

"Whereas, because the transportation cost for a high-tonnage, low-value bulk commodity is often a significant part of the total delivered cost of that commodity, a higher shipping cost can frequently keep a bulk commodity from being competitive; and

"Whereas Alaska coal and coal derived fuels are a potential fuel source for utilities and industries on the west coast of the United States and in Hawaii; and

"Whereas the current difference between Jones Act shipping rates and foreign shipping rates has made the delivered cost of foreign coal significantly less expensive than domestic coal as evidenced by the current supply agreements between a Hawaiian independent power producer and an Indonesian coal supplier; and

"Whereas greatly increased coal usage figures prominently in the future generation plans for Hawaiian utilities and thus will create prospective markets for Alaska coal; and

"Whereas it is the policy of the State of Alaska under AS 44.19.035 to persuade the Congress to repeal the Jones Act: Be it

*Resolved*, That the Alaska State Legislature opposes the application of the Jones Act to bulk commodities, such as coal and coal derived fuels, because of the Acts detrimental effect on Alaska commerce; and be it further

*Resolved*, That the Alaska State Legislature respectfully requests the Congress to pass legislation exempting Alaska bulk commodities, such as coal and coal derived fuels, from provisions of the Jones Act.

"Copies of this resolution shall be sent to the Honorable Bill Clinton, President of the United States; the Honorable Al Gore, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Federico Pena, Secretary of the U.S. Department of Transportation; the Honorable Newt Gingrich, Speaker of the U.S. House of Representatives; the Honorable Bob Dole, Majority Leader of the U.S. Senate; and the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress."

POM-485. A resolution adopted by the Legislature of the State of Alaska; to the Committee on Energy and Natural Resources:

#### "LEGISLATIVE RESOLVE NO. 26

"Whereas the State of Alaska entered into the Union on an equal footing with all other states, and the Statehood Compact specifically granted authority over fish and wildlife to the State of Alaska; and

"Whereas the issue of fisheries management was one of the most prominent justifications for statehood; and

"Whereas the State of Alaska contends that the Statehood Compact cannot be legally modified by either party without the consent of the other party; and

"Whereas the Congress and the President of the United States are presently embarking on a campaign to return rights and authority to the states; and

"Whereas Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA; P.L. 96-487), enacted in 1980, grants a subsistence priority on federal public land in Alaska; and

"Whereas the Secretary of the Interior and the Secretary of Agriculture have threatened unilateral federal preemption of state fish and wildlife management on state and private land and water in Alaska; and

"Whereas the State of Alaska, the federal government, and other parties are attempting to sort out the complexities of the federal law related to jurisdictional issues created by ANILCA; and

"Whereas the legal process for developing a final resolution to the jurisdictional questions is extremely slow, and major social and economic disruption is imminent if the federal government continues on a course to illegally and unconstitutionally preempt state management of fish and wildlife; and

"Whereas the Congress specifically declined to grant preemption authority to the Secretary of the Interior and the Secretary of Agriculture in ANILCA; and

"Whereas the Congress specifically reemphasized that the jurisdiction and authority of the state were to be maintained; and

"Whereas the Alaska State Legislature is confident that the Alaska delegation in the Congress and the people of Alaska would never have agreed to the final compromise ANILCA package had they been advised that ANILCA contained provisions to allow federal preemption of all state fish and wildlife management in Alaska; and

"Whereas the federal agencies and some parties are arguing in recent court cases concerning state/federal jurisdiction that federal reserved water rights and the navigational servitude provide legal basis for a claim of federal title to land and resources; and

"Whereas this interpretation of federal laws related to federal reserved water rights and the navigational servitude is contrary to all existing related laws and policies adopted by the Congress and threatens to undermine existing reserved water rights and navigable waters policies that are critical to all western states: Be it

*Resolved*, That the Alaska State Legislature respectfully and urgently requests the Congress to amend the Alaska National Interest Lands Conservation Act (ANILCA) to clarify that the original intent of the Congress was not to violate the Statehood Compact or to preempt state management of fish and wildlife in Alaska; and be it further

*Resolved*, That the Alaska State Legislature respectfully requests that the Congress amend ANILCA to clarify that the definition of "public lands" means only federal public land and water; and be it further

*Resolved*, That, while the federal courts are resolving the federal/state conflicts created by Title VIII of ANILCA, the Alaska State Legislature respectfully requests that the Congress amend ANILCA to expressly prohibit preemption of state jurisdiction on state and private land and water unless specifically authorized by the Congress and the State of Alaska; and be it further

*Resolved*, That the Alaska State Legislature respectfully requests the Congress to clarify that neither ANILCA nor another federal law provides authority for the federal agencies to claim title to resources or land through federal reserved water rights or through the navigational servitude; and be it further,

*Resolved*, That the Alaska State Legislature respectfully requests the Alaska delegation in Congress to oppose any other amendments to ANILCA until the Congress takes action to confirm state management and to limit the definition of "public lands."

"Copies of this resolution shall be sent to the Honorable Al Gore, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Newt Gingrich, Speaker of the U.S. House of Representatives; the Honorable Strom Thurmond, President Pro Tempore of the U.S. Senate; the Honorable Bob Dole, Majority Leader of the U.S. Senate; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 1196. A bill to transfer certain National Forest System lands adjacent to the townsite of Cuprum, Idaho (Rept. No. 104-189).

By Mr. WARNER, from the Committee on Rules and Administration, without amendment:

S. 426. A bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia, and for other purposes (Rept. No. 104-190).

By Mr. D'AMATO, from the Special Committee To Investigate Whitewater Development Corporation and Related Matters, without amendment and with a preamble:

S. Res. 199. An original resolution directing the Senate Legal Counsel to bring a civil action to enforce a subpoena of the Special Committee to Investigate Whitewater Development Corporation and Related Matters to William H. Kennedy III (Rept. No. 104-191).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 884. A bill to designate certain public lands in the State of Utah as wilderness, and for other purposes (Rept. No. 104-192).

By Mrs. KASSEBAUM, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 1180. A bill to amend title XIX of the Public Health Service Act to provide for health performance partnerships, and for other purposes (Rept. No. 104-193).

By Mr. CHAFEE, from the Committee on Environment and Public Works, without amendment:

H.R. 965. A bill to designate the Federal building located at 600 Martin Luther King, Jr. Place in Louisville, Kentucky, as the "Romano L. Mazzoli Federal Building".

H.R. 1253. A bill to rename the San Francisco Bay National Wildlife Refuge as the Don Edwards San Francisco Bay National Wildlife Refuge.

S. 776. A bill to reauthorize the Atlantic Striped Bass Conservation Act and the Anadromous Fish Conservation Act, and for other purposes.

S. 1315. A bill to designate the Federal Triangle Project under construction at 14th Street and Pennsylvania Avenue, Northwest, in the District of Columbia, as the "Ronald Reagan Building and International Trade Center".

S. 1388. A bill to designate the United States courthouse located at 800 Market Street in Knoxville, Tennessee, as the "Howard H. Baker, Jr. United States Courthouse".

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

Tommy Edward Jewell III, of New Mexico, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 1998. (Reappointment.)

(The above nomination was reported with the recommendation that he be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second time by unanimous consent, and referred as indicated:

By Mr. PRESSLER:

S. 1485. A bill to require the Secretary of the Interior to submit a report on Indian tribal school construction funds to certain committees of Congress, and for other purposes; to the Committee on Indian Affairs.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. D'AMATO:

S. Res. 199. An original resolution directing the Senate Legal Counsel to bring a civil action to enforce a subpoena of the Special Committee to Investigate Whitewater Development Corporation and Related Matters to William H. Kennedy III; from the Special Committee To Investigate Whitewater Development Corporation and Related Matters; placed on the calendar.

By Mr. LUGAR:

S. Res. 200. A resolution expressing the sense of the Senate that the Republic of Trinidad and Tobago should be considered for accession to the North American Free Trade Agreement; to the Committee on Finance.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PRESSLER:

S. 1485. A bill to require the Secretary of the Interior to submit a report on Indian tribal school construction funds to certain committees of Congress, and for other purposes; to the Committee on Indian Affairs.

##### TRIBAL SCHOOL CONSTRUCTION FUNDS LEGISLATION

Mr. PRESSLER. Mr. President, today, I am introducing legislation that would require the Department of Interior to report to Congress within 30 days on the availability of unobligated tribal school construction funds. These are funds that were appropriated for construction in a previous fiscal year, but never spent.

Tribal schools have a deplorable backlog of needed construction and repairs. Indian children continue to attend school in dilapidated and even condemned buildings despite congressional efforts to correct the problems over the last several decades. Many in Congress are interested in finding ways to finance the cost of these needed improvements in the face of limited Federal resources. However, the first step is to determine and account for funds previously appropriated. This accounting is necessary in order to consider financing options.

I sincerely regret that it takes legislation to request an accounting of these unobligated funds. The distinguished chairman of the Indian Affairs Committee, Senator MCCAIN, and I repeatedly have asked the Bureau of Indian Affairs [BIA] for a report, but the BIA has refused to provide this information. I sincerely hope that this refusal is not due to mismanagement of this particular BIA account. Therefore,

in light of the BIA's failure to accurately account for its own budget, legislation is necessary. I look forward to hearing from the BIA on this matter and will work with my colleagues on this important issue. The bottom-line goal is to provide native American children a positive, healthy, and safe environment to learn.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1485

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. REPORT ON FUNDING OF FACILITY IMPROVEMENT, REPAIR, AND CONSTRUCTION OF SCHOOLS OF THE BUREAU OF INDIAN AFFAIRS.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Interior shall prepare and submit to the Committee on Indian Affairs of the Senate and the Subcommittee on Native American and Insular Affairs of the Committee on Resources of the House of Representatives a report on the amounts made available to the Department of the Interior for facility improvement, repair, and new construction of schools of the Bureau of Indian Affairs under part B of title XI of the Education Amendments of 1978 (25 U.S.C. 2001 et seq.).

(b) CONTENT OF REPORT.—The report prepared under subsection (a) shall—

(1) for each of fiscal years 1992 through 1995, specify—

(A) the amounts made available to the Department of the Interior for facility improvement, repair, and new construction of schools of the Bureau of Indian Affairs under part B of title XI of the Education Amendments of 1978 (25 U.S.C. 2001 et seq.); and

(B) any amount of those amounts that were not obligated during the fiscal year for which the funds were made available; and

(2) include information concerning the availability of funds for facility improvement, repair, and new construction of schools of the Bureau of Indian Affairs prior to fiscal year 1992.

#### ADDITIONAL COSPONSORS

S. 582

At the request of Mr. HATFIELD, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of S. 582, a bill to amend title 28, United States Code, to provide that certain voluntary disclosures of violations of Federal laws made pursuant to an environmental audit shall not be subject to discovery or admitted into evidence during a Federal judicial or administrative proceeding, and for other purposes.

S. 704

At the request of Mr. SIMON, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 704, a bill to establish the Gambling Impact Study Commission.

S. 969

At the request of Mr. BRADLEY, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cospon-

sor of S. 969, a bill to require that health plans provide coverage for a minimum hospital stay for a mother and child following the birth of the child, and for other purposes.

S. 1169

At the request of Mr. KEMPTHORNE, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 1169, a bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize construction of facilities for the reclamation and reuse of wastewater at McCall, Idaho, and for other purposes.

S. 1315

At the request of Mr. MOYNIHAN, the name of the Senator from Idaho [Mr. KEMPTHORNE] was added as a cosponsor of S. 1315, a bill to designate the Federal Triangle Project under construction at 14th Street and Pennsylvania Avenue, Northwest, in the District of Columbia, as the "Ronald Reagan Building and International Trade Center".

S. 1469

At the request of Mr. BROWN, the names of the Senator from Michigan [Mr. ABRAHAM], the Senator from Arkansas [Mr. BUMPERS], the Senator from Indiana [Mr. LUGAR], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S. 1469, a bill to extend the United States-Israel free trade agreement to the West Bank and Gaza Strip.

S. 1473

At the request of Ms. SNOWE, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 1473, a bill to authorize the Administrator of General Services to permit the posting in space under the control of the Administrator of notices concerning missing children, and for other purposes.

#### SENATE RESOLUTION 199—ORIGINAL RESOLUTION REPORTED DIRECTING THE SENATE LEGAL COUNSEL

Mr. D'AMATO, from the Special Committee To Investigate Whitewater Development Corporation and Related Matters, reported the following original resolution:

S. RES. 199

Whereas the Special Committee To Investigate Whitewater Development Corporation and Related Matters ("the Special Committee") is currently conducting an investigation and public hearing pursuant to Senate Resolution 120, section 5(b)(1) of which authorizes the Special Committee to issue subpoenas for the production of documents;

Whereas on December 8, 1995, the Special Committee authorized the issuance of a subpoena duces tecum to William H. Kennedy, III, directing him to produce certain documents to the Special Committee by 5:00 p.m. on December 12, 1995;

Whereas on December 12, 1995, the Special Counsel to the President, on behalf of the White House, and personal counsel for the President and Mrs. Clinton, submitted to the Special Committee legal objections to the compelled production of documents under the Special Committee's subpoena;