAIN AMENDMENT NO. 1207

(Ordered to lie on the table.)

Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill, H.R. 2107, supra; as follows:

On page 134, beginning on line 2, strike "Provided" and all that follows through "heading" on line 8 and insert the following: "Provided, That the Secretary of the Interior and the Secretary of Agriculture, after consultation with the heads of the National Park Service, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Forest Service, shall jointly submit to Congress a report listing the lands and interests in land, in order of priority, that the Secretaries propose for acquisition or exchange using funds provided under this heading; *Provided further*, That in determining the order of priority, the Secretaries shall consider with respect to each property the following: the natural resources located on the property; the degree to which a natural resource on the property is threatened; the length of time required to consummate the acquisition or exchange; the extent to which an increase in the cost of the property makes timely completion of the acquisition or exchange advisable; the extent of public support for the acquisition or exchange (including support of local governments and members of the public); the total estimated costs associated with the acquisition or exchange; the extent of current Federal ownership of property in the region; and such other factors as the Secretaries consider appropriate, which factors shall be described in the report in detail; *Provided further*, That the report shall describe the relative weight accorded to each such factor in determining the priority of acquisitions and exchanges".

On page 134, line 12, strike "a project list to be submitted by the Secretary" and insert "the report of the Secretaries".

ABRAHAM (AND OTHERS) AMENDMENT NO. 1208

(Ordered to lie on the table.)

Mr. ABRAHAM (for himself, Mr. LEVIN, Mr. HATCH, Mr. CAMPBELL, and Mr. SMITH of Oregon) submitted an amendment intended to be proposed by him to the bill, H.R. 2107, supra; as follows:

On page 5, line 8, strike "\$120,000,000" and insert "\$124,000,000".

On page 64, line 16, strike "\$1,346,215,000" and insert "\$1,341,215,000".

BUMPERS AMENDMENT NO. 1209

Mr. BUMPERS proposed an amendment to the bill, H.R. 2107, supra; as follows:

Strike all after "SEC. 339" on page 123, line 9, of the pending Committee amendment and add the following:

"(a) No funds provided in this or any other act may be expended to develop a rule-making proposal to amend or replace the Bureau of Land Management regulations found at 43 C.F.R. 3809 or to prepare a draft envi-

ronmental impact statement on such proposal, until the Secretary of the Interior certifies to the Committees on Energy and Natural Resources and Appropriations of the United States Senate and the Committees on Resources and Appropriations of the United States House of Representatives that the Department of Interior has consulted with the governor, or his/her representative, from each state that contains public lands open to location under the General Mining Laws.

"(b) The Secretary shall not publish proposed regulations to amend or replace the Bureau of Land Management regulations found at 43 C.F.R. 3809 prior to November 15, 1998, and shall not finalize such regulations prior to 90 days after such publication."

GRAHAM AMENDMENT NO. 1210

(Ordered to lie on the table.)

Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill, H.R. 2107, supra; as follows:

On page 63, between lines 8 and 9, insert the following:

SEC. . YOUTH ENVIRONMENTAL SERVICE PROGRAM.

Not later than 180 days after the date of enactment of this Act, the Secretary of Interior, in consultation with the Attorney General, shall—

(1) submit to Congress a report identifying at least 20 sites on Federal land that are potentially suitable and promising for activities of the Youth Environmental Service program to be administered in accordance with the Memorandum of Understanding signed by the Secretary of the Interior and the Attorney General in February 1994; and

(2) provide a copy of the report to the appropriate State and local law enforcement agencies in the States and localities in which the 20 prospective sites are located.

THE CAMPAIGN FINANCE INTEGRITY ACT OF 1997

ALLARD AMENDMENT NO. 1211

(Ordered referred to the Committee on Rules and Administration.)

Mr. ALLARD submitted an amendment intended to be proposed by him to the bill (S. 1190) to reform the financing of Federal elections; as follows:

At the appropriate place in the bill, insert the following:

SEC. 402. TAX DEDUCTION FOR POLITICAL CONTRIBUTIONS.

(a) DEDUCTIBILITY OF CONTRIBUTIONS.—

(1) IN GENERAL.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to additional itemized deductions for individuals) is amended by redesignating section 222 as section 223 and by inserting after section 221 the following:

"SEC. 222. CONTRIBUTIONS TO CONGRESSIONAL CANDIDATES.

"(a) GENERAL RULE.—There shall be allowed as a deduction for any taxable year an amount equal to the contributions of the individual during the taxable year to candidates for Federal office other than President or Vice-President.

"(b) MAXIMUM DEDUCTION.—The deduction allowed by subsection (a) for any taxable year shall not exceed \$100 (\$200 in the case of a joint return).

"(c) DEFINITIONS.—For purposes of this section, the terms 'contribution', 'candidate', and 'Federal office' have the meanings given such terms by the Federal Election Campaign Act of 1971."

(2) ABOVE-THE-LINE DEDUCTION.—Section 62(a) of such Code is amended by adding after paragraph (17) the following new paragraph—
"(18) CONGRESSIONAL CANDIDATE CONTRIBUTIONS.—The deduction allowed by section 222."

(b) CONFORMING AMENDMENT.—The table of sections for part VII of subchapter B of chapter 1 of such Code is amended by striking the item relating to section 222 and inserting:

"Sec. 222. Contributions to congressional candidates.

"Sec. 223. Cross reference."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

THE DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

CRAIG AMENDMENT NO. 1212

Mr. GORTON (for Mr. CRAIG) proposed an amendment to the bill, H.R. 2107, supra; as follows:

On page 127, at the end of title III add the following general provision:

SEC. 3 . The Secretary of Agriculture shall hereafter phase in, over a 5 year period, the fee increase for a recreation residence special use permit holder whose fee increase is more than 100 percent of the previous year's fee, provided that no recreation residence fee may be increased any sooner than one year from the time the permittee has been notified by the Forest Service of the results of an appraisal which has been conducted for the purpose of establishing such fees, and provided further that no increases in recreation residence fees on the Sawtooth National Forest will be implemented prior to January 1, 1999.

BUMPERS AMENDMENT NO. 1213

Mr. GORTON (for Mr. BUMPERS) proposed an amendment to the bill, H.R. 2107, supra; as follows:

At the end of title I, add the following new section:

"SEC. . ARKANSAS POST NATIONAL MEMORIAL.

(a) The boundaries of the Arkansas Post National Memorial are revised to include the approximately 360 acres of land generally depicted on the map entitled "Arkansas Post National Memorial, Osotouy Unit, Arkansas County, Arkansas" and dated June 1993. Such map shall be on file and available for public inspection in appropriate offices of the National Park Service of the Department of the Interior.

(b) The Secretary of the Interior is authorized to acquire the lands and interests therein described in subsection (a) by donation, purchase with donated or appropriated funds, or exchange: *Provided*, that such lands or interests therein may only be acquired with the consent of the owner thereof."

COCHRAN AMENDMENT NO. 1214

Mr. GORTON (for Mr. COCHRAN) proposed an amendment to the bill, H.R. 2107, supra; as follows:

On page 47, line 9, following "(25 U.S.C. 45, et seq.)" insert the following: "or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501, et seq.)"

**MURKOWSKI AMENDMENTS NOS.
1215-1217**

Mr. GORTON (for Mr. MURKOWSKI) proposed three amendments to the bill, H.R. 2107, supra; as follows:

AMENDMENT NO. 1215

At the appropriate place insert the following:

"SEC. —. Entry and permit limitations for Glacier Bay National Park shall not apply to the Auk Nu Marine-Glacier Bay Ferry entering Bartlett Cove for the sole purpose of accessing park or other authorized visitor services or facilities at, or originating from, the public dock area at Bartlett Cove: *Provided*, That any such motor vessel entering park waters for this stated and sole purpose shall be subject to speed, distance from coast line, and related limitations imposed on all vessels operating in waters designated by the Superintendent, Glacier Bay, as having a high probability of whale occupancy based on recent sighting and/or past patterns of occurrence: *Provided further*, That nothing in this Act shall be construed as constituting approval for such vessels entering the waters of Glacier Bay National Park beyond the immediate Bartlett Cove area as defined by a line extending northeastward from Pt. Carolus to the west to the southernmost point of Lester Island, absent required permits."

AMENDMENT NO. 1216

Title I of Public Law 96-514 (94 Stat. 2957) is amended under the heading "Exploration of National Petroleum Reserve in Alaska" by striking "(8) each lease shall be issued" by inserting in lieu thereof the following:

"(8) each lease shall be issued for an initial period of ten years, and shall be extended for so long thereafter as oil or gas is produced from the lease in paying quantities, or as drilling or reworking operations, as approved by the Secretary, are conducted thereon; (9) for purposes of conservation of the natural resources of any oil or gas pool, field, or like area, or any part thereof, lessees thereof and their representatives are authorized to unite with each other, or jointly or separately with others, in collectively adopting and operating under a unit agreement for such pool, field, or like area, or any part thereof (whether or not any other part of said oil or gas pool, field, or like area is already subject to any cooperative or unit plan of development or operation), whenever determined by the Secretary to be necessary or advisable in the public interest. Drilling, production, and well reworking operations performed in accordance with a unit agreement shall be deemed to be performed for the benefit of all leases that are subject in whole or in part to such unit agreement. When separate tracts cannot be independently developed and operated in conformity with an established well spacing or development program, any lease, or a portion thereof, may be pooled with other lands, whether or not owned by the United States, under a communitization or drilling agreement providing for an apportionment of production or royalties among the separate tracts of land comprising the drilling or spacing unit when determined by the Secretary of the Interior to be in the public interest, and operations or production

pursuant to such an agreement shall be deemed to be operations or production as to each such lease committed thereto; (10) to encourage the greatest ultimate recovery of oil or gas or in the interest of Conservation the Secretary is authorized to waive, suspend, or reduce the rental, or minimum royalty, or reduce the royalty on an entire leasehold, including on any lease operated pursuant to a unit agreement, whenever in his judgement the leases cannot be successfully operated under the terms provided therein. The Secretary is authorized to direct or assent to the suspension of operations and production on any lease or unit. In the event the Secretary, in the interest of conservation, shall direct or assent to the suspension of operations and production on any lease or unit, any payment of acreage rental or minimum royalty prescribed by such lease or unit likewise shall be suspended during the period of suspension of operations and production, and the term of such lease shall be extended by adding any such suspension period thereto; and (11) all receipts from sales, rentals, bonuses, and royalties on leases issued pursuant to this section shall be paid into the Treasury of the United States: *Provided*, That 50 per centum thereof shall be paid by the Secretary of the Treasury semiannually, as soon thereafter as practicable after March 30 and September 30 each year, to the State of Alaska for (a) planning; (b) construction, maintenance, and operation of essential public facilities, and (c) other necessary provisions of public service: *Provided further*, That in the allocation of such funds, the State shall give priority to use by subdivisions of the State most directly or severely impacted by development of oil and gas leased under this Act."

AMENDMENT NO. 1217

On page 69, lines 9 and 10, strike "the relocation of the Regional Office for Region 10 to Ketchikan and other"

On page 77, beginning on line 14 add the following: "Funds appropriated by this Act for Region 10 of the Forest Service to implement the Revised Tongass National Forest Land Management Plan, shall be spent and obligated at the Forest Supervisor and Ranger District levels. No funds appropriated under this or any other Act for the purpose of operations conducted at the Region 10 headquarters, including funding of centralized field costs for funding of persons employed at the Regional Office, shall be obligated or expended in excess of \$17,500,000 from the total funds appropriated for Region 10."

**JEFFORDS (AND TORRICELLI)
AMENDMENT NO. 1218**

Mr. JEFFORDS (for himself and Mr. TORRICELLI) proposed an amendment to the bill, H.R. 2107, supra; as follows:

At the end of title III, insert the following:

SEC. . It is the sense of the Senate that—

(1) preserving Civil War battlefields should be an integral part of preserving our Nation's history; and

(2) Congress should give special priority to the preservation of Civil War battlefields by making funds available for the purchase of threatened and endangered Civil War battlefield sites.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, September 17, 1997, at 2:15 p.m. on transition to digital TV.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, September 17, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to receive testimony on S. 1158, a bill to amend the Alaska Native Claims Settlement Act, regarding the Huna Totem Corp. public land exchange, and for other purposes, and S. 1159, a bill to amend the Alaska Native Claims Settlement Act, regarding the Kake Tribal Corp. public interest land exchange, and for other purposes.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. GORTON. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a business meeting Wednesday, September 17, 1997, at 9:30 a.m., hearing room (SD-406), to consider S. 1173, the Intermodal Transportation Act of 1997.

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON FINANCE

Mr. GORTON. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Wednesday, September 17, 1997, beginning at 10 a.m. in room 215 Dirksen.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 17, 1997, at 10 a.m. and at 2 p.m. to hold hearings.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GORTON. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee Special Investigation to meet on Wednesday, September 17, at 10 a.m., for a hearing on campaign financing issues.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate

Committee on Indian Affairs be authorized to meet with the Senate Committee on the Judiciary during the session of the Senate on Wednesday, September 17, 1997, at 9 a.m. in room 226 of the Dirksen Senate Building to conduct a joint oversight hearing on the problem of youth gang activity in Indian Country.

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

COMMITTEE ON THE JUDICIARY AND THE
COMMITTEE ON INDIAN AFFAIRS

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on the Judiciary and the Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, September 17, 1997, at 10 a.m. in room 226 of the Senate Dirksen Office Building to hold a joint hearing on: "Criminal Gangs in Indian Country."

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

SUBCOMMITTEE ON SURFACE TRANSPORTATION
AND MERCHANT MARINE

Mr. GORTON. Mr. President, I ask unanimous consent that the Surface Transportation and Merchant Marine Subcommittee of the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, September 17, 1997, at 10 a.m. on Pipeline One Call (S. 1115).

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

ADDITIONAL STATEMENTS

POWER OF PUBLIC-PRIVATE
PARTNERSHIPS

• Mr. DOMENICI. Mr. President, I want to share with you and my colleagues an interesting experience from the last recess. It's a great example of the power of public-private partnerships. Improved mining tools, detection of land mines, public-private partnerships, and Cooperative Threat Reduction programs may not seem to be closely related, but I visited with a small business that is demonstrating the power of integrating several different national programs into a focused approach to some of our most challenging technical problems. And the fact that this small business is located in a remote corner of New Mexico, far from major population centers, is testimony to the ability of our nation's small business to compete in the most complex business arenas by carefully utilizing the power of well crafted partnerships.

Larry Stolarczyk of Raton Technology Research (RTR), in Raton, NM leads this unique small business. He's built a range of products through partnerships with Los Alamos and Sandia National Laboratories using different approaches. And he even brought in expertise from Russia through the Initia-

tives for Proliferation Prevention Program.

RTR tapped into different federal programs to build their products. In some cases, they contracted directly with a national laboratory when that laboratory had a unique capability that wasn't available from U.S. industry. In that case, RTR paid the full support costs for the national laboratory personnel. RTR has also used the CRADA or Cooperative Research and Development Agreement approach, enabled by my National Competitiveness and Technology Transfer Act of 1989. A CRADA enables cost-shared research involving both industry and laboratory scientists working toward common goals.

Where a research subject is closely related to a laboratory's mission, the CRADA is a wonderfully cost-effective way for industry to tap into national laboratory resources. Usually, industry pays only for their part in the CRADA partnership, with the national laboratory costs provided through DOE funding. Furthermore, the CRADA mechanism provides good protection to industry for jointly developed intellectual property.

Initiatives for Proliferation Prevention (IPP) is a program within the Department of Energy. The program involves 10 national laboratories, over 20 institutes in the Former Soviet Union, and well over 50 U.S. corporations. The U.S. companies form the U.S. Industry Coalition orUSIC and Larry Stolarczyk was a founding member ofUSIC. IPP traces its origins to the Cooperative Threat Reduction program established by Senators LUGAR and NUNN.

Each of RTR's products involves transmission of radio frequency waves and detection of reflected and scattered waves. Analysis of the return signals determines characteristics of materials near the sensor.

With the IPP program, Larry Stolarczyk built a team that couples expertise from Sandia National Laboratories with his company and with the Sedakov Institute for Measuring Systems Research of Nizhny Novgorod in Russia.

They are developing a borehole radar system for mapping fractures within tens of meters surrounding a borehole in an oil/gas reservoir. Precise understanding of these fractures outside the borehole enables optimization of the oil recovery strategy. Halliburton Logging Services is working with Raton Technology for initial field demonstrations.

The borehole radar tool can help reach some of the 300 billion barrels of oil remaining under U.S. soil, oil that can reduce our dependence on foreign sources. Furthermore, while the Russian institute was 100 percent supported by military missions before these programs started, it now has

about 70 percent non-military support. Shifting these institutes away from military support toward commercial projects is one of the strongest objectives of the IPP Program.

In Raton, New Mexico, coal mining has been an important industry, and that's led RTR to apply its high technology capabilities to that sector. RTR has developed a Horizon Sensor to allow coal mining equipment to follow a coal seam. In coal mining, following that seam is important! Mining into the roof can cause a collapse, leaving significant coal in the seam reduces the profitability of the mine, and mining into the floor contaminates the coal. The low-tech solution is to have a miner posted near the cutting drum, not the world's safest location. The RTR approach mounts the sensor on the cutting head and allows measurements up to 20 feet ahead.

And now let me talk about RTR's contributions to locating land mines. I don't need to remind any of my colleagues that proliferation of land mines is a critical international problem. It's estimated that more than 100 Million land mines are buried in third world countries. Daily headlines discuss the tragic consequences of civilian encounters with these mines. The innocent victims are frequently children, who may incur life-threatening injuries or as a minimum, are forced to face life without some of their limbs. Around 27 Thousand people are killed or injured annually by land mines. Finding land mines, especially non-metallic ones, is very difficult.

The landmine project is funded through the U.S. Army Night Vision Laboratory, Los Alamos and NASA Johnson Space Flight Center are subcontractors to Raton Research. The instrument being build by Raton Technology will detect and image mines with a hand-held device. It may be the best chance we have of ridding the world of the scourge of non-metallic land mines.

These experiences were especially interesting to me, since I have strong personal interests in each of these national programs. I've encouraged partnerships between our national laboratories and U.S. industry. These partnerships provide benefits to the taxpayer by strengthening the laboratories for their national missions and they certainly provide benefits to U.S. business by enabling new commercial applications of lab technologies.

In addition, I've been a strong supporter of the Cooperative Threat Reduction programs designed to reduce the threat of proliferation of weapons of mass destruction. IPP encourages interactions between our national laboratories and institutes in the Former Soviet Union, and also build opportunities for U.S. industries to work with these foreign institutes. These programs are designed to ensure that the

scientists working on weapons of mass destruction in these foreign institutes stay right where they are, and are not lured to rogue states to build new weapons of mass destruction.

I'm pleased to see that these national programs are really working and providing the benefits we intended.●

MAYOR DANIEL MALLOY

● Mr. DODD. Mr. President, it gives me great pleasure to congratulate the great city of Stamford, Connecticut, and Mayor Daniel Malloy, for having been ranked on the Children's Environmental Index as one of the most "kid-friendly" cities in the United States. Normally we consider the number 13 to be an unlucky number, but Stamford ranked number 13 of 219 cities in the nation on the quality of life for its children. Stamford was also ranked second in the nation in the education category which included student-teacher ratio and drop-out rate. This index, measured by the organization Zero Population Growth (ZPG), is the sixth in a series of bi-annual studies used to focus attention on the quality of life in the nation's largest cities. It is the third index which directly addresses the social and physical environment of children, measuring such areas as infant mortality, teen pregnancy, childhood poverty, high school drop-out rates, air quality, and crime rates.

Mr. President, I was recently appointed by Minority Leader TOM DASCHLE to chair the Senate Democratic Strike Force for Kids named "Right Start 2000". The purpose of this strike force is to develop constructive ways for us in Washington to best address the educational, health, and safety needs of America's children in the first six years of life. It is very clear from this index that we have much to learn from many of our Nation's cities. Clearly Stamford and other cities are taking bold and innovative steps to nurture our Nation's children.

The children of today are the leaders of the next millennium. As such, it is critical that we ensure they grow up in surroundings which protect, nurture, educate, and care for them. Stamford has shown its willingness to invest the resources necessary to produce the next generation of leaders. We can only hope that this index will give the impetus to other cities to focus upon what is really critical for our future, healthy and happy children today.

The road toward a better future for our kids will be a collective effort on the part of parents, schools, religious institutions, community, State, and national leaders. But this effort will be made easier in an environment where groups and individuals work in partnership with one another. I am delighted to know that this work is going on in my home State of Connecticut, and I particularly congratulate Mayor

Malloy and all of the people of Stamford for their achievements on behalf of Stamford's children.●

BUDGET SCOREKEEPING REPORT

● Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through September 15, 1997. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the 1997 concurrent resolution on the budget (H. Con. Res. 178), show that current level spending is above the budget resolution by \$9.5 billion in budget authority and by \$12.9 billion in outlays. Current level is \$20.6 billion above the revenue floor in 1997 and \$36.3 billion above the revenue floor over the 5 years 1997-2001. The current estimate of the deficit for purposes of calculating the maximum deficit amount is \$219.9 billion, \$7.4 billion below the maximum deficit amount for 1997 of \$227.3 billion.

Since my last report, dated July 30, 1997, the Congress has cleared, and the President has signed, the Balanced Budget Act of 1997 (P.L. 105-33) and the Taxpayer Relief Act of 1997 (P.L. 105-34). These actions changed the current level of budget authority, outlays and revenues.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 16, 1997.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report for fiscal year 1997 shows the effects of Congressional action on the 1997 budget and is current through September 15, 1997. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 1997 Concurrent Resolution on the Budget (H. Con. Res. 178). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended.

Since my last report, dated July 29, 1997, the Congress has cleared, and the President has signed, the Balanced Budget Act of 1997 (P.L. 105-33) and the Taxpayer Relief Act of 1997 (P.L. 105-34). These actions changed the current level of budget authority, outlays and revenues.

Sincerely,

JAMES L. BLUM
(for June E. O'Neill, Director).

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1997, 105TH CONGRESS, 1ST SESSION, AS OF CLOSE OF BUSINESS SEPTEMBER 15, 1997

(In billions of dollars)

	Budget resolution (H. Con. Res. 178)	Current level	Current level over/under resolution
ON-BUDGET			
Budget Authority	1,314.9	1,324.4	9.5
Outlays	1,311.3	1,324.2	12.9
Revenues:			
1997	1,083.7	1,104.3	20.6
1997-2001	5,913.3	5,949.6	36.3
Deficit	227.3	219.9	-7.4
Debt Subject to Limit	5,432.7	5,329.3	-103.4
OFF-BUDGET			
Social Security Outlays:			
1997	310.4	310.4	0.0
1997-2001	2,061.3	2,061.3	0.0
Social Security Revenues:			
1997	385.0	384.7	-0.3
1997-2001	2,121.0	2,120.3	-0.7

Note.—Current level numbers are the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 105TH CONGRESS, 1ST SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1997, AS OF CLOSE OF BUSINESS SEPTEMBER 15, 1997

(In millions of dollars)

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			1,101,532
Permanents and other spending legislation	843,324	801,465	
Appropriation legislation	753,927	788,263	
Offsetting receipts	-271,843	-271,843	
Total previously enacted	1,325,408	1,317,885	1,101,532
ENACTED THIS SESSION			
Airport and Airway Trust Fund Re-instatement Act of 1997 (P.L. 105-2)			2,720
1997 Emergency Supplemental Appropriations Act (P.L. 105-18)	-6,497	281	
Balanced Budget Act of 1997 (P.L. 105-33)	1	1	
Taxpayer Relief Act of 1997 (P.L. 105-34)			60
Total, enacted this session	-6,496	282	2,790

ENTITLEMENTS AND MANDATORIES			
	Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted		
TOTALS			
Total Current Level	1,324,403	1,324,182	1,104,322
Total Budget Resolution	1,314,935	1,311,321	1,083,728
Amount remaining:			
Under Budget Resolution			
Over Budget Resolution	9,468	12,861	20,594
ADDENDUM			
Emergencies	9,236	1,919	
Contingent Emergencies	307	300	
Total	9,543	2,219	
Total Current Level Including Emergencies	1,333,946	1,326,401	1,104,322

Note.—Amounts shown under "emergencies" represent funding for programs that have been deemed emergency requirements by the President and the Congress. Amounts under "contingent emergencies" represent funding designated as an emergency only by the Congress that is not available for obligation until it is requested by the President and the full amount requested is designated as an emergency requirement.

Source: Congressional Budget Office.●

PASSAGE VITIATED AND MEASURE INDEFINITELY POSTPONED—S. 1061

Mr. GORTON. Mr. President, I ask unanimous consent that the passage of

S. 1061 be vitiated; further, that the bill be indefinitely postponed.

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

AUTHORIZATION FOR USE OF THE ROTUNDA

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Concurrent Resolution 134, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A concurrent resolution (H. Con. Res. 134) authorizing the use of the Rotunda of the Capitol to allow Members of Congress to greet and receive His All Holiness, Patriarch Bartholomew.

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

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

Mr. GORTON. I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at this point in the RECORD.

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

The concurrent resolution (H. Con. Res. 134) was agreed to.

ORDERS FOR THURSDAY, SEPTEMBER 18, 1997

Mr. GORTON. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:10 a.m. on Thursday, September 18. I further ask that on Thursday, immediately following the prayer, the routine requests through the morning hour be granted, and that the Senate immediately resume consideration of H.R. 2107, the Interior appropriations bill, and the Hutchison NEA amendment as under the consent agreement.

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

Mr. GORTON. I further ask consent that if an amendment is offered from the list as a first-degree amendment, it be subject to relevant second-degree amendments.

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

PROGRAM

Mr. GORTON. Mr. President, I inform all Senators that tomorrow morning there will be 20 minutes of debate before a vote on or in relation to Senator HUTCHISON's amendment on the National Endowment for the Arts. Senators can, therefore, anticipate that the first rollcall vote tomorrow will take place at approximately 9:30 a.m. Following that vote, I hope that Mem-

bers will cooperate with the managers of the Interior appropriations bill in offering their amendments. The majority leader has stated that we will complete action on this bill on Thursday. Senators should, therefore, anticipate rollcall votes throughout the day on Thursday. I thank all Senators for their attention and cooperation.

ADJOURNMENT UNTIL 9:10 A.M. TOMORROW

Mr. GORTON. Mr. President, 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 9:26 p.m., adjourned until Thursday, September 18, 1997, at 9:10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 17, 1997:

DEPARTMENT OF DEFENSE

JERRY MACARTHUR HULTIN, OF VIRGINIA, TO BE UNDER SECRETARY OF THE NAVY, VICE RICHARD DANZIG, RESIGNED.

FEDERAL COMMUNICATIONS COMMISSION

GLORIA TRISTANI, OF NEW MEXICO, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 30, 1999, VICE REED E. HUNDT, RESIGNED.

GLORIA TRISTANI, OF NEW MEXICO, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF 5 YEARS FROM JULY 1, 1998. (REAPPOINTMENT)