

the Office of Personnel Management is a direction in which we ought to go?

Mr. PRYOR. Mr. President, I do not know how much time I have left. But I would respond to my friend from Illinois that I have been here now for 16½ years. I have watched us rely, as a Government, more and more on private contractors—and we are not holding down the cost of Government, as the distinguished Senator from Illinois has stated. We are continuing to have the cost of Government rise, while the accountability of Government falls. This is of great concern to me. It concerns me that the private contractors are under no code of ethics whatsoever. They have no Government code of ethics and they are out there in a competitive work force trying to get the Government grants in order to perform services that our Government should perform in the first place.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PRYOR. Mr. President, I ask unanimous consent to proceed for 30 more seconds.

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

Mr. PRYOR. This area of privatizing income tax collections is something that I think goes far beyond anything that I have seen in this whole area of contracting. I urge the conferees to stay with the decision of the Senate.

Mr. SIMON. I thank the Senator from Arkansas. I agree with him completely.

#### DEPARTMENT OF THE INTERIOR APPROPRIATIONS, 1996

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 2306

(Purpose: To authorize the establishment of the National African American Museum within the Smithsonian Institution, and for other purposes)

Mr. SIMON. Mr. President, I have an amendment I would like to offer.

The PRESIDING OFFICER. If there is no objection to the pending committee amendment being set aside. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Illinois [Mr. SIMON], for himself, Mr. MCCAIN, Ms. MOSELEY-BRAUN, and Mr. PELL, proposes an amendment numbered 2306.

Mr. SIMON. 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:

At the end of the bill, insert the following:

#### TITLE \_\_\_\_—NATIONAL AFRICAN AMERICAN MUSEUM

##### SEC. \_\_\_\_01. SHORT TITLE.

This title may be cited as the "National African American Museum Act".

##### SEC. \_\_\_\_02. FINDINGS.

The Congress finds that—

(1) the presentation and preservation of African American life, art, history, and culture within the National Park System and other Federal entities are inadequate;

(2) the inadequate presentation and preservation of African American life, art, history, and culture seriously restrict the ability of the people of the United States, particularly African Americans, to understand themselves and their past;

(3) African American life, art, history, and culture include the varied experiences of Africans in slavery and freedom and the continued struggles for full recognition of citizenship and treatment with human dignity;

(4) in enacting Public Law 99-511, the Congress encouraged support for the establishment of a commemorative structure within the National Park System, or on other Federal lands, dedicated to the promotion of understanding, knowledge, opportunity, and equality for all people;

(5) the establishment of a national museum and the conducting of interpretive and educational programs, dedicated to the heritage and culture of African Americans, will help to inspire and educate the people of the United States regarding the cultural legacy of African Americans and the contributions made by African Americans to the society of the United States; and

(6) the Smithsonian Institution operates 15 museums and galleries, a zoological park, and 5 major research facilities, none of which is a national institution devoted solely to African American life, art, history, or culture.

#### SEC. \_\_\_\_03. ESTABLISHMENT OF THE NATIONAL AFRICAN AMERICAN MUSEUM.

(a) ESTABLISHMENT.—There is established within the Smithsonian Institution a Museum, which shall be known as the "National African American Museum".

(b) PURPOSE.—The purpose of the Museum is to provide—

(1) a center for scholarship relating to African American life, art, history, and culture;

(2) a location for permanent and temporary exhibits documenting African American life, art, history, and culture;

(3) a location for the collection and study of artifacts and documents relating to African American life, art, history, and culture;

(4) a location for public education programs relating to African American life, art, history, and culture; and

(5) a location for training of museum professionals and others in the arts, humanities, and sciences regarding museum practices related to African American life, art, history, and culture.

#### SEC. \_\_\_\_04. LOCATION AND CONSTRUCTION OF THE NATIONAL AFRICAN AMERICAN MUSEUM.

The Board of Regents is authorized to plan, design, reconstruct, and renovate the Arts and Industries Building of the Smithsonian Institution to house the Museum.

#### SEC. \_\_\_\_05. BOARD OF TRUSTEES OF THE MUSEUM.

(a) ESTABLISHMENT.—There is established in the Smithsonian Institution the Board of Trustees of the National African American Museum.

(b) COMPOSITION AND APPOINTMENT.—The Board of Trustees shall be composed of 23 members as follows:

(1) The Secretary of the Smithsonian Institution.

(2) An Assistant Secretary of the Smithsonian Institution, designated by the Board of Regents.

(3) Twenty-one individuals of diverse disciplines and geographical residence who are committed to the advancement of knowledge of African American art, history, and culture, appointed by the Board of Regents, of

whom 9 members shall be from among individuals nominated by African American museums, historically black colleges and universities, and cultural or other organizations.

(c) TERMS.—

(1) IN GENERAL.—Except as provided in paragraph (2), members of the Board of Trustees shall be appointed for terms of 3 years. Members of the Board of Trustees may be reappointed.

(2) STAGGERED TERMS.—As designated by the Board of Regents at the time of initial appointments under paragraph (3) of subsection (b), the terms of 7 members shall expire at the end of 1 year, the terms of 7 members shall expire at the end of 2 years, and the terms of 7 members shall expire at the end of 3 years.

(d) VACANCIES.—A vacancy on the Board of Trustees shall not affect its powers and shall be filled in the manner in which the original appointment was made. Any member appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of the member was appointed shall be appointed for the remainder of the term.

(e) NONCOMPENSATION.—Except as provided in subsection (f), members of the Board of Trustees shall serve without pay.

(f) EXPENSES.—Members of the Board of Trustees shall receive per diem, travel, and transportation expenses for each day, including travel time, during which such members are engaged in the performance of the duties of the Board of Trustees in accordance with section 5703 of title 5, United States Code, with respect to employees serving intermittently in the Government service.

(g) CHAIRPERSON.—The Board of Trustees shall elect a chairperson by a majority vote of the members of the Board of Trustees.

(h) MEETINGS.—The Board of Trustees shall meet at the call of the chairperson or upon the written request of a majority of its members, but shall meet not less than 2 times each year.

(i) QUORUM.—A majority of the Board of Trustees shall constitute a quorum for purposes of conducting business, but a lesser number may receive information on behalf of the Board of Trustees.

(j) VOLUNTARY SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the chairperson of the Board of Trustees may accept for the Board of Trustees voluntary services provided by a member of the Board of Trustees.

#### SEC. \_\_\_\_06. DUTIES OF THE BOARD OF TRUSTEES OF THE MUSEUM.

The Board of Trustees shall—

(1) recommend annual budgets for the Museum;

(2) consistent with the general policy established by the Board of Regents, have the sole authority to—

(A) loan, exchange, sell, or otherwise dispose of any part of the collections of the Museum, but only if the funds generated by such disposition are used for additions to the collections of the Museum or for additions to the endowment of the Museum;

(B) subject to the availability of funds and the provisions of annual budgets of the Museum, purchase, accept, borrow, or otherwise acquire artifacts and other property for addition to the collections of the Museum;

(C) establish policy with respect to the utilization of the collections of the Museum; and

(D) establish policy regarding programming, education, exhibitions, and research, with respect to the life and culture of African Americans, the role of African Americans in the history of the United States, and the contributions of African Americans to society;

(3) consistent with the general policy established by the Board of Regents, have authority to—

(A) provide for restoration, preservation, and maintenance of the collections of the Museum;

(B) solicit funds for the Museum and determine the purposes to which such funds shall be used;

(C) approve expenditures from the endowment of the Museum, or of income generated from the endowment, for any purpose of the Museum; and

(D) consult with, advise, and support the Director in the operation of the Museum;

(4) establish programs in cooperation with other African American museums, historically black colleges and universities, historical societies, educational institutions, and cultural and other organizations for the education and promotion of understanding regarding African American life, art, history, and culture;

(5) support the efforts of other African American museums, historically black colleges and universities, and cultural and other organizations to educate and promote understanding regarding African American life, art, history, and culture, including—

(A) the development of cooperative programs and exhibitions;

(B) the identification, management, and care of collections;

(C) the participation in the training of museum professionals; and

(D) creating opportunities for—

(i) research fellowships; and

(ii) professional and student internships;

(6) adopt bylaws to carry out the functions of the Board of Trustees; and

(7) report annually to the Board of Regents on the acquisition, disposition, and display of African American objects and artifacts and on other appropriate matters.

#### SEC. 07. DIRECTOR AND STAFF.

(a) IN GENERAL.—The Secretary of the Smithsonian Institution, in consultation with the Board of Trustees, shall appoint a Director who shall manage the Museum.

(b) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Secretary of the Smithsonian Institution may—

(1) appoint the Director and 5 employees of the Museum, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service; and

(2) fix the pay of the Director and such 5 employees, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

#### SEC. 08. DEFINITIONS.

For purposes of this title:

(1) ARTS AND INDUSTRIES BUILDING.—The term "Arts and Industries Building" means the building located on the Mall at 900 Jefferson Drive, S.W. in Washington, the District of Columbia.

(2) BOARD OF REGENTS.—The term "Board of Regents" means the Board of Regents of the Smithsonian Institution.

(3) BOARD OF TRUSTEES.—The term "Board of Trustees" means the Board of Trustees of the National African American Museum established in section 05(a).

(4) MUSEUM.—The term "Museum" means the National African American Museum established under section 03(a).

#### SEC. 09. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary only for costs directly relating to the operation and maintenance of the Museum.

Mr. SIMON. If I may have the attention of the managers of the bill—if I

may have the attention of the Senator from Washington and the Senator from West Virginia. I would be willing to enter into an agreement for 30 minutes, 15 minutes on each side, or whatever time agreement you would like.

Mr. GORTON. That is a wonderful offer on the part of the Senator from Illinois and is completely—I will put it in this fashion. I think that is a gracious offer on the part of the Senator from Illinois.

Mr. SIMON. It moved from "wonderful" to "gracious."

Mr. GORTON. I think it is wonderful myself. I do have present on the floor the Senator from North Carolina who would want more time to amend if the amendment survives a motion to table.

So if the Senator will agree, I will ask there be 30 minutes equally divided on the Simon amendment prior to the disposition of the motion to table, and that no second-degree amendment be permitted prior to the expiration of the 30 minutes and the disposition of the motion to table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SIMON. Mr. President, I offer this amendment on behalf of Senator MCCAIN, Senator MOSELEY-BRAUN, Senator PELL, and myself. It is an amendment that has passed the Senate on a previous occasion and would have passed the tail end of the last session, but it was stopped as some 50 or 60 bills all of a sudden were frozen as they moved ahead.

This amendment says that we—it authorizes, does not appropriate any money. We do not appropriate a dollar in this, but authorizes that the Smithsonian can have a national African-American museum. There are two distinct groups of Americans whose history is, frankly, very different from those of us who are German-American or British-American or Danish-American or whatever our background is, and that is Native Americans, American Indians, and African-Americans who came over here as slaves. I think it is important for us to understand our heritage, for all of us, no matter what our background, and also particularly for those who are of African-American heritage to take special pride in this.

As I said, this does not appropriate one dollar at this point. That would have to be done at some time in the future when Congress feels it is wise to do so. But it would permit the Smithsonian to collect money from a foundation or from some private entity for this purpose.

It also authorizes the Smithsonian to work with local museums around the Nation. We have a museum in Chicago that is a very fine local African-American museum. That is the kind of museum that they can work with. It is not that complicated.

I know I have the opposition of my friend and colleague from North Carolina, Senator HELMS. But I hope this body will accept this amendment. I re-

serve the remainder of my time, Mr. President.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, it is with deep regret that I am going to have to oppose the amendment proposed by the Senator from Illinois, although I suspect, if I looked up roll-calls, that I would have voted for his proposal in previous Congresses.

But, Mr. President, there just is not any money for this project now, and it is almost certain that there will not be any in the foreseeable future.

I wish to emphasize the amendment is an authorization. We are dealing with an appropriations bill.

The authorization bill is before the relevant committee. It has not been reported or recommended by that committee. The Smithsonian is now authorized to build a museum of the American Indian. Very large amounts of private money have been collected for that museum, but it is simply not possible to appropriate so much as a dollar for it in this bill.

The Smithsonian is authorized to expand the Air and Space Museum in a significant number of facilities out near Dulles Airport. Planning has actually gone on that one, and money has been spent on that one. There is no way that we can fund its creation.

By dint of very careful management and reductions in this bill, which have been objected to since the moment the bill's debate was begun, we got together a little bit more money so that the present Smithsonian can literally fix the roof, so that deferred maintenance, which must be accomplished, can be accomplished.

The Smithsonian, together with the National Gallery of Art and a couple of other Federal cultural institutions and the National Park Service, are literally the only functions in this bill that do not have budget cuts from last year. But we cannot build another museum. We cannot build two museums we have already authorized. And there is nothing in a budget resolution leading to a balanced budget in the year 2002 that indicates we are going to be able to do so between this day and that.

So to pass this proposal is to make a promise we cannot keep, and, regretfully, I believe it to be irresponsible.

Mr. BYRD addressed the floor.

Mr. GORTON. I yield to the Senator.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I fully support the position that has been taken by the distinguished Senator from Washington. I do this reluctantly. I consider PAUL SIMON to be a happy warrior, my friend, and I am sorry to see him depart membership in this body after this term.

This amendment, which contains 11 pages of authorizing language, in the

first place does not belong on an appropriations bill. Secondly, as the manager of the bill has pointed out, it authorizes yet another new museum for the Smithsonian. While the amendment limits the Smithsonian's exposure to that of operations and maintenance, these expenses will still be a drain on the budget at a time when the overall dollars are declining.

The Smithsonian requested \$19 million for the Indian Museum Cultural Resources Center in fiscal year 1996. This has been reduced to \$15 million. Still facing the committee are the Federal costs associated with the construction of the mall facility for the Indian museum. Mr. President, these construction requirements are in direct competition with operating dollars.

The subcommittee also faces the additional operating expenses associated with the Indian museum, and I believe that it is irresponsible—and I say this with all due respect to the cosponsors of the amendment—it is irresponsible to add yet another burden to the Smithsonian's portfolio at this time. The Smithsonian has a repair and rehabilitation backlog estimated at a cost of \$250 million. We should address these requirements before taking on the burden of a new facility.

Congress has already authorized the construction of an expansion facility for the Air and Space Museum, and, again, we should address facilities already authorized before proceeding with any additional new facilities. This is an inappropriate time to adopt this amendment. This is a freestanding bill, and we ought to treat it as such.

So, Mr. President, I regretfully oppose the amendment. We see here what is going to be a growing problem. We are just beginning now. Wait until next year, as the chairman of the Appropriations Committee said the other day during a markup of the committee. It is tough this year, but just wait until next year, and it is going to be tougher.

We have these competing requests for funds, and we have discretionary funds eating discretionary funds; domestic funds eating domestic discretionary funds—cannibalization of the domestic discretionary budget with various and sundry domestic discretionary programs and agencies cannibalizing other discretionary domestic programs. And in the final analysis, the military will cannibalize them all. Military is expected to increase by \$7 billion, while domestic discretionary is going to be cut.

I have to oppose the amendment. I hope that the managers' words will be heeded and the Senate will reject the amendment, with all due respect for my friend.

Mr. STEVENS. Mr. President, will the Senator from Washington yield me 5 minutes?

Mr. GORTON. I yield the remainder of my time to the Senator from Alaska.

The PRESIDING OFFICER (Mr. FAIRCLOTH). The Senator from Alaska.

Mr. STEVENS. Mr. President, I, too, oppose this amendment. The Rules Committee has been following the Smithsonian quite closely, and I call to the attention of the Senate the Commission on the Future of the Smithsonian. That Commission said in a report recently:

On the basis of the programmatic issues we have already described, as well as the financial realities, continued capital expansion in the early decades of the next century at the rate experienced over the past few decades is out of the question. The Smithsonian should essentially assume a moratorium on new museums, other than what has already been approved.

This is what they said in their report, Mr. President, if anyone wants to see it. The authorization of the African-American museum is contrary to these recommendations. The projections for the cost of operating the Smithsonian range from \$417 million for this year to \$650 million in the year 2000. If you add to that approximately \$190 million needed for capital projects and capital needs for building maintenance for museums already authorized, the result is that the budget needed for the support of museums will almost double by the year 2000. Almost double without considering the cost of any new museums, including the African-American museum. I am sad to say this is just not possible. The Smithsonian has not told us how they expect to pay the operating costs of any new museums.

I understand there will be contributions to the capital costs. But let me remind the Senate of the Smithsonian Environmental Research Center, known as SERC, located in Edgewater, MD.

In 1963, the Smithsonian was given a parcel of land on the Chesapeake Bay for environmental research. By the mid-1970's, the Smithsonian was using Federal funds. By the late 1970's, the Smithsonian began to request funds for renovation and construction and reconstruction at the Chesapeake Bay center.

In justifying its request for Federal funds, the Smithsonian used the fact that "although originally established with non-Federal funds, the center has come to be heavily dependent upon appropriated funds for operating program support."

In this year, 1995, SERC again received Federal funds in the amount of \$2.5 million. Federal funds now provide 90 percent of the operating funds and all funding for repair, restoration, and maintenance of buildings. This is typical of the situation we get into when we accept donated funds for capital costs and do not realize how the incremental operating costs pile up year after year. It is just not possible for us to fund this.

I believe I am one of the Smithsonian's greatest supporters, and I have told them before that I hope it will be around for my grandchildren and their grandchildren. They take umbrage once in a while at some of my comments, but, in my opinion, the

Smithsonian must make serious changes in its budgeting and planning if it is to survive into the next century based on what they already have and what is already authorized.

We are not going to be able to have new initiatives that take taxpayers' money and still have the Smithsonian survive as we know it in the decade after the turn of the century. I believe the Senate should reject this amendment, as worthwhile as some may believe it is. We have other African-American museums already authorized, and the Smithsonian has plans for a new Center for African-American History and Culture to organize exhibitions and sponsor research at existing facilities.

Under the circumstances, I cannot support Senator SIMON's amendment. I support the position taken by the managers of the bill and the distinguished ranking member of the Appropriations Committee.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina.

Mr. HELMS. Will the Senator yield me 30 seconds?

Mr. GORTON. I yield whatever time I have left.

Mr. HELMS. Mr. President, as I do every day the Senate is in session, I made a brief report to the Senate yesterday identifying the latest available figure of the Federal debt—down to the penny. This is a sort of daily report on irresponsibility of the Congress of the United States.

I reported today that as of the close of business Monday, August 7, the Federal debt stood—down to the penny—at \$4,946,673,660,276.63. On a per capita basis, every man, woman, and child in America owes an average share amounting to \$8,777.66.

With a debt this large, should Congress create a new program the cost of which is unknown? I hope not. But that is precisely what Senator SIMON is proposing with his amendment to authorize the National African American Museum—saying, go ahead, give us unlimited amounts of taxpayers' money without making us accountable for 1 penny.

The Simon amendment authorizes unlimited funds for an unlimited period of time for museum maintenance and operation. The Smithsonian has refused to furnish any estimate as to how much the project will ultimately cost the taxpayer—even after my asking them precisely that question on numerous occasions.

In addition, the Smithsonian refuses to provide a budget for the museum's first 5 years—the Congressional Budget Office estimates the museum will cost \$5 million per year until 1997, then a \$6 million authorization for 1998.

Mr. President, it is puzzling that this amendment would be offered at a time when the Smithsonian is lamenting its existing lack of funds before any consideration of yet another museum. As

reported in the Washington Post, "The Dilapidated State of the Nation's Attic," June 10, 1995, "half a billion dollars' worth of repairs will be needed over the next 10 years to keep the Smithsonian Institution's aging facilities open." Smithsonian officials have told Congress that the Smithsonian buildings "will all reach the end of their useful service lives within a 5-year time span."

Certainly, this is not the time for the Smithsonian to be saddled with another responsibility—especially a new museum.

Mr. President, most bills coming before the Senate provide lengthy estimates and explanations of what the particular project plans to do, what funds will be needed to fulfill those goals, where the funds will originate, etc. But, with this project, we have been told by the Smithsonian—we want to create a museum, please authorize the project so we can come up with a plan. Well, this Senator is used to seeing the plan and the projected costs involved before he votes.

Let me reiterate, the Senate has no business authorizing any legislation when we do not know the basic facts about its conception, costs, and mission.

I hope the Simon amendment will be tabled.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. How much time do I have left?

The PRESIDING OFFICER. There are 12½ minutes remaining.

Mr. SIMON. I will probably not use all that. Let me point out that there is not 1 penny of appropriations in this. This is a request that has been made by Smithsonian in past years. This complies with that request. The only expenditure possible without the approval of the Appropriations Committee would be if foundations provided assistance.

Again, the Appropriations Committee, or the Rules Committee, would have oversight on this. I agree with Senator BYRD in terms of the cannibalization of domestic funds and that we ought to be pulling back on the military, the \$7 billion we are spending on the military. I voted to take away that firewall, which I do not think makes any sense whatsoever.

But I think the reality is that this is something that Smithsonian has requested in the past. It makes sense. Again, I simply remind everyone that there are two American groups with very distinctive histories, different from the histories of English-Americans or German-Americans, or Norwegian-Americans, and every other group, and that is the Native Americans, the American Indians, and African-Americans, those who were brought over here as slaves. The need to recognize that this distinctive history should be part of the Smithsonian, I think, is a wise decision.

I hope the motion to table that I assume my friend from Washington is going to be making in a moment or two will be defeated.

I reserve the remainder of my time.

Ms. MOSELEY-BRAUN. Mr. President, it gives me great pleasure to speak in support of the establishment of a National African-American Museum within the Smithsonian Institution.

The Smithsonian Institution is the national collection of American art and culture. Until now, this great collection did not include representation of the African-American experience in the United States. Today, because of this amendment, we will add a museum dedicated to the presentation and preservation of African-American art, culture, and history to our national collection.

This museum is very important. Twelve percent of the population in this country is African-American. There are 40 million African-American schoolchildren in the United States. This museum will be a tool for teaching those children about their history and their culture. It will give all Americans an opportunity to know and appreciate the many contributions and important history of the descendants of Africa in America. Finally, the museum will recognize the rich legacy of the African-American experience in the United States, and celebrate the diversity of this Nation.

I want to commend my friend and colleague, Senator PAUL SIMON of Illinois, for his leadership in guiding this legislation through the Senate. I thank him for his dedication and commitment to the establishment of a National African-American Museum within the Smithsonian Institution.

Mr. GORTON. Is there any more time available?

The PRESIDING OFFICER. Three minutes, sixteen seconds.

Mr. GORTON. Mr. President, I will use very little of that time.

The report of the Commission on the Future of the Smithsonian Institution, issued earlier this year, says:

To assure the future, declare a moratorium on new museum construction unless the incremental funds needed for construction and operations are assured.

Mr. President, they are not assured and they cannot be assured.

Second:

Devote attention and resources to the rehabilitation and maintenance of existing facilities.

That is what we attempt to do in this bill, given the severe limitations and great cuts to which it is subjected.

Mr. President, is the Senator finished?

Mr. SIMON. I will take 1 minute of my time. Again, I simply stress that we are not asking for a penny here. We are simply authorizing it subject to the action of the Appropriations Committee. I point out again that this has passed the U.S. Senate before. It is not novel action here. I see my cosponsor walking onto the floor.

I do not know if he wishes to have a minute or two before I yield back, but if the Senator from Arizona wishes the floor, I am pleased to yield 1 minute to the Senator from Arizona.

Mr. MCCAIN. Mr. President, I support my colleague's amendment, as I have in the past. I think it is an appropriate action. I remind my colleagues that there are a lot of questions now today about our relations with minorities in this country. I think recognition of the contributions that African-Americans have made is appropriate for this country to do. I think that sooner or later, we will decide to do that. We have decided to build an Indian museum. We have built other museums to memorialize the contributions and sacrifices of other Americans. I think this is appropriate, too.

I appreciate the tenacity and dedication of my colleague from Illinois.

Mr. STEVENS. Mr. President, the commission has spoken. We have no alternative but to listen. If we authorize this museum, it will be built with non-Federal funds, but it will immediately become a burden on the Smithsonian that the commission has urged us not to undertake.

Is all time yielded back yet?

The PRESIDING OFFICER. No. There is 1 minute 52 seconds for opponents and 8 minutes 52 seconds for the proponents.

Mr. GORTON. Is the Senator from Illinois ready to yield the remainder of his time?

Mr. SIMON. After taking 30 seconds, I will do that. I simply again say that we do not appropriate a thing here. I think the remarks of the Senator from Arizona were right on target. I think this is the time to pull people together. This is a way of doing it. I hope the motion to table will be defeated.

I yield the remainder of my time.

Mr. GORTON. As I do, Mr. President.

Mr. STEVENS. Mr. President, I move to table the Simon amendment and 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 motion to table amendment No. 2306, offered by the Senator from Illinois, [Mr. SIMON].

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Florida [Mr. MACK] is necessarily absent.

Mr. FORD. I announce that the Senator from Louisiana [Mr. BREAU] is necessarily absent.

I also announce that the Senator from New Jersey [Mr. BRADLEY] is absent because of family illness.

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

The result was announced—yeas 50, nays 47, as follows:

[Rollcall Vote No. 375 Leg.]

## YEAS—50

Abraham	Ford	Lott
Ashcroft	Frist	McConnell
Baucus	Gorton	Moynihan
Bennett	Gramm	Murkowski
Bond	Grams	Nickles
Burns	Grassley	Packwood
Byrd	Gregg	Pressler
Chafee	Hatch	Rockefeller
Coats	Hatfield	Roth
Cochran	Helms	Santorum
Coverdell	Hollings	Shelby
Craig	Hutchison	Simpson
D'Amato	Inhofe	Smith
DeWine	Kassebaum	Stevens
Dole	Kempthorne	Thomas
Domenici	Kerrey	Thurmond
Faircloth	Kyl	

## NAYS—47

Akaka	Glenn	Mikulski
Biden	Graham	Moseley-Braun
Bingaman	Harkin	Murray
Boxer	Heflin	Nunn
Brown	Inouye	Pell
Bryan	Jeffords	Pryor
Bumpers	Johnston	Reid
Campbell	Kennedy	Robb
Cohen	Kerry	Sarbanes
Conrad	Kohl	Simon
Daschle	Lautenberg	Snowe
Dodd	Leahy	Specter
Dorgan	Levin	Thompson
Exon	Lieberman	Warner
Feingold	Lugar	Wellstone
Feinstein	McCain	

## NOT VOTING—3

Bradley	Breaux	Mack
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So the motion to table the amendment (No. 2306) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I know the Senator from Nevada is ready with his amendment. But the Senator from Arizona has spoken very eloquently on the earlier amendment with respect to the Bureau of Indian Affairs and wished to engage in a colloquy with me in lieu of another amendment on the same subject. We hope we can do that in an informal fashion and then go to the Senator from Nevada.

Mr. MCCAIN. Mr. President, I ask unanimous consent to engage in a colloquy with the Senator from Washington.

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

Mr. MCCAIN. I would like to thank my friend from Nevada. This will not take very long.

The Senator from Washington was able to defend the committee position on the reductions in funding for various Indian issues. I respect the verdict of the full Senate.

My colleague from the State of Washington has successfully defended the committee position. I had contemplated proposing further amendments, perhaps, in hopes of restoring at least some of the funds that were taken out, restoring some of the funds that were reduced in the bill in existing pro-

grams. I do not believe that probably will be, one, viable, or, two, an appropriate use of the time of the Senate over the last couple of days before we go out.

The Senator from Washington knows from the debate how strongly the Senator from New Mexico and the Senator from Hawaii and others feel on this issue, who have been involved in it for many years.

I think it is important that my colleagues know that the Senator from Washington and I have engaged in conversations privately and that he has assured me that he will make an effort to at least restore some of those funds during the course of the conference. I think it would be helpful that it be on the record that the Senator from Washington and I have had this colloquy.

Mr. GORTON. I thank my friend from Arizona. I point out to him what he already knows—that there is perhaps a larger difference in this account between the House and the Senate than there is in any other account in this bill.

The Senator from Arizona also knows and has expressed his appreciation for the very difficult challenges which have faced both me and the Senator from West Virginia in meeting these stringent requirements of the budget. But I have made private assurances, which I wish to make public, to the Senator from Arizona. The conference committee report is not going to come back with the figure which caused so much heartache to my friends from Arizona, New Mexico, and Hawaii. And I am certain that I will support significant restorations to the accounts which were of such concern to the three Senators who proposed that amendment.

Mr. MCCAIN. Mr. President, I would like to, first of all, thank the Senator from Washington for that commitment. I know that he and the distinguished Senator from West Virginia are very aware of the importance of these issues. I also appreciate the assurance of both the Senator from West Virginia and the Senator from Washington in allowing the Senator from New Mexico, the Senator from Hawaii, and me to make inputs as to where the most important priorities are for restoration of funding as we go into the conference, perhaps even to the point where the Senators from New Mexico and Hawaii and I may send a letter to both the distinguished Senator from West Virginia and the Senator from Washington outlining our priorities as to where we think the most poor areas are where funds need to be restored.

I want to again say to the Senator from Washington that I understand that he has had to make very tough decisions. Obviously, I did not agree with those decisions. But that does not mean that I have a lack of respect for, first, his diligence, and, second, the difficulty of the task that lays before him. I am especially appreciative of his commitment to try to at least restore

in conference, in the course of the negotiations, as happens in every conference. This is not a very unusual situation. It has been unusual, obviously, to have this large a difference between the two bodies. But I am deeply appreciative that he is willing to consider restoration of funding in certain areas as he goes forward in the conference.

I have made my arguments in the course of the amendment of the Senator from New Mexico. It was defeated. I will not make those arguments again.

I again want to thank the Senator from Washington and the Senator from West Virginia for their consideration and appreciation of the seriousness of these issues.

Mr. GORTON. Mr. President, the Senator from Arizona in his set of remarks made a second point which is important to respond to. In dealing with this bill, the Senator from West Virginia and I had to keep our focus constantly on the total amount of money we had available and carry it out as we did. The Senator from Arizona, together with the Senator from Hawaii, chairman and ranking member of the authorizing committee, the Committee on Indian Affairs, have far more expertise than we do as to internally how to divide such moneys and efforts in the programs. I can say for myself that I defer to leadership and the advice and counsel of the Senator from Arizona and the Senator from Hawaii on those internal divisions of money, and we look forward to his advice. I think I can say that his advice will be followed.

Mr. MCCAIN. I say to my friend from Washington—and I note the presence of both my colleague from New Mexico and my dear friend from Hawaii, who I know will have additional remarks. Again, I appreciate the consideration that is shown by the Senator from Washington to all of us as we try to get through this very difficult situation.

Mr. DOMENICI. Mr. President, I thank Senator MCCAIN from Arizona for the colloquy and for his observations, and I might say to my good friend, Senator GORTON, I am on his subcommittee, so I will be there at the conference with the House. So he will certainly be advised what I think is right. I will not have to bring him a letter. I will be pleased to carry their letter with my signature. But I will be there and suggesting what has been discussed here today.

I want to thank Senator GORTON for the understanding. Obviously, we were very concerned about one particular aspect of Indian funding, and we understand clearly that he had much more than that to look at. As I said before, Senator GORTON and Senator BYRD, with reference to the Indian health, which is one of those major programs that we have to run as a nation unless and until we change things, have been very generous. We from Indian country appreciate that. But, obviously, with reference to this particular one that we

are concerned about, we hope we can work with Senator GORTON, since the House was higher on that, and perhaps some other of the Indian programs that we might think are of higher priority. I thank him for that.

I understand his comments to Senator MCCAIN would apply equally to what I have in mind and my concerns.

Is that correct?

Mr. GORTON. Mr. President, they do.

Mr. INOUE. Mr. President, I wish to join the distinguished Senators from Arizona and New Mexico in expressing my words of gratitude to the Senator from Washington for his words of assurance.

I thank him very much.

Mr. GORTON. Mr. President, I appreciate the comments of the Senator from Hawaii.

I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 2308 TO THE COMMITTEE AMENDMENT ON PAGE 9, LINE 23, AND TO THE BILL

(Purpose: To increase the amount of funds made available to activities relating to the administration of the Endangered Species Act of 1973, with an offset)

Mr. REID. Mr. President, I send an amendment to the desk in behalf of myself, Senator CHAFEE, Senator LAUTENBERG, Senator LIEBERMAN, and Senator BOXER, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Mr. CHAFEE, Mr. LAUTENBERG, Mr. LIEBERMAN, and Mrs. BOXER, proposes an amendment numbered 2308 to the committee amendment on page 9, line 23, and to the bill.

Mr. REID. 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 9, lines 23 through 25, strike "\$496,978,000, to remain available for obligation until September 30, 1997," and insert "\$501,478,000, to remain available for obligation until September 30, 1997, of which not less than \$3,800,000 shall be made available for prelisting activities, \$18,297,000 shall be made available for consultation activities, and \$36,500,000 shall be made available for recovery activities, and".

On page 27, line 10, strike "\$132,507,000" and insert "\$128,007,000".

On page 27, line 11, before the period, insert the following: " : *Provided*, That none of the reduction below the FY 1996 budget request shall be applied to the health and safety budget activity".

Mr. REID. Mr. President, as a young boy growing up, I had living across the alley the Vincent family. The boys as I knew them were raised basically by their mother. They were a large family of eight or nine children, but the young men in the family were the toughest, strongest, most athletic young men that you could imagine in a family. One of them was a Golden Gloves

champion. They were, I repeat, all very tough young men. We played ball together. We grew up together. We were very close friends.

One of the Vincent boys, as we referred to them, was Don Vincent. He was one of the older boys. As tough and as handsome and as energetic as all of them was Don Vincent. His first child was a little boy and, of course, in this Vincent society this young man was going to grow up and be just like his dad.

Well, he was a Little League baseball player, and he hit a ball a long way into the outfield as a Little Leaguer, and he was running, coming around third base. He almost stopped. He made it home, but he was tired. And his dad, of course, did not want to have the boy be a quitter; the Vincents were not quitters. He talked to his boy: You cannot quit; you have to go hard. He could not understand why a Vincent would not do his best.

Mr. President, this little boy had leukemia. He died very quickly. You see, 25 years ago, 30 years ago, as the Vincent family was growing up, the second generation that I knew, they had no cure for childhood leukemia. Everybody died. A child got leukemia; the child died. It is not that way anymore. Had this little boy gotten leukemia today, there would be over a 99 percent chance he would be healed.

So I talked to the Vincents, talked to Donnie, as we call him, about his little boy and how things have changed. Why now can someone like the little Vincent boy be saved? Because of a plant, a plant, Mr. President, called the Madagascar rosy periwinkle. This plant, of course, from the country of Madagascar, is near extinction. They are wiping out the rain forests in Madagascar and with it the periwinkle. Not only does it have a better than 99 percent rate of remission with childhood leukemia, but it also has over an 80-percent cure rate for Hodgkin's disease—not bad.

What we are here today to talk about is endangered species. It is the sense of the Senate and the House that there is a moratorium on listing further endangered species. I disagree with that. I think it is wrong. But that is the will of the Senate.

Therefore, this amendment does not try to eliminate the moratorium on endangered species. What it does do is focus attention on the fact that endangered species are important, and this amendment further says that we should spend more money on certain areas dealing with endangered species listing than we have in the committee mark that is now before this body.

We need to spend more money in recovery. We need to spend more money in prelisting. And we need to spend more money, Mr. President, in consultation. Even though we are spending money in these areas—that is prelisting, consultation, and recovery—we are still spending less money than we did even last year.

If, in fact, the periwinkle bush was the only plant that had great lifesaving value, it would still be worth doing more endangered species, but it is not the only plant that saves lives.

The Pacific yew tree is a relatively new plant family. It is a tree we have found that has lifesaving qualities. It produces something called taxol. Taxol was first used relatively recently in 1983 to treat ovarian and breast cancer and some lung cancers and today, after 10 short years, is the most effective treatment for achieving remission in advanced ovarian cancer that has ever been known.

Originally, this substance—it is a chemical substance—was extracted from the bark of a yew tree—y-e-w. It took 3 to 12 trees, which take 100 years to reach maturity, to provide enough taxol to treat one woman with ovarian cancer.

Now, we are doing research to find out if there are other ways we can come up with this lifesaving chemical that is in the bark of the yew tree. We are doing it from the needles of the yew tree. We are making some progress there. We have even been able to synthesize this chemical, and so we are making progress.

But since clearcutting of forests in the Pacific Northwest has really squandered the natural yew supply, it is important that we have developed this alternative.

Mr. President, about 50 percent of the medicine and treatments used today can be traced directly to plants. If someone within the sound of my voice goes today to a drugstore to get a prescription, there is a 50 percent chance that the medicine they are getting has some relation to a plant.

Nearly all prescription antibiotics in addition to that were isolated from molds and microbes.

We have heard a lot about the Contract With America, and I think that is important. It has been an important discussion in this body and the other body. I think we should dwell on something called a contract with nature, a term that was developed by Thomas Eisner. He said he feels that we as Americans and we as world citizens should be concerned about what nature has to provide for us. The irony of the Endangered Species Act is that most species cannot be listed on it because they do not even have a name.

Let me give you an example. Dr. Eisner and his colleagues were aware of a scrub plant. It was always in their way. It was a weed. That is what it was. It was a weed, in his technical jargon. He said it had a weed-like appearance. They decided to test it and see what substances this plant had. They learned very quickly that it worked extremely well as an insect repellent, and they also have learned that it works great as an antifungal product. Is that very important? Yes, it is very important. Dermatologists are always looking for antifungal medicines. Athlete's foot is one of the better known kinds of

fungus. It gets a lot worse in people's feet. But they have medicines for it, one of which was recently discovered in a weed patch.

This weed that is now called the Lake Placid mint and is found only within 300 acres of a protected biological station in central Florida, were it not for its privileged position, being in a weed patch next to a place where Dr. Eisner worked, it would be gone and we would never know the properties that it has.

I spoke to this body a minute or two ago, Mr. President, about the yew tree. Let's bring it down into real personal terms. A woman by the name of Elaine Forma, chairwoman of the World Hunger Committee, in 1991 was diagnosed as having terminal ovarian cancer. They told her she had 6 months to live. She tried all conventional therapy, including chemotherapy.

They decided, because taxol was just getting started in 1991, that they would try that on her. She has now been symptom free since taking this medicine. Were it not for taxol, she would not be alive. There are numerous instances just like this.

In Nevada there has been an ongoing debate for as long as I can remember about the desert pup fish. There is a place in Nye County where there is a little pond where the desert pup fish lives, little tiny, tiny fish. And if I have heard one, I have heard 50, 60, 100 people say, "What good are they? Why spend all the money on the desert pup fish? Protecting this?" They did not allow the water to be pumped down.

People farmed in that area. At one time they grew cotton. They said, "You are not going to be able to do that anymore because you will kill the desert pup fish." Well, we learned that the desert pup fish, one of the tiniest invertebrates on the Earth, is helping researchers to learn more about kidney disease by studying how these little animals handle the heavy quantities of salt that their little bodies must handle. Tremendous advances are being made in kidney disease research. And if you have had a friend or a relative who has kidney disease, you know this is important.

What about bears? I have always been just amazed at how bears and other animals, but especially bears, can just go to sleep, stay asleep for months, not days, but months. We have found, Mr. President, that studying bears, what happens to them when they are asleep, or in hibernation, gives us great ability to understand other things, for example, kidney failure. How do these animals stay asleep for as long as they do? They never get up to go to the bathroom. How do they handle their bodily functions?

We have learned that hibernating black bears are immobile for up to 5 months. That is, they are down, taking a nap, sound asleep for 5 months, during which time they neither lose bone nor do they urinate. Bears continue to lay down new bone, making use of cal-

cium circulating in their blood, and somehow recycle their urinary waste to make new proteins—a totally new discovery. Researching the mechanisms of how bears survive hibernation may result in treatment for osteoporosis in the elderly and, again, for kidney failure.

Now, we know that some of these bears are in danger. The Houston toad, which is on the brink of extinction due to absent habitat laws, may produce alkaloids that reduce heart attacks. They found that a substance these little toads produce has more analgesic properties than morphine.

I am not going to go into a lot more detail on endangered species and being species specific, but, Mr. President, there are species all over the United States that we need to save that allow us to get well, to treat diseases that have never been treated before. We need it, Mr. President, and that is the reason the endangered species law is important, is that it has allowed us to prospect for chemicals, to search for new medicines, for new agrichemicals and other useful substances from nature. We must do this.

As I have indicated, the sources of 50 percent of today's medicines, as well as foundation for medical research and future cures, comes from a full range of species from bears and plants in our forests, sharks, corals, and even sponges in our seas. Well, this chemical treasury of nature is disappearing before we even have the opportunity to assess it—cancer, AIDS, heart and circulatory problems, infectious disease, Parkinson's disease, tranquilizers, anti-inflammatory disease.

A member of my family, Mr. President, had we only known, would have been a well person today instead of somebody not in good health had the fact of having a fungus on wheat been available to treat their condition, an anti-inflammatory disease. It works. It cures people.

This chemical treasury of nature is literally disappearing before we have a chance to assess it. We cannot afford in years ahead to be deprived of the inventions of nature, chemicals such as taxol. And others could not have been designed by human ingenuity. Both compounds—were totally unforeseen in chemical structures and therapeutic action.

This is a statement by Dr. Thomas Eisner, the man about whom I spoke a minute ago.

Mr. Stephen Brewer, manager of Bioproducts Chemistry, reported that his analysis of the 20 best-selling drugs in the United States show that most benefited from natural products research. This accounted for at least \$6 billion in sales in 1988.

What we are trying to do here, Mr. President, is to provide a few extra dollars not for doing away with the lifting moratorium which is in effect, but for providing some money while we either reauthorize or wait for this next fiscal year to pass by, that the proper authorities can still do work on endangered species. They will not be listing

any, but there will be some prelistings and they will do some consultations and do things to make sure we do not lose species.

Extinction, you know, Mr. President, is final. It is terminal. Once something becomes extinct, it is gone forever. That permanence should weigh heavily when we consider our priorities. Our priorities are reflected in this budget. And we must have a priority that says we need to be concerned about endangered species.

I see the diversity of life on this Earth is beneficial to all of us. The benefits of species diversity are immeasurable. Even setting aside all the medical utility purposes of biodiversity, it is in all of our interests to assure the continuation of all species. This funding is an expression of that value.

Mr. President, the money that is being taken here, we are in a process here in the U.S. Congress where we are cannibalizing programs to save other programs, to help other programs. And that is in effect what we have done here. We are taking money from a program that could be important to the State of Nevada. It is important to this country. But, Mr. President, we have to list priorities. And what we have done here is taken money from the Bureau of Mines.

We are taking money, Mr. President, from the Bureau of Mines, \$4.5 million, and we are going to spend that in the prelisting, consultation, and recovery. And as a result of doing that, we certainly are not going to be replacing much money. We will still be under last year's levels in those areas, in addition to the fact that under listing we will have lost, Mr. President, about \$6 million in that program. And we will make up part of what we lost in the prelisting, the consultation and recovery but certainly far below last year's levels anyway.

I would ask the Members of the Senate to understand that this is not a violation of what action has been taken previously in this body; that is, to place a moratorium on listings. It is, though, a step in the right direction. And I repeat, even though I disagree with the moratorium that is now in effect, I think this is a step in the right direction.

Of the 220,000 worldwide types of plants, only 5,000 have been examined for medical compounds. So I understand that some may not appreciate our studying the black bear, may not understand why we are studying some exotic plants, but we need to do that because our health depends on it.

I very much appreciate the leadership shown in this matter by the chairman of the Environment and Public Works Committee, the junior Senator from Rhode Island. He has been a great chairman of the subcommittee. I have appreciated serving with him during my entire stay in the Senate and certainly appreciate his advice and counsel on this amendment.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, first, I want to thank the distinguished Senator from Nevada, Senator REID, for the excellent work he has done on this amendment. He has really been a powerhouse in protecting the Endangered Species Act and working on it to make it more effective. I want to express to him the appreciation, not only of myself but I think of all Americans who believe in preserving the diversity that now exists in our nature.

But for the Endangered Species Act, we would not be where we are. Yes, it is all right to talk about the visible things that have been saved, like the grizzly, the American eagle, or the California condor, but it is the thousands of other less prestigious, if you will, plants and animals that also have been protected during these 20 years, 25 years since the Endangered Species Act was first enacted, and it is due to Senators that have gone before us, such as Ed Muskie and others. But in that role of champions, there is none better than HARRY REID in working for an effective Endangered Species Act.

Mr. President, the Endangered Species Act is funded at a very modest level. In the current year, \$69 million. We had one witness come before us and say, "Just remember, what you are spending on endangered species is about what it costs to build 2 miles of urban interstate highway"—2 miles of urban interstate highway. Overall in the interstate system, we have 45,000 miles, and 2 miles of that would provide for the funding of the Endangered Species Act for an entire year.

The bill, as originally proposed, provided for a 20-percent cut in the funding for the Endangered Species Act; namely, going from \$69 to \$55 million. I want to express my appreciation to the senior Senator from Washington, the floor manager of the bill, Senator GORTON, for his working with us, and Senator BYRD, likewise, the distinguished former chairman of the Appropriations Committee, for working with us in the restoration of \$4.5 million of that \$14 million cut.

I might say that what the Reid amendment would do with that \$4.5 million, it will go for prelisting, for consultation, and for recovery activities by the Fish and Wildlife Service. All of those services are required by the law. The law says you have to have recovery, you have to have prelisting, you have to have consultation. Thus, a reduction in the funding will only make it more difficult for the Fish and Wildlife Service to do its job and will compound the problems that exist out there with local governments and with landowners.

This amendment, I might say, Mr. President, does not affect listing. Under this bill we have before us, listing will be forbidden. There is a moratorium on any new listings or any new critical habitat designation until Sep-

tember 30, 1996, over a year from now, or until the Endangered Species Act is reauthorized. I am not enthusiastic about that, but as Senator REID said, that is the way things go, and that is the will of the majority here. So there it is.

It is my hope that in the Environment and Public Works Committee, we can come forward with a reauthorization of the Endangered Species Act, under the able leadership of the subcommittee dealing with this matter, the leader of that committee being Senator KEMPTHORNE, doing a splendid job, five hearings have been held on the reauthorization of the Endangered Species Act, extremely constructive hearings with many good proposals for reform of the act.

We have another hearing coming up in Wyoming a week from today, that is, if we are not here, and I greatly hope that we will not be. As chairman of the Environment and Public Works Committee, I want to make it clear that I am in favor of passing legislation to reauthorize, to improve the Endangered Species Act and hope to have that done this calendar year.

Several of the witnesses who testified in favor of changes to the ESA, the Endangered Species Act, made a point of stating support for adequate funding. What did they say? Are they tree huggers who only believe in the Endangered Species Act? This is what Paul Harja, testifying in behalf of the Western Governors Association, said on July 13. He stated:

A lot of the Governors are very concerned that funds to actually implement the act—I'm not talking about acquisition funds—worry that funds will be cut, resulting in an even worse problem than we have now.

On behalf of the Western Governors, Mr. Harja stated in testimony:

Reform of the act could prove meaningless if technical and financial assistance cannot be provided for the renewed public-private partnership that is essential to achieving the goals of the Endangered Species Act.

The building industry of southern California wrote about "the critical need for Federal funding." This letter closed by saying:

Congressional action to reliably fund multispecies planning programs such as California's Natural Communities Conservation Plan, is essential to a workable Endangered Species Act.

The theme through all this is, "We've got the act, it has to be funded properly."

The Western Urban Water Coalition, an association that represents water utilities for the largest cities in the Western United States, has written a letter dated July 24, just last month, urging that funding of the Endangered Species Act not be reduced. Their letter states:

Federal agencies must be given the current resources needed to do their jobs. If they cannot perform, the lack of staff and funding for technical work and cooperation with our utilities will cause ESA implementation problems to grow, and our water consumers, rather than the Federal bureaucracy, will be penalized.

The Western Lands Commission has passed a resolution urging Congress to provide adequate funding of the ESA. This is what that resolution said in part:

The members urge Congress to fund implementation of ESA at a level that will permit, among other things, the required consultation under sections 7 and 10, to be conducted in a timely and expeditious manner . . .

Restoring funds to the Fish and Wildlife Service will help the ESA work better on private lands. By providing funds for prelisting activities, Fish and Wildlife Service can avoid additional listings.

Mr. President, why should those who oppose the existing Endangered Species Act support this amendment? The answer is clear. It is because problems under ESA will get worse, not better, if we fail to provide adequate funds.

On the prelisting, some of the money goes for that. Funds for prelisting activities are used by the Fish and Wildlife Service for cooperative efforts with States and private landowners and Federal agencies to conserve a candidate species before it becomes threatened or endangered.

The Reid amendment provides \$3.8 million for prelisting. What about consultation? That is part of section 7 of the Endangered Species Act,

Funds for consultation activities are used by the Fish and Wildlife Service to meet obligations under section 7 of the ESA. Section 7 requires agencies to consult with Fish and Wildlife to ensure that Federal actions do not jeopardize the continued existence of listed species.

The Service also uses funds under the consultation account to pay for work of landowners on habitat conservation plans. In a recent hearing, a representative from Riverside County, CA, urged that financial assistance be provided to local communities to aid in the development of the habitat conservation plans.

What about recovery, the last section? Funds for the recovery program are used to develop and implement recovery plans so that species no longer need to be listed. The whole thrust of this is to keep the species from becoming endangered. Do not get it on the list, if possible.

The recovery of wildlife and plants that are on the threatened and endangered species lists is the ultimate goal of the ESA. Once they are on the endangered and threatened list, we want to get them off. That is why the recovery is so important throughout the whole Endangered Species Act.

The Senate bill would reduce funds for recovery efforts by \$10 billion. The Reid amendment restores \$1.7 million of that funding.

Again, Mr. President, neither the current Endangered Species Act, nor any of the proposed reform bills—I know the Senator from Washington has one and, clearly, out of the Environment Committee we will have a reform bill—will be successful without adequate funding. Eliminating the funds



necessary for the Fish and Wildlife Service to do its job is counterproductive. The funding levels provided under the Senate bills will exacerbate current problems with the ESA. That is why it is so important this \$4.8 million be added.

I want to thank the distinguished senior Senator from West Virginia for his cooperation in this. The money does come from an area where he is deeply concerned. It is a cut to a modest degree—4 percent in the Bureau of Mines. Without the support of the distinguished Senator from West Virginia, who I can say is a real friend of mine since I have been here—for 19 years, it has been my privilege to have worked all that time with the Senator from West Virginia, and I am very proud that we have developed a friendship over that time, which I greatly value.

Mr. BYRD. Mr. President, I thank the distinguished Senator. I was under the impression it was \$4.5 million. The Senator said \$4.8 million.

Mr. CHAFEE. I am sorry. I nearly got away with \$300,000 more, Mr. President. It is \$4.5 million, and that is what my notes say.

Mr. BYRD. I thank the Senator. I shall remain his friend.

Mr. CHAFEE. We would not like a friendship broken up over a mere \$300,000.

I thank, again, my cosponsor, whom I have worked with, Senator REID, and the distinguished Senator from New Jersey, Senator LAUTENBERG, who has been very helpful and persistent in this. I must say we need lots of friends in the Endangered Species Act, and we have two good ones in those two distinguished Senators.

I yield the floor.

Mr. LAUTENBERG. Mr. President, I rise because I am actively supporting the amendment of the Senator from Nevada. I would like to take a few minutes to outline my reasons for doing so and to thank, in particular, Senator REID from Nevada, for his leadership on this amendment. I want to note that his battle has been a relatively long one, and fairly detailed, to protect the species that mean so much to all of us. It is not simply one bird, one fish, one insect of sorts, one shrub, or one plant; this problem of endangered species, long ignored, will endanger the well-being of the human race.

So I commend him and, of course, the distinguished chairman of the environmental committee, Senator CHAFEE. I also thank our perennial leader, with or without titles, for his distinguished service in the U.S. Senate for so many years, someone who always reminds us about our responsibilities, sometimes not often enough, to get the people's work done. And, of course, that is Senator BYRD from West Virginia, whom I have had the pleasure and opportunity to work with on so many things during his chairmanship of the Appropriations Committee, during his ranking standing on the Appropriations Committee, always with a guiding hand, and some-

one whose counsel and advice I treasure. I thank them all because this means a great deal to me.

I am delighted that there is a compromise of sorts that does lend more funding to the Endangered Species Act. I cosponsored this amendment. The bill, as it is written, includes drastic cuts in the endangered species program. And if those cuts are left to stand as they are, it would provoke rather than solve problems in the administration of the program. The cuts that are still there, despite the fact that we have been able to add \$4.5 million to the program, will reduce the flexibility of the Department of the Interior to work cooperatively with landowners in complying with the Endangered Species Act and slow rather than speed the recovery of the species.

It is obvious that I support the Endangered Species Act, and I do so because it has worked successfully in many instances. Enacted over two decades ago, the Endangered Species Act was a bold attempt to halt the dangerous disappearance of an increasing number of species. The act does more than preserve species; it protects the human race, and it protects people by conserving the biological resources upon which we so much depend.

The act, as it stands, is not perfect, and the Environment and Public Works Committee, of which I am a member, is actively working to reauthorize the Endangered Species Act. Thusly, I think some of the actions being taken which preempt that legislation are precipitous in nature. And while we hope to address many of the faults that exist, we are still working to preserve the positive aspects of the act during the reauthorization process.

Mr. President, this bill would reduce funding for those activities that are considered to be the most positive aspects of the act. Over the last 2 months, the Environment and Public Works Committee has held five hearings on reauthorization. In those hearings, we have heard many different points of view—from those who want the program to be totally voluntary, to those who feel the program does not go far enough. However, most people support the conservation of threatened or endangered species, and most testify that the key to protecting threatened or endangered species is to provide incentives for private property owners to help them do the right thing.

Mr. President, last week, the Keystone Center, a conference group, issued its final report on "Incentives for Private Landowners to Protect Endangered Species," so titled. This report documents the consensus proposal of a diverse group of people involved in the review of the act.

They agreed that "it would be highly desirable to further the goal of conserving endangered species through greater voluntary participation and the involvement of the private sector and by providing positive incentives that reward landowners for taking ac-

tion to protect or conserve endangered or threatened species and their habitat."

Now, we ought to take these recommendations to heart and ensure that private landowners and local governments do not alone bear the brunt of the cost of recovery.

Mr. President, I would be remiss if I did not state my firm opposition to bill language that implements a moratorium on listing and designation of critical habitat.

This moratorium, in my view, is damaging and harmful. Our endangered species will continue to be threatened and maybe even totally terminated. The costs of recovery will continue to mount. And the Fish and Wildlife Service will find itself paralyzed to effect any improvements in the administration of this act.

Last April, the Senate imposed a similar moratorium on listings while we considered the defense supplemental bill. While I opposed this provision, I understood that it would be in effect until the end of this fiscal year, September 30, 1995. Now, Mr. President, we see the moratorium extended for yet another year or until reauthorization. Now, I am pleased that the committee agreed to limit it for 1 additional year, but I must say that I strongly disagree with the moratorium notion altogether.

However, this amendment does not touch the moratorium on listing and designation of critical habitat. Let me make it clear: It does not remove the moratorium.

The amendment simply increases the funding for prelisting activities—a little preventive medicine; consultation, which allows cooperation with landowners; and recovery programs to remove species from the list. Nothing more and nothing less.

Over the past few days, I received letters from organizations that are concerned with the slash in funding of the Endangered Species Act programs. Mr. President, I ask unanimous consent to have printed in the RECORD letters from the Western Urban Water Coalition, the Pacific Coast Federation of Fishermen's Associations, a joint letter from six religious organizations, a resolution from the Western States Land Commissioners Association all in support of increases in ESA funding. It is quite a diverse group.

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

WESTERN URBAN WATER COALITION,  
Orem, UT, July 24, 1995.

Re Fiscal year 1996 Interior Appropriations for Administration of the Endangered Species Act.

Sen. MARK O. HATFIELD,  
Chairman, Committee on Appropriations,  
U.S. Senate, Washington, DC.

DEAR SENATOR HATFIELD: On behalf of the Western Urban Water Coalition, I am writing to urge that funding for administration of the Endangered Species Act ("ESA") program by the Department of the Interior, and other agencies, not be unnecessarily reduced

or restricted by the Senate Appropriations Committee. The Western Urban Water Coalition is a national association of water utilities for the largest cities in the Western United States. Together, these utilities supply water to over 30 million people in the West.

The Coalition agrees that the ESA should be amended to work in a more balanced and efficient manner, and has been actively involved in ESA reauthorization. A copy of our position paper on the ESA is enclosed. Until such amendments are in the law, however, FWS, NMFS, and other agencies must be given the current resources needed to do their jobs. If they cannot perform, the lack of staff and funding for technical work and cooperation with our utilities will cause ESA implementation problems to grow, and our water consumers, rather than the federal bureaucracy, will be penalized.

The Coalition members are involved in a wide variety of projects to provide water for Western cities. Many require ESA compliance. To fulfill their mission of providing a reliable water supply to their customers, the federal agencies charged with ESA responsibility on these projects must have adequate resources to carry out their required role in a timely and consistent manner. In the Coalition's view, the level of funding approved by the House for the FWS, the NMFS, and other agencies, for ESA implementation is inadequate. It runs unnecessarily high risks to our members ability to provide reliable future water supplies. We strongly urge the Senate to restore ESA implementation funds to a more reasonable level.

A few examples illustrate the nature of this problem. Several Coalition members are engaged in preparing Habitat Conservation Plans ("HCPs") to enable them to go forward with important water supply activities. These plans require extensive consultation with federal officials at FWS and/or NMFS. Only recently have sufficient staff become available to make these procedures workable and timely. If funding for ESA programs is cut, we fear that the HCP process will suffer, with negative impact on our long-term planning and on the ongoing projects that are necessary to supply water to our customers.

Consultation under section 7 also requires adequate support from federal officials. Although Coalition members have some concerns with the way the section 7 process is sometimes applied, the solution is not to rescind or dramatically reduce funding in advance of substantive amendments to the Act. Such an approach will only slow down the section 7 process to our detriment.

Similarly, recovery plans are essential to solving ESA problems in a way that does not adversely affect the public interest. As discussed in our position paper, the recovery planning process must be improved. Nonetheless, without adequate funds, recovery plans are likely to receive low priority and the necessary actions to carry these plans forward will be difficult or impossible to achieve.

Thank you for considering these concerns. We would be happy to meet with you or provide additional information on our concerns at the ESA appropriations level. Please call either me or Don Baur if we can be of further assistance.

Very truly yours,

GUY R. MARTIN,  
National Counsel,  
Western Urban Water Coalition.

PACIFIC COAST FEDERATION  
OF FISHERMEN'S ASSOCIATIONS,  
Sausalito, CA, August 4, 1995.

DEAR SENATOR: PCFFA is the largest organization of commercial fishermen on the west coast, representing the men and women

of the Pacific fishing fleet who generate tens of thousands of fishing jobs for coastal and inland communities. Many of these fishermen are salmon fishermen.

Salmon are in collapse throughout the Northwest and Northern California to the point of requiring listing under the ESA in order to prevent many key runs from extinction. The salmon fishery is in a state of fishing emergency as declared by the Department of Commerce, and unless pre-listing recovery efforts are well funded coho salmon may be listed coastwide within the year. ESA recovery funds and pre-listing biological reviews are thus vitally important to restoring tens of thousands of salmon-dependent jobs on the west coast. In fact, the only open salmon fishery in the lower 48 is now open as a direct result of ESA-driven water reforms and habitat restoration in the California Central Valley.

We urge you to support the Reid Amendment to restore ESA recovery funds. Without these funds the salmon fishing industry cannot act to save the basic biological foundation upon which its job base depends. The salmon fishing industry in California, Oregon and Washington has already lost an estimated 72,000 family wage jobs in the last 20 years, almost 50,000 of them just since 1988. These jobs can be restored with appropriate ESA-driven recovery efforts—but not without appropriate funding.

Defunding ESA recovery efforts defunds all the solutions and leaves only the problems. Defunding recovery only makes those problems—as our job losses—worse. We urge you to support the Reid Amendment in order to restore those funds.

Sincerely,

GLEN H. SPAIN,  
Northwest Regional Director, Pacific Coast  
Federation of Fishermen's Associations.

CHURCH OF THE BRETHREN,  
Washington, DC, August 8, 1995.

DEAR SENATOR: Along with many others, we, the following faith communities, have a long history of support for the protection of species. We see this as a stewardship responsibility for all creation.

We also believe that safeguarding the wide variety of the world's species is good for people. As we protect wild species' ecosystems, we are preserving our own air and water. In addition, people rely on a wide variety of species for medicinal and agricultural breakthroughs. Finally, as many communities have experienced, the presence of species results in economic boons, due to sustained natural resources such as fish populations, tourism and recreation dollars, and because businesses prefer locations where the quality of life is high.

Since we strongly support the protection of species, we are very concerned about portions of the Interior appropriations bill (H.R. 1977) that significantly cut or place moratoriums on the operation of the Endangered Species Act. Such provisions will lead to further decline within species that are waiting to be listed or that need proactive protection from recovery plans, land acquisition, prelisting preventive activities, and so on. In addition, if the safeguarding of species is delayed, later actions to protect these species may be more expensive and burdensome.

We urge you to support amendments that will restore Endangered Species Act funding and life the ESA moratoriums. In addition, we urge you to oppose possible amendments that will seek to slash funding further.

We look forward to continued dialogue with you as you deal the Endangered Species Act issues. Thank you for considering our concerns.

Sincerely,

TIMOTHY A. MCELWEE,

The Church of the  
Brethren, Washing-  
ton Office.

FATHER ROBERT J. BROOKS,  
The Episcopal Church,  
DARYL BYLER,  
Mennonite Central  
Committee, Wash-  
ington Office.

PAULA JOHNSON,  
Lutheran Office of  
Governmental Af-  
fairs.

Presbyterian Church  
(USA) Washington  
Office.

RABBI DAVID SAPERSTEIN,  
Religious Action Cen-  
ter of Reform Juda-  
ism, Union of Amer-  
ican Hebrew Con-  
gregations.

Mr. LAUTENBERG. Mr. President, the offset that permits us to add \$4.5 million comes from a decrease in funding for the Bureau of Mines

Now, I want to say this: The Bureau is one of the few agencies in the bill that received the President's full request.

The House bill, on the other hand, eliminates the Bureau. I want to say this, particularly in the presence of my distinguished colleague and friend from West Virginia: This amendment does not eliminate the Bureau. I would not support that. I believe that the Bureau conducts important research on mine and worker safety. There has been no stronger advocate on concerns for miner health and well-being than the Senator from West Virginia.

Mr. President, we have struck a balance with some small adjustments here and there. It is a positive mood on behalf of our ecology, and frankly on the human race.

Mr. President, I urge adoption of this amendment. As I look at past history and think of what it costs us overall when mistakes are made in protecting the environment, mistakes like the Exxon Valdez spill, that cost over \$1 billion, and numerous other oil spills that have almost decimated the ecology in a particular area, when we look here and we see that we are funding protection of endangered species with a \$59 million appropriation, and that only because we are able to add \$4.5 million—compared, by the way, to \$69 million last year; a very significant decrease, about 15 percent if my arithmetic serves me—a budget request for the Endangered Species Act was \$77.5 million. We are off almost 20 percent from there. These are huge cuts.

Mr. President, when I think of something like the Endangered Species Act, I cannot help but think of my grandchildren's faces and how delighted my children were when we would go on a trip into the mountains. We did a lot of travel and we would see a deer, or even small animals like a raccoon, or to see the larger animals like the trip we were able to take in which we saw lions, baboons, and elephants. It almost would bring tears to their eyes when we discussed what might happen

to these species if they were left unprotected.

We see it happening all over the world. In America, where we value our ecology, where we value the inhabitants of our Earth, we ought not to be talking about how we stop the process, but rather how we encourage the process of protection.

When we look at the return of the bald eagle, it excites all of us. I have been to Alaska—one of the most beautiful places certainly in our country—to see the bald eagle recover from the days of earlier times when the species kept reducing. There are bald eagle pairs now seen in New Jersey, the most crowded State in the country. It is a thrill to see them.

In New Jersey now, sometimes some of it gets some of the neighborhood people disturbed, but we have sightings that confirm that there are at least 200 black bear and possibly up to as many as 600 in the State of New Jersey. This is a group of animals that was almost totally gone.

It is not good if they chew in your garbage and things of that nature, but when you ask the little kids whether they like the pictures of the black bear and so forth, they thrill to the opportunity.

Mrs. BOXER. Would the Senator yield for 30 seconds?

Mr. LAUTENBERG. It is always a pleasure to yield.

Mrs. BOXER. I want to thank my friend from New Jersey and my friend from Nevada for their leadership on this. It is my privilege to serve with both Senators on the Environment Committee. I feel so good about this amendment. I understand it will be accepted, which is wonderful.

We may have some differences among us on administering this program, but what we are doing here today is strengthening it, and I do agree that there is such support as the Senator has noted in the State of New Jersey for the underlying purpose of the Endangered Species Act.

I just want to thank the Senator. I guess in the end I did not have a question but a compliment for my friend from New Jersey and my friend from Nevada for their leadership on this issue.

Mr. LAUTENBERG. Thank you. No campaign is successful without a good army. The Senator from California is not only one of the best scouts but one of the strongest fighters, as well, in military terminology.

Mr. President, I close my remarks with just one little tale about what happens in the migratory seasons with birds as they pass through New Jersey, and the people that flock out there, along with the birds, at 4 and 5 o'clock in the morning to be ready to see the species traveling north to south and vice versa, depending on the season.

What a thrill. They hear a bunch of adults yelling, "Here it is," and they identify this remote species of a bird we have not seen in 20 years, and ev-

erybody is thrilled about it, and it reaches all the local newspapers. Maybe it is because we are such a crowded State that we in many ways are more protective of the species than, sometimes, perhaps, people who have such an abundance of them within their State.

Mr. President, I hope that we will adopt this amendment without any fuss or bother. I yield the floor.

Mr. LIEBERMAN. Mr. President, I rise in support of the amendment offered by Senators REID, CHAFEE, LAUTENBERG, myself, and others to partially restore Endangered Species Act funding.

It is understandable in this era of budget balancing that endangered species programs take their fair share of cuts. However, the committee report provides far deeper than average cuts to endangered species programs. Whereas most programs have endured 15- to 20-percent cuts, endangered species program cuts are far greater—as much as 50 percent in some cases or zeroed out completely. I don't think this is necessary or advisable at the present time.

A number of endangered species recovery programs are in progress and at a critical stage. They depend on actions by Federal, State, local, and private interests that will create and implement the most cost-effective and flexible solutions to species recovery. Our amendment provides a partial restoration of cuts to U.S. Fish and Wildlife programs that help State agencies through grants and assistance; technical assistance to private landowners; prelisting agreements that nip species declines in the bud and avoid the need for regulatory action; consultations between agencies; and habitat conservation plans that are now the preferred State-local-private approach for species recovery in complex cases.

Funds in these areas are designed to reduce headaches for landowners and affected agencies of Federal, State, and local government. This amendment does not change the committee moratorium on listings of new species or new critical habitat designation—even though I strongly disagree with this moratorium. If we pull the rug out from the recovery programs in progress—those that have already been the subject of extensive public hearings and economic analysis required under the law—we will only make it more difficult and expensive to enact them in the future. The irony of this is that we hurt the very people and organizations that these funding cuts may have inadvertently been designed to protect—private landowners, State, and local agencies.

We have had three very extensive reauthorization hearings in the last month on the Endangered Species Act. It is noteworthy that we have discovered very substantial common ground among many diverse interests on many issues. These include the need for positive incentives for those responsible for

implementing on-the-ground programs, and the need for more State and local delegation. The amendment we offer today provides a partial restoration of funding for exactly these purposes. These funds will be highly leveraged by State, local, and private funds, and these depend on a certain amount of Federal coordination and seed money.

The old adage that an ounce of prevention is worth a pound of cure is certainly operative in the case of this amendment: A relatively modest amount of funding in these few areas for the Fish and Wildlife Service and their State and local partners will ensure that we avoid headaches and irreversible losses in the future. If we do not move forward and honor our practical and ethical commitments to recovery programs already in progress, particularly those at critical stages, we will be abandoning a pledge that I firmly believe the American people have asked us repeatedly to honor.

By cutting funds that are designed to resolve conflicts and provide State and local delegation and solutions, we are shooting ourselves in the foot. By restoring funds, at least partially, we stay ahead of the curve and give ourselves, our landowners, and our declining species of plants and animals a fighting chance. I think that we deserve it. I ask colleagues on both sides of the aisle to support this as a sensible, prudent, and necessary step.

Mr. GRAHAM. Mr. President, I rise today to express my strong support for the Reid/Chafee Amendment to restore funding for species conservation programs under the Endangered Species Act.

Twenty-two years ago, Congress passed the Endangered Species Act with large bipartisan majorities. Even at that time, hundreds of species had become extinct since the creation of the United States. Today, scientists estimate that we are losing up to 100 species a day around the world.

While I acknowledge that the act has significant problems, the ESA also has achieved remarkable success in recovering species. One of these is Florida's American alligator.

Today, of the 900 species that are listed in the United States as threatened or endangered, 238 of those are stable or improving, and 7 species have been delisted. Americans understand that by protecting species, the Endangered Species Act protects us—our economy, our health, and our longterm existence. While we are pulling away from the brink of crisis, we cannot afford to reduce our vigilance on this issue. We should correct the shortcomings of the act, and benefit from all our efforts thus far.

However, just as Congress is prepared to implement reforms to make the ESA work better, this appropriations bill undermines our efforts by cutting ESA science funding, outreach to landowners, and State assistance—the specific programs that will reduce conflicts. This budget would exacerbate

rather than reduce problems we have identified with the ESA.

The Reid-Chafee amendment will restore part of the disproportionate cut made in committee to endangered species programs, bringing it more in line with funding reductions in Interior across the board.

More importantly, the Reid amendment invests money in the future of imperiled species, spending wisely now to save money in the long run. Two and one-half million dollars of the restored funds will go to prelisting programs that seek to conserve species before they reach the brink of extinction, forestalling the need for costly and sometimes controversial recovery efforts. In my own State, this funding will help prelisting activities to conserve the Florida black bear, to prevent it from going the way of the critically endangered Florida panther.

Another \$2 million will go to consultation activities under section 7 of the ESA to help Federal agencies better fulfill their responsibilities under the ESA. Section 7 is a powerful tool for solving, and in many cases avoiding, conflicts between Federal agency activities and species conservation. In Florida, for example, Federal projects that may have gravely impacted the conservation of Florida panthers and West Indian manatees were modified through the section 7 process in ways that did not significantly interfere with the projects and actually benefited the species. It is hard to find a program where the money is better spent.

Finally, \$4 million would go to species recovery efforts. As Senator KEMPTHORNE has emphasized in his very productive subcommittee hearings on the reauthorization of the ESA, recovery is, or should be, the heart of the ESA. Species such as the grizzly bear, the peregrine falcon—and our national symbol, the bald eagle—are recovered or recovering steadily due to ESA recovery efforts. But the U.S. Fish and Wildlife Service need the resources to keep these successes coming. Again, expeditious recovery measures now will decrease the expense of recovery in the long run.

Throughout its history, the ESA has enjoyed bipartisan support. The act was signed into law by President Nixon. The harm regulation was promulgated during the Ford administration, which was revamped to its current form during the Reagan administration. Now the program is being defended by the Clinton administration. There are many good reasons for this historical support. Let us bear them in mind, and address the act's obvious problems with consideration for the benefits that it has produced thus far.

The Reid-Chafee amendment makes good fiscal sense, and will help conserve the endangered wildlife that all Americans value as part of this country's priceless natural heritage. I strongly urge my colleagues to join me in supporting it.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I would like to address for just a moment the consultation and the recovery functions for endangered species. The consultations which must be conducted so the projects can go forward, the consultation and the recovery functions of the Fish and Wildlife Service, were designed to make certain that species that are already on the list of threatened or endangered species are not in jeopardy, and to assure that they would come off of the list as rapidly as possible. The committee has funded these activities at about 60 percent of the budget estimate.

We have before us an amendment that restores approximately \$4.5 million to these activities. This is an amendment that I can support so far as it speeds the process of removing species off of the list.

In hearings that I have held this year, it has been confirmed repeatedly that the failure to consult, the failure of agencies to meet deadlines, the failure of agencies to commit resources to consultation, have severely delayed projects and have resulted in unnecessary project costs and, in one instance, nearly resulted in economic disaster and threatened thousands of jobs in the State of Idaho.

The February 1995 issue of Conservation Biology said that there were huge delays in the writing of 314 recovery plans completed through August 1991. The average time that it took to write a recovery plan involving an animal was 11.3 years; for plants it took 4.1 years. The Director of the Fish and Wildlife Service stated at a recent hearing on the Endangered Species Act that their targeted goal was to reduce the time it takes to produce a recovery plan to 2½ years after a species is listed. It would be counterproductive for us to reduce the money available for them to accomplish this job.

Another reason I want this money available is to make certain that consultations such as those that will be required, now that the Bruneau Hot Springs snail is considered by the courts to be a listed species, can indeed go forward. For those who may not be familiar with this issue, the Bruneau snail was listed as endangered, removed from listing for procedural reasons, and recently reinstated to listed status by the courts.

During the months, and in fact even the years, it took, an entire regional economy in Idaho has been put on hold; consultations on farm loans and business loans and other projects that may affect the snail have been totally held up.

We must at this juncture make certain there is enough money to conduct the consultations on species like the Bruneau snail.

There is another example of why I support the increased funding for recovery and consultation. The recovery and ultimate delisting of the gray wolf,

the controversial project of the administration, depends for its success on many things. One of the unknowns—a research problem with gray wolf—is the possible conflict between the wolf and another major predator, the mountain lion. The Honecker Institute is conducting important research into this issue. This research, that is funded out of this appropriation, must be done to resolve a major gray wolf issue.

Mr. President, I do join, then, with Senator REID, who is the ranking member of the subcommittee. I enjoyed working with him. I also want to state that there is a moratorium in place. The moratorium is in place so we can reauthorize, and in fact reform, the Endangered Species Act.

These funds must not be used contrary to the intent of that current moratorium. In fact, I support the extension of that moratorium.

Mr. President, I support the continuation of the moratorium on further listings and designations of critical habitat under the Endangered Species Act until the act is reauthorized.

Earlier this year, a 6-month moratorium on further listings was signed into law. I supported that amendment.

Unfortunately, since the moratorium took effect, courts have twice required the Department of the Interior to take actions counter to the moratorium's intent. The courts ordered the designation of critical habitat for the Mexican spotted owl throughout the Southwest and the reinstatement of the Bruneau Hot Springs snail on the endangered species list.

In those cases, and in similar cases over the years, the courts have stated they might have ruled differently had it not been for the wording of the Endangered Species Act, which leaves them no other choice but to supersede other laws—including the moratorium. We must reform the Endangered Species Act in such a way to make sure it does not become the super law that overrules all other laws of our Nation.

In my Drinking Water, Fisheries, and Wildlife Subcommittee, we have held eight hearings in Washington and field hearings in Oregon and Idaho on reauthorization and reform of the act. We have heard some honest and blunt testimony on the impacts of the act. We've heard from both advocates of the act and those who favor its reform. We have heard from the administration. While all witnesses may not agree on the future of the act, they do agree that the ESA is in need of reform. We've heard it from unemployed loggers in Idaho, environmentalists, and the Secretary of the Interior. The Endangered Species Act has failed and must be reformed.

For years, Secretary Babbitt insisted the ESA only needed some fine tuning. At one of our hearings he clearly and forcefully stated it is time to reform the act.

Continuing this moratorium gives us the time to do the job and do it right.

This is not a regional issue. It is not just a Western concern. Senators from

North Carolina to Washington; Arizona to Virginia will tell you of the overreaching effect of the Endangered Species Act on their States. Whether you are talking about Texas, where more than 800,000 acres of land in more than 30 counties were proposed for critical habitat for the golden-cheeked warbler or Alabama where a relatively common sturgeon has been repeatedly proposed for listing—we are all affected.

Everyone agrees the Endangered Species Act must be reformed, and soon. I am committed to getting a reform bill passed by the Senate this year. Keeping this time out on further listings and designations of critical habitat in place will only help us get the job done soon, and get it done well. We need to lower the rhetoric and allow for rational discussion of the legitimate issues facing ESA reform. I believe by removing the potential for new listings of species and habitat for a while, we can proceed with meaningful ESA reform that will serve the best interests of private landowners, resource users, nature lovers, and the very species we are trying to save.

Mr. President, I commend Senator GORTON, who has been a leader on this whole issue of the Endangered Species Act, and thank Senator BYRD for his continual assistance on these matters as we move forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, before the Senator from Idaho leaves the floor, I want to extend my public appreciation again for the fair manner in which he has conducted the hearings and the studies that the committee has been engaged in, in arriving at the point where we can attempt to have legislation that will reauthorize the Endangered Species Act.

The Senator from Idaho and I on some occasions—not a lot of occasions—have disagreements about philosophy relating to the Endangered Species Act. He has conducted himself with the highest standards of government in the hearings he has held. I want him to know publicly how much I appreciate the work he has done in that subcommittee. He is an asset to the U.S. Senate.

I just want to say briefly, the money that is taken from the Bureau of Mines—it is the only program I think in this bill that was funded at the level the President asked, even though it is below last year's level. It is a real hit to the Bureau of Mines. We did, under the direction and guidance of the ranking member of the Appropriations Committee, Senator BYRD, limit any cuts to programs that would not include health and safety. So I appreciate, as others have stated here, the leadership of the Senator from West Virginia and the help and guidance of the Senator from Washington, who is managing the bill today.

I have no more speakers on this. If it is in keeping with the wishes of the

manager of the bill, we could move forward with adoption of the amendment.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, indeed, the Senator from Nevada is correct. This amendment was modified, changed, and worked out to the satisfaction of all concerned and to my satisfaction and that of the Senator from West Virginia.

I believe at this point, unless there is further debate, we are prepared to accept it.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2308) was agreed to.

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

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON THE COMMITTEE AMENDMENT ON PAGE 9, LINE 23, AS AMENDED

The PRESIDING OFFICER. Is there further debate on the underlying committee amendment? If not, the question occurs on the amendment.

The amendment on page 9, line 23, as amended, was agreed to.

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

Mr. KEMPTHORNE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, next in line will be the Senator from North Carolina. I believe, however, that his amendment is appropriately an amendment to one or both of the committee amendments on page 9 and page 10.

So, if he will permit me, I will ask that those amendments be called up and his amendment would be to those.

Mr. HELMS. I thank the Senator.

COMMITTEE AMENDMENT ON PAGE 10, LINE 12

The PRESIDING OFFICER. The Senator will be informed the Senate has agreed to the amendment on page 9. We are now on the amendment on page 10.

Mr. GORTON. Then I call up the amendment on page 10.

The PRESIDING OFFICER. That is the pending business.

Mr. GORTON. Mr. President, I ask unanimous consent that the amendment be accepted but it be considered as original text for the purpose of further amendment.

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

The committee amendment on page 10, line 12, was agreed to.

The PRESIDING OFFICER. The Senator from North Carolina.

AMENDMENT NO. 2309

(Purpose: To Save the American Taxpayers \$968,000)

Mr. HELMS. Mr. President, I believe I have an amendment at the desk. I ask it be stated.

The PRESIDING OFFICER. Without objection the remaining committee

amendments will be set aside and the clerk will report the amendment.

The bill clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 2309.

Mr. HELMS. 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 10, line 19, strike the word "Act." and insert: "Act: *Provided*, That no monies appropriated under this act shall be used to implement and carry out the Red Wolf re-introduction program and that the amount appropriated under this paragraph shall be reduced by \$968,000."

Mr. HELMS. Mr. President, the pending amendment proposes to save the American taxpayers almost \$1 million by eliminating funding for the so-called Red Wolf Program, which has created an enormous problem for the people of North Carolina. This Red Wolf Program is administered by the U.S. Fish and Wildlife Service.

Mr. President, 63 red wolves were released by the Fish and Wildlife Service onto Federal lands, but they just did not stay there. They have increasingly encroached on private property to the point that they have become hazardous and a menace to private property owners, their families, their animals, their livestock, and so on.

Mr. President, the Red Wolf Program was created in 1987. It has already cost the American taxpayers \$5,224,500. According to a March 1995 report from the U.S. Fish and Wildlife Service, the 63 wolves originally released in eastern North Carolina in 1987 have multiplied. Today there are at least 170 or more wolves in eastern North Carolina. At least 70 wolves have been born in the wild during the past 8 years. That amounts to an increase of more than 100 percent in the population of red wolves in less than 8 years.

Since 1987 the Fish and Wildlife Service has conducted 934 monitoring flights over that entire area to monitor the location of these red wolves, at a cost of untold thousands of dollars—934 airplane flights to monitor these transplanted red wolves. And the administration has requested another \$968,000 for this very same program for the coming year.

I am told that the States of Tennessee and South Carolina have the same difficulty with the red wolves because the Fish and Wildlife Service has transplanted and relocated red wolves in those two States as well.

Mr. President these wolves are predatory animals, and they have become an exceedingly dangerous presence in eastern North Carolina. They slink onto private property, they attack and feed upon farm animals and livestock, and we have reports that at least one child has been bitten by a red wolf and had to undergo tetanus treatment.

We have received all sorts of mail from eastern North Carolina. We have

mail from organizations such as the North Carolina Farm Bureau and the Hyde County, NC, officials, and from concerned citizens all over. They oppose vigorously this Red Wolf Program because it has become increasingly dangerous to the people, to their private property, and to their farm animals.

The chairman of the Board of Commissioners of Hyde County, NC, put it this way. And I quote him:

Red wolves have caused a lot of hardship in Hyde. . . . endangered species have more land rights than the landowner paying the property taxes.

But the bottom line is that these red wolves have become such a dangerous problem that the Fish and Wildlife Service issued regulations on April 13 finally allowing property owners to shoot these predatory animals on their land. And the farmers and other landowners feel that they ought not to have to go to that extreme. They want an end to the program, and I think that it has served its purpose, if it ever had one.

In any case, for a long time authorities have been contending that reintroduction programs, which is what the Fish and Wildlife Service calls them, do not work very well.

I have in hand a report published by the New York Times on October 5, 1993, which emphasizes that these reintroduction programs are useless. Michael Phillips, the field coordinator for the Fish and Wildlife Service, was quoted by the New York Times as saying, and I am quoting him:

Most things we have tried to orchestrate in the wild have not worked. The pairs we put out did not stay together and the families did not stay in the places we chose.

So, Mr. President, so the many good citizens in eastern North Carolina resent this waste of taxpayers' money. They do not want these predators roaming their property, attacking their farm animals and livestock, and being a peril to their children.

According to the committee report, private property owners in Idaho and Montana are experiencing the same sort of problems as a result of the gray wolf reintroduction program.

All of it indicates to me—and I address this specifically for myself and my State, the Red Wolf Program—that this red wolf program is a bad idea whose time never came. I hope that we will not waste any more of the taxpayers' dollars on it.

The pending amendment proposes to abolish the program by eliminating the proposed \$968,000 for its continuance for 1 more year.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. GORTON. Mr. President, this is more or less in the form of a notice that I have listened to the Senator from North Carolina. He is dealing with an issue which is almost exclu-

sively contained within his own State. Personally, I defer to his judgment on the matter and tend to support him in his amendment. At the same time, I recognize—and I believe he recognizes—that this could well be considered to be a relatively controversial amendment that would require a rollcall.

So what I should like to do at this time is simply put Members on both sides of the aisle on notice that the Senator from North Carolina has spoken to the amendment, and we will deal with it much as we dealt with the amendment of the Senator from Idaho [Mr. CRAIG] this morning, and state that if there are those who are going to oppose the amendment, would they please notify us? Better than that, will they please come to the floor so they can debate the amendment?

If I may request of the Senator from North Carolina to withhold his request for the yeas and nays, and if no one comes to oppose the amendment in an hour or so, we will simply accept it by a voice vote. But if it is going to be opposed, we will certainly have a rollcall vote on it.

Mr. HELMS. Mr. President, the distinguished Senator made a proposition that I cannot refuse. As the Prince of Denmark was once reported to have said, it is a consummation devoutly to be wished.

I thank the Chair. I thank the manager of the bill.

Mr. GORTON. Mr. President, once again, this amendment by the Senator from North Carolina on the reintroduction of the red wolves is a significant amendment. If there are those who are going to debate the Senator from North Carolina on it or object to it, we would appreciate notice from them reasonably promptly.

Mr. President, we know that we have one other amendment that will be contested. It will be proposed by the Senator from Vermont [Mr. LEAHY] regarding the stewardship of an incentive program. We hope that we can get him to come to the floor as promptly as possible.

We have cleared a few other amendments for a wrap-up session. But it is now 3 o'clock in the afternoon. Most of these contentious amendments on this bill have been debated and voted on.

We urge Members to tell us now whether or not they want to have their amendments considered. And there is no better time to come and have an amendment considered than right now. If Members want that kind of consideration, would they come as promptly as possible?

With that, and waiting with bated breath the next Senator who wishes to speak, 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. 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.

MODIFICATION OF AMENDMENT NO. 2295

Mr. GORTON. Mr. President, I ask unanimous consent that amendment No. 2295, which was adopted last night, be modified by striking any reference to "December" and inserting in each such place "November".

This agreement is cleared on both sides and is necessary for the amendment to be internally consistent and also consistent with the assertions by its sponsors that it was a 90-day moratorium on the Secretary of Interior implementing any grazing regulations.

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

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

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

COMMITTEE AMENDMENT ON PAGE 16, LINE 4

COMMITTEE AMENDMENT ON PAGE 21, LINE 24

COMMITTEE AMENDMENT ON PAGE 22, LINE 5

Mr. GORTON. Mr. President, I believe that there are three remaining committee amendments that have not been adopted. May I inquire whether that is correct?

The PRESIDING OFFICER. That is correct.

Mr. GORTON. Mr. President, I ask unanimous consent that those three committee amendments be considered en bloc and adopted en bloc and they be considered as original text for purpose of amendment.

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

So the committee amendments were agreed to.

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

Mr. CHAFEE. 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 bill clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I would ask unanimous consent that further proceedings under the quorum call be dispensed with.

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

Mr. BINGAMAN. Mr. President, I would ask unanimous consent that the pending amendment be set aside, and that I be allowed to offer an amendment at this time.

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

AMENDMENT NO. 2310

(Purpose: To restore funding for Indian education)

Mr. BINGAMAN. 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 New Mexico [Mr. BINGAMAN], proposes amendment numbered 2310.

Mr. BINGAMAN. Mr. President, I ask 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 89, line 8, strike "\$54,660,000" and insert "\$81,341,000".

On page 136, between lines 12 and 13, insert the following:

**SEC. 3 . PRO RATA REDUCTION.**

The amounts provided in this Act, not required for payments by law, are reduced by 2 percent on a pro rata basis. The reduction required by this section shall be made in a uniform manner for each program, project, or activity provided in this Act.

Mr. BINGAMAN. Mr. President, this amendment will restore \$26.6 million for Indian education programs that are funded on a competitive basis through the Department of Education's Office of Indian Education.

Under the amendment, the office's programs would be maintained in 1996 at the 1995 level of \$81 million. The committee has appropriated and has contained in this bill \$54 million for this purpose already. And I appreciate that very much, but I do want my colleagues to know that this level of funding would represent more than a 30-percent cut from the current-year level. It would represent the complete elimination of the office's competitive grant program which specifically awards funding to Indian tribes and tribal organizations that work with the public schools and the community on a variety of education issues.

This funding is vitally needed because it supplements but it does not directly fund our Nation's public schools; and those are the schools, Mr. President, which educate 90 percent of our American Indian children.

Without the amendment and the restoration of the competitive grant program, we will be eliminating special services for Indian students in public schools. We will be eliminating training for their teachers and critically needed adult education and GED programs that are operated by Indian tribes and Indian people.

Mr. President, this is not fluff money. This is funding that is awarded on a highly competitive basis. It does not even come close to meeting the actual need which has been demonstrated.

In 1990 to 1994 this Office of Indian Education received a total of \$75 million in competitive funding requests from Indian tribes and Indian organizations. It was able to fund less than 50 percent of the requests it received dur-

ing that 4-year period. Only the programs of the highest quality were funded due to the very competitive nature of these grants.

I want to make sure that my colleagues understand this, that I am not offering an amendment that would allocate money out to school districts on a formula basis. The funding that is involved with this amendment is specifically designed to keep the Indian tribes and Indian people involved in the education of their own children, in the education of their own young people and the adults in those tribes and Indian organizations.

Mr. President, I have heard many speeches on this Senate floor about empowering people to do things for themselves. These funds that we are trying to restore in this amendment empower Indian tribes and Indian people to take a hand in educating their own children. That is the specific purpose of these funds. And it is for that reason that I believe it is important that we maintain the current level of funding. As I mentioned earlier, the funds enable tribes to operate GED classes and other adult education classes. It helps to train the teachers who will teach these Indian students. It provides fellowships and grants to Indian students who wish to pursue higher education and through a specific set-aside it funds several Indian control schools including schools in Wisconsin and in Minnesota and in the Dakotas.

Last year Indian-controlled schools in Minnesota received \$1 and \$2 million in competitive grant funding. That is two different schools in Minnesota. Unless the amendment that I am offering here is approved, these schools will not even have the opportunity to apply for funding in the upcoming year. They will get nothing because there will be no program through which we can fund them.

Mr. President, there are many types of programs funded under this program. Let me give a few examples. The Yaqui tribe in Arizona has a program for curriculum development for dropout prevention, for support systems, for students in those schools. In Washington State, the South Puget Intertribal Planning and Seattle Indian Center has a dropout intervention and GED program. That is funded through these funds.

In Alaska the Bristol Bay Native American Corps has a dropout and counseling and testing center that they fund. In Oklahoma there is a Cross Cultural Education Center that provides basic skills, classes and dropout prevention programs for Indian students.

In my own State, the Pueblo Zuni have programs in basic academic skills, enhancement and dropout prevention. New Mexico State University in the past has had a summer program for Indian youth in science and math which is funded through the funds that I am proposing to maintain with this amendment.

In Wyoming, there is the Northern Plains Education Foundation, also a dropout prevention program that they have there.

In Nevada, we have the Fallen Paiute Shoshoni Tribe and the Pyramid Lake Paiute Tribe. They have the basic skills and dropout prevention program as well.

Mr. President, my Indian constituents recently reminded me that the very first contract with America was between the Federal Government and the Indian people of this country.

In school districts such as the Gallup-McKinley school district in my State of New Mexico, Indian students need the services that this appropriation provides, and the school district serving them relies upon these Federal funds. These funds provide the services that enhance the cultural relevance and success of mainstream public education for students. They empower the Indian tribes and Indian people to remain involved in the education of their own children, even when these children are in public schools.

We ought not to be cutting programs that are essential for the very neediest in our society, and unless we adopt this amendment, that is exactly what we would be doing in this bill.

Mr. President, I think there are going to be many examples this year—we have already seen a few and we will see more when we come back from our August recess—where we are proposing to cut funding for education. As I go around my State of New Mexico and talk to people, that is not the priority that the people of my State have. They want us to maintain funding for education. In fact, if there is any additional funding to be used, they want it added to education.

Ninety percent of the Indian students in my State and in the country, in fact, get their education through the public schools, and the funds that are involved in this program are the funds that are helping those public schools to provide better education and are helping the Indian organizations and the tribal governments to participate in that.

Last Sunday, on July 30, Louis Gerstner, the CEO of IBM, told the Governors in their meeting in Vermont that America's top priorities should be setting "absolutely the highest academic standards and holding all of us accountable for results. Now. Immediately. This school year."

He went on to say, "Now if we don't do that, we won't need anymore goals, because we are going nowhere. Without standards and accountability, we have nothing."

Mr. President, I compliment Mr. Gerstner for his strong commitment to improving education. We need to demonstrate that same commitment in the U.S. Senate. This amendment will help us to do that.

The offset that I have identified in this amendment and which I am sure is not ideal, since no offset is ideal, but it

is the least painful of those that I come up with, essentially involves a 2 percent prorated reduction in funding for all other accounts covered by this bill. With that kind of a 2-percent reduction on a prorated basis, we can have the necessary \$26 million which is necessary to keep funding in 1996 at the same level that we have it in 1995 for these very important programs that help to educate Indian children in this country.

I urge my colleagues to support the amendment. I yield the floor, Mr. President.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, with regret, I am going to have to oppose this amendment first, by saying that, again, if you focus on only one line item in this appropriations bill or in all appropriations bill, you reach one conclusion. If you take the budget of the United States as a whole, you come up with an entirely different conclusion. It is correct that this particular Indian education program is subjected to a \$27 million reduction under the amount for the current year. In that, the Senator from New Mexico is entirely correct. But that is only one small part of the moneys which are devoted to Indian education.

For the Bureau of Indian Affairs and the schools that it conducts, a subject of the debate last night and early this morning, there is actually a small increase in the appropriation in this bill, one of a tiny handful of functions in the entire bill which is actually increased over 1995 in attempting to reach our goal of an 11-percent overall reduction.

But that figure pales to insignificance in comparison with the \$470 million which goes into Indian education programs administered by the Department of Education outside of this appropriations bill.

Mr. President, I do not think Members know that Indian children are the subject of impact aid payments to the school districts that provide education for them. Impact aid is something with which every Member of this body is familiar. It is the added payments made by the Federal Government for people who live on or work on Federal reservations, for children in school, by reason of the tax exemption of the lands on those Federal reservations.

So, for example, a child who is in a military family, with a family living on a military reservation, entitles the school district educating that child to impact aid. Indian children get that impact aid exactly as everybody else that is its subject.

This bill includes \$318 million, way more than the entire budget that we are talking about, in impact aid for Indian children. In fact, Indian children are doubly privileged, because they get all the impact aid and they get this program to which this amendment is an amendment, in addition. So we are

not speaking about the only or even the principal program which provides educational assistance for Indian children. I simply want to repeat, other parts of the budget and the appropriations bill which we will adopt include \$470 million for that purpose. It is infinitely more than what we are speaking about here.

But, Mr. President, at the same time, this amendment proposes to take money out of every other program covered by this bill, ironically including every other Indian program. So a significant portion of it will be transferred from other Indian programs.

I have already made the commitment to the distinguished Senator from Arizona, who chairs the Indian Affairs Committee, that when we arrive at a final amount of money for Indian programs, we will work with him for those internal priorities. This proposal sets those priorities by taking additional money from every other Indian program for this together with money from the National Park Service, which we have attempted to protect because of its obvious importance, for the National Endowment for the Arts, on which we have just had a long debate and a restoration of certain amounts of money, for energy programs, for our national forests, literally for everything else in this bill.

So everything in this bill, every program, every project, every agency, every responsibility is reduced by this amendment in order to deal with a single line item, which is far from the most important line item for the education of our children.

Mr. President, for that reason, I believe it should be rejected. I believe, also, that we would have a rollcall on it.

Does the Senator from New Mexico desire a rollcall vote?

Mr. BINGAMAN. Mr. President, I would desire a rollcall. I would like a few minutes to respond.

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. GORTON. Before the Senator from New Mexico speaks again, I will just say that we are going to attempt to stack the vote on this amendment with the vote on the amendment by the Senator from North Carolina on wolves and any other we may have. I hope perhaps we will settle with the Senator from Vermont.

Mr. LEAHY. If the Senator will indulge me for a moment, I understand that we may well have an agreement on mine. If we did, if it reaches that point, maybe we can take 15 seconds, and I would ask at that point that whatever is pending be set aside, and we can put all the statements in the RECORD and agree to it.

Mr. GORTON. I would be delighted.

Mr. BINGAMAN. Mr. President, let me take a few minutes to respond to

the comments of the Senator. Let me give my perspective on where we find ourselves, because I think it is important to always identify the context.

In my view, the budget resolution that was approved by the Senate and the House of Representatives has in it a very misguided set of priorities, and that is part of what is driving us to debate cuts within this Interior appropriations bill at this point. We are seeing that we have a bill coming up again tomorrow on defense matters, where we are proposing, under that budget resolution, to add \$7 billion to what the President has asked for and to what the Pentagon has asked for, primarily to fund Member-interest items, which is usually referred to in the public arena as "pork," at the same time that we are cutting funds for Indian education throughout this country.

So we have a very misguided set of priorities that have driven us to the situation that we find ourselves in today. For that reason, of course, I oppose that budget resolution.

Let me say that even within this bill I have great difficulty relating to the characterization that my colleague and friend from Washington made that the Indian students in this country are doubly privileged by getting impact aid funds plus other types of funds. The impact aid funds are clearly intended to make up for the loss of the local tax base. That is what that is. That is not free money. That is a result of the fact that local communities have no ability to tax locally, and, therefore, the Federal Government has said we will provide some level of assistance to offset the loss of revenue from the loss of that tax base.

The truth is that the Indian students in my State—at least, when I go around and visit schools, those schools are not luxurious; those are large classes, and those students do not have any kind of special privileges by virtue of being Indian students.

A principal of one of the schools in Gallup County came to see me—Karen Woods from Jefferson Elementary in Gallup-McKinley County. She said to me—and I think this is her perspective in trying to prepare for the new school year which will begin later this month—what she is facing is cuts in support for kindergarten. She is having to go from a full day down to a half day. There are cuts in counselors from the elementary school, cuts in bilingual education and funds for tutors, and cuts in chapter 1. She will have lost the first grade side-by-side program, as she explained it to me. Summer school for elementary students has been lost. Home school liaison program, which she had before, has been lost. Now we are proposing in this bill that the funds which she might have applied for to supplement public school funds to assist the Indian students, in particular, which the various tribes could have applied for, will also be cut.

So I think it represents a very misguided set of priorities. I hope very



much that we can do this. I wish we did not have to take a 2 percent reduction in the other accounts in this bill in order to at least maintain level funding for this year in this vitally important program. But that is the only way that I can figure out how to do it.

I think, on balance, that is the right set of priorities. On balance, we should be putting our children first and putting the education of our children first. I think our obligation in the Federal Government is nowhere greater than in the education of the Indian children in this country.

For that reason, I urge my colleagues to support the amendment and vote for it when we come to a final vote.

Mr. GORTON. Mr. President, I thank the Senator from New Mexico for the promptness in dealing with this amendment. I ask unanimous consent that we return to consideration of the Helms amendment and that we hear from the distinguished Senator from Rhode Island on that amendment.

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

The Senator from Rhode Island is recognized.

AMENDMENT NO. 2309

Mr. CHAFEE. Mr. President, I would like to discuss the Helms amendment that we have just returned to. What this amendment does is provide that no moneys appropriated under this act shall be used to implement or carry out the red wolf introduction program.

Mr. President, the amendment goes on to say, "and that the amount appropriated under this paragraph shall be reduced by \$968,000."

It is agreeable with the Senator from North Carolina that that last phrase I just stated—"and that the amount appropriated under this paragraph shall be reduced by \$968,000"—can be stricken.

Now, Mr. President, I presume that to have that amendment modified to that extent would have to come from the individual presenter of the amendment; am I correct?

The PRESIDING OFFICER. It can be done by unanimous consent.

Mr. CHAFEE. Well, the Senator from North Carolina might come back. If he does, I would prefer to have him do it. If he does not, at the conclusion of my remarks, I will ask unanimous consent to have that stricken.

I will proceed pending the return of the Senator from North Carolina, if he chooses to come back. He and I discussed this, and there is no doubt of his position on this particular clause.

Mr. President, a little review of the record. In 1967, which was 28 years ago, the red wolf was listed as endangered. By 1980, which was some 15 years ago, the red wolf was officially declared as extinct in the wild. It was gone, except in a few zoos.

In 1987, the Fish and Wildlife Service reintroduced red wolves into the Alligator River National Wildlife Refuge, which is in Dare County, NC. The red wolf population was determined to be

what they call a "nonessential experimental population." In other words, they released these pairs of wolves with the hope that they would come back and repropagate. Nonetheless, they are not a strictly experimental population. By calling them "nonessential," it meant that if they trespass out of their areas and so forth, they could be shot by the local individuals in the area if they destroyed wildlife and so forth or farm animals.

Now, a minimum of 40 to 50 red wolves are known to exist in the area now. In 1991, the Fish and Wildlife Service initiated a second reintroduction effort in the Great Smoky Mountains National Park. Part of it is in North Carolina and part of it is in Tennessee.

In addition, there are some 200,000 acres of privately owned land that is part of the recovery program. I presume that the great bulk of that privately owned land is owned by timber companies, not by somebody with a plot of 2 to 5 acres, but instead hundreds, indeed, thousands of acres owned by the timber companies.

A bill to allow private landowners to trap and kill red wolves on private lands in certain parts of North Carolina was passed by the State legislature and went into effect in January of this year. Recently, the Fish and Wildlife Service promulgated a special rule providing more flexible management to private landowners. In other words, this is treated somewhat differently than strictly an endangered species. There is no taking. You cannot shoot, you cannot trap them.

Mr. President, I was interested to discover that there are two red wolves in a captive breeding program in Roger Williams Park Zoo in our capital city of Providence, RI. An effort is being made throughout the country to bring back this species that, indeed, was declared extinct in the wild, and considerable success has attended it.

With this amendment by the distinguished senior Senator, my longtime seatmate—we sit side by side and have for some 12 or 14 years—would provide that no moneys appropriated under this act—that is the Endangered Species Act—or the Interior appropriations, could be used in connection to implement or carry out the red wolf reintroduction program.

I think that is unfortunate, Mr. President. I know that the senior Senator from North Carolina has ticked off some occasions when red wolves have attacked livestock, but I think those are relatively rare situations.

What I worry about, Mr. President, is that each of us can come in and tick off individually these species that have been reintroduced in our States, and we do not want that.

We all know in the Senate there is what they call senatorial prerogatives—a privilege, a deference. Both Senators from North Carolina are Republicans. I presume that the traditional deference will be granted to

them. It would not make any difference if they were both Democrats, or one Democrat and one Republican. Judicial deference will be granted by many, saying if that is what you want in your State, that is your business.

I think there is another view to this, Mr. President. I think it is to the advantage of all of us as a nation, as members of this society, as Americans, to have these populations come back. If they get out of hand, if we have wolves roaming all over the place and killing livestock—sheep and cattle, ducks, chickens, whatever it might be—there are ways of handling that. No question about it.

I do not think they represent a threat. I think the country is better off if we have some red wolves in these great national forests or great national parks or wildlife refuges, whatever they might be.

I might point out, Mr. President, that where these are taking place is in lands that belong to all of us. It is not just lands that belong to the folks in North Carolina or the folks in Tennessee. They belong to all of us.

Mr. President, I am sorry that this amendment has been presented. I suspect there will be considerable support for it. I indicated to the Senator from North Carolina that I would not be voting for it. I wanted to point out to others my feelings on it, and those that chose not to vote for it, obviously, I would be grateful for that likewise.

I think more than this particular case, Mr. President, yes, if we agree with red wolves, that is all right, the world will not come to a stop, but where do we go from here? What is next? What is after this?

Then, I believe, going after a grizzly or another type of wolf, no matter what it is. These have been declared endangered species, and in some cases extinct species, as in the case of the red wolf. Again, I want to express my appreciation to the distinguished Senator from North Carolina for taking out the last part dealing with the specific sums.

Now, why did he do that? He was gracious enough to do that because I pointed out to him that when he takes money from the recovery funds, it means that whole series of other animals and species and flora, there is less money for that recovery program.

There is a long list of things seeking to be protected under the recovery moneys which are very, very limited. I think total it is \$36 million in all. This would cut that by nearly \$1 million. An hour or so ago on this floor we managed, with the help of the distinguished managers of the bill, to increase that part in the recovery program by about \$1.5 million. We are cutting it by \$1 million. I am thankful, and I want to express my appreciation to Senator HELMS in that particular provision.

Mr. President, I do not see the Senator here. I know it is with his approval that I ask unanimous consent that the final clause in the amendment

of the Senator which follows the word "program" be eliminated. That is, the clause that says "and that the amount appropriated under this paragraph shall be reduced by \$960,000."

Mr. GORTON. Reserving the right to object, the Senator assures us this has been agreed to by the sponsor?

Mr. CHAFEE. No question about that, otherwise I would not be doing it.

Mr. GORTON. No objection.

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

The amendment (No. 2309), as modified, is as follows:

On page 10, line 19, strike the word "Act." and insert: "Act: *Provided*, That no monies appropriated under this act shall be used to implement and carry out the Red Wolf reintroduction program."

Mr. REID. Mr. President, I have been occupied across the hall, but I did have the opportunity to speak to the senior Senator from Rhode Island. I have to say that I do not agree with this amendment. I think that it sets a very bad precedent for us to start micromanaging what is going on in the Interior Department.

We already have established a moratorium with further listing of endangered species. Now we are coming in here with line-specific legislation dealing with a red wolf. I do not know about the red wolf. I do not think most people in this body know a great deal about the red wolf. I think that most of this body should agree we are not capable of legislating.

Because of the simple fact that one of the Senators, for whatever reason, decides he does not want something done with a specific animal or specie of plant in his State, he should not come in here and legislate something to be done or not done.

I think that we are legislating, of course, on an appropriations bill. This is a piecemeal approach, especially in light of the work that Senator KEMPTHORNE and I are engaged in to reauthorize the Endangered Species Act. On that matter, we have held five subcommittee hearings. There are more hearings scheduled for the recess a week from today. There is one in Casper, WY.

We intend to address the concerns of private landowners. The President, within the past 30 days, issued an Executive order that the Endangered Species Act basically does not apply to a private landowner owning less than 5 acres.

I just think this is wrong. I think it is a wrong way to legislate. This Interior appropriations bill is an important bill. I think this is wrong. I am not going to go into a lot more detail other than to say, Mr. President, that I move to table the Helms amendment and 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. GORTON. Could I inquire of the Senator from New Mexico whether he

will be prepared to go to a vote on his amendment after the disposition of this vote?

Mr. BINGAMAN. Mr. President, I am.

I ask unanimous consent that the Senator from Hawaii, Senator INOUE, be listed as a cosponsor of my amendment. I understand the yeas and nays have been ordered.

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

Mr. BINGAMAN. Let me ask the Senator from Washington if it is appropriate to ask unanimous consent for 4 minutes in between to explain my amendment; he could have 2.

Mr. GORTON. It is certainly OK.

Mr. BINGAMAN. I prefer that.

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

The PRESIDING OFFICER. The question is on the motion to table.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Florida [Mr. MACK] is necessarily absent.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] is absent because of illness in the family.

The result was announced—yeas 50, nays 48, as follows:

[Rollcall Vote No. 376 Leg.]

YEAS—50

Akaka	Glenn	Mikulski
Baucus	Graham	Moseley-Braun
Biden	Gregg	Moynihan
Bingaman	Harkin	Murray
Boxer	Heflin	Nunn
Breaux	Hollings	Pell
Bryan	Inouye	Pryor
Bumpers	Jeffords	Reid
Chafee	Johnston	Robb
Cohen	Kennedy	Rockefeller
Daschle	Kerrey	Roth
Dodd	Kerry	Sarbanes
Dorgan	Kohl	Simon
Exon	Lautenberg	Snowe
Feingold	Leahy	Specter
Feinstein	Levin	Wellstone
Ford	Lieberman	

NAYS—48

Abraham	Domenici	Lugar
Ashcroft	Faircloth	McCain
Bennett	Frist	McConnell
Bond	Gorton	Murkowski
Brown	Gramm	Nickles
Burns	Grams	Packwood
Byrd	Grassley	Pressler
Campbell	Hatch	Santorum
Coats	Hatfield	Shelby
Cochran	Helms	Simpson
Conrad	Hutchison	Smith
Coverdell	Inhofe	Stevens
Craig	Kassebaum	Thomas
D'Amato	Kempthorne	Thompson
DeWine	Kyl	Thurmond
Dole	Lott	Warner

NOT VOTING—2

Bradley Mack

So the motion to lay on the table the amendment (No. 2309), as modified, was agreed to.

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

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2310

The PRESIDING OFFICER. There are now 4 minutes equally divided on the Bingaman amendment.

Mr. BINGAMAN addressed the Chair. The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I want to take a minute and then defer to the Senator from Washington, and then take the last minute to make a final plea for this amendment.

Mr. President, this amendment would restore \$126.6 million for Indian education programs that are funded on a competitive basis. The funds go to Indian tribes and Indian tribal organizations.

The bill, as it presently stands, contemplates a 34-percent cut in these funds for Indian education. I think that is not a responsible course for us to follow.

The amendment has an offset, which essentially is a 2-percent reduction across the board in all other accounts covered by the bill. I know that is not a good result in the eyes of many people, but I do think that the priority of this Senate should be to put in funds for the education of our children and particularly the Indian children of this country who depend upon the Federal Government for support.

I will yield 2 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, this account represents no more than 10 percent of all of the money which goes into the education of Indian children. The great bulk of this account goes to school districts that educate Indian children. But those Indian children already get a credit through impact aid just as do other children on Federal reservations and the like.

I wish to repeat, impact aid applies to Indian children. This is over and above impact aid. The impact aid budget for this year is some five or six times greater than the amount that is included in this fund.

There is more than \$470 million in the Department of Education for Indian education. The BIA line in this bill has more money for Indian education than it does for the current year, one of the tiny handful of programs that actually gets an increase.

And yet the Senator from New Mexico will take money, significant amounts of money from our National Park System, from our cultural institutions, from our scientific institutions, and ironically this cut will apply to all of the other Indian programs which were spoken of earlier today. They will also lose. The amendment I believe should be rejected.

Mr. BINGAMAN. Mr. President, let me just conclude by saying that this amendment goes to the funding which is intended for tribes and tribal organizations to assist in the education of their own children. These are the only funds anywhere in this bill or, as far as I know, anywhere in any of the appropriations bills that are intended to empower tribes to assist in the education of their own children.

We give a lot of speeches about empowering people to do things. I think this is a priority. I think we ought to fund this. I regret that we are having to reduce other accounts by 2 percent, but this is a higher priority. I would rather reduce those accounts 2 percent than this funding level here, 34 percent, which is what the present bill calls for.

Mr. President, I think the yeas and nays have been requested already.

Mr. GORTON. Mr. President, I move to table the Bingaman amendment and 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 motion to table the Bingaman amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

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

Mr. LOTT. I announce that the Senator from Florida [Mr. MACK] is necessarily absent.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] is absent because of illness in the family.

The result was announced—yeas 68, nays 30, as follows:

[Rollcall Vote No. 377 Leg.]

YEAS—68

Abraham	Gorton	Mikulski
Ashcroft	Graham	Moseley-Braun
Bennett	Gramm	Moynihan
Bond	Grams	Murkowski
Breaux	Grassley	Nunn
Brown	Gregg	Packwood
Bumpers	Hatfield	Pressler
Byrd	Helms	Pryor
Chafee	Hollings	Reid
Coats	Hutchison	Rockefeller
Cochran	Jeffords	Roth
Cohen	Johnston	Santorum
Coverdell	Kassebaum	Sarbanes
Craig	Kempthorne	Shelby
D'Amato	Kennedy	Simpson
DeWine	Kohl	Smith
Dodd	Lautenberg	Snowe
Dole	Leahy	Specter
Exon	Levin	Stevens
Faircloth	Lieberman	Thompson
Ford	Lott	Thurmond
Frist	Lugar	Warner
Glenn	McConnell	

NAYS—30

Akaka	Domenici	Kerry
Baucus	Dorgan	Kyl
Biden	Feingold	McCain
Bingaman	Feinstein	Murray
Boxer	Harkin	Nickles
Bryan	Hatch	Pell
Burns	Heflin	Robb
Campbell	Inhofe	Simon
Conrad	Inouye	Thomas
Daschle	Kerrey	Wellstone

NOT VOTING—2

Bradley	Mack
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So the motion to table the amendment (No. 2310) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the motion was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, I ask unanimous consent that a letter from

the Secretary of the Interior to Senator HATFIELD on the subject of the Western Water Policy Review Commission be printed in the RECORD. This letter relates to language included in the Interior appropriations bill.

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

SECRETARY OF THE INTERIOR,  
Washington, DC, August 9, 1995.

Hon. MARK O. HATFIELD,  
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I want to convey to you the Administration's commitment to establish the Western Water Policy Review Commission as called for in Public Law 102-575 by the end of September 1995. The Department will publish the Commission's Charter in the Federal Register by that date and constitute the Commission.

I look forward to working with you and other members of Congress on the important work of this Commission.

Sincerely,

BRUCE BABBITT.

AMENDMENTS NOS. 2311 THROUGH 2324, EN BLOC

Mr. GORTON. Mr. President, I believe at this point that we have no more contested amendments. We do have a few left that have not been completely cleared at this point. But in order to facilitate progress, I will now offer a series of amendments, en bloc, that have been cleared and ask for their immediate consideration:

An amendment, No. 2311, by Senator BYRD on the use of AML funds;

An amendment, No. 2312, by Senator CRAIG on Clearwater National Forest;

An amendment, No. 2313, by Senator JEFFORDS on indemnity provisions within the National Endowment for the Arts;

An amendment, No. 2314, by Senator KYL on the Indian arts and crafts board;

An amendment, No. 2315, by Senator MCCAIN on fossil energy research and development;

An amendment, No. 2316, by Senator SNOWE transferring National Park Service funds from land acquisition to the national recreation and preservation fund;

An amendment, No. 2317, by Senator HUTCHISON on the NBS aerial surveys;

An amendment, No. 2318, by Senator SPECTER on Kane Experimental Forest;

An amendment, No. 2319, by Senator BAUCUS on Lolo National Forest;

An amendment, No. 2320, by Senator DOMENICI on petroglyphs;

An amendment, No. 2321, by Senator MURKOWSKI on Denali North access;

An amendment, No. 2322, by Senator MURKOWSKI on stampede mine;

An amendment, No. 2323, by Senators MCCONNELL and FORD on the Department of Energy appliance standards;

An amendment, No. 2324, by Senator LEAHY on stewardship incentives program.

Mr. BYRD. Mr. President, all of these amendments have been cleared on this side of the aisle. I support the manager's request.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON] proposes amendments numbered 2311 through 2324, en bloc.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 2311

(Purpose: To clarify the availability of funds for abandoned mine environmental restoration)

On page 30, line 17, before the period, insert the following: "Provided further, That funds made available to States under title IV of Public Law 95-87 may be used, at their discretion, for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: Provided further, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act".

AMENDMENT NO. 2312

(Purpose: To provide that the adoption of an amendment to the resource management plan for the Clearwater National Forest under section 314(c)(2) of the bill will satisfy the requirement for revision referred to in the Stipulation of Dismissal dated September 13, 1993, relating to that national forest)

On page 118, between lines 2 and 3, insert the following:

"(7) On the signing of a record of decision or equivalent document making an amendment for the Clearwater National Forest pursuant to paragraph (2), the requirement for revision referred to in the Stipulation of Dismissal dated September 13, 1993, applicable to the Clearwater National Forest is deemed to be satisfied, and the interim management direction provisions contained in the Stipulation Dismissal shall be of no further effect with respect to the Clearwater National Forest."

AMENDMENT NO. 2313

At the appropriate place (end of page 136) add the following new section:

Public Law 94-158 is modified to extend the scope of the Arts and Artifacts Indemnity Act to include exhibitions originating in the United States and touring the United States for indemnification subject to the availability of funds.

AMENDMENT NO. 2314

(Purpose: To provide for the continued operation of the Indian Arts and Crafts Board)

On page 31, line 15, strike "\$997,221,000" and insert "\$997,534,000".

On page 31, line 16, after "which" insert the following: "\$962,000 shall be used for the continued operation of the Indian Arts and Crafts Board and an amount".

On page 43, line 1, strike "\$58,109,000" and insert "\$57,796,000".

Mr. KYL. Mr. President, this amendment would add \$313,000 to the budget of the Indian Arts and Crafts Board at the Department of the Interior, bringing the total for the Board to \$962,000 for the upcoming fiscal year. The funding would be offset by an equal reduction in the departmental management account.

My amendment will ensure that a small, but important arts agency, the

Indian Arts and Crafts Board, can continue its operations. I want to make it clear to my colleagues, however, that even if the amendment is adopted, the Arts and Crafts Board will take a 10-percent cut from the current year level—a 20-percent cut from the President's budget request.

The work of the Indian Arts and Crafts Board is about creating opportunities for native American artisans, particularly young people who must decide whether to continue the historical and cultural traditions that are entailed in Indian art and craftmaking.

The Board helps to foster such opportunities for native American artisans, providing business advice and technical assistance to Indian individuals and organizations; helping to identify new markets for Indian craft businesses; and promoting Indian art in Board museums as well as outside exhibitions.

The most important function of the Board relates to implementation of the Indian Arts and Crafts Act of 1990, which directs the Board to assist native American artisans, tribes, or marketing organizations in obtaining trademarks for their products. Such marks of genuineness—trademarks—help develop markets for Indian products, as well as assure consumers that the products they buy are indeed genuine Indian. The act also establishes stiff penalties for misrepresentation of works as Indian produced when they are not. The 1990 act represents a free market approach to promoting economic development in Indian country.

In a nutshell, the 1990 act gives the Board authority to obtain trademarks for Indian artisans and thus help them distinguish their works in the marketplace. This also helps consumers determine genuineness. It strengthens criminal penalties for violations—counterfeiting of trademarks—and establishes new civil remedies against those who misrepresent works as Indian produced when they are not. In short, it cracks down on the fraud which is siphoning off a significant share of the market for native American artisans.

Prior to passage of the 1990 act, the Commerce Department had estimated that imported imitation Indian handicrafts were siphoning off 10 to 20 percent from genuine Indian artisans' markets. Commerce also found that much of the counterfeit market was made up of jewelry that undersold the genuine articles made by craftsmen such as the Navajo, Hopi, and Zuni, by as much as 50 percent.

That is significant because, if Indian artisans cannot make enough money due to competition from cheap fakes, they will abandon the arts, and rich native American traditions will die out as a result. Or, if they have to increase productivity at the expense of time-honored manufacturing techniques in order to compete with imitation products, an important part of their heritage will be compromised and lost.

Mr. President, for many Native Americans, their art is their sole source of income. These are not wealthy people. I met with one Navajo couple, for example, whose ability to produce more Navajo rugs was limited by their inability to raise more sheep. These people are struggling from day to day to make ends meet.

I am not asking in our amendment that Indian artisans get special treatment. We're proposing a funding level that represents a 10-percent cut from the fiscal year 1995 level. What I am asking is that the Indian Arts and Crafts Board be allowed to continue its work promulgating the regulations to implement and enforce the 1990 act; to continue its work on behalf of native American artisans.

Mr. President, I urge my colleagues to support this amendment.

## AMENDMENT NO. 2315

(Purpose: To provide that any new fossil energy research and development project start shall be cost-shared with a private entity)

On page 77, line 12, before the period, insert the following: “: *Provided further*, That any new project start funded under this heading shall be substantially cost-shared with a private entity to the extent determined appropriate by the Secretary of Energy”.

Mr. McCAIN. Mr. President, this amendment would require that any new starts in the area of coal, gas, or oil research and development be cost shared with private industry.

Mr. President, at a time that we are cutting spending in programs across the board in order to gain control over the Federal budget, we must look very critically at those activities undertaken by the Federal Government which could and should be funded by private industry.

In fact, I believe we should not engage in any new starts and that we should consider very seriously turning over research and development activities intended to benefit particular industries, to those industries. Until that decision has been made, however, we should at the very least require private industry to put up a substantial cost share for any new research activities undertaken by the Department of Energy.

I trust that my colleagues will agree and that this amendment can be accepted.

## AMENDMENT NO. 2316

(Purpose: To transfer certain funds from land acquisition to national recreation and preservation)

On page 18, line 17, strike “\$38,051,000” and insert “\$38,094,000.”

On page 19, line 26, strike “\$43,230,000” and insert “\$43,187,000.”

## AMENDMENT NO. 2317

(Purpose: To protect citizens' private property rights)

On page 16, line 17, strike the word “surveys” and insert the following: “surveys, including new aerial surveys.”

## AMENDMENT NO. 2318

(Purpose: To provide funds for the acquisition of subsurface rights in the Kane Experimental Forest)

On page 69, line 11, after “expended” insert the following: “: *Provided*, That of the amounts made available for acquisition management, \$1,000,000 may be made available for the purchase of subsurface rights in the Kane Experimental Forest”.

Mr. SPECTER. Mr. President, my amendment would provide \$1 million to the Forest Service for the acquisition of subsurface oil and gas rights beneath the Kane Experimental Forest to protect the vital research and experimentation programs in the forest. I am advised that if these subsurface rights are not purchased this year, the landowner is likely to allow the commencement of exploration for oil and gas under the forest.

Located on the eastern boundary of the Allegheny National Forest, the 1,737-acre Kane Experimental Forest is the field headquarters of the Allegheny Plateau Research Center of the U.S. Forest Service's Northeastern Forest Experimental Station. This research station has been a leader in the development of Allegheny hardwood management techniques since the 1930's. Over the years, the Forest Service has pursued an acquisition program of subsurface rights where important research would be adversely impacted by further oil and gas exploration. This program of acquisition has now moved to the Kane Experimental Forest, where new extraction activities are planned, some of which would likely eviscerate the vital research and experimental programs of the forest.

The Forest Service has requested a \$1 million appropriation for fiscal year 1996 to allow the agency to purchase the subsurface oil and gas rights beneath the Kane Experimental Forest. These funds would allow the consolidation of surface and subsurface rights throughout the forest to continue while protecting invaluable forest research and data. This would also reduce the management costs that the Forest Service currently incurs by having to monitor the extraction activities in the Kane Forest.

Mr. President, I would note that my amendment makes these funds available for the purchase of these subsurface rights, but leaves the decision to the discretion of the Forest Service.

I urge the adoption of my amendment and yield the floor.

## AMENDMENT NO. 2319

(Purpose: To provide that \$275,000 shall be made available from the cash equalization account in the Land and Water Conservation Fund for the acquisition of Mt. Jumbo in the Lolo National Forest, Montana)

On page 69, line 11, insert “, of which \$275,000 may be made available from the cash equalization account for the acquisition of Mt. Jumbo in the Lolo National Forest, Montana” before the period.

## AMENDMENT NO. 2320

(Purpose: To provide additional funding for the National Park Service land acquisition program)

On page 19, line 26, strike "\$43,230,000" and insert "\$45,230,000.

On page 2, line 11, strike "\$565,936,000" and insert "\$563,936,000.

On page 3, line 5, strike "\$565,936,000" and insert "\$563,936,000.

Mr. DOMENICI. Mr. President, I offer an amendment to provide \$2 million to continue the acquisition of land at the Petroglyphs National Monument in Albuquerque, NM.

I offer this amendment today because these ancient Indian rock carvings continue to be directly threatened by development and urban encroachment.

The distinguished chairman and ranking member have done their best to address land acquisition requirements. The subcommittee has focused its efforts on acquisitions wherein funding will complete the Federal Government's obligation for land purchase.

While the \$2 million in this amendment will not complete acquisition at the Petroglyphs National Monument, it will ensure that we continue our commitment to the landowners within the boundaries of the monument.

Many of these landowners have announced their intention to develop their property if no funding is made available to purchase their property next year. Several landowners have begun breaking ground on their property.

These landowners have worked in good faith with the city of Albuquerque, the National Park Service, and the Congress during the establishment of this monument, expecting to be compensated within a reasonable time.

Mr. President, the Petroglyphs National Monument stretches for more than 17 miles across Albuquerque's west side. Only 800 acres remain to be purchased within the boundaries of the monument. This \$2 million will purchase property in the southern portion of the monument, most of which belongs to Westland Development.

Mr. Chairman, to ensure that the overall bill remains within the subcommittee's 602(b) allocation, I am fully offsetting this amendment by reducing by \$2 million the Bureau of Land Management automated land and minerals records system. This fully offsets the outlays needed for the amendment.

## AMENDMENT NO. 2321

(Purpose: To direct the National Park Service to conduct, within existing funds, a Feasibility Study to evaluate proposals for a northern access route into Denali National Park and Preserve)

At the appropriate place in the bill insert the following section:

SEC. . The National Park Service shall, within existing funds, conduct a Feasibility Study for a northern access route into Denali National Park and Preserve in Alaska, to be completed within one year of the enactment of this Act and submitted to the Senate Committee on Energy and Natural Resources and the House Committee on Resources. The Feasibility Study shall ensure

that resource impacts from any plan to create such access route are evaluated with accurate information and according to a process that takes into consideration park values, visitor needs, a full range of alternatives, the viewpoints of all interested parties, including the tourism industry and the State of Alaska, and potential needs for compliance with the National Environmental Policy Act. The Study shall also address the time required for development of alternatives and identify all associated costs.

The Feasibility Study shall be conducted solely by National Park Service planning personnel permanently assigned to National Park Service offices located in the State of Alaska in consultation with the State of Alaska Department of Transportation.

Mr. MURKOWSKI. Mr. President, Denali National Park and Preserve is one of the Nation's most magnificent of natural resources. The park exemplifies Alaska's character as one of the world's last great frontiers for adventure. Every year, the park instills awe into the thousands of visitors who are lucky enough to see it.

Unfortunately, few ever have the opportunity to enter the park. The 1994 visitor season brought 490,149 visitors to the entrance of the park, only 241,995 of which were allowed to proceed past the entrance check point. The other 249,154 visitors were turned away. In other words Mr. President, 51 percent of the visitors intending to visit Denali National Park were not allowed to set foot in the grandeur of this 6 million acre park.

To some, 6 million acres may not sound like a significant piece of real estate, but once you realize that the park is equivalent in size of the State of Maryland, and that within this vast area there is only one 90-mile gravel road to accommodate a very limited number of park visitors, you can begin to realize some of my frustration with the management practices of the National Park Service.

The National Park Service sees nothing wrong with operating a park the size of the State of Maryland in a way that keeps the majority of visitors out of "their" park. Those fortunate enough to get past the entrance check point, complete with an armed guard, who I affectionately refer to as "check point Charley," the average park visitor is then confined to the narrow corridor of one gravel roadway, the length of which is less than a round trip from Washington to Baltimore.

I find this whole concept to be a fraud on the park visitor. The visitor in this case is bused 90 miles down a dusty road and then afforded the opportunity to return to "check point Charley" by exactly the same route. Thankfully, the NPS does not charge extra for this double look at the resource.

From a park management standpoint it makes little sense to crowd every visitor onto one length of existing roadway in a 6-million-acre park. The Park Service is now complaining that visitors are causing some compaction of soils along the side of the existing corridor. Now that is what I call a scientific discovery. It proves that there

is some intelligent life within the Service. Someone has actually noticed that if you confine most of your visitors to a single pathway, eventually some soil compaction will take place. Mr. President, great strides are being taken here. Unfortunately, we are going the wrong way.

There is little movement to accommodate the increasing number of park visitors, only warnings that increased visitation will damage every single acre of the 6-million-acre park.

Mr. President, from the very beginning, the national park equation included the accommodation of visitors. It is apparent that visitors are becoming less important in the park management scheme. It is high time that we balance the national park equation again by reestablishing visitors as important and desirable components of the system.

Mr. President, my amendment will assist the National Park Service in fulfilling their mandate: it will encourage the accommodation of park visitors. When enacted, my amendment would direct the Service to accomplish a feasibility study on a second access road into Denali National Park using a northern route which would carefully avoid any designated wilderness and would have little impact on the environment.

Mr. President, in all fairness, the National Park Service is looking at a southern location from which visitors will at least be able to see the mountain. The proposal calls for a visitors' site to be located on adjacent State land. But you may be certain that the road will stop at the park boundary. God forbid that anyone would let additional park visitors actually visit a park.

The visitor needs access, moreover, the visitors want access. Mr. President, imagine how disappointed you and your family would be, if after you had traveled thousands of miles to see the great vistas of Denali and Mount McKinley, "check point Charley" told you there was no room in the 6-million-acre park. I doubt that you would be overjoyed. Last year it happened to 51 percent of the visitors.

Mr. President, it is far more intelligent to provide additional access by a well planned alternative route than to continue turning away thousands of visitors and managing the rest in a way that results in damage to Denali's resources.

This amendment does not construct a highway, it only studies an alternative solution to accommodate park visitors. My amendment would require the National Park Service to complete a feasibility study, within available park funds.

The study would evaluate current proposals for a northern access route. It would ensure that the resource impacts from any plan to create a new access route are evaluated with accurate information and in a process that considers park values, visitor needs, a full

range of alternatives, the viewpoints of all interested parties, including the tourist industry and the State of Alaska, and potential needs for compliance with the National Environmental Policy Act.

The study would also address the time required for development and all associated costs.

I urge my colleagues to support the amendment.

AMENDMENT NO. 2322

(Purpose: Within existing park funds to provide design and construction drawings for the replacement of buildings accidentally destroyed by the National Park Service, and for other purposes)

At the appropriate place in the bill insert the following section:

SEC. . Consistent with existing law and policy, the National Park Service shall, within the funds provided by this Act, at the request of the University of Alaska Fairbanks, enter into negotiations regarding a memorandum of understanding for the continued use of the Stampede Creek Mine property consistent with the length and terms of prior memoranda of understanding between the National Park Service and the University of Alaska Fairbanks: *Provided*, That within the funds provided by the National Park Service shall undertake an assessment of damage and provide the appropriate committees of the Senate and House of Representatives, no later than May 1, 1996, cost estimates for the reconstruction of those facilities and equipment which were damaged or destroyed as a result of the incident that occurred on April 30, 1987 at Stampede Creek within the boundaries of Denali National Park and Preserve: *Provided further*, That the National Park Service shall work with the University of Alaska Fairbanks to winterize equipment and materials, located on the Stampede Creek mine property in Denali National Park, exposed to the environment as a result of the April 30, 1987 incident.

Mr. MURKOWSKI. Mr. President, in 1987 an explosion rocked a mine in a remote region of Denali National Park and Preserve.

Newspaper reports were sketchy; few individuals could have read between the lines to realize that a man's life work was involved, that the U.S. Army, the University of Alaska, and the National Park Service were interested parties, and that no one was willing to accept blame.

Mr. President, the very short version of this story is that the National Park Service illegally took private property, and blew it up and in the process violated a number of environmental laws as well as the provisions of the Historic Preservation Act.

The Stampede Creek mine is 115 air miles southwest of Fairbanks, located in the Kantishna Hills region of Denali National Park and Preserve.

As early as 1915, the site was mined for antimony, a high-priced metal used for alloys and medicine. In 1942, Earl R. Pilgrim purchased the claims and under his hands-on direction the mine continued to operate and ship antimony until 1972. At one time, the mine was the second largest producer of antimony in the United States.

Located in an isolated section of the park preserve, The Stampede mine was

found to be eligible for listing on the National Register of Historic Places on June 20, 1989. Today the mine site contains, or excuse me, did contain several historic structures. The site is rich in equipment, machinery, tools, and the myriad objects that make up the stuff of a mining camp. Many of these items are unique to Pilgrim's operation and reflect his own inventiveness and mechanical skills.

In 1979, Stampede Mines LTD. entered into negotiations with the National Park Service and the University of Alaska. As a result of those negotiations the mining company made a donation to the National Park Service of the surface rights including road access from the airstrip, the historic buildings, water rights, and stream banks.

It was thought at the time that the National Park Service possessed the wherewithal to better maintain and protect the valuable historic structures. Unfortunately, history would record that there was little merit to this line of thinking.

At the same time, the University of Alaska Fairbanks, School of Mineral Engineering was donated all the mineral rights, mining equipment and fixtures with mineral development restrictions for the education of students.

Mr. President, the mineral development restrictions included provisions which allowed for only educational use of the mineral estate. No commercial mining would be allowed, only small-scale educational mining, and even though the buildings, roads, trails, and air strip were owned by the Park Service, the university would be responsible for maintaining them.

The school of Mineral Engineering was most pleased with the arrangement and looked forward to providing their mining students a unique opportunity to learn first hand about past and present day mining operations and equipment. Given the chance, they would like the opportunity to conduct such an educational program in the future.

The educational program is consistent with the intent of the university's receipt of the property. The School of Mineral Engineering has developed a meaningful program that provides instruction-investigation about environmentally sound mineral exploration and mining techniques in a sensitive natural environment—as well as studying the geology, biology, and ecology of the area, and studying the historical aspects of Mr. Pilgrim's mine.

The program has already helped the mineral industry develop methods to explore for and develop minerals on lands located in sensitive areas throughout Alaska, even on land controlled by the Department of the Interior.

Mr. President, it was to be an absolute win for the National Park Service and a win in the field of education for the university. No one in their worst nightmares, would have believed that

the National Park Service could blow this opportunity.

During 1986 to 1987 National Park Service personnel conducted field inspections of old mining sites located on their lands for the purposes of identifying potentially contaminated sites and hazardous conditions.

Toward the end of July 1986, the Stampede Creek site was examined. The inspectors recommended immediate action to examine the safety of old blasting caps and chemicals at the site. Before taking any action, the inspectors recommended that the ownership issue be resolved. In other words, someone actually considered private property. The matter was treated as serious, but not as an emergency or life-threatening situation. Nothing further occurred for 8 months.

Subsequently, National Park Service personnel and members of the U.S. Army's Explosive Ordinance Detonation Team arrived, unannounced, at the Stampede Mine site and on April 30, 1987 changed the configuration of the mine site and its historic structures.

Mr. President, they moved 4,000 pounds of ammonium nitrate—private property of the University—and placed it on top of the still frozen Stampede Creek. Ammonium nitrate may sound dangerous but in its packaged state it is nothing more than common fertilizer.

They piled 4,000 pounds of fertilizer on top of the creek and added several half gallon bottles of acid—more private property which they retrieved from the assay lab. Finally they added 45 points of high explosives—set the charge and left the area.

When the smoke cleared and all of the debris fell back to Earth, they found the explosion left a crater 28 feet wide and 8 feet deep in the creek. There was also a noticeable change in the mining site.

Mr. President, this is a picture of the Stampede Mine site prior to the arrival of the National Park Service. This is a picture of the mill upon their return to see if they had gotten rid of the fertilizer and chemicals.

In addition to the mine entrance and mill, damage occurred to other buildings, trees, landscape, and stream bed. The bombing also blew up a 5,000 ton tailings pile which, by using USGS records for the current price of metals, would be worth approximately \$600,000 in place. Unfortunately the heavy metals of the tailings pile were last seen moving from the site and being scattered throughout the environment by the force of the blast.

One of the most telling reports concerning this debacle is from the U.S. Army incident report No. 176-23-87 which stated that the NPS personnel were aware that detonation would result in damage to the surrounding buildings and according to Sergeant Seutter "at no time was it relayed to me that damage—was unacceptable."

Mr. President, violations of the law are clear. There are violations of the

Clean Water Act, the Historic Preservation Act, Section 404 of the Clean Water Act involving wetlands, not to mention the taking and destruction of private property.

Further, since the explosion, approximately \$2 million worth of mining equipment—some historic—has been damaged or destroyed due to exposure to inclement weather and the normal Alaska freeze and thaw cycles.

What I find equally outrageous is the fact that no one from the National Park Service has said "I am sorry."

Mr. President, my amendment does not attempt to rectify all the wrong that has been done. My amendment would direct the Park Service to issue a 10 year special use permit to the University of Alaska so that they may continue their worthwhile education program with some assurance of program continuity and to insure that the \$20,000 they have invested and other monies they continue to invest will not be lost or be spent in vain.

My amendment also directs the Park Service, within appropriated park funds, to provide appropriate committees with cost estimates for the repair and or restoration of buildings and equipment damaged or destroyed by the National Park Service in this unfortunate incident, and to provide temporary shelter on site for any equipment and materials now exposed to the weather on the site.

I urge my colleagues to support this amendment.

Thank you, Mr. President. I yield the floor.

AMENDMENT NO. 2323

(Purpose: An amendment in regard to the Department of Energy Code and Standards Program)

On page 128, strike section 320, and insert the following: "None of the funds made available in this Act shall be used by the Department of Energy in implementing the Codes and Standards Program to propose, issue, or prescribe any new or amended standard: *Provided*, That this section shall expire on September 30, 1996: *Provided*, That nothing in this section shall preclude the Federal Government from promulgating rules concerning energy efficiency standards for the construction of new federally owned commercial and residential buildings."

Mr. MCCONNELL. Mr. President, just a couple weeks ago on this floor, we had an extensive debate on the issue of regulatory reform. A lot of amendments were offered, a lot of work was done, and a great many speeches were delivered—but in the end, nothing was delivered to the American people.

It became clear that the only regulatory reform that would be allowed to pass would be something so watered down that it was hardly worth passing at all. And the leadership wisely decided to pull the bill down.

Because of that, however, Americans today remain vulnerable to overzealous, overreaching Federal regulators. Consumers, businesses, and volunteer organizations are the easy prey of aggressive bureaucrats—who take the laws that we pass and twist them into

absurd, extreme restrictions that impact the lives of everyday Americans.

The amendment I am offering today addresses one such instance of overreaching regulation. It is, if you will, a minor skirmish in the regulatory reform war. But in the balance are consumers' pocketbooks, as well as a huge number of jobs—in my State, and in many others as well.

Specifically, my amendment would put a 1-year moratorium on so-called energy efficiency regulations that the Department of Energy is preparing to issue under its Codes and Standards Program.

Now, let me make it very clear that my amendment is not hostile to the laudable goal of energy efficiency. Nor is it intended to shut down the regulatory process under DOE's Codes and Standards Program. No one disputes the fact the energy efficiency is important; or that DOE has played a key role in encouraging companies and products to be more energy efficient.

Nevertheless, as has happened all too often in the regulatory arena, DOE is on the brink of adopting new rules that would have tremendously adverse consequences on consumers and workers alike.

My amendment does not repeal the proposed regulations. Nor does it affect the enforcement of any existing energy efficiency regulations. What it does is impose a 1-year moratorium on the DOE ability to propose, issue or prescribe any new regulations under the Codes and Standards Program, so that both their impact and their relative benefit can be better assessed.

I want to be quite clear on this point.

My amendment would not affect energy efficiency labeling of products. Consumers could continue to make well-informed choices about the relative energy consumption of various household appliances.

Further, DOE could continue to test products and measure their energy efficiency. All my amendment does is call a timeout in the middle of a regulatory process that is about to become horrendously burdensome for thousands of workers and millions of consumers.

If we do not pass this amendment, and the proposed DOE regulations are adopted, consumers will see their range of choices sharply limited—almost to the point of a legalized monopoly—and workers could see their plants shut down, almost overnight.

I should point out that the bill before us recognizes the seriousness of this problem by including a moratorium on enforcement of these regulations—but just for one product alone: fluorescent lamp ballasts. I agree that these regulations pose a serious threat to fluorescent lamp ballasts, but the problem is clearly much broader than that.

The new standards proposed by DOE would affect refrigerators, air-conditioning units, water heaters, pool heaters, and mobile home furnaces. Other products, like freezers, washing machines, clothes dryers, dishwashers,

and electric motors, could also be hit hard by DOE regulations that are now under consideration.

Companies that make these basic household appliances are facing enormous costs because of the new standards. Manufacturing processes and product designs will have to be drastically altered. In some cases, entire product lines will simply be abandoned, and the employees who make them will be dumped out on the streets.

Moreover, consumers who rely on these kinds of basic household appliances will face a drastic reduction in choice, along with steep increases in price, as manufacturers scramble to meet the new standards coming out of Washington.

This is an all-too-common tale of regulation gone wild: overzealous bureaucrats, proposing pie-in-the-sky restrictions, which inflict heavy costs on American families who struggle to make ends meet.

Once again, the Federal regulatory apparatus is poised to disrupt a broad range of industries, and pass the costs on to middle-class consumers.

My amendment would give Congress the breathing room it needs to study the regulations, analyze their impact, and suggest alternatives that meet the goal of energy efficiency without threatening jobs or ratcheting up the price tag for basic household appliances.

I am pleased that the chairman of the Energy and Natural Resources Committee, Senator MURKOWSKI, has endorsed in a letter the approach taken by my amendment. In my view, the Energy Committee is best equipped to review the matter and recommend changes that are needed. I ask unanimous consent that Senator MURKOWSKI's letter on this subject be made part of the record.

I would also like to point out that the House, by a vote of 261 to 165, approved language that is virtually identical to what I am proposing now.

But ultimately, what matters to me is not what the House did or anything else: it is what the DOE regulations will do to thousands of employees in my home State, many of whom will lose their jobs at some point because of some bureaucratic decision made in Washington.

For example, the General Electric plant in Louisville is the largest single-site employer in my State.

I'm proud to say that the hard-working employees at the G.E. plant turn out some of the highest quality home appliances in the world. In fact, it's likely that just about everyone in this body—and most everyone watching C-SPAN today—has at one point or another owned a high quality home appliance that was made at G.E. in Louisville.

What do these pending Federal regulations mean to the workers at the G.E. plant?

The new energy efficiency standards—just for refrigerators—will cost

the company \$187 million, and that's only in the short term.

Possible new standards for clothes washers could force G.E. to shut down a brandnew \$100 million facility, and hand out pink slips to up to 2,000 employees who work there.

Here we're trying to encourage investment and job creation—and these regulations could force a Kentucky plant to close down a state-of-the-art manufacturing operation and let go of thousands of employees.

All because some bureaucrats in Washington are designing their perfect world for the rest of the country to follow.

Similar effects will be felt by other players in the home appliance industry, across the country. Ask the workers in your State who manufacture home appliances. They will tell you that these regulations are economic poison in their industry.

In fact, there's only one manufacturer who supports these regulations; and not surprisingly, that one manufacturer is uniquely positioned to benefit from the regulations that this amendment seeks to delay.

It so happens that this one manufacturer already holds a 50-percent share in the clothes washer market.

But apparently, that is not enough. So what this one company hopes to do is use the Federal regulatory system to drive its competitors out of business.

It conveniently turns out that this company is the only one that makes a certain kind of clothes washer which some Federal bureaucrat likes. All other companies will have to radically change the way they make clothes washers, just to stay in the game.

Mr. President, Federal regulators should not be in the business of picking winners and losers in the clothes washer industry.

Buyers of clothes washers should not have their purchasing decisions made for them by Washington bureaucrats.

And Congress should not be sanctioning a proposed regulatory structure that in effect creates a legalized monopoly. Don't take my word for it; listen to the Assistant Attorney General for Antitrust Enforcement, Anne Bingaman. She wrote a letter to DOE concerning the anticompetitive effect these regulations would be likely to have on the marketplace.

In her letter, dated September 16, 1994, Ms. Bingaman said:

For television sets, fluorescent lamp ballasts, and professional style or high end kitchen ranges, it is the Department's judgment based on the available evidence that significant anticompetitive effects are likely to occur.

In other words, these regulations are bad news for consumers—for American families.

The letter from Assistant Attorney General Anne Bingaman goes on to warn DOE of the negative impact this rulemaking would have on market competition, as well as on individual product lines.

Remarkably, DOE did nothing in response to this devastating assessment of its proposal. In fact, it was not until the House flatly suspended DOE's regulatory authority in this area that the agency finally acted.

Nevertheless, DOE's response was simply to terminate its rulemaking on television sets—an obviously weak half measure. None of the other pending regulations criticized by the Assistant Attorney General were suspended.

Mr. President, many appliance manufacturers are facing the second or third round of reregulation by DOE.

Each of these new sets of regulations imposes additional costs, which are directly paid by hard-working American families.

Sometimes, when the regulatory burden is too great, the company just abandons the product line altogether, and employees are sent home to look for other jobs.

This is no way to regulate. We need a timeout with regard to these pending regulations, to give Congress the time to take a good, hard look at how DOE has been regulating this segment of our economy.

As I said earlier, I have a letter from Senator MURKOWSKI, chairman of the Energy Committee, requesting that his committee be given the opportunity to evaluate the proposed standards.

Let's give the committee that opportunity, and try to restore some sanity to the regulatory process—at least in this one instance.

In closing, I want to remind everyone that no ground whatsoever would be lost by adopting my amendment. It does not invalidate any current energy efficiency regulations; it does not turn the clock back; it only looks toward the future.

The energy efficiency regulatory process has gotten off track, and it is time to get it back on the rails—before jobs are lost, competition is restricted, and basic consumer products are banned.

I want to thank all of my colleagues who have cosponsored this amendment: Senators FORD, HARKIN, GRASSLEY, MURKOWSKI, LOTT, HUTCHISON, and GRAMM.

And I hope we can come together and at least put a 1-year moratorium on regulations that have gone in a terribly wrong direction.

Mr. HARKIN. Mr. President, I have cosponsored the McConnell amendment. The amendment allows the DOE to do the planning work necessary to develop energy efficiency standards. But, it does not allow the Department to issue a rule or a notice of proposed rulemaking. I am a strong supporter of solid energy standards. But, I have become aware of some real concerns about how the Department of Energy is implementing the law in this area.

The Department is supposed to consider the initial and lifetime cost of appliances under these standards. And, the Department is supposed to consider the impact of new standards on the

manufacturers. But, apparently, while they may be looking at those questions, DOE is not giving them the weight that I believe they should be given.

When we look at a family with \$25,000 or \$35,000 a year, the cost of an extra \$200 for an appliance is significant. For someone who needs a new furnace in an old home, if only very high-efficiency furnaces are available, we need to not only look at the cost of the furnace, one also needs to consider the retrofitting costs for the flue that can be very considerable.

I am also concerned about a reduction in the number of companies making various types of appliances. As the cost of adjusting manufacturing plants costs to meet higher energy standards rises, the number of models of appliances may be reduced. That reduces competition and costs existing jobs. But, those costs can be mitigated. There are numerous ways that stronger energy standards can be promulgated in ways that will limit the cost of facility modifications and the effective obsolescence of existing facilities. Unfortunately, the models that the Department uses to attempt to figure out the impact of the effects of their rules on manufacturers, looks at an average manufacturer. Their analysis of the average company may be correct. But, smaller companies can and are very adversely impacted.

My State of Iowa has a number of quality appliance manufacturers who are relatively small compared to those that have the largest market share for specific appliances. They provide quality products and alternatives to consumers. They are the major employers in their communities where they are very good corporate citizens providing quality jobs.

And, many of them are noted for being leaders in energy-efficiency-offering appliances that are well ahead of what the energy-efficiency rules require. In spite of their leadership, they could be very adversely impacted if their concerns are not considered by new energy rules under consideration.

Originally, there was a legislative proposal to completely stop work toward improved standards. And, the House did agree with an amendment of that type. I had real concerns about that. The revised version of the amendment does allow DOE to do considerable work toward the development of new energy standards. That change allows them to proceed after the coming fiscal year with less than a year's lost time. And, I am hopeful that adjustments will be made that will allow us to proceed without further delay.

I hope that my concerns can be addressed during the coming fiscal year through improvements in the authorizing law or through improved procedures at the Department.

Mr. GRASSLEY. Mr. President, I rise today to cosponsor and support the McConnell amendment. This amendment establishes a 1-year moratorium



on new standard-setting rulemakings by the Department of Energy.

This amendment is necessary to maintain the competitive nature of the U.S. appliance industry, which includes home appliances as well as heating and air-conditioning equipment.

New energy standards would threaten the viability of several U.S. manufacturers of appliances, including at least four in my State.

A 1-year moratorium will allow the Energy and Natural Resources Committee to review DOE's energy-efficiency standards program to determine what impacts these standards are having on competition, and on the consumers of these products.

Senator MURKOWSKI, the distinguished chairman of the Energy Committee, has already indicated his support for the moratorium and his willingness to conduct such a review.

Mr. President, I will just take a moment to highlight a few of the effects that new standard requirements will have on both the industry and the American consumer.

Energy standards currently exist for all major appliances. For example, manufacturers must meet these standards on such products as dishwashers, refrigerators, laundry machines, and heating and air-conditioning units.

The Department of Energy reviews the standards periodically and most products are already being considered for their second set of standards since 1990; some face their third set of standards during this period.

So these products already operate at a very high level of efficiency. If the DOE continues to increase these standards, many companies will be crippled by the burden of the capital investment necessary to meet additional standards.

Furthermore, these companies will be unable to invest in other product innovations which are absolutely vital for maintaining their competitiveness, both in the United States and in the global marketplace.

If further capital investment is required, it is likely that most of the cost will be passed on to the consumer in the form of higher prices for appliances.

Furthermore, companies will be forced to discontinue certain models and brands because they are no longer cost-effective to produce. So consumers will have fewer products to choose from and the products that are available will cost more.

We need to call a time out, take a step back, and consider whether all of this is necessary. This amendment allows Congress the opportunity to do just that.

Mr. President, it is also important to note exactly what this amendment will not do. This amendment will not affect existing energy standards in any way. This amendment will not alter the existing energy labeling program, which enables consumers to compare competing brands of appliances. And this

amendment will not undermine the energy savings already achieved in these products.

Finally, Mr. President, this amendment protects the consumer's ability to purchase energy-efficient appliances at a competitive price.

For all these reasons, Mr. President, I urge my colleagues to support this amendment.

AMENDMENT NO. 2324

(Purpose: To provide funding for cooperative lands fire management and to increase funding for the stewardship incentive program, with an offset)

On page 66, lines 3 and 4, strike "\$128,294,000, to remain available until expended, as authorized by law" and insert "\$136,794,000, to remain available until expended, as authorized by law, of which not less than \$16,100,000 shall be made available for cooperative lands fire management and not less than \$7,500,000 shall be made available for the stewardship incentive program".

On page 66, line 15, strike "\$1,256,043,000" and insert "\$1,247,543,000".

Mr. LEAHY. Mr. President, I have an amendment that I would like to introduce for myself and Senators BURNS, CRAIG, JEFFORDS, MURRAY, LAUTENBERG, BOND, MCCONNELL, LIEBERMAN, SNOWE, and COHEN. It has the support of many Senators from both sides of the aisle.

Mr. President, I am disappointed by the move to eliminate one of the few financial incentives we have to help private landowners do the right thing for conservation—the Stewardship Incentives Program.

The Stewardship Incentives Program was created in the 1990 farm bill with broad bipartisan support to help forest owners improve wildlife habitat, protect water quality, improve forest management, and develop recreation opportunities.

Every Endangered Species Reform Act being considered by this Congress includes language to establish a program like the Stewardship Incentives Program. We need to put our money where our mouth is. If we are serious about moving from a regulatory conservation approach to a voluntary approach, we have to fund the voluntary programs we have on the books.

We know that landowners cannot always pay their property taxes by managing their land specially for wildlife and water quality. The Stewardship Incentives Program helps private landowners do the right thing with a non-regulatory, cost-incentive, State-grant program.

The amendment also includes funding for volunteer fire departments which are essential organizations to rural communities throughout the country. These organizations are often the first to respond to common kitchen fires and dangerous forest fires.

This amendment is supported by the National Association of State Foresters, the Izaak Walton League, the National Association of Conservation Districts, The Nature Conservancy, the Northern Forest Alliance, the American Forest & Paper Association, the

International Association of Fish and Wildlife Agencies, the National Volunteer Fire Council, and many others.

Mr. President, this amendment has broad support on both sides of the aisle and broad support across the entire natural resource community. My staff has worked with the committee staff and the Forest Service to identify offsets. I hope the Senate can accept this amendment expeditiously given its broad base of support.

Mr. MCCONNELL. Mr. President, I rise in strong support of the amendment offered by my colleague from Vermont. The amendment restores funding for the Forestry Stewardship Incentives Program [SIP]. Landowners who sign up for the Forest Stewardship Program are often new to the practice of forest management, the cost-share components assists them in making land more productive more rapidly.

The SIP was designed to assist nonindustrial private landowners in implementing good management practices. Recent surveys indicate over 9 million private nonindustrial landowners; by contrast, the Nation has only over 2 million farmers. In Kentucky, we have over 300,000 private landowners who have over 10.9 million acres of forest land to manage.

This amendment preserves one of the only nonregulatory Federal programs in existence for nonindustrial private forest landowners.

The Kentucky Stewardship Incentive Program is a very successful program. It is a cooperative effort of Kentucky's environmental community. The cost share assistance helps private landowners in implementing a forest stewardship plan on rural land with existing tree cover and other lands including cropland, pasture land, surface mined land.

The Kentucky Stewardship Incentive Program:

Encourages private forest landowners to manage their forest lands for economic, environmental, and social benefits;

Complements and expands other forestry assistance programs;

Gives priority to tree planting, tree maintenance, and tree improvement practices;

Increases the quality and quantity of Kentucky's timber resources, and

Maintains and improves the habitat for a diverse mixture of native wildlife.

This is an extremely beneficial program that helps private forest landowners provide better land management and improve our natural resources.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments (No. 2311 through 2324) were agreed to.

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

Mr. President, a few more are in the process of being cleared.

I suggest the absence of a quorum until they are ready.

The PRESIDING OFFICER. The clerk will call the roll.

The 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.

VITIATION OF ACTION ON AMENDMENTS NOS. 2318, 2319, AND 2320

Mr. GORTON. Mr. President, I made a mistake on three of the amendments I just had agreed to that do not at this point have unanimous consent to adopt.

I ask unanimous consent that action on the amendments proposed by Senators BAUCUS, DOMENICI, and SPECTER be vitiated.

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

Mr. BYRD. Mr. President, 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. 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.

AMENDMENT NO. 2325

(Purpose: To reduce the energy costs of Federal facilities for which funds are made available under this Act)

Mr. GORTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Does the Senator wish to ask unanimous consent to set aside pending amendments?

Mr. GORTON. Yes, I ask unanimous consent to set aside the pending amendments.

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON] for Mr. BINGAMAN, proposes an amendment numbered 2325.

Mr. GORTON. 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:

At the appropriate place, insert the following:

**SEC. . ENERGY SAVINGS AT FEDERAL FACILITIES.**

(a) REDUCTION IN FACILITIES ENERGY COSTS.—The head of each agency for which funds are made available under this Act shall take all actions necessary to achieve during fiscal year 1996 a 5 percent reduction, from fiscal year 1995 levels, in the energy costs of the facilities used by the agency.

(b) USE OF COST SAVINGS.—An amount equal to the amount of cost savings realized by an agency under subsection (a) shall remain available for obligation through the end of fiscal year 1997, without further authorization or appropriation, as follows:

(1) CONSERVATION MEASURES.—Fifty percent of the amount shall remain available for the implementation of additional energy conservation measures and for water conservation measures at such facilities used by the agency as are designated by the head of the agency.

(2) OTHER PURPOSES.—Fifty percent of the amount shall remain available for use by the agency for such purposes as are designated by the head of the agency, consistent with applicable law.

(c) REPORT.—

(1) IN GENERAL.—Not later than December 31, 1996, the head of each agency described in subsection (a) shall submit a report to Congress specifying the results of the actions taken under subsection (a) and providing any recommendations concerning how to further reduce energy costs and energy consumption in the future.

(2) CONTENTS.—Each report shall—

(A) specify the total energy costs of the facilities used by the agency;

(B) identify the reductions achieved; and

(C) specify the actions that resulted in the reductions.

Mr. GORTON. Mr. President, this is the last agreed-upon amendment. It is on behalf of Senator BINGAMAN and deals with energy conservation in Federal facilities. It has been cleared on both sides.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2325) was agreed to.

Mr. GORTON. I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 2318, 2319, AND 2320 EN BLOC

Mr. GORTON. Mr. President, I believe we are now ready to deal with the three amendments that were withdrawn a few moments ago. In doing so, I ask unanimous consent that Senator BURNS be considered a prime cosponsor of the Baucus amendment.

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

Mr. GORTON. Mr. President, I ask that the three amendments, Specter, Baucus, Burns, and Domenici, be considered en bloc.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments (Nos. 2318, 2319, and 2320) were agreed to en bloc.

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

Mr. BYRD. Mr. President, I move to lay the motion to reconsider on the table.

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, we have a number of other colloquies but they are not ready yet. When they are, they will, I believe, be the last matters of business before final passage.

Awaiting their OK, 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. 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. DOMENICI. Mr. President, I rise in support of the Department of Interior and related agencies appropriations bill for fiscal year 1996.

I am concerned about the funding provided for Indian programs and have offered an amendment to restore \$200 million for important Indian programs.

The Senate-reported bill provides \$12 billion in new budget authority [BA] and \$8.2 billion in new outlays to fund the programs of the Department of Interior, the U.S. Forest Service, Department of Energy fossil energy and energy conservation programs, and programs related to the arts and museum services.

All the funding in this bill is nondefense spending. This subcommittee received no allocation under the crime reduction trust fund.

When outlays from prior-year appropriations and other adjustments are taken into account, the Senate-reported bill totals \$12.2 billion in BA and \$13.2 billion in outlays for fiscal year 1996.

The subcommittee is essentially at its 602(b) allocation in BA and \$6.5 million below in outlays.

The Senate-reported bill is \$1.8 billion in BA and \$1 billion in outlays below the President's budget request for these programs.

It is \$68.5 million in BA above the House-passed bill, and \$2.2 million in outlays below the House-passed bill. The Senate bill is \$1.9 billion in BA and \$0.8 billion in outlays below the 1995 level.

I appreciate the subcommittee's support for a number of ongoing projects and programs important to my home State of New Mexico as it has worked to keep the bill within its allocation.

I urge the adoption of the bill.

I ask unanimous consent the 1996 spending totals be printed in the RECORD.

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

INTERIOR SUBCOMMITTEE SPENDING TOTALS—SENATE-REPORTED BILL

(Fiscal year 1996, in millions of dollars)

	Budget authority	Outlays
<b>Nondefense discretionary:</b>		
Outlays from prior-year BA and other actions completed .....	146	5,001
H.R. 1977, as reported to the Senate .....	11,977	8,166
Scorekeeping adjustment .....		
Subtotal nondefense discretionary .....	12,123	13,168
<b>Mandatory:</b>		
Outlays from prior-year BA and other actions completed .....		24
H.R. 1977, as reported to the Senate .....	59	25
Adjustment to conform mandatory programs with Budget Resolution assumptions .....	6	6
Subtotal mandatory .....	65	55
Adjusted bill total .....	12,188	13,223

Senate Subcommittee 602(b) allocation:  
 Defense discretionary .....

INTERIOR SUBCOMMITTEE SPENDING TOTALS—SENATE-  
REPORTED BILL—Continued  
[Fiscal year 1996, in millions of dollars]

	Budget authority	Outlays
Nondefense discretionary .....	12,123	13,174
Violent crime reduction trust fund .....		
Mandatory .....	65	55
Total allocation .....	12,188	13,229
Adjusted bill total completed to Senate Subcommittee 602(b) allocation:		
Defense discretionary .....		
Nondefense discretionary .....	-0	-6
Violent crime reduction trust fund .....		
Mandatory .....		
Total allocation .....	-0	-6

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

## FOSSIL ENERGY RESEARCH

Mr. BYRD. As the Senator from Washington is aware, the committee has recommended \$21,953,000 for advanced research and technology development from the Department of Energy fossil energy research and development account.

Mr. GORTON. That is correct.

Mr. BYRD. As the Senator may know, there is an existing university-industry consortium, known as the Carbon Products Consortium, conducting ongoing efforts in these areas. Through these efforts, this consortium has developed an extensive foundation of background knowledge in these technologies. This consortium concentrates on the non-fuel uses of coal to produce coal-derived carbon materials. The early success of this consortium is encouraging, and the dollar-for-dollar cost sharing by the industrial partners shows their commitment to this work, and it is important that we continue developing these new, environmentally benign technologies from non-petroleum feedstocks.

Does the Senator agree that funding for the ongoing efforts of this consortium, due to its knowledge and experience in these matters, should be given priority consideration for a portion of this funding?

Mr. GORTON. Yes, I agree that the Carbon Products Consortium should be given priority consideration for funding from this account.

## FOSSIL ENERGY RESEARCH

Mr. SIMPSON. I note that Senator GORTON and Senator BYRD are on the floor. I would like to ask them a question about fossil energy research and development. It is my understanding that, within this account, the Senators have agreed to shift \$1,405,000 from fossil energy environmental restoration into cooperative research and development. Is it correct to say that the chairman has agreed to his shift in funding?

Mr. GORTON. The Senator's understanding is correct. The majority has agreed to this adjustment. Let me clarify that this does not increase the bill's overall appropriation, nor does it increase the appropriation for fossil energy research and development. It is merely a shift of funds from one account to another.

Mr. CONRAD. I would also like to indicate to the chairman and ranking member of the subcommittee my interest in this issue. I am pleased to hear of the chairman's intention. Would the ranking member of the subcommittee, Senator BYRD, tell us whether he agrees with Senator GORTON on this issue?

Mr. BYRD. I do agree with the chairman of the subcommittee. This will allow the cooperative research and development program to continue at its present level of funding. This increase is to be divided equally between WRI and UNDEERC.

Mr. DORGAN. As a member of the Senate Energy and Natural Resources Committee, I believe the work carried out under the cooperative research and development program is extremely important and is essential to meeting our country's energy needs. I am pleased with this shift in funding.

## OIL TECHNOLOGY RESEARCH

Mr. NICKLES. I note that the full committee took action on the Department of the Interior and related agencies appropriations bill, fiscal year 1996 which reallocated funding under oil technology research. This reallocation significantly reduced funding for processing research and downstream operations, particularly impacting pollution prevention and environmental compliance programs. While the House bill cuts pollution prevention by \$900,000 the Senate subcommittee reduction of \$1.8 million was amended to a cut of \$5.3 million. Environmental compliance was also reduced from the subcommittee reduction of \$2.18 million to the amended reduction of \$2.67 million. The House bill cut environmental compliance by \$1.3 million.

The Senate bill results in a negative impact on the processing research and downstream operations fossil energy programs, and represents a vast disparity between the House and Senate allocations. I therefore appeal to the Senator from Washington to address this imbalance in conference and to seek funding more closely in line with the House funding.

Mr. GORTON. I recognize and appreciate the concern of the Senator from Oklahoma. While budget constraints necessarily entail reduced funding of nearly all programs, I recognize the importance of pollution prevention and environmental compliance, and will endeavor to address the Senator from Oklahoma's concerns for funding of these programs in the conference committee.

Mr. NICKLES. I thank the distinguished Senator from Washington.

## MIDWIN NATIONAL TALLGRASS PRAIRIE

Ms. MOSELEY-BRAUN. Mr. President, as we consider the fiscal year 1996 Interior and related agencies appropriations bill, I would like to call attention to a very important project for my State of Illinois, the Midwin National Tallgrass Prairie. The House provided \$400,000 for the Forest Service to continue the development of a plan

for preserving and managing the former Joliet Arsenal property in Illinois as a potential national tallgrass prairie. These funds were not included by the Senate Appropriations Committee, and I would like to take a moment to share with my colleagues the reasons why this project should receive funding.

Earlier this year, my distinguished senior colleague from Illinois, Senator SIMON, and I introduced S. 449, the Illinois Land Conservation Act. This bill transfers roughly 19,000 acres of land from the former Joliet Army ammunition plant to the Forest Service in order to establish a national grasslands. Our bill also turns over 900 acres to the Veterans Administration for a new national veterans cemetery, and converts over 3,400 acres of former munitions production areas at the arsenal to a variety of local purposes.

Illinois is known as the Prairie State. This name commemorates an earlier Illinois, a land of rolling prairies, butterflies, wildlife, and pioneers seeking out new lands to settle. At one time, more than 43,000 square miles of prairie existed in Illinois.

Over the course of 175 years, however, development has crept over these open lands. Today, only 0.01 percent of original prairie is left. Little evidence remains of, in the words of Charles Chamberlain, the author of the Illinois State song, this "Wilderness of Prairies."

The Illinois Land Conservation Act, once enacted, will give Illinois a rare opportunity to preserve one of its last remaining areas of natural prairie. It's a once-in-a-lifetime chance to set aside such a large, undeveloped tract of property for environmental and recreational purposes. In a sense, S. 449 helps to protect a slice of ecological history, and in doing so, creates a legacy for future generations of Illinoisans to study and enjoy.

S. 449 was recently incorporated into S. 1026, the fiscal year 1996 Defense Authorization bill, and we are hopeful that these provisions will be passed by Congress soon. In the meantime, we are working with the Forest Service to ensure that adequate funding is available to carry out this project.

It is for that reason that I ask that the committee consider language in the conference committee report which recognizes that the authorization of the Midwin National Tallgrass Prairie is nearing final passage by Congress, and that upon enactment, the Forest Service consider the need for a reprogramming request in order to proceed with the plan for preserving and managing the former arsenal property.

The Illinois Land Conservation Act is based upon a plan that has been carefully crafted by key representatives of the local community who have worked closely with Federal agencies and the State of Illinois. It deserves to move forward quickly, and I urge favorable consideration of this request.

Mr. GORTON. I thank the Senator from Illinois for her comments regarding the Midewin National Tallgrass Prairie planned for Illinois. I can assure the distinguished Senator that we will do all that we can to assist her in including her recommendation when this bill goes to conference.

#### NATIONAL TRAILS SYSTEM

Mr. KOHL. Mr. President, in previous years, the report accompanying the Interior appropriations bill has stressed the importance of funding for the National Trails System within the National Park Service budget. Although no such language is included in the fiscal year 1996 report, would the chairman and the ranking minority member of the Interior Appropriations Subcommittee agree that the National Park Service should continue to place a high level of importance on funding for the National Trails System?

Mr. BYRD. Yes, I agree. Further, I would state that it is my intention, as a manager of this fiscal year 1996 Interior appropriations bill, that the National Park Service should seek to fund the National Trails System as close as possible to the fiscal year 1995 levels, given the budget constraints facing the committee in fiscal year 1996. I would also ask my colleague from Washington, Senator GORTON, the chairman of the Interior Appropriations Committee, if he agrees with this statement.

Mr. GORTON. Yes, I concur, and thank the Senators for pointing out the importance of providing adequate funding for the National Trails System.

#### INPATIENT HEALTH FACILITY

Mr. KERREY. Mr. President, I would like to ask the distinguished chairman for assistance in dealing with an issue that is very important to me and to the Indian people in my State of Nebraska. The Indian Health Service has determined that there is a need for an inpatient health facility to serve the Indian people in eastern Nebraska. The existing facility at the Winnebago Reservation is old, dilapidated, and needs to be replaced. The tribes in the area have worked with the IHS for 8 years to reach the point where we are now. The 103d Congress appropriated funds for planning and design of the new hospital and that process is fully underway. A site has been selected for the new facility with the agreement of the tribes and the IHS has begun the design phase. Unfortunately, the Omaha Tribe broke off negotiations with the Winnebago Tribe on matters related to the future construction and management of the hospital; the reasons for this action are not entirely clear. While this division occurred early in July, efforts are underway to bring closure to whatever differences remain. In the meantime, unfortunately, language was included in the report on H.R. 1977 that would direct the reprogramming by IHS of the current year funds for the hospital, about \$1.6 million. I believe this action is premature and respectfully ask the chairman to con-

sider eliminating the reprogramming in conference with the House.

Mr. GORTON. I understand the Senator's concern and agree to consider deletion of the language in conference. In the meantime, I hope the Senator will continue to work with the IHS and the tribes to move forward on this project. Facility construction dollars are extremely scarce in the current fiscal climate and there are many worthy projects awaiting funding that have the unqualified support of local tribes. With this in mind, I will be happy to revisit this issue in conference.

Mr. KERREY. The procedure that my colleague has outlined is acceptable and I thank him for his courtesy in this matter.

#### DOE'S RETROFIT PROGRAM

Mr. JEFFORDS. Mr. President, at this time I would like to enter into a colloquy with the managers of this appropriations measure regarding funding for the Department of Energy's retrofit program and interagency agreement with the Department of Housing and Urban Development.

The buildings retrofit program within the Department of Energy's Office of Buildings Technology is currently undertaking an important initiative to save American taxpayers millions of dollars. The initiative, created 4 years ago under an agreement between the Department of Energy and the Department of Housing and Urban Development, works to reduce energy use at many of our Nation's public assisted housing developments. To cut off funding for this important program at this point would put to an end significant progress that has been made to date in reducing energy use in publicly funded low-income housing.

Would the managers of this legislation support the following request?

That within available funds in the Department of Energy's buildings programs, the Department of Energy be allowed to reprogram up to \$3 million to continue implementation of the interagency agreement with the Department of Housing and Urban Development for public assisted housing and other low-income housing initiatives.

Mr. GORTON. I would not object to this proposal.

Mr. BYRD. I would not object to this proposal.

Mr. JEFFORDS. I thank the managers of this legislation for their assistance with this important matter.

#### NOXIOUS WEEDS

Mr. HATCH. Mr. President, I would like to discuss an issue with my good friend from Washington, the distinguished chairman of the Interior Appropriations Subcommittee, Senator GORTON, that is of the utmost importance to many western public lands States.

Last year, I raised the issue of the widespread infestation of noxious weeds on public lands managed by the Bureau of Land Management [BLM] located throughout the West and in Utah specifically. Many of Utah's lands were

suffering from the presence of various kinds of noxious weeds, which is why I requested funding last year for the Richfield BLM District office in west central Utah to be utilized throughout the district to address the infestation. The total amount appropriated to the Richfield District was \$100,000. I appreciated the subcommittee's recognition of this problem and its efforts to assist this outbreak on acreage highly visited by the public.

This year, the story is basically the same. These lands, as well as other lands, are again infested with noxious weeds. They are ravaging lands that are critical to the agricultural industry of Utah and playing havoc with those who utilize BLM lands for recreational purposes. As anyone who represents a public lands State knows, once these weeds take hold of an acre of land, it is easy for them to spread to every acre that surrounds them, even if that surrounding land is private or State. Noxious weeds know no boundaries; and, therefore we must address them in every locale to protect the overall ecology and health of all lands. In my State, the Utah Department of Natural Resources is attempting to fight the noxious weed problem on State lands. So, I believe it behooves this body to provide funding to our various public land agencies, especially the BLM, to address this problem on our public lands.

It is my understanding that this year's Interior appropriations bill provides funding to the BLM for this year's noxious weed problem. Is that correct?

Mr. GORTON. If my colleague will yield, the fiscal year 1996 Department of the Interior appropriations bill provides \$1.2 million to the BLM for noxious weed management. This funding is a part of the agency's range management account. My colleague will be pleased to know that the subcommittee recognizes the existing noxious weed problem plaguing Utah and directs \$261,000 of the total account to the Utah State BLM Office to combat this problem. Like my colleague from Utah, I hope these funds will assist to properly address the noxious weed problem in our public lands States like Utah.

Mr. HATCH. I thank my colleague for that clarification. I share his hope that we can finally gain control of our noxious weed situation, and I appreciate his attention to this situation in my State of Utah.

#### OFFICE OF SURFACE MINING AND PUBLIC ROADS

Mr. HATCH. Mr. President, I would like to raise an issue with the chairman of the Interior Subcommittee, Senator GORTON, regarding the Office of Surface Mining [OSM] and its regulation of public roads. I am especially interested in the application of these regulations in States like Utah that have received a delegation of primacy for implementing the coal regulatory program pursuant to a State program. These regulations have, for several years, plagued public land States like

Utah that have hundreds of miles of public roads located near surface mining operations. I wish to engage the chairman in a brief discussion on this critical matter.

Mr. GORTON. I understand this situation impacts several other Western States with an equivalent amount of public roads and significant surface mining activities.

Mr. HATCH. I thank my colleague. There has been a difference of opinion between OSM and the Utah State Division of Oil, Gas and Mining [UDOGM] as to permitting of public roads as a part of mining operations. OSM's regulation of the Surface Mining Control and Reclamation Act of 1977 [SMCRA] has led to differences of opinion on what constitutes a road and affected area, among other things, and has led to a number of Federal lawsuits and a series of unsuccessful rulemaking attempts since 1983. Clearly, there is little guidance in SMCRA on this issue. A literal interpretation of the act's wording would bring Interstate 70 and most of the State, county, and Forest Service roads located in central Utah under the Utah's regulatory program. Hopefully, no one is seriously suggesting that UDOGM, a division of the Utah State Department of Natural Resources, require the permitting of the interstate. The problem is that neither the Federal nor Utah regulatory programs provide any clear guidance as to where the jurisdictional line must be drawn.

Although Utah's situation with regard to roads is no different from that of other States, this issue has been a recurring problem between Utah and OSM. Several meetings have been held in recent months, even with the Director of OSM, to address this situation. And, most recently, OSM agreed to a clarification of Utah's policy on road permitting that maintains the State's program intact, which I want to bring to my colleagues' attention. In regard to the Utah coal regulatory program, OSM has agreed that, under several basic criteria, the permitting of a public road would not be required. These criteria indicate that a public road involved in coal mining activities may not be required to be permitted if: First, it was properly acquired by a governmental entity, second, it was maintained with public funds or in exchange for publicly levied taxes or fees, third, it was constructed in a manner similar to other public roads of the same classification, and fourth, the impacts of mining are not significant in relation to other impacts on the road.

I, for one, do not believe it was Congress' intent that OSM or States receiving primacy on surface mining activities would attempt to regulate public roads in the jurisdictional control of some appropriately constituted public entity. Rather, it is my belief that the intent of Congress was that only roads outside the jurisdiction of any responsible entity would be subject to jurisdiction under the Federal or State

coal regulatory program. OSM's recent action regarding Utah's program is reflective of this belief, and I feel of sufficient importance to inform my colleagues today. I intend to support modifications to SMCRA that clearly spell out Congress' original intent with SMCRA, but I am pleased with OSM's response to UDOGM's clarification of Utah State law. Based on the history of OSM's position on road permitting vis a vis the act, it is my opinion that this response is significant.

I thank my colleague for his indulgence and for his advice on this matter.

Mr. GORTON. I thank my colleague from Utah for his statement and for the information he has provided regarding OSM and its activities on road permitting. This is very useful for States with primacy in this area, and I am also pleased with OSM's action that suggests decisions on road permitting should rest in the hands of the States. I appreciate the Senator's efforts in this area.

#### CONSTRUCTION FUNDING FOR THE U.S. FISH AND WILDLIFE SERVICE

Mr. GORTON. Mr. President, I understand that the Senator from New Mexico would like to clarify an issue related to construction funding for the U.S. Fish and Wildlife Service, and I ask unanimous consent that Senator DOMENICI, Senator BYRD, and I be allowed to enter into a colloquy in that regard.

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

Mr. DOMENICI. Mr. President, I realize that the Appropriations Committee has tried to include funding to complete construction and rehabilitate several Fish and Wildlife Service facilities. I thank the distinguished chairman and ranking member for recognizing the significant needs at the Bosque del Apache Wildlife Refuge in New Mexico. I appreciate the constraints that we have on funding of this nature, but I am also aware that there are ongoing construction projects that did not receive funding in this bill, including the Southwest Fisheries Technology Center, in New Mexico. The committee has not recommended that the Fish and Wildlife Service discontinue construction on these projects. It is my understanding that the committee intends to revisit these projects in the future, and will consider funding for fiscal year 1997. I ask the distinguished chairman of the subcommittee if this is correct?

Mr. GORTON. The Senator from New Mexico is correct. The committee understands the importance of these projects and intends to consider them again next year.

Mr. BYRD. I join my colleague from Washington in stating that the committee should review these ongoing projects next year.

Mr. DOMENICI. I thank the chairman and ranking member for clarifying the intent of the committee.

#### ENERGY INFORMATION ADMINISTRATION

Mr. JEFFORDS. Mr. President, I am concerned about the cuts this bill

makes to the Energy Information Administration. The EIA maintains valuable and objective information on energy supply, consumption, production, and price. We must not lose this resource at a time when energy prices and supplies are so volatile and the country is becoming increasingly dependent on foreign oil.

Vermont's average petroleum price is the highest in the Nation and EIA information helps our State plan for and respond to energy emergencies.

This bill includes \$63 million for EIA, a \$21 million cut from last year. The House included \$80 million for EIA. As we proceed, I hope we keep in mind the important role EIA serves.

#### NAVAL PETROLEUM AND OIL RESERVES

Mr. MCCAIN. Mr. President, the administration's budget request included \$101 million for the naval petroleum and oil reserves for fiscal year 1996. The House has proposed appropriations of \$151 million. This bill proposes appropriations of \$136 million for the Senate.

The administration's budget is based on a caretaker status and does not request funding for new initiatives. The administration's budget is based on the sale of the NPR No. 1, commonly referred to as the ELK Hills site. The budget resolution also assumes the sale of the reserve.

I understand and agree that the oil field must be maintained and operated at an adequate level regardless of whether or not the reserves are sold. However, the Department of Energy has indicated that the requested fiscal year 1996 funding level combined with uncosted balances from prior years and expected improvements in operational efficiencies by DOE are sufficient to operate the site in a responsible manner such that the value of the field is maintained. The General Accounting Office has provided data showing substantial uncosted balances exist for this purpose.

I am very concerned with this additional appropriation amount. I urge the conferees on this matter to look very closely at this and determine what is really needed to operate the reserve in an appropriate manner while preserving the value of the reserve for future sale to ensure that no taxpayer's dollars are wasted.

#### MONTEZUMA CREEK IHS FACILITY

Mr. BENNETT. I wish to bring to the attention of the chairman a matter that, while it may appear small, is of great importance to the Utah Navajo population. The Navajo area includes 6 hospitals and 18 outpatient facilities. Unfortunately, none of these facilities are currently located in Utah. In fact, the only IHS facility in the entire State of Utah is an outpatient facility at Fort Duchensne which is located over 350 miles away.

The need for an IHS clinic located in Montezuma Creek is clearly justifiable. It is the population center for the eastern portion of the Utah Navajo. Approximately 6,000 Navajo live in southeastern Utah and unfortunately, their

health care needs are greatly underserved. In an effort to begin the process of replacing the dilapidated facility, I request that \$30,000 be made available to IHS for the preliminary study and design of a satellite clinic located in Montezuma Creek.

Mr. GORTON. I am aware of the Senator's interest in the design of a facility to replace the Montezuma Creek, UT facility and I hope to work with the Senator to make certain the health care needs of the Utah Navajo's are met. To this end, I would agree that of the \$1.9 million included in the bill to complete partially funded health care facility designs, \$30,000 is available to the IHS for the study and preliminary design of a Red Mesa facility satellite clinic to be located at Montezuma Creek. This study should include an assessment of whether such arrangement is consistent with the existing IHS health care facility priority list system.

Mr. BENNETT. I thank the chairman and I would urge IHS to work closely with the State of Utah and the Navajo Nation to utilize these funds in the appropriate manner this fiscal year. This is a small amount, but it is certainly the right first step in resolving the longstanding problems of adequate health care delivery in southeastern Utah. Again, I thank the chairman for his leadership on this bill and his efforts to help resolve this issue.

THE UNITED STATES HOLOCAUST MEMORIAL  
COUNCIL

Mr. SPECTER. Mr. President, I seek recognition today in support of full funding for the United States Holocaust Memorial Council which funds among other things, the staffing of the Holocaust Museum. The funding request for fiscal year 1996 by the administration was \$28.9 million. This request was approved by the House of Representatives. The request is being made after a momentous year during which attendance at the Holocaust Museum reached a cumulative total of 3,880,517. The attendance totals have been an overwhelming surprise to all those planning for the reception of the public. In fact, Mr. President, it exceeds by a factor of four the anticipated attendance at the museum. This circumstance has stretched the capacity of the museum and its professional and volunteer staff to welcome the American public. This response to the program of the museum came with another unanticipated burden, that of providing a higher level of security for the public seeking to learn the lessons of the Holocaust.

Mr. President, the appropriations request for fiscal year 1996 is an increase of \$2.1 million from 1995 funding. I recognize the difficult choices my fellow Members are making during this process and join with them in making the hard choices. In this case, they have chosen to recommend an appropriation of \$26.6 million. I urge, however, a higher level of funding.

In light of the hatred and ethnic cleansing now underway in Bosnia and Croatia, I would anticipate an even more exponential growth of interest by Americans. In the overwhelming demand and proven need to educate our youth of the folly of mindless hatred, I see the intense need to reflect a higher sense of urgency by accommodating the request for the full funding of the council, the museum, and their activities.

I would like to inform my fellow Senators of my intention to ask my colleagues to give every consideration to accepting the House mark when they go to conference.

I yield the floor.

NRSA

Mr. BINGAMAN. Mr. President, let me ask Senator GORTON a question concerning scientists currently employed by the National Resources Science Agency [NRSA] who had been transferred from the National Park Service in 1993.

Mr. GORTON. I would be delighted to engage in a colloquy with my friend from New Mexico. I know he has a concern with the budget impact of the Interior appropriations bill on those scientists within the NRSA who advise the Park Service on science-based natural resources management.

Mr. BINGAMAN. From my understanding, the National Park Service transferred about 100 knowledgeable scientists to the NRSA in 1993. These scientists provide long-term information that helps direct management decisions. I am concerned for those scientist positions that will have to be eliminated due to budget constraints. Is it the Senator's position that the National Park Service, in coordination with the NRSA, should be included in the National Resources Science Agency's priority setting efforts for National Park Service research.

Mr. GORTON. Yes, the Senator is correct. In fact, I believe it is in the long-term interest for the national parks to be able to rely on an established pool of scientific knowledge and less on managerial guesswork and to have input into the priority setting of the NRSA.

Mr. BINGAMAN. I thank the Senator for discussing this subject with me.

ELLIS ISLAND

Mr. D'AMATO. Mr. President, I rise to discuss with the chairman of the subcommittee an issue of importance to millions of Americans. I hope to clarify the intent of the subcommittee and keep intact the integrity of what, to many, is a solemn place.

Mr. President, over a period of 62 years, more than 12 million immigrants sailed into the gateway to the United States, Ellis Island, NY. They arrived from the four corners of the Earth with only a handful of possessions, uncertain of what they would find. From Ellis Island, these individuals spread into every part of our land, eager to explore the opportunities that our dynamic Nation presented.

Many Americans, including a number of our colleagues, can trace their heritage to Ellis Island. To those who passed through the great hall and to their descendants, Ellis Island is considered a hallowed place. It is not a place to be treated insignificantly, it is a place to be respected.

That is why, Mr. President, I am weary of anything relating to Ellis Island that could somehow cheapen its meaning. That is why I have repeatedly opposed constructing a permanent bridge linking the mainland to Ellis Island. Our ancestors did not arrive at Ellis Island by foot, by horse, by cart, or by automobile. Every one of them arrived by boat. A permanent bridge would violate the cultural and historical context of Ellis Island, and would only serve to trivialize and detract from the experience of how our ancestors came to pass through Ellis Island.

Therefore, I am sure that my colleague from Washington can understand my concern with language included in the bill before us that prevents the demolition of the current, temporary bridge that runs to Ellis Island. In addition, as I understand, the language makes this temporary structure available to pedestrians provided that proper safety measures are enacted and enforced.

Mr. GORTON. Mr. President, the Senator from New York is correct. This is language that was included in the House-passed version of this legislation. The other body voted 230 to 196 to include this language. Also, it is the intent of the subcommittee that this language will prevent a situation from arising that the Senator describes, mainly, the construction of a permanent bridge.

I understand and respect the concerns of the Senator from New York that vehicle traffic not disrupt the cultural and historical context of Ellis Island. Further, the committee is devoted to ensuring the safety of visitors to Ellis Island and will expect strict adherence to all relevant safety guidelines before any pedestrian traffic is allowed. It is my intention to follow the progress of the execution of this provision and will consult with the Senator from New York as to its effectiveness.

Mr. D'AMATO. I thank my friend and colleague for that clarification. As I stated, I become concerned when I feel the integrity of Ellis Island is put into question. Fortunately, the chairman's leadership has given me confidence that this provision will be given the utmost scrutiny. I look forward to working closely with him on this issue.

Mr. President, I would like to receive further clarification from the chairman of the subcommittee on another matter in relation to Ellis Island.

As I understand, the present bill language places a 30-day hold on implementing any plan to develop the southern end of Ellis Island until the Speaker of the House and the President of the Senate have been notified and

given a full and comprehensive report on such development.

Mr. GORTON. The Senator is correct.

Mr. D'AMATO. I thank my friend. Ellis Island is a place that is of special interest to all Americans. Therefore, I believe that it is very important that any interested Member of Congress be notified before the National Park Service undergoes any attempt to redevelop the southern end of Ellis Island.

Mr. GORTON. Mr. President, I would say to my friend that I understand his concern that he or any Senator who is interested in the redevelopment of Ellis Island be made aware of any plans to do so. I would expect that the Park Service would honor any request to be so notified.

To be clear, it is not the intent of the subcommittee to allow such action without scrutiny. Further, the subcommittee would expect the National Park Service on its own, to be cognizant of the concerns of those Members of Congress who express an interest in the redevelopment of Ellis Island and take those concerns into consideration prior to entering into any such agreement.

Mr. D'AMATO. I thank the chairman for that clarification.

#### FEDERAL APPLIANCE ENERGY STANDARDS

Mr. BINGAMAN. I would like to engage in a colloquy on this amendment with the bill manager, Senator GORTON, and Senator FORD. Federal appliance efficiency standards were established because manufacturers wanted one Federal standard as opposed to 50 different, and perhaps inconsistent, standards. If the Department of Energy cannot implement Federal standards, the States might attempt to revive their individual programs. The appliance standards adopted to date will save consumers a net of \$132 billion over the lifetime of the affected products. The Department has committed to work cooperatively with manufacturers to address concerns raised in current reviews of the appliance standards. Where industry has raised significant criticisms of DOE's analysis or approach, as with recent proposals concerning fluorescent lamp ballasts and electric water heaters, DOE has organized workshops and public meetings with manufacturers to solicit further input and work together to correct the problems. The consensus approach to revising standards should be continued.

Mr. FORD. We all recognize the value of appliance efficiency standards, the cost and energy savings that have been achieved with the existing standards. However, the manufacturers have raised concerns about the methodology and assumptions in the Department's current cost-benefit analysis. For example, the burden on firms with small market shares need to be addressed. We expect the Department to analyze the impact of any modifications to standards for both small and large manufacturers. The cumulative impact of regulations across product lines should also be incorporated into the analysis.

Mr. GORTON. This amendment will only affect the proposal, issuance, or prescription of new or amended standards. There will be no limits on analysis or information exchange. Nor will there be any prohibition or limits on planning by the Department of Energy. The Senate expects that the Department and the manufacturers will spend the next year working together to analyze existing standards in order to conduct accurate economic analyses and impact assessments. The second part of the amendment also clarifies that the Department may proceed to establish efficiency standards for the construction of new federally owned commercial and residential buildings. The Department can and should establish minimum efficiency requirements for construction of new Federal facilities, such as military housing and office buildings.

Mr. BINGAMAN. I fully agree that, at a minimum, we have to be able to proceed with the rules affecting Federal facilities. Once built, the taxpayers will have to cover the energy bills for the life of a facility. These standards are required by the Energy Policy Act, which was overwhelmingly supported by the Senate. Furthermore, under the Federal budget situation, we have to do everything we can to minimize ongoing operating costs. To summarize the amendment, it is my understanding that this amendment will only preclude the proposal, issuance, or prescription of rules on new or amended appliance and equipment standards. Testing and labeling will continue. There will not be any limit on grants for State programs or the Home Energy Ratings Systems [HERS] pilot projects.

#### ORISKANY BATTLEFIELD

Mr. D'AMATO. Mr. President, I rise to seek the guidance of my friend, the Senator from Washington, with respect to undertaking a management plan for Oriskany Battlefield.

Oriskany Battlefield is a national historic landmark that designates the site of a major American Revolutionary War battle. On that site, American patriots fought British regulars, loyalists, and certain nations of the Iroquois Confederation. Of particular interest is the involvement of four of the six nations of the Confederation on the side of the British. The Oneida and Tuscarora Nations within the Iroquois Confederation chose to support the Americans over the British, leading, as is believed, to the dissolution of the 200 year-old Confederation.

The significance of the battlefield, its proximity to another historic and integrally linked national site, Fort Stanwix National Monument, and the circumstances surrounding the involvement of the combatants make Oriskany Battlefield an ideal candidate for possible inclusion in the National Park System. There is demonstrated interest on the part of citizens of the local community, New York State, and the Oneida Nation of New York to ex-

plore the option of a larger Federal role in the site. However, in order to do this, a general planning study must be undertaken.

Mr. GORTON. Mr. President, I am familiar with the request of the Senator from New York to have this study conducted by the Park Service. The subcommittee is confident that the Park Service will give due consideration to the Senator's request to include Oriskany Battlefield in the National Park System.

Mr. D'AMATO. I thank my friend.

#### INTERTRIBAL BISON COOPERATIVE

Mr. DASCHLE. Mr. President, I would like to take this opportunity to clarify the intent of the Senate Appropriations Committee regarding the funding for Bureau of Indian Affairs bison restoration projects.

As you may know, the Intertribal Bison Cooperative was formed 3 years ago with only nine tribes as members. ITBC's mission is to reestablish healthy bison populations on tribal lands in a manner that promotes economic development, cultural enhancement, ecological restoration, and spiritual revitalization.

The role of ITBC, as established by its membership, is to act as a facilitator in coordinating education and training programs, develop marketing strategies, coordinate the transfer of surplus buffalo from national parks to tribal lands, and provide technical assistance to its membership in developing management plans that will help each tribal herd become a successful and self-sufficient operation.

Today, the cooperative works with 36 member tribes spread across 15 States. The united efforts of cooperative member tribes to restore the Nation's bison population have created much-needed economic development for the member tribes through the sale of buffalo meat and other byproducts.

Last year, the Bureau of Indian Affairs put the cooperative's bison herd management program in jeopardy by distributing its limited fiscal year 1995 funds among any or all of the federally recognized Indian tribes. The effect of this action has the potential to undermine the cooperative spirit that ITBC has worked many years to achieve and that has fostered its success. I believe that the BIA's interpretation of congressional intent was clearly in error.

It has been consistently my belief that the ITBC, which has proven its success in achieving self-sufficiency, warrants investment by Congress. Of course, tribes wishing to qualify for Federal bison restoration funding are free to become members of the cooperative.

I would like to take this opportunity to inquire of my colleagues whether it is the intent of the Appropriations Committee to distribute fiscal year 1996 bison project funds specifically to the Intertribal Bison Cooperative and its member tribes.

Mr. BYRD. Mr. President, the Senator from South Dakota, Senator DASCHLE is correct.

Mr. DASCHLE. Mr. President, I would ask the chairman of the Interior Appropriations Subcommittee, Senator GORTON, if he concurs that my understanding that the fiscal year 1996 bison restoration project funds are to be solely designated for the Intertribal Bison Cooperative and its member tribes is correct?

Mr. GORTON. Mr. President, that is correct. It is the intent of the Appropriations Committee that fiscal year 1996 funding for bison restoration projects be distributed by the Bureau of Indian Affairs to the Intertribal Bison Cooperative and not to all federally recognized tribes.

Mr. DASCHLE. I want to thank my colleagues from the committee for this clarification.

Mr. STEVENS. Mr. President, I want to commend the chairman of the Appropriations Subcommittee on Interior and related agencies, Senator GORTON, and the ranking member, Senator BYRD, for the work that they and their staffs have done in shepherding the Interior appropriations bill through subcommittee and full committee. I would like to engage the senior Senators from West Virginia and Washington in a colloquy regarding the U.S. Holocaust Memorial Museum.

The subcommittee has funded the museum at the 1995 level of \$26,609,000. As my colleagues know, the House-passed Interior bill appropriates \$28,707,000. This is a \$2,098,000 increase over fiscal year 1995. The added funds are needed for the institution to meet the extraordinary and unanticipated demand from visitors and the attendant heightened security and wear-and-tear on the building.

Let me just illustrate this point. Before opening to the public 2½ years ago, the museum estimated the likely visitation at 500,000 annually. Instead, the museum has had over 2,000,000 visitors each year instead of the 500,000 anticipated. I am especially heartened by who is coming to the Holocaust Museum. Four out of five visitors travel more than 100 miles to see the permanent exhibit. In 1955, more than 285,000 students will tour the museum as part of organized groups. The Holocaust Museum is a destination point in Washington, and is now one of the most visited museums in Washington.

And the museum's reach does not stop at the Potomac. The institution is assisting teachers, scholars, survivors, and our veterans in making sense of this dark hour in world history. It has responded to 70,000 requests from educators; its Internet mailbox, open less than 6 months, receives 15,000 inquiries a week; and its research institute has assisted 11,000 scholars and researchers and 14,500 survivors.

In short, the Holocaust Museum has done all that the Congress envisioned for it and more. This remarkable success, when coupled with its newness, makes its case especially persuasive. I

ask my colleagues to give every consideration to accepting the House's mark when they go to conference.

Mr. GORTON. I recently met with the new Director of the Holocaust Museum, Dr. Walter Reich. I told him then that I am now a great supporter of his institution. I think it has made a powerful and necessary contribution to the Nation's education and remembrance.

As the Senator from Alaska knows, the committee had to make some painful choices during the markups. I have listened to his persuasive statement, and I want to assure him that I will review the facts and give every consideration to the House's funding level for the museum.

Mr. BYRD. This Nation has created a museum of memory, a memorial to the victims of the Holocaust. It teaches us the lessons of what happens when democracy is not preserved, when democratic practices are subverted, when the public will is subjugated. I, too, want to commend the museum on its efforts and successes, and I want to say to Senator STEVENS and other Members of this body that I will listen carefully and give the Senator from Alaska's proposal to fund the Holocaust Museum every consideration.

Mr. STEVENS. Mr. President, I would like to engage the senior Senators from West Virginia and Washington in a colloquy concerning a particular need in Alaska that just recently came to my attention and is not currently addressed in the bill.

Alaska Senator Robin Taylor has advised me of the need to provide funds in the U.S. Forest Service budget for some critical environmental studies related to construction of the American portion of a proposed public toll road from the Iskut River region of British Columbia, Canada to the Bradfield Canal near Wrangell, AK. This is called the Bradfield Road.

An environmental impact statement is required because the road must cross through the Tongass National Forest, which encompasses most of southeastern Alaska. The Tongass is the country's largest national forest at 16.7 million acres, an area larger than the States of West Virginia and Rhode Island combined. Because of its immense size, almost no road can be constructed to serve southeastern communities that does not traverse the Tongass National Forest.

Mr. GORTON. Why is the road needed?

Mr. STEVENS. With no existing road, Wrangell is currently economically isolated. It is served only by air and ferry. Until recently Wrangell's economy was largely dependent on the timber industry. However, last year the U.S. Forest Service unilaterally canceled Alaska Pulp Company's 50-year timber contract, resulting in the closure of the Wrangell sawmill. As a result, the unemployment rate has skyrocketed up to 40 percent and climbing. Unless a new economy devel-

ops, the city and its residents face a harsh winter ahead.

The proposed Bradfield Road would provide the shortest route to tidewater for several Canadian gold and copper mining operations. The nearest Canadian port to the mining district is roughly four times farther than Alaska's Bradfield Canal. The Bradfield Road would not only reduce transportation costs and the overall environmental impact of the project, but it would create American jobs in Wrangell. The people of Wrangell would be involved in constructing the road in the short-term, and in the long-term would have access to mining jobs in Canada and increased tourism opportunities in the area.

The Alaska State Legislature has already committed to pay the construction costs of the road through revenue bonds. Commercial and public traffic will pay a toll to use the road, which will finance its operation and maintenance. The only contribution required from the Federal Government is funds to conduct the EIS required by the National Environmental Policy Act.

I propose that \$2.5 million of the funds provided in this bill to be allocated to region 10—the Alaska region—be allocated to conduct the EIS required by NEPA. The funds should be taken out of non-timber-producing accounts such as recreation and administration.

Mr. GORTON. Given the severe economic dislocation occurring in Wrangell as a result of the U.S. Forest Service's decision to terminate the contract which provided timber to the Wrangell mill, I agree that the Bradfield Road should be given priority. I concur with my good friend from Alaska that the Service should allocate the funds necessary to complete the environmental studies. The Service should be directed to fund this project out of accounts not designated to produce timber in region 10.

Mr. STEVENS. Does the distinguished Senator from West Virginia concur?

Mr. BYRD. Since the Alaska State Legislature has agreed to fund construction of the road and provide for its operation and maintenance, I support the concept of directing the Service to conduct the necessary environmental studies. The funds should be re-allocated out of nontimber funds already budgeted for region 10.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I want to thank Senator GORTON and commend him for the great job he has done putting together a very difficult bill. There are important parts of this bill that will have a lasting impact. One of those is the extension of the Endangered Species Act moratorium which I sponsored, and was enacted, several months ago to try to wait until



we have reauthorization of the Endangered Species Act so that future listings will have the stamp of congressional intent in a revised Endangered Species Act.

This moratorium is a very important part of the legislation before us. We have seen so many jobs lost, so many people devastated in their ability to use their land and farm and ranch and make their livelihoods, because of the Endangered Species Act being overzealously enforced.

I believe that the Endangered Species Act was passed with all the right intentions, and I think many of the things that are done by Fish and Wildlife are very good. But we have seen such excesses that the water supply of two cities in my State, Amarillo and San Antonio, have been endangered by bait fish, the Arkansas River shiner and the fountain darter in the Edwards aquifer.

We now see the same thing coming forward with the same Edwards aquifer, only this time it is three beetles that have now been proposed as endangered, despite the effect on the water supply of the 10th largest city in America.

So I do appreciate the fact that we are extending the moratorium until the earlier of reauthorization of the Endangered Species Act, or until the end of 1996, which will give Congress the time to set parameters for the Endangered Species Act that will assure that we have balanced the needs of people with species.

We added money to the Fish and Wildlife Service's budget during floor debate on this bill. I expect that the listing money will be used only to delist some of the endangered species that really should not be on the list, and the prelisting money for species conservation so that we will not have to list new endangered species. That would be a very good use of our taxpayer dollars.

The second thing that I think is very important that we put in this bill, and I want to thank Senator GORTON and Senator BYRD for agreeing to do it, is in the National Biological Survey language. We make sure that a private property owner must give permission for any new surveys under this act, and including aerial surveys.

We have had instances in my State and others where airplanes paid for by the National Biological Survey have flown over private property without permission taking pictures for habitat studies. That is now prohibited in this act. That is why I think it is very important that we pass the act and say, once again, that private property is protected by the Constitution of the United States.

I think the Congress is speaking today to make sure that everyone understands—that the people in Washington, in Government understand—that we are going to protect private property rights, and I think we have taken a step in the right direction today.

Thank you, Mr. President. I yield the floor.

Mrs. BOXER. Mr. President, I am disappointed that the fiscal year 1996 Interior Department appropriations bill as reported by the Senate Appropriations Committee does not earmark funds for land purchases within the Santa Monica Mountains National Recreation Area [SMMNRA]. I am greatly concerned that this remarkable national treasure—an island of green in an urban sea—now faces the prospect of increased development within its boundaries. We must not let this happen. Our continued support of this majestic recreation area is crucial.

The open spaces of the SMMNRA stretch over 50 miles from Elysian Park in downtown Los Angeles to Point Mugu State Park in Ventura County. The mountains climb from the Pacific Ocean to provide breathtaking vistas of the Los Angeles Basin, the blue Pacific, and the San Fernando Valley.

The Santa Monica Mountains are the only undeveloped pristine mountain range in the world that bisects a major city—in this case the Nation's second largest. In addition, the Los Angeles area has one of the lowest amounts of open parkland per capita in the United States.

This national recreation area provides recreational opportunities for more than 12 million people living in surrounding communities—including hikers, campers, picnickers, and nature lovers, young and old. The beauty of the recreation area leads many visitors to express amazement that they are just minutes from an urban area the size of Los Angeles. In the mountains, a variety of wildlife live and thrive, including mountain lions, deer, and a dozen endangered plants and animals. 369 bird species, 50 species of mammals, and 36 kinds of reptiles and amphibians call this area home.

The land that was to be purchased through funding in the fiscal year 1996 Interior appropriations bill includes undeveloped canyons, key wildlife corridors, and trailways that provide coastal access and link several major activity centers throughout the SMMNRA.

Significant progress on land acquisitions was made with the purchase of the Jordan Ranch, the largest acquisition in the park's history, but delays have escalated purchase costs and threaten opportunities to acquire key parcels that otherwise may be developed. Biologically significant areas could be lost if we do not act now.

Although I would have preferred a specific allocation for this request, there is still an opportunity to get funds from this bill. Of the \$43.2 million appropriated by the bill for land acquisition by the National Park Service, approximately \$6 million is designated for emergencies and hardships and inholdings. I intend to call on the Clinton administration to designate the Santa Monica Mountains project as a top priority for funding under these provisions.

We must continue our commitment to the Santa Monica Mountains National Recreation Area. We must do this for ourselves and our environment, and the name of future generations—so that they may enjoy the rich natural splendor of the southern California landscape.

Mr. JOHNSTON. Mr. President, earlier today, the Senate agreed to accept an amendment to this bill that imposes a 1-year moratorium on issuance of new or amended appliance efficiency standards. The amendment will not prevent engineering or economic analyses on efficiency standards, but it will stall issuance of new or amended rules for a year. This is a limited delay in the implementation process, only until September 30, 1996, so that appliance manufacturers can work out their concerns with the process with the Department of Energy [DOE]. The manufacturers and the Department are expected to resolve differences with the methodology and assumptions in the current analytical process. A process to mitigate the affect of any retooling modifications on small manufacturers should be worked out so that any potential for anticompetitive impacts will be resolved early in future rulemakings. Consensus and voluntary efforts are not affected and should proceed. Appliance testing and labeling will continue and no limits will be imposed on the State grant program or the home energy ratings system. The Department is also expected to proceed with issuance of rules on minimum efficiency standards for federal-owned buildings as required in the Energy Policy Act.

The efficiency program authorized under the Energy Policy and Conservation Act [EPCA], as amended, has been one of our Nation's most effective programs at ensuring wiser energy use. The appliance efficiency standards currently in place will save consumers over \$132 billion over the life of the products. In the 100th Congress, the National Appliance Energy Conservation Act of 1987 was enacted establishing minimum Federal appliance standards. Additional amendments were enacted in 1988. Both bills were reported unanimously by the Senate Energy and Natural Resources Committee. These two actions amended EPCA to require and set Federal standards and preempt a patchwork of State standards. Congress established minimum Federal standards by statute to take effect between 1988 and 1993, depending on the product. DOE was required to conduct follow up rulemakings to determine whether the standards established in the statute were adequate.

Under EPCA, the DOE standards rulemakings require very specific cost-benefit analyses. The criteria for prescribing new or amended standards specifically require the Secretary to determine that benefits exceed the burdens to the greatest extent practicable, considering the following: the economic impact on manufacturers and

consumers; a determination of a positive net present value to the consumer of any increased price; any lessening of consumer utility or product performance; impact on competition as determined by the Attorney General; and any other factors considered relevant.

Any final rule will have to address all of the above issues. In addition, none of the new standards would go into effect for 3 to 5 years after the final rule is in effect.

The process followed under EPCA entails issuance of an advanced notice of proposed rulemaking [ANOPR] to solicit the necessary information to carry out cost-benefit and detailed engineering analyses of the feasibility of any proposed standard. A notice of proposed rulemaking [NOPR] is subsequently published with draft proposed standards, including the cost-benefit criteria and engineering analyses used in developing the proposal. The Department of Justice and all interested persons are asked to comment on the NOPR. EPCA requires the Secretary to hold a conference or informal procedure to allow interested parties an opportunity to question written or oral presentations of U.S. employees where facts are in dispute. DOE then drafts a proposed final rule based on the input received from the previous two rounds of public comment.

DOE is attempting to work collaboratively with the industry to develop the engineering and economic models. The Congress and the public have strongly supported this program in the past and after the opportunity for the Department and industry to come to closure on certain technical issues, the program will continue without interference as Congress intended.

#### IHS STUDY ON STAFFING DISTRIBUTION

Mr. BINGAMAN. Mr. President, I thank the floor managers, the distinguished Senator from Washington [Mr. GORTON], and the distinguished Senator for West Virginia [Mr. BYRD], and the members of their staffs, for working with me on this amendment. I am very pleased that they have agreed to accept it.

I offered this amendment to help ensure that the IHS meets the health care needs of the American Indians in an equitable, cost-efficient manner. The amendment requires the Secretary to submit a report to the Congress that contains a comparison and analysis of IHS staffing by health facility and service unit.

For several years, I have been very concerned about the inability of the Indian Health Service to fully meet the health care needs of American Indians in my home State of New Mexico and throughout the country. I am particularly apprehensive about the new IHS hospital in Shiprock, NM, which opened last year under-staffed and which remains under-staffed today.

Too often in the past, the Federal Government has overlooked the health care needs of American Indians. As a result, the IHS currently meets only 45

percent of the total estimated health care need of our Nation's 1.3 million Indians and Alaska Natives.

I am concerned that in our zeal to lower the Federal budget deficit and cut waste from the system, we will do harm to Indian children and families if we do not develop strategies for dealing with existing and project funding and staffing shortfalls. We need to work together to streamline administrative services, eliminate bureaucratic waste, and maximize existing resources through the thoughtful, mandatory redistribution of personnel and equipment from areas of lesser need and low productivity to areas of greater need and potential.

This amendment will help us achieve these goals. Specifically:

First, distribution study and report: To ensure that the Indian Health Service meets the health care needs of the American Indians in an equitable manner, the Secretary is directed to submit to the Congress a report containing a comparative analysis of Indian Health Service staffing by health facility and Service Unit.

Such report and analysis shall:

First, intra-facility ratio: Compare the ratio of health care providers—by hospital—to patients in each IHS hospital facility and clinic;

Second, Inter-facility ratio: Compare facility ratios throughout the IHS system to ensure that all areas of the country are being served equitably; and

Third, Overall staffing distribution: Analyze overall staffing and distribution levels, including all types of health professionals, support staff, and administrative staff.

Again, I thank the managers of the bill and their staffs for accepting this amendment.

#### KLAMATH NATIONAL WILDLIFE REFUGE PESTICIDE USE

Mrs. BOXER. Mr. President, as the Senate considers the fiscal year 1996 Interior appropriations bill, I want to express my concerns about language in the committee report that affects the natural resources and wildlife of California.

I am disappointed that the Senate Appropriations Committee added language to the bill that prohibits the U.S. Fish and Wildlife Service from enforcing its pesticide use policies in the Lower Klamath and Tule Lake National Wildlife Refuges in northern California and southern Oregon. Specifically, the language states that pesticide use can continue if the pesticide meets applicable Federal and State pesticide laws for use on non-Federal land. According to the Department of the Interior and the Fish and Wildlife Service, this language, if enacted, will significantly increase the risk of pesticide related deaths of migratory birds and endangered species on these protected lands. Mr. President, this land is federally owned but leased to private individuals, and this language would override the Fish and Wildlife Service's authority to restrict pesticide use on

public land even when the pesticide endangers the wildlife the Service is directed to protect.

This requirement needlessly micro-manages specific national wildlife refuges and undermines the conservation aims of the refuge system. Thirty-five herbicides, fungicides, insecticides, and nematocides made with chemicals known to have reproductive- and endocrine-disrupting effects will be allowed to be used in the next year as a result of this language.

Unfortunately, the language in the Senate bill may be the best option available to the Fish and Wildlife Service since the House has addressed this issue by passing the National Wildlife Refuge Improvement Act of 1995, which permanently prohibits the Fish and Wildlife Service from enforcing its pesticide use policies in the Klamath and Tule Lake National Wildlife Refuges. A permanent ban on the enforcement of pesticide policies in these refuges is even more disturbing than a 1-year moratorium on enforcement.

The Department of the Interior and the Fish and Wildlife Service share my concerns about the language contained in the Interior appropriations bill, but believe that they will be able to work out a compromise with the parties involved in the next year. This negotiation and eventual resolution would remove the need for a permanent ban. I sincerely hope that all interested parties are able to resolve the questions surrounding the use of pesticides in our refuges in a timely manner. I will be monitoring this process closely and, if necessary, I will fight any permanent ban against enforcement of these pesticide use policies.

#### HIV-AIDS STUDY

Mr. BINGAMAN. Mr. President, over the past several months, I have met with several groups from New Mexico's Indian tribes to discuss the Indian Health Service and the health needs of American Indians. Many mentioned to me that, like the rest of the population in the United States, the incidences of HIV and AIDS is growing among native American populations. I learned recently that on the Navajo Nation, which includes parts of the States of New Mexico, Arizona, and Utah, 53 cases of HIV and AIDS have been reported to IHS. A few years ago, there were almost none.

Unfortunately, many of the people who care for HIV-AIDS-infected native Americans believe that the IHS has not begun taking aggressive steps to meet this growing—and potentially very costly—need. Current IHS policy is to treat HIV-AIDS-infected patients with general IHS service funds. The IHS is not funded through the Ryan White CARE Act, although I believe it should be. The result is that already insufficient funds are squeezed even tighter.

My amendment would simply require the IHS to do a little preplanning. It directs the IHS to undertake a study of the existing need and develop a plan for meeting the need. Specifically:

(I) Study: The Secretary is directed to report to Congress, by Service unit, on: (1) incidences of HIV-AIDS among the American Indians and Alaska Natives; (2) services provided under the PHS Act to HIV-AIDS-positive Indians; (3) unmet needs, including preventive educational needs, of Indians and Alaska Natives living with HIV-AIDS who use the IHS for primary health care; (4) capacity of each Service unit to meet the existing need; and (5) resources, including education, needed to meet existing and projected need.

(II) Plan: Based on the results of the study, the Secretary is directed to develop a plan meeting the existing and projected needs.

Mr. President, I want to thank the managers of bill for accepting my amendment, and I look forward to working on this issue with them and other interested Members of Congress as the Interior appropriations bill goes to conference with the House. I believe we will be able to effectively deal with this amendment and its reporting requirements during the conference.

Mr. LEAHY. Mr. President, I want to congratulate the Chairman, the senior Senator from Washington, for doing an outstanding job on a very difficult bill. There are many divisive issues that lend themselves to one-sided partisanship in the interior appropriations bill. Senator GORTON presided over a balanced and responsible bill that maintained our commitment to good government and saved more than \$1 billion. I want to commend him for his excellent work and thank him for the integrity and fairness of his efforts.

I also want to thank Senator BYRD, whose wisdom, experience and fairness is a perennial asset in putting this bill together. I am very grateful for the bipartisanism represented in this bill, and look forward to working with the Chairman and the ranking member as we go to conference.

There are a few programs that I want to highlight that were served very well by the Chairman, such as the National Biological Survey (NBS). Some interest groups and Members of Congress use the NBS as a hook to hang all sorts of fears and frustrations about natural resource management. In fact, the NBS is not comprised of new money, new employees, or new research objectives. It is simply a consolidated collection of all the research that has been going on for decades assembled under one, non-regulatory agency so that science can be served well. Chairman GORTON and Senator BYRD also took fair and balanced positions on endangered species act funding, the water institutes, the Appalachian Trail, the Park Service, and Federal land acquisition.

I want to thank the managers of the bill for making changes to the AmeriCorps language at the request of Senator MURRAY and myself. I also appreciate their willingness to work with me on the National Endowment for the Arts and on the Stewardship Incentive Program. I believe the revised lan-

guage for the ecosystem management objectives for the eastern Oregon and Washington is also a valuable improvement.

Finally, I want to express some disappointments that I wish we could have improved. In particular, I was sorry to see such substantial cuts in the weatherization program which is so important to frost belt states like my native state of Vermont. While the Senate mark is higher than the House, it still represents a cut that will have a significant impact in Vermont. I hope in conference we can protect the Senate funding. I had also hoped to see stronger funding for Historic Preservation, the Advisory Council on Historic Preservation and the National Capital Arts and Cultural Affairs program. Vermont leverages \$28 for every Federal historic preservation dollar with our Main Street program. I was disappointed by a complete elimination of the Land and Water Conservation Fund State grant program and the 50 percent cut in the Forest Legacy program. Both of these items are critically important to my State. Lastly, I wish we could have continued our efforts to restore the Atlantic Salmon to the Connecticut River with a buy-out of foreign fishermen who harvest our hatchery stock on the high seas.

Nonetheless, as a former subcommittee Chairman myself, I am well aware that the Chairman and ranking member cannot make good on every request, especially in times like these. I hope that they will bear in mind my thoughts as we go to conference with the House. I want to thank both the managers for their leadership and congratulate them again on a difficult but successful Interior Appropriations bill.

Mr. GORTON. Mr. President, most Members have been notified that we did not expect to have a rollcall vote on final passage of this bill. There has now been a request by a Member for a rollcall.

So, Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ABRAHAM). The clerk will call the roll. The bill 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.

AMENDMENT NOS. 2326 AND 2327, EN BLOC

Mr. GORTON. Mr. President, I send two amendments to the desk in behalf of Senator BINGAMAN, and I ask for their consideration en bloc.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Washington (Mr. GORTON), for Mr. BINGAMAN, proposes amendments numbered 2326 and 2327, en bloc.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 2326

(Purpose: To provide for a comparative analysis of the Indian Health Service)

At the appropriate place, insert the following new section:

**SEC. . DISTRIBUTION OF INDIAN HEALTH SERVICE PROFESSIONALS.**

(a) IN GENERAL.—To ensure that the Secretary of Health and Human Services (hereafter in this section referred to as the "Secretary"), acting through the Indian Health Service, is making efforts to meet the health care needs of Indian tribes (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)) in an equitable manner, the Secretary shall, not later than April 30, 1996, submit to the Congress a report that meets the requirements of subsection (b).

(b) CONTENTS OF REPORT.—The report prepared by the Secretary under this section shall—

(1) contain a comparative analysis of the Indian Health Service staffing that includes comparisons of health care facilities (including clinics) and service units (as defined in section 4(j) of the Indian Health Care Improvement Act (25 U.S.C. 1603(j));

(2) for each health care facility of the Indian Health Service (as determined by the Secretary), determine, for each health profession (as defined in section 4(n) of the Indian Health Care Improvement Act (25 U.S.C. 1603(n)), the ratio of—

(A) the number of members of that health profession that provide health services in that facility; to

(B) the number of patients served by the members of that health profession in that facility;

(3) provide a comparative nationwide analysis of health care facilities of the Indian Health Service based on the ratios determined under paragraph (2) in order to ascertain whether each service area (as defined in section 4(m) of the Indian Health Care Improvement Act (25 U.S.C. 1603(m)) is providing an equitable level of health services; and

(4) provide an analysis of—

(A) the overall levels of staffing of all types of health professions, support staff, and administrative staff at facilities referred to in paragraph (3); and

(B) the distribution of the staffing referred to in subparagraph (a) by service unit.

AMENDMENT NO. 2327

(Purpose: To provide for a program of HIV Prevention and Treatment in the Indian Health Service)

At the appropriate place, insert the following new section:

**SEC. . HIV-AIDS PREVENTION AND TREATMENT PLAN.**

(a) REPORT.—Not later than March 1, 1996, the Secretary of Health and Human Services (hereafter in this section referred to as the "Secretary"), acting through the Indian Health Service and in consultation with Indian tribes (as defined in section 4(d) of the Indian Health Care Improvement Act (25 U.S.C. 1603(d)), shall prepare and submit to the Congress a report that evaluates,

(1) the incidences of HIV and AIDS among Indian tribes;

(2) the services provided under title XXVI of the Public Health Service Act to members of Indian tribes living with HIV and AIDS;

(3) the unmet needs, including preventive educational needs, of members of Indian

tribes living with HIV and AIDS who use the Indian Health Service for their primary health care;

(4) the internal capacity of each service unit of the Indian Health Service to meet the existing need; and

(5) the resources, including education, needed to meet existing and projected need.

(b) SERVICE PLAN.—The Secretary, acting through the Indian Health Service and in consultation with Indian tribes, shall develop and implement a plan of action for meeting the existing and projected needs, which based on the evaluation conducted pursuant to subsection (a), are determined to be unmet.

Mr. GORTON. Mr. President, each of these amendments is for a study within the Indian Health Service.

We have not had time to deal with them to the point at which we have full confidence in them, though each of them appears to have a degree of merit.

I ask that they be agreed. But we will have to look at them very carefully on both sides during the course of the conference committee and see whether or not they are appropriate or need to be revised. But at this point we are willing to accept them.

Mr. BYRD. Mr. President, the amendments meet with approval on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendments of the Senator from New Mexico, en bloc.

The amendments (Nos. 2326 and 2327) were agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, the only two matters that remain are a significant number of colloquies and third reading and final passage.

We will ask unanimous consent for the colloquies later. But in order to speed on with this evening, I ask for third reading. There will be no further amendments.

I do not believe there will be any further debate.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall the bill pass?

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Florida [Mr. MACK] is necessarily absent.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] is absent because of illness in the family.

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

The result was announced—yeas 92, nays 6, as follows:

[Rollcall Vote No. 378 Leg.]

YEAS—92

Abraham	Faircloth	Lieberman
Akaka	Feingold	Lott
Ashcroft	Feinstein	Lugar
Baucus	Ford	McConnell
Bennett	Frist	Mikulski
Biden	Glenn	Moynihhan
Bingaman	Gorton	Murkowski
Bond	Graham	Murray
Boxer	Gramm	Nickles
Breaux	Grams	Nunn
Brown	Grassley	Packwood
Bryan	Gregg	Pell
Bumpers	Harkin	Pressler
Burns	Hatch	Pryor
Byrd	Hatfield	Reid
Campbell	Hollings	Robb
Chafee	Hutchison	Rockefeller
Coats	Inhofe	Roth
Cochran	Inouye	Santorum
Cohen	Jeffords	Sarbanes
Conrad	Johnston	Shelby
Coverdell	Kassebaum	Simpson
Craig	Kempthorne	Smith
D'Amato	Kennedy	Snowe
Daschle	Kerrey	Specter
DeWine	Kerry	Stevens
Dodd	Kohl	Thomas
Dole	Kyl	Thompson
Domenici	Lautenberg	Thurmond
Dorgan	Leahy	Warner
Exon	Levin	

NAYS—6

Heflin	McCain	Simon
Helms	Moseley-Braun	Wellstone

NOT VOTING—2

Bradley	Mack
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So the bill (H.R. 1977), as amended, was passed.

Mr. GORTON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives and that the Chair be authorized to appoint conferees on the part of the Senate.

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

Thereupon, the Presiding Officer (Mr. ABRAHAM) appointed Mr. GORTON, Mr. STEVENS, Mr. COCHRAN, Mr. DOMENICI, Mr. HATFIELD, Mr. BURNS, Mr. BENNETT, Mr. MACK, Mr. BYRD, Mr. JOHNSTON, Mr. LEAHY, Mr. BUMPERS, Mr. HOLLINGS, Mr. REID, and Mrs. MURRAY conferees on the part of the Senate.

Mr. GORTON. Mr. President, I want to take this opportunity to state the obvious, but an obvious that is all too often overlooked, and that is that there was no possibility of dealing with this bill either in the timeframe within which we dealt with it, nor the effectiveness, nor efficiency, nor the wisdom with which we have dealt with it without the help of a number of dedicated members of the staff:

Cherie Cooper, who is majority clerk; Sue Masica, the minority clerk; Carole Geagley; Kathleen Wheeler, who has worked on energy, BIA, the geological survey, land and water conservation accounts; Bruce Evans, who was formerly of my personal staff, who dealt

with Fish and Wildlife Service, mines; Virginia James with NEH, which was, obviously, very controversial, and the Smithsonian; and Ted Milesnick, a detailee from the Bureau of Land Management to provide support service to all accounts; and my own staff member, Julie Kays, a legislative assistant on my staff who is tireless, fearless, and persuasive in all she does; and, once again, to thank Senator BYRD whose advice, counsel, and wisdom has been of great assistance, for that matter all of the members of my subcommittee, each of whom contributed significantly to this result.

Mr. BYRD addressed the Chair. The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I will take a few seconds to express my admiration for Mr. GORTON because of the remarkably superb job that he did in skillfully piloting the appropriations bill for the Department of the Interior through committee and through the Senate. He did an outstanding job, and I am grateful to him and for his fairness, his courtesy, and for his ability in moving this bill.

I also want to thank Sue Masica, my superb staff person, and Cherie Cooper is an equally superb staff person on the other side of the aisle. I think that this has been a preeminently fine display of skill and statesmanship on the part of Mr. GORTON on behalf of the Senate. I express all of our appreciation to him.

Mr. President, I yield the floor and 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. HATFIELD. 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. DOLE. Mr. President, let me thank my colleague from Washington, Senator GORTON, and also the distinguished Senator from West Virginia, Senator BYRD, for their expeditious action on a very important and a very, in some areas, contentious bill. They have disposed of the amendments, I think, in very good time.

Now we are prepared to move on to the next bill. Let me remind my colleagues, everything is on automatic pilot. The speech you do not make in the next 2 days means you will get out that much earlier. You can make the speech when you get home, and a lot of people have never heard it before and most of us have.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of H.R. 2002, the transportation appropriations bill.

The PRESIDING OFFICER. The clerk will report.