

allowing international humanitarian agencies access to detention facilities.

Significant progress in improving the overall human rights conditions in China and Tibet. The Chinese Government must take concrete steps to increase freedom of speech, freedom of religion, and freedom of association, in order to comply with the Universal Declaration of Human Rights, which it signed in 1948.

Some say that we cannot influence what goes on in China, that the country is too proud, too large, and that changes take too long. I disagree. For years we have pressured the Chinese on human rights, and to let up now is tantamount to defeat for the cause of human justice. Dissidents who have been freed and come to the United States have thanked advocates for keeping them alive, by keeping the pressure on, and focusing attention on their plight.

As Americans, it is our duty and in our interest to make the extra effort required to promote freedom and democracy in China, and to bring it into compliance with international standards on human rights.

Mr. President, I yield the floor.

#### DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998—CONFERENCE REPORT

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

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2107) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of October 22, 1997.)

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The time under the conference report is controlled.

Who yields time?

Mr. GORTON. I yield myself such time as I may use.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I am pleased to bring before the Senate the conference report on H.R. 2107, the fiscal year 1998 Interior and Related Agencies Appropriations Act. The conference report provides \$13.8 billion for programs under the jurisdiction of the Interior subcommittee, and incorporates a number of changes to House

and Senate funding levels and legislative provisions in an effort to reconcile the differences between the two bodies, and to reconcile the differences between the Congress and the administration. I firmly believe the resulting conference agreement is worthy of my colleagues' support.

While at this time I will not go into great detail about the conference report, I want to stress the fact that the conferees on this bill have gone to extraordinary lengths to try to accommodate the concerns of the administration. I ask unanimous consent that a more detailed discussion of the modifications that have been made in response to administration concerns appear at the end of my statement.

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

(See exhibit 1.)

Mr. GORTON. There are, however, a handful of issues in the conference agreement that I know are of great interest to all Senators. I will spend a little time discussing two of these issues: Land acquisition and the National Endowment for the Arts.

The budget agreement provided the Appropriations Committees with the option to appropriate \$700 million for "priority land acquisitions and land exchanges," with the appropriation being in addition to the subcommittee's 602(b) allocation. This reserve fund was requested by the administration in budget talks, in large part because of the administration's desire to finance two major land purchases that it negotiated shortly before the Presidential election: The Headwaters Forest in California and the New World Mine in Montana.

The administration originally had proposed to conduct these acquisitions administratively, exchanging oil and gas properties and revenue streams in ways that stretched existing exchange authorities to the limit, if not beyond. I and many others strongly objected to the proposed acquisitions at the time, in part because it was clear that the administration was trying to evade the requirements of the Budget Act and bypass Congress altogether on two major expenditures. In that sense, I am glad that the budget agreement provided an opportunity for these acquisitions to come before Congress, albeit not under ideal conditions.

The House Appropriations Committee chose not to provide the \$700 million. Chairman REGULA not only doubted the value of the Headwaters and New World Mine acquisitions to the U.S. taxpayer, but also felt strongly that if \$700 million were available in the context of the budget agreement, that money would be better spent reducing the multi-billion-dollar maintenance backlog that exists in our parks, refuges, and public lands. I cannot honestly say that I disagree with him on either point.

I did, however, include the \$700 million in the Senate bill, largely because I feel a personal commitment to the

budget agreement and the broader benefits that it provides for the American taxpayer. \$315 million of the funds provided in the Senate bill were for the Headwaters Forest and New World Mine acquisitions. But because of the complexity of the acquisitions, the many questions that had been raised about them, and their sheer magnitude, I agreed with Senator MURKOWSKI that the funds should be provided subject to enactment of subsequent authorizing legislation. Some have intimated that this was an attempt to kill the two deals, but I can assure you that on my part it was not. I also have no doubt that Senator MURKOWSKI was doing anything other than his job, part of which is to authorize land purchases of this nature. The notion that Congress should simply accept the administration's word as to the worth of these expensive and highly complex projects is not only an abandonment of congressional prerogatives, but of our duty.

Mr. President, the conference on the Interior bill was closed 3 weeks ago but for the very difficult question of land acquisition. The administration has continually insisted that the money for Headwaters and New World Mine must be included in any Interior bill that the President would sign, and that such money could not be subject to an authorizing requirement. Senator MURKOWSKI has continued to insist on an appropriate role for the authorizing committee. Congressman YOUNG, Congressman HILL, Congressman RIGGS, and Senator BURNS desired to make certain that the communities impacted by the two acquisitions were adequately compensated. Congressman REGULA has insisted that a portion of the \$700 million be made available to reduce maintenance backlogs on our public lands, rather than require all the money to be used to increase the public land base, and I should not fail to mention that Congressman OBEY, among others, was greatly displeased that the budget resolution dictated to the penny the amount that the Appropriations Committee could provide for priority land acquisitions.

The negotiations among all of these parties over the past several weeks have been exceedingly difficult. The compromise included in the conference report provides \$699 million for priority land acquisitions and land exchanges, and critical maintenance needs. Of this amount, up to \$250 million is for Headwaters Forest and up to \$65 million is for the New World Mine. Authorizations for both projects are included in the conference report, but the acquisitions cannot be made until 180 days after enactment, providing the authorizing committees time to review the acquisitions and possibly recommend changes to the authorizing language. The authorizing language itself is the product of lengthy discussions between House and Senate authorizing committees, the Appropriations Committees and the administration. I should note

that Senator MURKOWSKI was a reluctant participant in these discussions, and feels strongly that the authorizing legislation should have gone through the normal committee process. I will also say that the administration is not in complete agreement with the provisions of the authorization.

The major sticking point in these discussions over the last week has been the question of whether or not a formal appraisal would be required for the Headwaters and New World Mine acquisitions. The administration has insisted that appraisals are not necessary, and that Congress should be satisfied with an opinion of value—a term with no formal meaning. On the other hand, Senator MURKOWSKI, Congressman REGULA, and I all agree that a formal appraisal is the only way to safeguard the American taxpayer. While the conferees have reluctantly agreed not to cap the purchase price at the appraised value, the conference report does require an appraisal for each acquisition.

In spite of the great strides that have been taken to address the concerns of the administration elsewhere in the bill, I have no doubt that if this bill is vetoed by the President, it will primarily be because of the appraisal requirement for these two acquisitions. I also have little doubt that if the bill is vetoed, the \$700 million stands a better chance of being removed from a future bill than does the appraisal requirement. I cannot entirely account for the administration's strong resistance to the notion of a formal appraisal. If either appraisal places the value of these properties below the price to which the administration agreed, the administration will have ample opportunity to dispute the appraisal. Congress does, from time to time, approve acquisition above the appraised value. If either appraisal values one of these properties above the price to which the administration has agreed, such appraisals will only support the administration's case that these acquisitions represent good buys for the taxpayer. In short, I think Congress has been extraordinarily fair in its dealings with the administration with regard to Headwaters and New World Mine.

Turning to the National Endowment for the Arts, my colleagues will recall that the House bill included zero funding for the NEA. The Senate bill included just over \$100 million, a small increase over the current year level. The Senate also considered a number of NEA amendments during floor consideration, ranging from complete termination of the Endowment to greatly increasing the percentage of NEA funds that are provided as block grants to the States. Though the debate on these amendments made clear that there is significant concern about NEA's current structure and practices, the votes on the amendments also made clear that the Senate does not share what were apparently the views of the House.

The conference report \$98 million for NEA—a remarkable outcome given the House position. In exchange for providing nearly all the funding included in the Senate bill, the House requested that the conference report include a number of reforms to the NEA's structure and procedures. As a result, the conference report increases the percentage of block grants to States, makes arts education a priority, and alters the structure and membership of the National Council for the Arts to reflect congressional interest in the NEA's conduct and direction.

With regard to the conference agreement on the NEA, it is safe to say that the House leadership is not pleased with the result. I think it is also safe to say that if this bill is vetoed and returned to conference, it is almost certain that the House will demand additional reductions in funding for the NEA. This is not a threat from an opponent of the Endowment. To the contrary, I have been a strong supporter of the NEA, even though I have been critical of some of the decisions made by the agency over the years. My comments are rather a simple recognition of current sentiment in Congress.

In a similar vein, I cannot say what would happen to the \$700 million for land acquisition should this bill be vetoed. This comes not from someone who strictly opposes providing the \$700 million, but rather from someone who included the money in this bill in the first place. I am simply stating the fact that this conference agreement is very delicately balanced, and that a decision by the administration to come back for one more bite at the apple—despite the great lengths we have gone to accommodate its concerns—will not be without peril.

On a less ominous note, I do want to take a brief moment to mention a few other items. First, I want to note the work that Senator JEFFORDS and Senator TORRICELLI have done in the interests of the preservation of Civil War battlefields—a subject near and dear to my heart. The Senators offered an amendment to this bill expressing the sense of the Senate that Civil War battlefield preservation should be a high priority for Congress. I know they would like to have done more, particularly with regard to earmarking a portion of the \$700 million, but I do want them to know that I will continue to work with them in the allocation of the \$700 million should this conference report be enacted. I also want to note some of the Civil War projects that are funded elsewhere in this bill, such as the \$1.7 million provided for rehabilitation at Vicksburg National Military Park, the \$2 million provided for stabilization work at Shiloh National Military Park, the \$1 million provided for an interpretive center at Corinth battlefield, and the \$3.5 million provided for land acquisition at Fredricksburg/Spotsylvania National Military Park. I am also very pleased that the conference report provides a

more than \$1 million operating increase for Gettysburg National Military Park, a subject on which Senator SANTORUM has worked very diligently.

I also want to clarify that the funding provided to the Fish and Wildlife Service for habitat conservation planning for the Preble's Meadow jumping mouse applies to four counties in Colorado. These mice range over four counties in Colorado and two counties in Wyoming. However, the mice occur on private lands in Colorado and on Federal land in Wyoming. The habitat conservation plan only applies to the private lands in Colorado.

Finally, I want to make special note that this bill includes funding for the National Park Service to study alternatives for the commemoration and interpretation of events associated with the integration of the Charleston School District in Arkansas and Central High School in Little Rock. While other Senators are familiar with the events surrounding the integration of Central High School in 1957, they may not be aware that the Charleston public schools were actually the first to integrate in Arkansas—by some accounts the first in the South—shortly after the Brown versus Board of Education decision in 1954. My colleagues may also not be aware that Senator BUMPERS is a former member of the Charleston School Board, and that he was counsel to the school board during the period in which the decision was made to integrate the Charleston schools. Perhaps the relatively smooth integration of the Charleston schools, as compared to the bitter struggle that took place at Central High School, is a most telling testament to Senator BUMPERS' wisdom and power of persuasion—qualities that we will sorely miss after his departure from the Senate.

With that I will once again express my thanks to Senator BYRD for all his help and guidance over the course of the year, and express my sincere hope that the President will sign this bill. I cannot stress too greatly the length to which we have gone to address the administration's concerns, nor can I overstate the delicacy of the balance that has been achieved in this conference report. Nothing good can come of the President vetoing this bill.

[EXHIBIT 1]

EFFORTS TO ACCOMMODATE ADMINISTRATION CONCERNS

FOREST SERVICE

#### *Forest land management planning*

The Senate bill included a provision prohibiting the expenditure of funds for revisions of individual forest plans until new forest planning regulations have been issued. Those regulations have been under review for eight years through two administrations, and have been withdrawn at the last minute prior to each of the last two presidential elections. Such delay is intolerable. The Appropriations Committee is greatly concerned that millions of dollars are being spent for forest plan revisions that will be invalid or obsolete upon issuance of the new regulations. The Committee is also concerned that the Forest Service may be revising plans

pursuant to a set of regulations that have been drafted, but not aired in the public rule-making process.

The conference language has been significantly revised to accommodate Administration concerns, while making clear that the current forest planning process is broken and needs prompt revision. The conference language allows funds to be expended for forest plan revisions under current regulations where a Notice of Intent to Revise was published in the Federal Register prior to October 1, 1997, or where a court order directs that a revision must occur. The statement of managers further clarifies that the new regulations need only be released in an interim form to comply fully with this provision.

#### *Office of the Western Director*

The House bill eliminated all funding for operations of the western director and special assistant to the Office of the Secretary of Agriculture. The Senate bill prohibited funding for this purpose absent approval through the reprogramming process. Despite House and Senate concerns about the use of funds for this purpose, the conference agreement allows Interior bill funds to be used for the western director up to the level provided in the Interior bill for fiscal year 1997.

#### *Log exports*

This important legislation bans the export of raw logs from national forest lands and from Washington State lands. It further alters rules governing substitution of private logs in the export market for federal timber. This legislation has bipartisan support and is the result of lengthy discussion among affected industries and parties in the affected states. This language encourages domestic processing of timber, creates more American jobs, and entirely bans the export of raw logs from State of Washington timber lands.

#### *Forest roads*

The Administration has objected to the fact that the conference agreement does not provide for the termination of the "purchaser credit" program for the construction of timber roads. The issue was hotly debated in both the House and Senate, but neither body voted to terminate the program. As such, the conference agreement is appropriate.

While I firmly believe that the real issue in this debate is the continued effort by fringe environmentalists to eliminate the harvest of timber from National Forests, I believe it would be wise for Congress and the Administration to resolve this issue somewhere other than on the floors of the Senate and House. I encourage the Administration to negotiate with the timber industry, environmentalists, and timber workers to develop reforms that will build confidence in the purchaser credit program, and provide assurances to taxpayers that the program is an efficient alternative to Forest Service road construction, and is not an industry subsidy.

#### *Western red cedar*

The conference report contains language that protects the economic stability of timber processors in the Pacific Northwest by requiring the Forest Service to make Alaskan Western Red Cedar available to processors in the contiguous United States before it can be exported. Although the bill language does not fully satisfy the Administration, it does have strong bipartisan support in the Pacific Northwest where timber producers have been severely harmed by reduced availability of public timber, and fully complies with Alaska's Tongass National Forest Land Management Plan.

#### *Interior Columbia Basin ecosystem management project*

The conference agreement includes language on the Columbia Basin ecosystem

planning project in response to Congressional concerns about the time, cost, and lack of results associated with this and previous ecosystem planning efforts. The language instructs the Forest Service and the Bureau of Land Management to include in the Environmental Impact Statement (EIS) information on economic and social impacts at the sub-basin level. The conferees are aware that this may result in additional time and cost, but are willing to make this investment so that the people most affected by these decisions will have a better understanding of the impacts when the final EIS is implemented.

The conference agreement also requires a report to Congress on potential implementation costs and potential impacts on resource and commodity production in the Interior Columbia Basin. To date this project has cost taxpayers \$90 million. The Administration has estimated that implementation of the plan could cost an additional \$135 million per year. It is certainly legitimate for Congress to seek more information about such costs and impacts prior to finalization of the plan. The language gives the Administration flexibility to perform its analysis in an efficient manner.

#### *President's northwest forest plan*

The Administration has complained about language included in the Statement of Managers requiring that 757 million board feet be offered for sale under the Pacific Northwest Forest Plan, of which ten percent must meet the Administration's definition of "other wood." This language uses the Administration's own figures, and is simply included to provide some level of accountability to ensure that the Forest Service lives up to its commitments.

#### *NATURAL RESOURCES*

##### *Lake Clark national park and preserve*

The Senate bill included a provision extending the statute of limitations of certain Alaska Native Village Corporations and the area Regional Corporation to bring suit against the Department of the Interior with regard to certain land claims under the Alaska Native Claims Settlement Act. This provision was acceptable to the Administration. A second provision added in conference would have required future litigation on this issue to be considered in trial de novo, and would have required that certain elements of such litigation be construed to the benefit of the Native Corporations. Sen. Stevens strongly believed this amendment to be appropriate from the standpoint of fairness to the Native Corporations, but the Administration also felt strongly that the additional provisions were contrary to the agreements that the Department of the Interior had reached with the Native Corporations regarding land selections.

The conference report includes the Senate provision extending the statute of limitations, as well as language allowing additional evidence to be introduced in any litigation that may ensue. The language included in the conference report has been agreed to by the Administration.

##### *Rulemaking on hardrock mining*

The Administration objected to the Senate Appropriations Committee's provisions in section 339 which would have prohibited Department of the Interior's use of funds for a rulemaking to update rules on surface management of hardrock mines until the Secretary of the Interior established a Federal-State advisory committee that would have prepared a consensus report for Congress on the relationship of State and Federal surface management policies. In response, section 339 has been amended to permit the Interior Department to develop a rulemaking on

hardrock mining upon the certification by the Secretary of the Committees of jurisdiction in the House and Senate that the Department has consulted with the governor of each state that contains public lands open to location under the General Mining Laws. The publication of proposed regulations shall not occur before November 15, 1998 and regulations shall not be finalized prior to 90 days after publication of the proposed regulations.

#### *Grizzly bears*

The conference agreement does include a limitation on funds for the reintroduction of grizzly bears in the Selway-Bitterroot area of Idaho and Montana. This provision was adopted by unanimous voice vote during Senate committee markup and was not contested on the Senate floor. At the request of the Administration, however, the language has been changed to make clear that the Environmental Impact Statement on reintroduction can proceed to a Record of Decision. Since the Administration has stated that actual reintroduction is unlikely to take place in fiscal year 1998, it is unclear what substantive objection remains.

#### *Alaska subsistence*

The Administration strongly objected to a provision in the House bill that would have extended a moratorium on the assumption of Federal control over fisheries management in Alaska pursuant to the Alaska National Interest Lands Conservation Act. The conference agreement incorporates a compromise between Members of the Alaska delegation, the Administration, the State of Alaska and other elected officials in Alaska that will facilitate resolution of the subsistence issue. This provision is directly relevant to the appropriations process, as the cost to the Federal government of assuming management responsibilities would be substantial.

#### *World heritage and man in the biosphere programs*

The House voted to prohibit the use of funds for the World Heritage and Man in the Biosphere programs, a provision to which the Administration has strongly objected. The conference agreement does not prohibit the use of funds for the World Heritage program, which has grounding in prior statute and treaty, but does prohibit the use of funds to nominate sites under the Man in the Biosphere program until that program is specifically authorized by Congress. Authorizing legislation addressing these issues is under active consideration by Congress, and it is reasonable for the Appropriations Committee to prohibit the use of funds for the Man in the Biosphere program until U.S. participation in the program is authorized.

#### *Pennsylvania avenue redesign*

The conference agreement prohibits the Administration from expending Interior bill funds for redesign of Pennsylvania Avenue between 15th and 17th Streets, N.W., without the approval of the Appropriations Committees through the reprogramming process. The Administration objected to the original version of this provision on the grounds that it might have prevented the implementation of security measures to protect the White House. While such was not the intent or effect of the amendment as originally proposed, the amendment has been modified at the request of the White House.

The Treasury Department has received over \$51 million in direct appropriations since 1996 specifically for security around the White House. The provision in the Interior bill is directed at funds that would be spent by the Park Service, primarily for beautification of the area. The Administration has chosen an option for the redesign that would cost over \$50 million. The details of this plan

were only recently released, and have received very little scrutiny. The Appropriations Committee simply wants the opportunity to discuss with the Administration its proposal before a significant amount of Park Service funds is committed to a particular plan of action.

#### ARTS PROGRAMS

##### *Smithsonian Institution*

The Administration objection to the fact that the House bill provided no funds for construction of the National Museum of the American Indian Mall Museum. The conference agreement provides \$29 million for the first half of construction costs as proposed in the Senate-passed bill and in the Administration's budget request.

##### *Woodrow Wilson International Center for Scholars*

The conferees agreed to fund the Woodrow Wilson International Center for Scholars (WWIC) at the budget request level of \$5.8 million, as proposed in the Senate bill. Due to concern about administration of the Center's programs, the House recommended a \$1 million appropriation for FY 1998—an amount that would have terminated the Center's operations.

##### *National Endowment for the Arts*

The House bill included no funding for the National Endowment for the Arts. The Senate bill included \$100 million, a decrease below the request but a slight increase over FY 1997. There was considerable debate about the NEA during conference, but the final result was a compromise that substantially protects the Endowment's current funding level. Certain reforms to the NEA's structure and grant-making processes were adopted, but provisions to expand radically the black grant program or impose an administrative budget cap—two items of particular concern to the Administration—were not among the reforms adopted. The conferees also rejected an effort to reduce the appropriation by \$10 million below the Senate level.

#### PROGRAMS FOR NATIVE AMERICANS

##### *Tribal priority allocations*

The conference agreement provides funding for BIA Tribal Priority Allocations (TPA) at the Administration's requested level, the level included in the Budget Agreement. Within that amount, the conference agreement requires that all federally-recognized tribes be provided at least the minimum level of TPA recommended by the BIA, a goal supported by the BIA and Interior Department but missing from the President's request.

The TPA language included in section 118 of the conference report represents a serious attempt to respond to the Administration's concerns about the original Senate language, while still addressing the fact that discretionary appropriations are limited, and that the TPA pro rata allocation is inequitable and unresponsive to the disparate needs of the tribes. Currently, 309 of 526 Federally-recognized tribes do not receive the minimum recommended level of TPA. The Administration has not requested measures to rectify the inequitable distribution of TPA among the tribes. The Senate proposed a new distribution method based on a number of factors to measure the relative means of tribes. Despite universal agreement that the current distribution method of TPA is archaic and has resulted in great financial disparity among the tribes, the Administration opposed the Senate's proposal.

The Conference report provides full funding for TPA at the requested level to be distributed as follows: All pro rata TPA programs will be funded at the fiscal year 1997

level adjusted for all fixed costs and internal funding transfers; all formula-funded TPA programs will be funded at the requested level; all Federally-recognized tribes will receive at least at the minimum level of \$160,000 in TPA funds as recommended by the BIA; and any remaining funds will be distributed based on recommendations of a task force, which shall include tribal leaders, to be established by the Secretary of the Interior.

##### *Taxation of tribal revenues*

Contrary to Administration complaints that the Congress would add such a provision to the bill, the conference report contains no provision that would prohibit the Secretary of the Interior from taking land into trust for any tribe that had not entered into a binding agreement with State and local governments regarding the tribe's collection and payment of State and local sales and excise taxes on retail purchases made on the land by non-tribal members.

##### *Sovereign immunity*

The Senate bill originally contained a provision that would waive the sovereign immunity of Indian tribes accepting certain Federal funds. The Administration strongly objected to this provision, which was removed during Senate floor consideration in response to commitments from the Chairman of the Senate Indian Affairs Committee to conduct hearings on the issue and to mark up a bill from the Committee during the next session of Congress.

##### *Indian gaming*

The Conference Report contains the Senate-passed provisions at section 129 concerning approval of Tribal-State compacts for Indian gaming. The Administration opposed this language in a September 30, 1997 letter to Congress. The Administration is reminded, however, that the amendment was modified by its sponsors in response to concerns that the original version would have resulted in Federal law preempting State law. The Conferees are concerned that the States affected by Indian gaming within their borders are kept out of the decision-making process with regard to Indian gaming. Section 129 prohibits the Secretary of the Interior from unilaterally approving any initial Tribal-State compacts for class III gaming entered into on or after the date of enactment of the Interior Appropriations Act. Section 129 does not affect Secretarial review or approval of a renewal or revision of, or amendment to, existing tribal-State compacts.

The Conferees modified section 131 as passed by the Senate, which the Administration opposed. As passed by the Senate, section 131 would have prevented the National Indian Gaming Commission (NIGC) from taking action to change its current regulations to define certain types of new electronic gambling. As modified, the provision prohibits the NIGC from issuing draft or final rules, but clarifies that the Commission may gather information during fiscal year 1998 relating to the Advanced Notice of Proposed Rulemaking on such regulations it recently published. Given the time required to proceed with information-gathering relative to the Advanced Notice, the year prohibition will not be an undue interference with the Commission in exercising its regulatory and oversight duties on tribal gaming activities.

The National Governors Association supports both section 129 and section 131.

#### DEPARTMENT OF ENERGY

##### *Energy conservation*

The conference agreement provides \$612 million for Energy Conservation programs, an amount which is roughly a split between

the comparable levels provided by the House and Senate. While the amount provided by the conference agreement is below the budget request, it is \$42 million above the FY 1997 level—a substantial increase.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I yield myself such time as I may consume.

Mr. President, I am pleased to join Senator GORTON today in bringing the conference report on the fiscal year 1998 Interior appropriations bill before the Senate. The Senate completed its action on this bill in September. The formal conference was completed on September 30, and discussion and negotiation regarding a limited number of outstanding items was finally completed just a few days ago. The conference report was filed on October 22, and was approved by the House last Friday by a vote of 233-171. Inasmuch as we are now several weeks into the fiscal year, I hope that the Senate will be able to complete its consideration of this appropriations measure expeditiously, so that the bill can be presented to the President and the agencies can begin implementation of the programs funded for fiscal year 1998 once this bill is enacted.

The agreements before the Senate today total \$13.8 billion in budget authority, and \$13.7 billion in outlays, as scored by the Congressional Budget Office. This conference agreement substantially fulfills the commitments for Interior bill programs included in the bipartisan budget agreement of which I had no part and which personally I don't recognize, and incorporated into the budget resolution earlier this year.

Mr. President, as with nearly every conference, reaching agreement on this conference report required difficult choices and a search for balance between competing priorities of the House, the Senate, and the administration. This bill provides important resources to address important needs for our public lands and natural resources, as well as for Indian programs, energy research and development, and our core cultural programs. The major legislative provisions of concern have been modified to address some of the concerns of the administration.

Mr. President, Senator GORTON has done an excellent job of summarizing the many factors at work in reaching the agreements contained in the conference report now before the Senate. The negotiations over the special \$700 million land acquisition account were protracted, with each side giving some in order to reach a final agreement. We do not yet know whether the President will approve or veto this legislation. As Senator GORTON has suggested, many changes were made to this bill to reflect the concerns of the administration, while protecting Congress' role—while protecting Congress' role in determining the expenditure of funds and proper oversight responsibilities. Just as no Member of Congress got everything he or she might have wanted

from this appropriations measure, neither did the administration. But the overall product is a good one, and I hope it will be enacted. I do not believe that closure on further issues of concern will be easier if the bill is vetoed.

Among the highlights of this conference report are these:

Funding for the National Park Service remains a priority. The recommendation includes an operational increase of \$79 million over the fiscal year 1997 level. Other significant park increases are provided for construction and land acquisition.

A significant initiative to focus attention on the operational requirements and habitat restoration and maintenance backlogs of our national wildlife refuges is supported, with increased funding of \$40.8 million above fiscal year 1997.

As to our Nation's energy research and development programs, the investment in those programs is continued. Fossil energy research and development is funded at \$362.4 million, which is \$2.3 million below the fiscal year 1997 enacted level. Increases above the budget request are provided to sustain technology development programs intended to produce environmental benefits while improving energy efficiency.

On another matter, the conference agreement fully funds the President's request for tribal priority allocations at \$757.4 million, an increase of \$76.5 million over fiscal year 1997 levels.

As to the National Endowment for the Arts, the conference agreement includes \$98 million to continue the National Endowment for the Arts. A package of reforms is included in the bill to address concerns over the use of Federal funds in support of the arts. These reforms include an increase on the amount of funds allocated directly to the States; a cap on the amount of funds that can be awarded to each State from the competitive grants pool; changes in the structure and composition of the National Council on the Arts; prohibitions regarding grants to individuals; and an emphasis on arts education.

With reference to land acquisition, this bill provides a special land acquisition account as recommended in the budget resolution. The account is funded at a level of \$699 million, which includes \$315 million for the Headwaters Forest, CA, and New World Mine, MT; \$22 million in special payments for affected local areas in California and Montana; and the balance is available for priority land acquisitions, exchanges, and maintenance to be identified by the Department of the Interior and the Forest Service, and for which the committees on appropriations will have final approval. The conference agreement includes legislative language establishing initial parameters for the completion of the two large exchanges.

Mr. President, it is my privilege and great pleasure to serve as the ranking member at the side of our very able

chairman, the senior Senator from Washington, Mr. GORTON. We have worked closely, as we always have, on the product that we present to the Senate today. In his stewardship of this bill as chairman of the committee, Senator GORTON has been very fair, he has been bipartisan in his handling of the many programs and issues which were negotiated in the conference. I commend this conference report to the Senate and urge Senators to support its approval.

Mr. President, I yield the floor and suggest the absence of a quorum. I ask unanimous consent that the time be charged against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FEINGOLD. 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. FEINGOLD. Mr. President, I ask unanimous consent to speak as in morning business.

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

Mr. BYRD. Mr. President, for how long does the distinguished Senator wish to speak? I have no objection. I just think we should know how long he expects to speak.

Mr. FEINGOLD. Mr. President, I ask for 20 minutes to speak.

Mr. BYRD. Mr. President, I have no objection.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Thank you, Mr. President. I thank the Senator from West Virginia.

#### HUMAN RIGHTS SITUATION IN CHINA

Mr. FEINGOLD. Mr. President, I also rise today, as did the Senator from Minnesota, to discuss the visit of the President of the People's Republic of China, Mr. Jiang Zemin, who arrives in Washington tonight for a state visit.

That Mr. Jiang and President Clinton will meet is not in itself extraordinary. The promotion of dialog between the United States and China can be a constructive use of our own diplomatic energies. Indeed, President Clinton has already met Mr. Jiang several times at various international fora.

What strikes me is the kind of visit that is about to take place. It is a state visit that involves champagne toasts and 21-gun salutes—all the trappings of honor and prestige. While I do not oppose high-level contact, I feel strongly that the pomp and ceremony of a state visit is inappropriate at a time when the human rights situation in China and in Tibet remains such a serious obstacle to good relations.

Simply put, it is my view that an official state visit is premature, absent a stronger commitment from China to

improve human rights. I fear that this state visit will actually boost the legitimacy of a regime that brutalizes its own people and jails anyone who dares to complain.

In other words, Mr. President, while dialog is important, you don't need champagne toasts and red carpets to have a dialog.

Is the memory of the Tiananmen Square massacre so distant that we are willing to clink glasses with China's leaders as though nothing happened in Tiananmen Square? For me, the answer is no. When Jiang is given a 21-gun salute tomorrow, the South Lawn will sound much like the streets of Beijing did on the night of June 4, 1989.

By agreeing to this state visit without receiving any kind of concession in the area of human rights, the administration may be squandering perhaps its strongest source of leverage with Beijing. Nevertheless, if the administration insists on hosting Jiang Zemin right now, the least that can be done is to accord discussion of human rights the same priority as the myriad other issues that confront our bilateral relations with China. Unfortunately, I don't think that is going to be the case.

As we all know, there are many areas of disagreement between the United States and China, aside from human rights. The United States' trade deficit with China will likely reach \$50 billion this year. China has a long and well-known record of assisting the nuclear programs of Iran and Pakistan and, as always, the sensitive issue of Taiwan remains a trouble spot.

Arguably, there are some positive signs. China has agreed to make significant cuts in tariffs as a part of its bid to join the World Trade Organization, and Beijing has promised to tighten controls on nuclear exports. It is widely reported that an agreement to restart United States-China cooperation on nuclear power will be the centerpiece of the summit.

Mr. President, on human rights there are few, if any, positive signs. Despite China's announcement on Saturday that it will sign the United Nations' Covenant on Economic, Social and Cultural Rights, I see no evidence of real human rights improvement on the ground. The fact that human rights conditions in China are growing worse, not better, indicates that human rights needs to be given top priority.

Three years after the President's decision to delink most-favored-nation status from human rights, a decision that I have always said was a mistake, we have seen the reimprisonment of dissidents and increased repression in Tibet. The State Department human rights report makes this very clear. According to the report covering the calendar year 1996:

The Government continued to commit widespread and well-documented human rights abuses, in violation of internationally accepted norms, stemming from the authorities' intolerance of dissent, fear of unrest,