

Leave Act to care for a newborn or sick child, a spouse, or a parent. This is a significant victory for the families of employees who work in the Executive Office of the President.

Mr. President, American workers deserve the right to be free from discrimination, the right to work in a safe and healthy work environment, the right not to be harassed or fired simply because of race, sex, disability, or age. White House workers deserve the same rights and protections that now extend from our Nation's assembly lines to our Nation's general assembly. The bill we are passing today ensures that those rights will be enforced for employees of the White House.

AMENDMENT NO. 5434

(Purpose: To improve the remedial and enforcement provisions)

Mr. LOTT. Mr. President, Senator COATS has an amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi (Mr. LOTT), for Mr. COATS, proposes an amendment numbered 5434.

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. LOTT. Mr. President, I ask unanimous consent that the amendment be considered agreed to.

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

The amendment (No. 5434) was agreed to.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate point in the RECORD.

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

The bill (H.R. 3452), as amended, was deemed read a third time, and passed.

FEDERAL ASSISTANCE FOR INDIAN TRIBES

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate immediately proceed to the consideration of H.R. 3219, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3219) to provide Federal assistance for Indian tribes in a manner that recognizes the right of tribal self-governance, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCAIN. Mr. President, I rise today in support of prompt enactment of H.R. 3219, the Native American

Housing Assistance and Self-Determination Act of 1996. The bill we have received from the House just 2 days ago will separate Indian housing from public housing and transform HUD-assisted native American housing programs into tribal block grants that will, for the first time, provide this Federal funding directly to native American Indian tribal governments.

First, I want to recognize and commend Congressman RICK LAZIO for spearheading the development of this legislation in the 104th Congress and for his efforts to involve the Indian tribes and the National American Indian Housing Council in the development of the bill. I also want to pay tribute to the steady and strong leadership of Senators D'AMATO and MACK, the respective chairmen of the Senate Banking Committee and its Housing Opportunities Subcommittee, and for their cooperation this past year in working with the Committee on Indian Affairs to ensure that the housing needs of Indian people would be appropriately considered and included in the public housing reform legislation. One public example of this cooperative effort is the joint hearing held earlier this year between the Committee on Indian Affairs and the Senate Banking Committee to review the provisions of the Native American Housing Act and to receive comments from Indian Country on how best to draft Indian housing reform legislation.

Mr. President, the housing problems confronting Indian people are far more serious than those facing non-Indians. Recent studies indicate that 28 percent of all American Indian and Alaska Native families live in substandard, overcrowded housing that lacks the basic amenities of indoor plumbing, electricity, or heating. By way of comparison, less than 5½ percent of all Americans live in similar conditions. Additionally, more than 90,000 native American families are estimated to be underhoused or homeless.

The severe housing problems facing Indian people are compounded by poverty and unemployment levels in native American communities that are of epidemic proportions. The number of Indian families with incomes below the poverty line is nearly three times the average rate for families throughout the rest of the Nation. The average income of native Americans is less than \$4,500 per person per year.

HUD programs have been the major source of housing assistance available to Indian communities. Regular mortgage financing has not been available on Indian reservations because of the unwillingness of the private sector to broaden investment and lending opportunities in part because of the challenges presented by the unique status of Indian trust lands.

The statistics on Indian housing reveal an overwhelming need to change the status quo on HUD assistance to Indian tribes. For these reasons, I strongly support the transformation of

existing HUD programs into tribal block grants and the separation of Indian housing from HUD's urban-oriented public housing programs. Tribal block grants are consistent with long-standing principles of Indian self-determination and tribal self-governance and should enhance the long-standing trust relationship between the United States and Indian tribal governments.

Mr. President, I am asking that my colleagues support immediate consideration and enactment of H.R. 3219. I am pleased with the progress that we have made this year to fashion an Indian housing bill that will best fit the needs of tribal communities. However, while I can support this bill as passed by the House on the eve of adjournment, I must express my serious concerns with the House-passed provisions which retreat from previous Senate-House agreements reached during conference on public housing reform legislation. Unfortunately, the Congress was unable to complete work on the larger public housing reform bill this year, but real progress on Indian housing reform should not be forfeited because of this inability.

H.R. 3219 reflects many of the agreements reached between Indian tribes, Indian Housing Authorities, the administration and the Congress. But, as typically happens in the last remaining days of a congressional session, changes were adopted to the bill in order to pave the way for House passage. I am particularly disturbed by provisions adopted by the House regarding the application of the Davis-Bacon wage requirements to the entire Indian housing bill, including programs which previously had limited exemptions from Davis-Bacon. The House changes will result in a loss of direct funding to Indian tribes for housing development.

As long as I have worked with Indian affairs, I have heard from Indian tribes, time and time again, overwhelming opposition to the application of Davis-Bacon wage requirements on Indian reservations. As chairman of the Committee on Indian Affairs, I have an obligation to protect tribal sovereignty and fight the age-old paternalism of the Federal Government to impose policies on Indian tribes that are not appropriate and that undermine the ability of tribal governments to make their own decisions about how to protect their people and manage their own affairs. I realize that a complete exemption of Davis-Bacon is not politically feasible in this Congress. However, for practical and policy reasons, I believe that the Secretary of HUD should have the authority to grant waivers to Indian tribal governments, at their request, who can provide clear evidence of the impracticality of Davis-Bacon.

In my view, the wage requirements of the Davis-Bacon Act inhibit the ability of Indian tribal governments to provide safe and affordable homes to their tribal members. I understand that for some

tribal areas, Davis-Bacon may actually provide some benefit, but these situations are few and far between. For most of Indian Country, which is largely rural and isolated, Davis-Bacon inordinately raises the cost of construction of a typical housing unit and delays many Indian housing projects, thereby diminishing the efficiency of tribal housing development.

As applied on reservations, Davis-Bacon rates are much higher than they would otherwise be due to the fact that Indian reservations are located in largely rural areas which are not unionized and little or no effort is made to compute Davis-Bacon rates that are specific to each reservation setting. Factors such as geographic isolation, high poverty and unemployment levels, and the restricted status of Indian trust lands have demonstrated that Davis-Bacon is unworkable and inefficient for Indian housing. Under the block grant approach, unfortunately, these problems will only be exacerbated. As one tribal member pointed out to me, "we are being forced to pay Cadillac prices for Volkswagens."

I realize that Indian tribes, Indian Housing Authorities, the National American Indian Housing Council and the National Congress of American Indians support the separation of Indian housing from public housing and view this legislation as an important and historic step to accomplish this long-awaited goal. Despite my strong reservations about supporting a bill that is less than what I believe can be accomplished, I support prompt enactment of H.R. 3219. I share the views of Indian tribes who are convinced that this is the best available opportunity for us to reform HUD-assisted Indian housing programs. It is imperative that we should not continue the status quo of housing conditions in Indian Country any longer than is necessary.

For years, I have worked to turn over authority and funding to Indian tribes for their direct management of housing programs, consistent with long-standing principles of Tribal Self-Determination and Self-Governance. With much effort and work by Indian tribes, H.R. 3219 will bring Indian country closer to these goals. Next year, I will continue to work to exempt HUD-assisted construction activities on Indian lands from the application of the Davis-Bacon Act wage requirements, because those requirements simply undermine tribal authority and waste critically-needed housing funds.

Mr. President, I ask unanimous consent that copies of letters from the National Congress of American Indians and the National American Indian Housing Council be printed in the RECORD. I thank my colleagues for their support of prompt enactment of this important legislation.

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

NATIONAL CONGRESS OF
AMERICAN INDIANS,
September 30, 1996.

Re Indian Housing reform provision.

Hon. JOHN MCCAIN,

Chairman, Committee on Indian Affairs, U.S. Senate, Washington, DC.

DEAR CHAIRMAN MCCAIN: I am writing with regard to the Indian Housing reform provisions passed in the House on 28 September 1996, and now being considered in the Senate. As you know, our tribes have gone on record in support of the "Lazio bill" introduced by Rep. Lazio in the House earlier in this session. Enclosed find Resolution No. TLS-96-101C in support of that legislation. Nonetheless, we have serious concerns with several provisions in the current version of the bill. When I testified on the Native American housing reform bill in June, consistent with tribal sovereignty the legislation contained a tribal "opt-in/opt-out" provision regarding the federal Davis Bacon Act. The new labor standards section does not contain this tribal option, and contradicts even existing limited exemptions for the application of this Act.

In addition, the old version of the housing reform bill contained a \$650 million authorization to fund this critical reform legislation. The current version of the housing bill does not contain a specific provision regarding authorizations and funding, but rather a general authorization statement.

Mr. Chairman, having noted our strong opposition to these provisions, the NCAI supports this legislation.

Sincerely,

W. RON ALLEN,
President.

NATIONAL AMERICAN INDIAN
HOUSING COUNCIL,
Washington, DC, September 30, 1996.

Hon. JOHN MCCAIN, Chairman,
*Senate Committee on Indian Affairs,
U.S. Senate, Washington, DC.*

DEAR CHAIRMAN MCCAIN: The National American Indian Housing Council (NAIHC) is requesting that you support the Native American Housing Assistance and Self-Determination Act of 1996 (HR 3219). On Saturday, September 28, 1996, the House of Representatives passed HR 3219 as amended. NAIHC has reviewed the House-passed version and continue to support this bill.

This historic legislation was introduced by Congressman Rick Lazio, Chairman of the Subcommittee on Housing and Community Opportunities, earlier this year. Congressman Lazio has worked very closely with the Native American community since the bill's introduction and has continually sought our input. The bill incorporates many changes that have created problems in our communities and encourages our right to self-determination, a goal you have long supported.

In June, NAIHC's membership passed Resolution 96-01 supporting this legislation. The resolution passed with a vote of 125 for to 12 opposing. As you can see, there is an overwhelming majority of our people who believe the changes HR 3219 will bring are greatly needed and long overdue. NAIHC recognizes that the version of HR 3219 that Resolution 96-01 supports was somewhat revised as it made its way through the legislative process. Resolution 96-01, however, supports the concepts of HR 3219 which have remained intact.

Please pass this historic legislation before Congress departs for recess. Thank you for your continued support of Native Americans.

Sincerely,

JACQUELINE L. JOHNSON,
Chairperson.

Mr. D'AMATO. Mr. President, I rise to support passage of the Native Amer-

ican Housing Assistance and Self-Determination Act of 1996 (H.R. 3219). I would like to express my appreciation to Senate Committee on Indian Affairs Chairman JOHN MCCAIN, Senator TED STEVENS, Senator PETE DOMENICI and Senator BEN Nighthorse Campbell for their commitment and dedication to reforming Indian housing policy. In addition, I would like to commend the House of Representatives for taking the initiative in developing and passing this important legislation.

This legislation originally passed the House of Representatives as title VII of H.R. 2406, the United States Housing Act of 1996. On June 20, 1996, the Senate Committee on Banking, Housing, and Urban Affairs and the Senate Committee on Indian Affairs held a joint hearing on this bill and the future of Indian housing policy for our Nation.

The cornerstone of H.R. 3219 is the promotion of the essential Federal-Indian policy of tribal self-determination and self-governance. It recognizes the unique government to government relationship between the Federal Government and Indian tribes. The bill also makes a long overdue recognition that the conditions of American Indian and Alaska Native housing are very different from those of urban public housing and responds by separating the programs from each other.

This legislation is supported by the majority of Indian tribes and Indian Housing Authorities across America. It responds to tribal requests for reduced Government regulation, greater flexibility, and the consolidation of funding sources into block grants. In addition, it recognizes the reluctance of the private sector to provide housing on trust or restricted land by broadening the scope of the loan guarantee program and providing for 50-year leasehold interests on such lands.

Importantly, the bill maintains maximum rent restrictions to protect recipients of housing assistance. The monthly rent or homebuyer payment may not exceed 30 percent of the monthly adjusted income of such family. However, a tribally designated housing entity may choose to require a monthly housing payment which is less than 30 percent.

Although this bill is not perfect, it represents a strong beginning in the process of devolving control of housing policy from the Federal Government to the States and localities, in this case the tribally designated housing entities. The Senate Committee on Banking stands ready to legislate any necessary improvements which may be required prior to final implementation of the legislation. I rise to support the adoption of the Native American Housing Assistance and Self-Determination Act of 1996.

Mr. STEVENS. Mr. President, I would like to say just a few words about H.R. 3219, The Native American Housing Assistance and Self-Determination Act, which, if passed and signed into law, could become a landmark in the development of responsive

and responsible housing for Indians and other native Americans throughout this country.

To say that the time has come for legislation like H.R. 3219 is to indulge in understatement. For far too long native Americans have been required to look to the U.S. Government—especially HUD, for direction and funding in the essential area of housing. Passage of H.R. 3219 will enable Native Alaskans and other native Americans to become responsible for their own housing decisions.

Mr. President, I am particularly proud of the fact that Ms. Jackie Johnson, a Tlingit from Juneau, AK, who is Chair of the National American Indian Housing Council, played such an important role in the initiation and development of this historic legislation. Ms. Johnson has poured an enormous amount of work into this effort as has the entire National American Indian Housing Council. I also want to thank members of the Association of Alaska Housing Authorities and its president, Kristian N. Anderson, all of whom contributed so much toward the development of this legislation. All these fine Alaskans have reason to be proud.

I am hopeful, Mr. President, that passage of H.R. 3219 will mark the beginning of a new era in native and Indian Housing that is responsive and responsible—and most importantly, by and for native Americans.

Mr. BRYAN. Mr. President, today the Native American Housing Assistance and Self-Determination Act, H.R. 3219, will pass the Senate. I would like to enter into a short colloquy with Senator MACK, the subcommittee chairman of the Subcommittee on Housing Opportunity and Community Development.

In Nevada, there are a number of small Indian tribes which are very dependent upon the funding they receive from Department of Housing and Urban Development for their local housing programs. Under this bill, the funding for native American housing assistance will be provided to tribes through block grants for operation, modernization, and new development through a new funding formula. For fiscal year 1997, this legislation provides for hold harmless funding for small tribes like those in Nevada. During fiscal year 1997, the tribes will work with HUD through a negotiated rulemaking procedure to implement this act, and develop the funding allocation.

Tribes in my home State have raised concerns that the current hold harmless provision might disadvantage small tribes that received no modernization funding in fiscal year 1996, and that a technical correction may be necessary to ensure their funding level is indeed held harmless.

Mr. MACK. Mr. President, as the Senator from Nevada stated, H.R. 3219 includes language to specifically require the allocation formula will provide for the continuing operation and modernization needs of existing hous-

ing units. This provision is to hold harmless all native American housing authorities or tribes from unanticipated consequences of a new formula, while the tribes are guaranteed the opportunity to participate in determining the funding allocation through negotiated rulemaking with HUD.

If a technical correction is needed to ensure that small tribes and Indian housing authorities are held harmless during this negotiated rulemaking process, I will work with the Senator from Nevada to seek such correction early in the next Congress.

Mr. BRYAN. Mr. President, I appreciate the willingness of the Senator from Florida to deal with this issue expeditiously in the next Congress, if it is necessary to ensure that tribes which might be negatively affected by this bill will have their concerns addressed.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate point in the RECORD.

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

The bill (H.R. 3219) was deemed read a third time, and passed.

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

Mr. LOTT. Mr. President, I send a bill to the desk in behalf of Senators STEVENS and MOYNIHAN, and I ask that it be considered and agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2198) to extend the Advisory Commission on Intergovernmental Relations and correct the enrollment of a bill.

Mr. LOTT. Mr. President, this is a bill to extend the Advisory Commission on Intergovernmental Relations and correct the enrollment of that bill.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. Without objection, the leader's request is agreed to.

The bill (S. 2198) was deemed read a third time, and passed, as follows:

SEC. . (a) Notwithstanding the provision under the heading "ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS" under title IV of the Treasury, Postal Service, and General Government Appropriations Act, 1996 (Public Law 104-52; 109 Stat. 480), the Advisory Commission on Intergovernmental Relations may continue in existence solely for the purpose of performing any contract entered into under section 7(a) of the National Gambling Impact Study Commission Act (Public Law 104-169; 110 Stat. 1487). The Advisory Commission on Intergovernmental Relations shall terminate on the date of the completion of such contract.

(b) The Advisory Commission on Intergovernmental Relations and employees of the

Commission who are considered to be Federal employees under section 6(e) of Public Law 96-380 (42 U.S.C. 4276(e)) shall make contributions to and participate in Federal health insurance, life insurance, and retirement programs to the same extent and in the same manner as before the date of enactment of this section. The Commission shall make any such contributions from funds received through contracts.

Section 615 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1997 (contained in Pub. L. No. 104-208) is amended by deleting "and "Community Oriented Policing Services Program"" and by deleting "and part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968". The amendments made by this section should take effect upon enactment.

Mr. LOTT. Mr. President, the staff is working desperately to wrap up a couple of final items. We feel like we need to go ahead and close because as long as we stay here, there will be other opportunities to try to get something cleared. I think we have done a very good job of moving some noncontroversial bills. We have had good cooperation on both sides.

So I do have just two or three more, and then we will wrap up.

MINING INSTITUTE LEGISLATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 501, H.R. 3249.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3249) to authorize appropriations for a mining institute to develop domestic technological capabilities for the recovery of minerals from the Nation's seabed, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and that any statements be placed at the appropriate place in the RECORD as if read.

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

The bill (H.R. 3249) was deemed read a third time, and passed.

DESIGNATION OF THE CLARION RIVER AS COMPONENT OF THE NATIONAL WILD AND SCENIC RIVERS SYSTEM

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3568, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3568) to designate 51.7 miles of the Clarion River, located in Pennsylvania, as component of the National Wild and Scenic Rivers System.