some of the suggestions made and some of the points are very valid. We have tried to respond to those.

I want to assure my distinguished colleague from New York that I believe the Hudson River's possibilities and its chances of being designated as an American Heritage will be enhanced by the adoption of this amendment. One of the provisions is prioritization, which would be in accord with the Clean Water Act and the Safe Drinking Water Act. That will help the Hudson River. We don't designate the rivers in Congress. Congress doesn't designate them, but we would like to have the right of approval. I think that is proper and appropriate.

The amendment does not undermine the Clinton Executive order. Instead, it assures that the rights of property owners will be upheld through the notification and comment process. It further assures that the true interests of those residing near, owning property, or conducting business in the area of the river will be heard, and that their interests will not be muted by powerful outside lobbyists or interest groups who desire to force their will on a selected community.

It should be understood that this initiative has never been authorized, money has never been appropriated. It sweeps money from eight Cabinet departments, four governmental agencies, allowing the Federal bureaucracy to dominate what should be a community-directed initiative.

My friend and colleague from Arkansas, Senator BUMPERS, made the analogy of the Scenic Highways Program in the State of Arkansas, in which highways are called scenic highways, and signs are put up, and how that helps tourism. I remind my good friend that the scenic highways in Arkansas are approved by the State legislature. So I think if we are going to carry that analogy, Congress should assert itself in its proper role in approving these designations. That is what it is all about.

We don't know the cost of this initiative, the magnitude of it. Congress needs to be involved in it. We want congressional approval. Executive orders are being overutilized by this administration. Congress needs to reassert itself as an equal branch of Government. We want the property owners to be protected. I have shown my good faith in trying to make that workable. It is a workable amendment. We want those rivers to be prioritized in compliance with existing law, the Clean Water Act and the Safe Drinking Water Act. It is a good amendment, it is a simple amendment, in contrast with the lengthy Executive order the President has issued.

This is a very simple amendment that provides very basic protections and ensures congressional input on these decisions in this program that will be made. I will close with this. I ask my colleagues this question: If you owned property along one of these rivers, wouldn't you want to be consulted? I think the answer to that is ''yes,'' and if the answer to that question is ''yes,'' then you need to vote against this motion to table and support the Hutchinson amendment.

I yield the floor.

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

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alaska [Mr. STEVENS] is necessarily absent.

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

The result was announced—yeas 57, nays 42, as follows:

[Rollcall Vote No. 247 Leg.]

YEAS—57

Abraham	Faircloth	Leahy
Akaka	Feingold	Levin
Baucus	Feinstein	Lieberman
Biden	Ford	McCain
Bingaman	Frist	Mikulski
Bond	Glenn	Moseley-Braun
Boxer	Graham	Moynihan
Breaux	Gregg	Murray
Bryan	Harkin	Reed
Bumpers	Hollings	Reid
Chafee	Inouye	Robb
Cleland	Jeffords	Roth
Collins	Johnson	Sarbanes
D'Amato	Kennedy	Snowe
Daschle	Kerrey	Specter
DeWine	Kerry	Thompson
Dodd	Kohl	Torricelli
Domenici	Landrieu	Wellstone
Durbin	Lautenberg	Wyden

NAYS—42

Allard	Gorton	Mack
Ashcroft	Gramm	McConnell
Bennett	Grams	Murkowski
Brownback	Grassley	Nickles
Burns	Hagel	Roberts
Byrd	Hatch	Rockefeller
Campbell	Helms	Santorum
Coats	Hutchinson	Sessions
Cochran	Hutchison	Shelby
Conrad	Inhofe	Smith (NH)
Coverdell	Kempthorne	Smith (OR)
Craig	Kyl	Thomas
Dorgan	Lott	Thurmond
Enzi	Lugar	Warner

NOT VOTING—1

Stevens

The motion to lay on the table the amendment (No. 1196) as modified, was agreed to.

YIELDING OF TIME—S. 830

Mr. AKAKA addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, when the Senate turns to S. 830, the FDA reform bill, I yield my 1 hour for debate under the cloture rules to Senator KENNEDY.

The PRESIDING OFFICER. The Senator has that right.

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

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

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with consideration of the bill.

Mr. THOMAS. I ask unanimous consent I be allowed to speak for 5 minutes.

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

NEW WORLD MINE

Mr. THOMAS. Mr. President, I will speak briefly on a subject that is part of the bill that is before the Senate, part of the bill on Interior. It has to do with the New World Mine. It has to do with the Land and Water Conservation Fund.

I rise to support the language that is in the Interior appropriations bill requiring that any expenditures out of the Land and Water Conservation Fund to be used for the purchase of the New World Mine must be authorized by the authorizing committee. That is also true of the Headwaters Forest.

There is some notion that there was an agreement during the debate on the budget with the administration that these funds would be available for authorization. I think it was clear the other day when the Senator from New Mexico came to the floor and spoke and indicated that there was no such agreement. I am here to congratulate the committee on that.

First let me make a couple of points clear. One is, I oppose the development of the New World Mine. I was one of the first elected officials to oppose that. There are some places, in my view, that are inappropriate for mining. I think this is one of them. It is true they were in the middle of EIS when the agreement was made to stop the mine, but nevertheless I have opposed that long before the President signed the agreement and came to Yellowstone Park with great fanfare and stopped the development of the New World Mine. I had opposed that. So despite the rhetoric that is coming out of the White House and is coming out of the CEQ at the White House, there was not an agreement, there was not an agreement for the expenditure of this money.

This is not an issue of whether you want to protect Yellowstone or whether you don't. We all want to do that. No one wants to preserve it certainly more than I. I grew up just outside of Yellowstone, 25 miles out of the east entrance. I spent my boyhood there. I understand the area. I am also chairman of the Subcommittee on National Parks, and we worked very hard and will continue to have a plan to strengthen the park and to save parks. So that is not the issue. That is not the issue.

We will have before this Senate, as a matter of fact, at the beginning of next year, a plan called Vision 20/20 which is

designed to increase the revenues that are available to parks, to do something about this $5 million in arrears in terms of facilities. So I am committed to the parks and I can guarantee you that we will have a program to do that.

What this involves is a commitment on the part of the administration, a commitment on the part of the White House, a commitment on the part of Miss McGinty at CEQ who has become the political guru for White House natural resources to do what they indicated they would do.

Let me read just a little bit from the agreement that was made in Yellowstone Park on the 12th day of August 1996, between Crown Butte Mines, Crown Butte Resources, Northwest Wyoming Resource Council, and a number of others and the United States of America.

Objectives of the parties.

As set forth in greater specificity below, the objectives of the Parties in entering into this agreement are to: (a) provide for the transfer by Crown Butte to the United States of the District Property in exchange for property interests owned by the United States having a value of $65 million; * * *

2. The United States will, as expeditiously as possible, identify Exchange Property with a fair market value of $65 million that is available and appropriate for exchange for the District Property.

That is what it says in the agreement. That is what is agreed to. That is what everyone thought we were doing.

The reversal now is the White House is saying well, there was an agreement that we will take cash out of the Land and Water Conservation Fund for these items. That is not what the agreement was. There was not an agreement to do that. We are saying the White House should live up to the agreement that they signed back on August 12 of this year.

They have claimed no property to be found. I can't believe that. I have talked to the owners of the mine and they are willing to accept most any property that they could sell and turn into cash. So that is what it is all about.

I believe the current language in the appropriations bill is correct. There is $700 million authorized in the Land and Water Conservation Fund but the expenditure is not simply left to the discretion of the administration but, in fact, the committees of jurisdiction have an opportunity, indeed, have a responsibility for the authorization.

I yield the floor.

CROWN BUTTE MINE

Mr. BURNS. Mr. President, I rise today to commend my colleague Senator GORTON for the position he has taken in this Interior appropriations bill on the proposed buy-out of the Crown Butte mine in my State of Montana. I am very supportive of the position and the language he has in this bill to address a very complicated and unfortunate issue.

A little over a year ago, while on vacation in Yellowstone National Park, the President took an action that still has me shaking my head. Using an administrative decision, the President circumvented the process that Congress enacted to provide for the protection of our natural resources in this country. The National Environmental Protection Act [NEPA] was designed to provide an indepth analysis prior to any action taking place on public lands throughout the Nation. The effect of this analysis is to make sure that any project being contemplated is safe for the public and takes into account the welfare of the natural resources.

This administrative action which the President took, provides for a cash buy-out of the Crown Butte mine and entirely circumvented the NEPA process. The State of Montana, the mining company, and others had spent unlimited amounts of time and a great deal of money to go through the NEPA process. However, this work was completely undone by the actions of the President and the Council on Environmental Quality. With the NEPA process eliminated, to this day we still do not know what the results of the environmental impact statement would have been. The administration, overrode good, sound, scientific processes for a policy based on a feel good mentality.

During the past year, several attempts have been made to come up with either property or money to fulfill the commitment made by this administration to the mining company. The first of these attempts, the Montana initiative, a plan which the State of Montana developed with the approval of the White House and would have swapped property in Montana for the Crown Butte property also located in Montana. This attempt failed, which would have provided compensation to the State of Montana for lost revenue, when the administration failed to bring the parties to the table to complete the negotiations. Later in the year, the Council on Environmental Quality decided they could take funds from one of the most successful environmental programs, the Conservation Reserve Program, to pay off the company. This, of course, proved unacceptable to numerous Members of Congress, the farmers of this Nation and several conservation and wildlife organizations. The administration's attempts to complete this deal have shown little regard for the public and their involvement in the process.

Finally, as congressional leadership and the administration negotiated the Balanced Budget Act, an outline for coming up with funding was completed. I reiterate here, that this was just an outline, not an agreement for specific projects. This agreement provided for $700 million to be placed into the Land and Water Conservation Fund [LWCF], for priority land acquisitions. No specific projects were detailed in this agreement. Senator DOMENICI, who assisted in the negotiations as chairman of the Senate Budget Committee, came to the floor earlier this week to spell out what exactly was detailed in the agreement reached in the Balanced Budget Act. Senator DOMENICI read from the agreement which proves that no specific projects were included in the agreement.

The Chairman of the Interior and Related Agencies Appropriations Subcommittee was then placed in a position of deciding exactly how those funds would be expended. I congratulate the Chairman for the work that he did to come up with a reasonable approach to this issue. In dealing with this expenditure of funds, the Chairman has placed Congress back into the loop where they belong. The language in this bill provides that the funds will be set aside until Congress has the opportunity to authorize the spending on particular projects. Congress has a responsibility to the public to review any and all expenditures of this magnitude. I have been elected to address the concerns of all the people including the citizens of Montana who have been ignored by this Presidential directive. In this particular arrangement, the administration seemed to have overlooked one very important and vital person in this whole scenario. Ms. Margaret Reeb, the owner of the property on which the mine itself would have been located.

What the chairman has done with this language is provide Ms. Reeb, Park County, and the State of Montana a chance to voice their concerns with the administrative action he has taken. They are the biggest losers in the action proposed by the President. In the case of Ms. Reeb, the property owner, her private property rights have been violated, as well as has her devotion to the heritage from which she came. As for the State of Montana and Park County, well in an area where mining provides some of the best paying jobs in the State, income and economic development have been thwarted without even the slightest consideration provided for this loss.

Mr. President, I commend the chairman for the work and the position he has taken on this issue. He has shown great insight and provided leadership in the development of a solution that will provide Margaret Reeb and others an opportunity to voice their say on this matter. I thank the chairman and appreciate his hard work.

AMENDMENT NO. 1221

(Purpose: To provide for limitations on certain Indian gaming operations)

Mr. ENZI. Mr. President, I ask unanimous consent the pending amendments be set aside.

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

Mr. ENZI. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. ENZI], for himself, Mr. BROWNBACK, Mr. COATS, Mr.

LUGAR, Mr. BRYAN, and Mr. BOND, proposes an amendment numbered 1221.

Mr. ENZI. Mr. President, I ask unanimous consent 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 new section:

SEC. . LIMITATIONS ON CERTAIN INDIAN GAMING OPERATIONS.

(A) DEFINITIONS.—for purposes of this section, the following definitions shall apply:

(1) CLASS III GAMING—The term ''class III gaming'' has the meaning provided that term in section 4(8) of the Indian Gaming Regulatory Act (25 U.S.C. 2703(8)).

(2) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning provided that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450(e)).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Department of the Interior.

(4) TRIBAL-STATE COMPACT.—The term ''Tribal-State compact'' means a Tribal-State compact referred to in section 11(d) of the Indian Gaming Regulatory Act (25 U.S.C. 2710(d)).

(b) CLASS III GAMING COMPACTS.—

(1) IN GENERAL.—

(A) PROHIBITION.—During fiscal year 1998, the Secretary may not expend any funds made available under this Act to review or approve any initial Tribal-State compact for class III gaming entered into on or after the date of enactment of this Act except for a Tribal-State compact or form of compact which has been approved by the State's Governor and State Legislature.

(B) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to prohibit the review or approval by the Secretary of a renewal or revision of, or amendment to a Tribal-State compact that is not covered under subparagraph (A).

(2) TRIBAL-STATE COMPACTS.—During fiscal year 1998, notwithstanding any other provision of law, no Tribal-State compact for class III gaming shall be considered to have been approved by the Secretary by reason of the failure of the Secretary to approve or disapprove that compact. This provision shall not apply to any Tribal-State compact or form of compact which has been approved by the State's Governor and State Legislature.

Mr. ENZI. Mr. President, I have submitted an amendment to the bill that comes as a result of several years of involvement with the Indian gaming issue in Wyoming. I want to mention, you may have a copy of an early version of the amendment. I hope you have a copy of this more recent version.

What we are trying to achieve with the bill is to be sure that the Secretary of Interior is not drafting any rules or regulations that would bypass the States in the process of dealing with Indian gambling.

Now, that is what this amendment works to do, and I rise to join my distinguished colleagues, the Senator from Kansas, Senator BROWNBACK, the Senator from Nevada, Senator BRYAN, the Senators from Indiana, Senators LUGAR and COATS, and the Senator from Missouri, Senator BOND, in offering an amendment to the Interior appropriations bill.

This amendment would place a 1-year moratorium on the Secretary of Interior's ability to approve any new tribal-State gambling compact if the compact has not been approved by the Governor and the State legislature of the State in which the tribe is located. This 1-year moratorium will give Congress an opportunity to review the approval process of Indian gambling compacts as well as the effect of gambling on the society as a whole.

Mr. President, last year Congress approved the formation of a National Gambling Impact Study Commission to conduct a 2-year study of gambling's political, social, and economic effects. By authorizing the study, Congress realized the potential dangers that the recent explosion in casino gambling poses to society at large. While this study has yet to get seriously underway, the expansion of casino gambling is continuing at an alarming rate.

The desire for quick cash has had an effect on everyone, including native Americans, and them as much as any other segment of the population. A Congressional Research Service report issued this past June showed that since the Indian Gaming Regulatory Act was passed in 1988, the Secretary of the Interior has approved over 180 tribal-State gambling compacts. As of June of this year, 24 States now have gambling on Indian reservations within their borders. Mr. President, 145 Indian tribes currently have one or more casinos on their lands. This proliferation of casino gambling on tribal lands and society at large has not been without its negative effects. John Kindt, a professor of commerce and legal policy at the University of Illinois, has concluded that for every $1 in tax revenue that gambling raises, it creates $3 in costs to handle such expenses as economic disruption, compulsive gambling, and crime. Gambling is an industry in which a precious few make a fortune, while the penniless thousands pay the price with their shattered lives, painful addictions, and widespread crime.

In light of the detrimental effects of the proliferation of casino gambling, Congress should review the approval process of the Indian Gaming Regulatory Act to determine what long-term changes need to be made to this act. While the regulation of gambling is generally reserved to the State governments, the power to regulate gambling on Indian tribal lands rests primarily with Congress.

Let me explain precisely what this amendment would do. The amendment my colleagues and I are offering places a 1-year moratorium on the approval of any new tribal-State gambling compacts if the compacts have not been approved by the Governor and the State legislature in the State in which the tribal lands are located. This amendment does not prohibit the individual States and Indian tribes from negotiating class III gambling contracts. It simply requires if there is to be an expansion of the tribal-State gambling contracts within a State's borders, these compacts must first be approved by the State's popularly elected representatives and Governor. Again, this moratorium is only for a period of 1 year. A 1-year moratorium will allow Congress to reexamine the long-term approval process of the Indian Gaming Regulatory Act to determine if the current process is in the best interests of the tribes, the States and the country as a whole.

The rationale behind this amendment is simple: Society as a whole bears the burden of the effects of gambling. A State's law enforcement, a State's social services and communities are seriously impacted by the expansion of gambling, casino gambling on Indian tribal lands. Therefore, a decision of whether or not to allow casino gambling on tribal lands should be approved by the popularly-elected representatives. I believe a 1-year moratorium on the approval of new gambling compacts which do not receive approval from the Governor and the State legislature is a reasonable beginning to a very important debate on reexamining the long-term approval process under the Indian Gaming Regulatory Act.

I urge my colleagues to support me in this effort. Again, the amendment that we have presented would give a clear indication to the Secretary of the Interior that we do not want rules and regulations that will bypass State authority and put the State in a situation—since the gaming doesn't affect just the lands, just people on the tribal lands, it affects those immediately surrounding it to a great degree. The further you are from the gambling, the less impact there might be. But there is an effect on a greater number of people than just the tribe. In our State of Wyoming, we had an initiative about 3 years ago to allow local option decisions on gambling. When that initiative was first presented, according to polls, 70 percent of the people were in favor of allowing that local option. We took a look at the situations in the States surrounding us, what was happening, and when we had the vote, 70 percent of the people in Wyoming said, no, that isn't the way we want our State to go, that isn't the way we want our neighbors to inflict their decisions on us. So the State, as a whole, took an approach of not allowing class III gambling by 70 percent. That was with a lot of money against it.

So we have some concern in our State. My purpose with the amendment is to make sure the State's concerns would be represented in this, as well as everyone else's. I mention that, with the first version I put out, I got a call from the Senator from New Mexico, Senator DOMENICI. He had some concerns. He thought I was trying to eliminate a particular tribe in a particular place in New Mexico. That was not my intent. I took a look again at the wording and changed it to the wording that has gone to the desk because, again, we want to emphasize

that our purpose in this is to make sure that the States are involved in the decision as well.

I thank the Chair and yield the floor.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I join with the Senator from Wyoming in his remarks. Last year, I served as attorney general for the State of Alabama and dealt with this precise issue. There is a considerable amount of litigation going on in the country resulting and culminating from the Seminole Indian case that was decided by the U.S. Supreme Court last year. The basic problem is that under Federal gambling law, there appears to be some confusion as to whether the Secretary of the Interior can intervene in the negotiating process between States and Indian tribes with regard to the kinds of gambling that would be allowed in the State.

For example, in Alabama, we have one particular Indian tribe that has three distinct parcels of land, as I recall, in various parts of Alabama. If the Secretary of the Interior were to allow the tribe to have casino gambling at any one site, they would also be able to have a casino at the other two places within Alabama. That result has been resisted very steadfastly because three major gambling casinos would, in fact, let the wall down. Casino gambling would spread throughout the State, and it would not make any difference what the people of Alabama felt about gambling or casinos in general as the casinos would be built without ever having put the matter before the people of Alabama for consideration.

This is a very important national issue. It is a very important issue for those who believe gambling should not be spread and for those who believe that the growth of gambling should only occur when the people have voted on it. Allowing the Secretary of the Interior to unilaterally sanction tribal gambling is a way to get around popular elections that would allow local people and local officials to decide whether to allow or disallow gambling. So it has a real serious effect. The gambling industry has suggested repeatedly that they think if a State does not go along with their desire to have casinos on the reservations, then they could approach the Secretary of the Interior and get his permission. In fact, they have said that in Alabama for some time.

As attorney general, my office researched the law governing this issue, and I came to the conclusion that the Secretary of the Interior did not have the ability to sanction tribal gambling in this manner. In fact, I wrote him a letter in June of last year which explained the legal arguments which appear to preclude him from exerting such authority. But the possibility that the Secretary does retain such authority has remained a matter of discussion among those involved in the question of the spread of gambling in America, and there are progambling forces that have suggested that the Secretary of the Interior does have that power.

This amendment, I think, would simply clarify the legislative intent Congress had when it passed the Gambling Act a number of years ago. This amendment would not allow the Secretary of the Interior to override the popular will of the people in the States where tribal gambling is at issue. I think it is very good policy.

I salute the Senator from Wyoming. I think he is right on point. If the Secretary of the Interior were to be inclined to attempt to assert authority in this area, we need to stop it. And if he doesn't intend to intervene and if he does not intend to assert such power, he should not be offended by this legislation because I think it merely reflects the will of this Congress.

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

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I rise today in support of the Enzi amendment on the temporary moratorium on the expansion of gambling on tribal lands. I will just make a very brief and succinct point. In the last Congress, we passed Public Law 104–169, which established the National Gambling Impact and Policy Commission. It was for the purpose of studying the social and economic impact of gambling and reporting its findings to Congress. I supported that legislation. I thought it was important legislation, particularly since the gambling industry has expanded so much. The industry rakes in $40 billion a year annually in the United States. It operates in 23 States. The amount of money wagered annually in the United States today exceeds $500 billion —half a trillion dollars.

There have been a number of questions regarding the industry overall. It just seems to me that what we should do is a logical progression here. We are saying there are a lot of questions regarding the impact of that amount of gambling taking place in the United States, that pervasive amount, that size of money. What we should do now is, let's pause for a moment and let's not expand this any further until we have this Commission reporting back on what the impact is to the United States.

There have been lots of allegations of negative impacts of the gambling industry. It is widespread, it is expansive, and it is in many, many areas. Let's let this Commission meet, let's let them make a conclusion, let's let them report to Congress on these items before we expand any further than the $40 billion, 23–State industry that it is today.

That is why I think the Senator from Wyoming is bringing up an excellent point in this. Now, I don't want my views to be construed as in opposition to the chance for economically deprived Indian nations to bring needed economic activities to their communities. That is not what this statement is about. I think it is a positive thing that tribes are striving to provide employment and health care and housing and other important services, in light of the position of where they are economically and the difficulty and the needs that they have. This amendment does not ban Indian gaming. It does not affect gaming compacts which are operational or already have been approved. It simply places a temporary prohibition on the Secretary of the Interior to approve any new tribal-State compacts.

I think, in light of this, a national commission that has been established, and the questions regarding a societal impact on the overall United States, that this is an appropriate approach. I commend the Senator from Wyoming on this very reasonable approach.

Mr. President, I yield the floor.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, before proceeding with my remarks, I wish to state for the Record that there are two States in this Union that prohibit gambling of any sort—the State of Utah and the State of Hawaii. In the State of Hawaii, it would be a crime to conduct bingo games. There are no poker games, no slot machines and no casinos in the State of Hawaii. The same thing presents itself in the State of Utah. Yet, I find myself rising to express my opposition to the amendment proposed by the distinguished Senator from Wyoming.

Though I am personally against gaming, and I would oppose any attempt on the part of the State of Hawaii to institute gaming in our islands, I find that I support gaming for Indians because of two reasons. One, our Constitution states that Indian nations are sovereign and that we have carried this out by treaties and by laws and by Supreme Court decisions. Indian nations are sovereign.

Second, there were 800 treaties, Mr. President, as we stated a few days ago, and of those 800 treaties, 430 are still lying idle in the archives of the U.S. Senate. These treaties have been lying there for over 100 years. And we have found that, though these treaties are in correct form and appropriate because of changes in circumstances, the Senate has decided not to consider them, debate them, have hearings on them, or pass upon them. And 370 were ratified by this body. But, Mr. President, sadly, I think we should note that of the 370 treaties that we ratified, we have violated provisions in every single one of them.

These were solemn documents and many of them had language and phrases that were very eloquent, very dramatic. Imagine a treaty beginning

with words, such as, ''As long as the sun rises in the east and sets in the west, as long as the rivers flow from the mountains to the streams below, this land is yours.''

Indians started off with 500 million acres of land. Over the years, because of our violation of provisions in our treaties, and because of our refusal to consider these treaties, Indians have 50 million acres left. This was their land. There were sovereign nations long before we came here. When they gave up this land, we promised them certain things, such as providing them shelter, education, and health facilities. And what do we find in their land? Unemployment averaging 57 percent. We pride ourselves with our low unemployment rate in our Nation of 5.2—5.2 for the Nation and 57 percent for Indian country. Some unemployment rates are as high as 92 percent, Mr. President. The health conditions in Indian country are worse than in third world countries—the worst statistics on cancer and the worst statistics on respiratory diseases. And if you look at the social life in Indian country, it is a scandal. We as Americans should be embarrassed and ashamed of ourselves. The suicide rate among the young people in Indian country is eight times our national norm. Some 50 percent of the young ladies in Indian country have considered suicide.

If this Nation had lived up to the promises that we made many decades ago, I would not be standing here speaking against the Senator from Wyoming, because I am against gaming. Hawaii is against gaming. But, today, I find that I must speak in opposition.

Mr. President, regretfully, the chairman of the Senate Committee on Indian Affairs is not able to be with us at this moment because of a very important and very urgent matter that suddenly came to his attention. He has asked me to express his concerns, and he has said that this statement I am about to present meets with his approval, and so it is a joint statement of the Senator from Colorado, Mr. BEN NIGHTHORSE CAMPBELL, and myself.

Mr. President, 2 months ago, Senator MCCAIN, the distinguished Senator from Arizona, and I introduced a bill to amend the Indian Gaming Regulatory Act. A hearing on this bill has been scheduled for October 8. It was not scheduled today. This has been announced, and it was announced over a month ago, long before this measure was up for consideration.

So I would like to suggest to my distinguished colleague from Wyoming that the proper forum to consider his proposal would be before that committee. I can assure my friend from Wyoming that his proposition will be considered with all seriousness.

We have consistently opposed efforts to amend the Indian Gaming Act in a piecemeal fashion. And this is what it is. We do so again today.

At a time when the Indian Affairs Committee, the authorizing committee, is making every effort to make adjustments in the act which will reflect contemporary realities, this amendment only serves to undermine our efforts to assure that any amendment to the act is consistent with over 200 years of Federal law and policy.

For the benefit of our colleagues here who may not be familiar with the context in which this amendment is proposed, allow me to share with you a few relevant facts.

Last year the Supreme Court of the United States ruled on one important aspect of the regulatory act. While the Court did not strike any provision of the act, its decision left a vacuum of remedies when a State and a tribal government come to an impasse in negotiations which would otherwise lead to a tribal-State compact. These compacts, pursuant to the law, govern the conduct of class 3 gaming in Indian lands.

The Secretary of the Interior has stepped into the void created by the Court's ruling by inviting public comments on whether an alternative means of reaching a compact ought to be established through the regulatory process until the Congress has the opportunity to act. The Secretary has not had and does not have any intention to establish regulations on his own. He is assisting our committee. He is assisting the Congress of the United States by inviting comments from all interested parties—Indian country, gambling interests, government officials, Governors, attorneys general, and present them to us. The decision will be made here, not by the Secretary of the Interior.

This amendment is designed to preclude the Secretary from proceeding in what many believe is a constructive effort to advance the public dialog. If anything, we should be encouraging the Secretary to invite comments so that it will help us to expedite our efforts. But this amendment does not just prevent the Secretary from proceeding—it would also effect a dramatic change in the Indian Gaming Regulatory Act by federally preempting the laws of each State.

I hope that my colleagues realize that this amendment, which looks innocuous and reasonable, will have that effect of telling the several States of this Union that, notwithstanding their constitution or their laws, this is the way business is to be carried out.

Under the current law, the regulatory act does not touch any State's law or constitution. Mr. President, we did this very deliberately—when we enacted the law.

Instead, the act recognizes that each State's constitution, and State laws enacted in furtherance of the State constitution, may differ in many respects. There are 50 States, 50 different constitutions, and 50 different sets of laws.

Over the course of the last 9 years, as a function of litigation on this very point, we have learned a lot about the various States' laws. For example, some States and their constitutions provide that the Governor is authorized to enter into contracts, agreements, or compacts with another sovereign. The Governor is authorized to do that.

Other State constitutions would require the ratification of the Governor's action by the State legislature. Some States don't require that. Still, other constitutions provide that only the State legislature can act for the State in terms of entering into binding legal agreements. And there are other State constitutions that are silent as to these responsibilities. In some States their laws determine when the Governor can act on behalf of the State and in what circumstances the legislature must act. And the supreme courts of the various States have issued many opinions on these matters at great length.

This amendment we are considering at this moment will now require that no tribal-State compact can be approved by the Secretary unless both the Governor of the State and the legislature of the State have approved this compact.

This amendment will, therefore, set aside the constitutions of the various States, the laws of the various States, and would impose new requirements on each State, notwithstanding what their constitutions or law may provide to the contrary.

This is a very substantial change in Federal law effecting rights that States jealously guard.

I know of no Governor who has expressed a desire to have the laws of his or her State preempted by Federal law.

In 2 weeks' time the authorizing committee will carry this dialog forward and provide an opportunity for all affected parties to weigh in with their views. We are hoping at that time the distinguished Senator from Wyoming will present his views to the Committee on Indian Affairs. And this amendment, Mr. President, will preempt that very important public discussion.

Mr. President, I want to make very clear that I do not question the wisdom of the proponents of this amendment. I just believe that there are others—State and tribal governments—upon whom the effect of this amendment will be directly visited and who ought to have the opportunity to have their views known.

So, once again, Mr. President, I call upon the Senator from Wyoming to withdraw this amendment and allow the authorizing committee to proceed with our work where his concerns and the concerns of his colleagues will have the benefit of full public consideration.

Mr. President, it is true that there are 171 compacts that have been approved. It is also true that there are about 120 gaming establishments presently on Indian reservations. But it should be pointed out that less than 10 are making money. I am certain all of us know, or should know, that reservation lands are trust lands. Actually the

titles to those lands lie in the hands of the Government of the United States. So, as a lawyer would say, they cannot be alienated. One cannot go to the bank and say, ''I want to borrow $1 million, and I will put up this parcel of land as collateral.'' You can't do that with reservation lands. So, in order to initiate or establish a gaming enterprise, these Indian governments have to go out to other sources for financing. When that happens, Mr. President, I am certain you realize that the rates that they would have to pay are much, much stiffer than what you and I would be required to pay to a bank. Yes, moneys are flowing in. But at this time Indians are not making that money. Operators are making that money.

But those Indian tribes that are making a few dollars have applied those moneys to causes and to projects that we have failed to provide. They are building schools that we should have built. They are building hospitals that we should have built. They are building homes that we promised them.

So, Mr. President, though I oppose gaming in any form, if this country is unable to or refuses to live up to the promises that we made by treaty, if this is the only way they can raise funds, so be it.

Mr. President, I hope that this body will give their committee, the Committee on Indian affairs, an opportunity to conduct this hearing, receive the views of all of our colleagues, and act accordingly.

So, with that, Mr. President, I yield the floor.

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I really appreciate the remarks of my distinguished colleague from Hawaii. I know of his long-time involvement in the Indian issue and of his long-time involvement in the Senate. In fact, I think he is the only person in the Senate who has been in the Senate since his State became a State.

There is a lot of tradition, a lot of history, and a lot of specialization and involvement in this particular issue. I have to admit that in the last few minutes I have learned a lot about the issue. From talking to him earlier in the morning, I learned a lot about the issue. I also got an opportunity to talk to Senator CAMPBELL. Again, I learned a lot about the issue. I have been involved in it before. But there was a different level of involvement, and these are people with a tremendous tradition and history on the issue.

Again, my intention with the amendment that I presented is to see that the Secretary of the Interior does not bypass our process, that he doesn't write his own rules with the opinion, or believe that that can bypass some of the States' involvement in the issue.

I do think that for the friendship and cooperation that has been built up in some of the States over the years, that this is an issue that still has to have the States' involvement. That is the only way that people can live together and work together and make sure that the Indian interests and some of the Indian problems are solved along the way.

I appreciate the Senator's comments about the fact that only about 10 of the casinos are in a situation where they are making a lot of money. I have visited some of the reservations where the casinos are and have noted the disappointment by the tribal members over how poorly their casino was doing. I have seen that on nontribal casinos as well, because I followed the Colorado situation where the small businessmen in the small towns that were allowed to do the class 3 gaming looked forward to the time that they would be wealthy from gambling. They found out that it takes some different talents than they had as small businessmen to run a big casino. So, they didn't make the money that they had anticipated on it either, although there is a lot of money being made in a lot of places on gambling.

My intent on this is to make sure that the States are a part of the process. The Senator mentioned the hearing that is coming up. I really appreciate the fact that he is going to hold a hearing and cover some of these important issues. My amendment would not undo the hearing. All of the issues can still be addressed in that hearing. If a bill comes out of that hearing and it covers the issue of State involvement, or at least this issue of whether the Secretary of the Interior can expend money to bypass the State process, if that is in there, I would work to be sure that the repealer of this amendment is in that bill. I would work for that passage. I don't think there would be any difficulty with it. I don't know of anybody who would oppose it if that were assured as a part of that hearing process.

So, I commend him for his efforts already on this and his willingness to hold a hearing, which, of course, was already scheduled and planned well before I ever even thought of an amendment, but his willingness to be sure that that issue is addressed in there. That is what I got from his comments.

We want to make sure that where the Court may have made some things unclear, they are clarified, and, again, that the State involvement in the issue is not left out. People live too close together these days to have the tribes separate from the States on the gaming issue.

Lastly, I will address the comments about federally preempting State laws. That would never be my intent. Anybody who has looked at anything that I have done in the State legislature or since I have came to Washington would, I think, agree that everything that I have done has been to assure States' rights. It is not my intent with this. As I learn, I make changes.

I guess I would ask the Senator from Hawaii, if I made a change to the amendment, one that would, instead of mentioning the Governor and the State legislature—which I understand now in some States one has the authority, and in some others the other has authority, and in some States it requires both to participate in order to do it—if we could change the wording so that if it was approved by a State in accordance with State law in the Indian Gaming Regulatory Act, if that would be a wording change that would then make this acceptable in both places where I mentioned the Governors and State legislatures—because I would like to make this so that I am not preempting State law. I don't intend to do that and would be willing to make that change if it would make a difference.

Mr. INOUYE. Mr. President, I wish to commend my friend from Wyoming for his reasonable approach. But I must say that I would still have to oppose the whole amendment because this is a piecemeal handling of this very important proposition which we have before us.

I would like to read for the RECORD a statement issued by the administration.

It says:

The Department—

The Department of the Interior—

strongly opposes denying any tribe the badly needed economic opportunity envisioned and authored by IGRA.

The Indian Gaming Regulatory Act.

Indian gaming has provided benefits to over 120 tribes and their surrounding communities in over 20 States. As required by law, revenues have been directed to programs and facilities to improve the health, safety, educational opportunity and quality of life for Indian people.

The amendment—Of the Senator from Wyoming—

would deny similar economic opportunities for additional tribes and communities.

Accordingly, I hope most respectfully that the Senator would seriously consider withdrawing the amendment, and I can assure him in behalf of the chairman of the Indian Affairs Committee that we will accommodate him to every extent possible. He can tell us what witnesses he wishes to be heard. In fact, I am certain we will be able to accommodate him as to when the hearings are conducted. Our first day of hearings will be on October 8, but if he wants 3 days of hearings I can assure the Senator from Wyoming that he will have 3 days of hearings, or 4 days of hearings.

I can also assure the Senator that we will very seriously consider every proposition that he makes. So I hope that his amendment would be withdrawn.

I thank the Chair.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, just 2 or 3 days ago, we had a not dissimilar discussion in this Chamber on proposals that would change present law with respect to Indian and non-Indian relationships. There were two provisions in

this bill, of which I was the author, about the immunity of Indian tribes from lawsuit brought by non-Indians and on the way in which money was distributed to Indian tribes through the tribal priority allocations.

The Senator from Hawaii, with the same degree of eloquence that he has used here this afternoon, spoke strongly against those amendments, along with several of his colleagues, partly on the merits but with even more vehemence and eloquence perhaps from the perspective that these were new proposals reversing many years of history about which the Committee on Indian Affairs had had no opportunity for broad-based hearings, listening to both sides of the issue.

As strongly as I felt and feel about the justice of those two proposals, I certainly had to agree on that procedural matter with the Senator from Hawaii. There was last year one rather desultory hearing on sovereign immunity, none on the distribution of money from the Congress to Indian tribes. Between now and the middle of next year these two questions will be very seriously considered by the committee itself, by the General Accounting Office, and I think with increasing awareness by Members of the Senate. That history is in striking contrast with the history of the policy that is the subject of the amendment proposed by my friend and colleague from Wyoming.

I returned to the Senate after a hiatus in 1989 and joined that Indian Affairs Committee under the chairmanship of the Senator from Hawaii. I cannot count the number of hearings the committee has had on this subject. Indian gaming is not something that has a long history. It was authored, if my memory serves me correctly, in 1988, and it has proliferated mightily ever since then with a graph with a steep upward curve.

Objections and protests from Governors, from State attorneys general, and from communities have been constant from the time of a first compact. Pressure from the Department of the Interior on States to enter compacts even when States did not wish to do so has been a constant in this field. Attempts to overrule vetoes on the part of States has been a constant effort ever since. Year after year after year there are hearings on the subject in that committee and absolutely nothing happens.

Not only has no bill on the subject reflecting the views of those in whose communities these casinos have been created or about to be created been reported, no bill on the subject at all has been reported and, to the best of my memory, none has ever come to markup so that members of the committee could vote on it.

So I simply have to tell my friend from Wyoming a promise of hearings is a hollow promise, at least if history is any guide to this question whatsoever.

I must say to you, Mr. President, that I do come to this debate with a relatively long history, not so much with respect to Indian gambling but with respect to organized gambling overall. It was the subject that came up the first year that I was attorney general of the State of Washington more than a quarter of a century ago. I have always been of the opinion that under most places and under most circumstances it is a socially highly dubious activity that has adverse social and cultural impacts, rivaling those of other kinds of activities that we either prohibit or keep strongly under control.

At the same time, I recognize the desire under some circumstances to gamble is something that is a part of all of our human natures. Therefore, I have never been an absolute prohibitionist on the subject. Certainly, however, it seems to me that it is a subject important enough so that the views of the communities that are asked to take on challenges and forms of business that they have never historically been visited with ought to be given immense weight in making these decisions. And they simply are not under the law as it exists at the present time.

I cannot say what the intention or the expectations were of Members who were here when the original bill was passed, but I do not think it was the intention that in State after State and community after community Indian tribes or their designees would purchase land off, in most cases far off, of the historic Indian reservations and immediately, with the compliance of the Bureau of Indian Affairs, put it into trust status so that it stopped paying taxes to the community and then license gambling activities on it. And yet that is what has taken place in community after community across the country. In most of these States it is an activity in which only this small group of American citizens is permitted to engage. Very few States have taken the drastic step of saying, well, the Federal Government can foist Indian casinos on us. We might as well let anyone ask for a casino license.

In most places, it is an activity that is available only for this group of people and only by the interference of the Federal Government. So States lack the ability to enforce rational land and business regulations within their boundaries even outside the historic boundaries of Indian reservations.

By pure coincidence, Mr. President, in the group of clippings from our own State, which almost all of us get every day, I have today an editorial that was printed late last week in the Yakima, WA, Herald Republic which uses the State of the occupant of the chair as an example. I will share a little bit of it with you. It says:

> Developments in Lincoln City, Ore., could serve as a wakeup call for this state to step back and take a long, hard look at the long-range implications of the proliferation of gambling now underway.
>
> Officials in Lincoln City, a picturesque family resort area on the Oregon coast, have noticed some changes in the landscape of the community since the advent of the Chinook Winds Casino and Convention Center. A local tavern started featuring exotic dancers while three new quasi-pawn shops and a check-cashing business opened.
>
> Longtime residents say they've noticed other changes in the community and Lincoln City Mayor Foster Aschenbrenner said the real effects of the casino on the community will take at least two more years to fully realize.
>
> ''People used to come here for the natural beauty of the beaches and for swimming,'' said Merilynn Webb, who has lived in Lincoln City since 1930. ''Now they come to gamble, and that's a whole different mentality.''

I doubt that the people of Lincoln City voted on this change. I doubt that the Oregon Legislature did. Perhaps the occupant of the chair will be able to enlighten us on that. I doubt that there is a huge Indian reservation inside the boundaries of Lincoln City. Yet, this change has taken place in that community without the kind of thoughtful, long-range consideration that a community should be permitted to engage in before such activities are permitted.

Last year, this body and the House and the President agreed that the proliferation of organized and legal gambling in the United States did present a number of very real social problems to the country. We created a commission on gambling to study those impacts and to make recommendations to us with respect to them. The net effect of the amendment proposed by the Senator from Wyoming would be at least for a time—I wish the moratorium were for a longer period of time, but for a period of time to allow that commission to hold its hearings, to work on its recommendations and perhaps give it the opportunity to make recommendations to us in this connection while those recommendations still may have some meaning rather than to wait until after it is all over. The offer of the Senator, the meaning of his amendment, is simply to say, ''look, why should this simply be a decision made by the Indian tribes themselves and the Department of the Interior without an effective right of veto, or an effective right to have these requests meet the requirements of the general laws of each of the States concerned?''

I cannot think of a more reasonable request. I certainly can't believe that it is unreasonable to say that we should have a pause in the creation of enclaves outside of reservations, in communities in which the Secretary of the Interior can authorize gambling, when we are way beyond reservation boundaries themselves.

In fact, I don't think—I don't know the answer to this question—that many of these new casinos are going up in areas that are on the reservation. I know one current request to the State of Washington is for a location 50, 60, 100 miles from the reservation that promotes it, right at the front gate of an Air Force base. There is no promise by the Indian tribe that any significant share, any significant number of the

members of the tribe will be employed in that casino. Almost certainly it will be run by an outside contractor and the tribe will get a certain percentage of the take. It is not going to provide real job opportunities there, but it will have the same effect that every other casino has. The money that is spent there is not being spent in small businesses in the community, or in other communities. There will be a certain addition to the number of addicted gamblers and broken families. And we don't have the opportunity to consider all of these impacts.

The proposal by the Senator from Wyoming gives us an opportunity, for 1 year, to pause to determine whether, whatever the positive impacts of this law are, they are not outweighed by the negative impacts. It is not permanent in nature. It will not outlast the effectiveness of this 1-year appropriations bill. But it will cause us to be able to consider these impacts.

I don't believe that in all these years since 1989 we have ever debated this issue on the floor of the Senate. Certainly we have not done so because of any bill reported by the Indian Affairs Committee. In fact, it would seem to me that the goals of the vice chairman of the committee, the Senator from Hawaii, would be better served if we passed this moratorium. I am certain that, if we pass the moratorium, the Indian Affairs Committee will consider the matter urgently, and I strongly suspect we will see a bill of some sort reported by it. But, if history is any guide, withdrawing the amendment in exchange for hearings will cause us to be back here 1 year from today talking about the same issue under the same set of circumstances that we are talking about it today but with a dozen or more additional Indian casinos across the country creating problems in each and every community in which they exist.

So I must say that I strongly support the effort being made by the Senator from Wyoming. I think it is the right answer. I think it is a thoughtful answer to a real national challenge that involves far more than the question of whether or not particular Indian tribes are making particular degrees of profits from these activities, or not. This is a question that goes far, far beyond that and I think can only be addressed thoughtfully and objectively, considering all of its impacts, if we have the kind of pause for which the amendment calls.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that during the pendency of this legislation, Tony Danna, a congressional fellow in my office, be granted the privilege of the floor.

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

Mr. INOUYE. Mr. President, I very sadly find I must rise and respond to the statement just made by my friend from Washington. First, he stated that a promise of a hearing is a hollow one. I find this rather sad, because I have always considered any promise that I have made for hearings as a very serious one. In fact, the hearings that the Senator alluded to were held by the Indian Affairs Committee in an extra large committee hearing room, and we accommodated every witness that was submitted to us by the Senator from Washington. We invited every person that was on his list.

Furthermore, we made it known to the attorneys general and the Governors of the several States. None wished to be heard. Every Indian country spoke up against the Senator's proposition. I don't think that was a hearing that was taken lightly.

As to the hearings that will commence on October 8, I would like to point out, respectfully, that the bill that we will be considering is a result of over a year of consultation with attorneys general, with Indian leaders, with Governors. Before that, for 2 years Senator MCCAIN and I traveled to the several States meeting personally, eyeball to eyeball, with attorneys general, with Governors. We spent hours, we spent days, weeks, months, meeting with these officials to discuss the Indian Gaming Regulatory Act. We did not take our responsibilities lightly. We take it very seriously, especially in my case when I am opposed to gaming. I don't want to see people running gaming operations, people that I would not invite into my home. We take it very seriously.

There was another matter that was brought up by my friend from Washington. He stated that Indian nations were purchasing parcels of land and having them placed into trusts by the Interior Department, and then establishing gaming operations. This is the law that was passed 8 years ago:

> Gaming regulated by this act shall not be conducted on lands acquired by the Secretary in trust for the benefit of an Indian tribe after the date of the enactment of this act, unless the Governor of the State in which the gaming activity is to be conducted concurs in the Secretary's determination.

May I make this flatout statement, that the Interior Department has not approved any gaming activity on any land acquired and placed in trust if such gaming activity did not meet the concurrence of the Governor. That is the law of the land. One would gather from the discussions of the Senator from Washington that Indians are, helter skelter, buying properties all over this Nation, placing them in trust and then, in turn, establishing gaming enterprises.

Yes, it is true that Indians are purchasing lands. They are trying to get back lands that belonged to them that were part of their reservations and taken away in violation of treaties and then placed in trust. But then they need the approval of the Governor, and, if the Governor has not granted this approval, there has been no gaming activity. That is a fact, sir.

I can assure my colleagues that the promise we make of a hearing is not a hollow one. We will accommodate every witness that they submit to us. We will give them ample time to testify. If it means meeting a week or 2 weeks, we will do so, because the matter before us is an important one.

Yes, there are tribes that are making money on this. There are tribes that are flourishing as a result of gaming activities. But there are only 8 tribes out of 121 casinos that are making money. The Nation at this moment is spending about $40 billion in gaming. Of that amount, $3 billion is being spent in Indian country, but the profits of less than 10 percent go to the Indians at this time.

So, we have treated the Indians badly. Let's not exacerbate that.

Mr. President, this is from the Secretary of the Interior:

> I respectfully request that you oppose this type of amendment to the Interior appropriations bill. I have recommended to the President that he veto similar legislative amendments placed in previous appropriations bills.

Mr. President, I ask unanimous consent to have this printed in the RECORD.

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

THE SECRETARY OF THE INTERIOR,
Washington.

Hon. SLADE GORTON,
Chairman, Subcommittee on Interior and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR SENATOR GORTON: I understand that Senator Enzi intends to offer an amendment to the FY 1998 Interior Appropriations bill which would amend the Indian Gaming Regulatory Act (IGRA). The Department strongly objects to the proposed amendment for several reasons.

IGRA was enacted to allow Indian tribes the opportunity to pursue gaming for economic development on Indian lands. Since 1988, Indian gaming, regulated under IGRA, has provided benefits to over 120 tribes and to their surrounding communities in over 20 states. As required by law, revenues have been directed to programs and facilities to improve the health, safety, educational opportunities and quality of life for Indian people.

The Department also objects to substantive policy amendments to the Indian Gaming Regulatory Act without hearings involving Indian tribes, state officials and the regulated community. We have consistently supported efforts to build a consensus between tribes and states for amendments to IGRA that would improve the compacting process and increase regulatory capacity. The Senate Committee on Indian Affairs has scheduled a hearing on October 8, 1997 which will focus on S. 1077, a bill to amend the Indian Gaming Regulatory Act. This orderly process allows all parties involved in Indian gaming to contribute testimony on how or whether IGRA should be amended. Significantly amending IGRA through the appropriations process circumvents the legitimate expectation of tribal governments that their views will be heard and considered.

The Secretary's trust responsibility to the tribes coincides with Congress' requirement

of only disapproving gaming compacts if they violate IGRA or other Federal law. The proposed amendment would require both state gubernational and legislative approvals, which would in most cases present yet another barrier to a tribe's successfully negotiating the long and complex procedure necessary for entering into tribal gaming. Moreover, the amendment requiring two state-level approval of a tribal-state compact raises serious issues of Constitutional law because it infringes on the State's Constitutional rights of self government.

I respectfully request that you oppose this type of amendment to the Interior Appropriations bill. I have recommended to the President that he veto similar legislative amendments placed in previous appropriations bills.

Sincerely,

BRUCE BABBITT.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, I listened to the debate, discussion, the colloquy that has occurred between the Senator from Hawaii and the Senator from Wyoming, who is the sponsor of this amendment. I read the amendment proposed by the Senator from Wyoming, and I believe that it does not in any way interfere with the operation of existing tribal-State compacts. It has no operative effect on those agreements, and I do not understand that the Senator from Wyoming intends to have any operating effects.

Further, it is my understanding from reading the amendment that the Senator's intent is designed to prevent the Secretary of the Interior from unilaterally approving a compact and bypassing the State process that has been established. He attempts to accomplish this by imposing a 1-year moratorium.

No. 1, it does not in any way have an operative effect on existing tribal-State compacts.

No. 2, I think it is fair to say that the purpose of it is to prevent the Secretary of the Interior, in effect, from bypassing the process, the State compact negotiating process, to unilaterally approve such.

I support what the Senator from Wyoming is trying to accomplish.

I have had conversations with the Secretary of the Interior in the past, and I know he believes that he has the ability to do that unilaterally.

Having said that, the point that is made by the Senator from Hawaii is absolutely accurate. That is, as this language is cast in its present form, it would preempt the State process by requiring both the Governor and the State legislature to concur with any compact that has been negotiated with the tribal government. The Senator from Hawaii is absolutely correct in the statement that he makes.

I believe that the Senator from Wyoming, responding to that concern, has offered language that addresses that issue when he proposes to change or modify his amendment by striking line 7 and interlineating in its place instead ''in accordance with the Indian Gaming Regulatory Act and State law,'' and at the bottom of page 2, striking all after the word ''approved'' on line 17 and inserting similar language. I believe that he accomplishes the objective that I support and responds to the very legitimate point that the Senator from Hawaii makes.

AMENDMENT NO. 1221, AS MODIFIED

Mr. BRYAN. Mr. President, I ask unanimous consent that the amendment be modified in the manner in which the Senator from Wyoming proposed.

Mr. ENZI. Mr. President, will the Senator yield?

Mr. BRYAN. I yield to the Senator from Wyoming.

Mr. ENZI. Mr. President, I certainly agree to that change. I had not proposed that change. I will be happy to do it. The intent was never to infringe on any of the State procedures, but to accommodate the States in the way they have operated in the past. I ask for that change. In the meantime we have gotten it typed up, and I send this provision to the desk.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The amendment is so modified.

The amendment, as modified, is as follows:

At the appropriate place insert the following new section:

SEC. . LIMITATIONS ON CERTAIN INDIAN GAMING OPERATIONS.

(a) DEFINITIONS.—for purposes of this section, the following definitions shall apply:

(1) CLASS III GAMING.—The term ''class III gaming'' has the meaning provided that term in section 4(b) of the Indian Gaming Regulatory Act (25 U.S.C. 2703(8)).

(2) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning provided that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450(e)).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Department of Interior.

(4) TRIBAL-STATE COMPACT.—The term ''Tribal-State compact'' means a Tribal-State compact referred to in section 11(d) of the Indian Gaming Regulatory Act (25 U.S.C. 2710(d)).

(b) CLASS III GAMING COMPACTS.—

(1) IN GENERAL.—

(A) PROHIBITION.—During fiscal year 1998, the Secretary may not expend any funds made available under this Act to review or approve any initial Tribal-State compact for class III gaming entered into the or after the date of enactment of this Act. This provision shall not apply to any Tribal-State compact which has been approved by a State in accordance with State law and the Indian Gaming Regulatory Act.

(B) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to prohibit the review or approval by the Secretary of a renewal or revision of, or amendment to a Tribal-State compact that is not covered under subparagraph (A).

(2) TRIBAL-STATE COMPACTS.—During fiscal year 1998, notwithstanding any other provision of law, no Tribal-State compact for class III gaming shall be considered to have been approved by the Secretary by reason of the failure of the Secretary to approve or disapprove that compact. This provision shall not apply to any Tribal-State compact which has been approved by a State in accordance with State law and the Indian Gaming Regulatory Act.

Mr. BRYAN. I thank the Chair. So that I understand the parliamentary situation, the amendment is modified in the manner in which the Senator from Wyoming originally proposed?

The PRESIDING OFFICER. That is correct.

Mr. BRYAN. I thank the Chair, and I thank the Senator from Hawaii for his thoughtful comments, because he is absolutely correct that the language that was originally selected would, indeed, preempt State law. I do not want to be a party to that. He, obviously, does not want to be a party to that as well.

AMENDMENT NO. 1222 TO AMENDMENT NO. 1221, AS MODIFIED

(Purpose: To express the Sense of the Senate concerning enforcement of the Indian Gaming Regulatory Act)

Mr. BRYAN. Mr. President, I send to the desk a second-degree amendment, on behalf of Senator REID and myself, and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. BRYAN], for himself and Mr. REID, proposes an amendment numbered 1222 to amendment No. 1221.

The amendment is as follows:

At the end of the amendment, add the following new section:

''SEC. . SENSE OF THE SENATE CONCERNING INDIAN GAMING.

''It is the Sense of the Senate that the United States Department of Justice should vigorously enforce the provisions of the Indian Gaming Regulatory Act requiring an approved tribal/state gaming compact prior to the initiation of Class III gaming on Indian lands.

Mr. BRYAN. Mr. President, I would like to explain the purpose of my amendment, which is a sense-of-the-Senate amendment. When the Indian Gaming Regulatory Act was enacted in 1988, the year before I joined this body, a central concept was that class III gambling, such as casino and parimutuel gambling, could be conducted on Indian lands with a tribal-State compact approved by the Governors and tribes and then by the Secretary of the Interior.

Today, there are hundreds of Indian gaming establishments across the Nation offering class III gambling. I might just add parenthetically that our experience in Nevada is that we currently have five such tribal agreements in which five tribes have entered into agreements with Nevada's Governor pursuant to the provisions of the Indian Gaming Regulatory Act, and those compacts have been approved.

I want to make it very clear that I support the intent of the act, and I support the right of Indian tribal governments to enter into compacts with States and to pursue gaming activity at a class III level.

Most of the tribal governments that have entered into these agreements are operating under the approval of these tribal-State compacts, as contemplated by the original law. However, almost

from the beginning, there have been some tribes who have chosen to operate illegal class III gambling without an approved tribal-State compact. Over time, some of these gaming operations have become legal by negotiating compacts with the States in which they are located. Some gambling operators, including some who take in millions of dollars each year, have chosen to disregard, indeed, to flout the Indian Gaming Regulatory Act by blatantly continuing to operate illegal class III games without an approved compact, as contemplated by the Indian Gaming Regulatory Act.

Many of the Nation's Governors have appealed to Congress and to Justice to stop this; simply stated, to enforce the law. In the meantime, these tribes continue to operate illegal gambling, believing that the Justice Department would not move to shut them down.

To date, they have largely been right. The Department of Justice and U.S. attorneys across the country have done an abysmal job of enforcing Indian gambling laws. During the year since enactment of the Indian Gaming Regulatory Act, I have had several discussions with Justice about this problem, both the previous administration and the current administration. None of these conversations have been very satisfactory.

It is time that illegal gambling is stopped. The Indian Gaming Regulatory Act is an important law, and it should be enforced. There is simply no excuse for Justice not to do that. There are widespread concerns about the lack of regulation in Indian-run gaming. Today, we should and must make it clear to Justice that this Congress expects its laws to be enforced. If Justice moved tomorrow to enforce the Indian Gaming Regulatory Act, those who conduct legal Indian gaming under the provisions of the law would benefit.

I hope my colleagues will join with me in supporting this sense-of-the-Senate provision. It is very simple, very straightforward. It does nothing to impede legal Indian gambling.

I repeat that I support legal Indian gambling. We have such in Nevada. By this sense-of-the-Senate amendment, we are simply telling Justice that they should enforce existing Federal laws against illegal gambling. Simply: Do your job, enforce the law.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, we have no other speakers on this side on this amendment.

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I think this is a nice addition to the amendment that we have, and I do support it.

Mr. DOMENICI. Mr. President, as a result of the Supreme Court decision in Seminole of Florida v. State of Florida, we are in a situation that could result in tribal gambling compacts being approved by the Secretary of the Interior without the benefit of State approval. I support the Senator's interest in protecting States rights to help determine the degree of gambling that could occur on Indian reservations.

The Indian Gaming Regulatory Act [IGRA] was carefully constructed to protect both tribal and States rights in negotiating compacts that would make casino style gambling legal. When the Supreme Court decided the Seminole case, it held that the provisions in IGRA that allowed a tribe to sue a State for failure to negotiate were unconstitutional. States are protected from suit by the 11th amendment to the Constitution.

We now have a void that some fear could be filled with a Secretarial determination to establish an alternate procedure that completely avoids State participation in the compacting process. IGRA requires a tribal-state compact before casino type gambling is allowed to operate on Indian reservations. This compact is intended to reflect State gambling law and hence varies from State to State.

Under IGRA, a refusal by the State to negotiate with a tribe triggers a mediation process. If the mediation process does not result in an agreement, the Secretary is given authority to issue a compact based on the mediators recommendation.

Senator ENZI is proposing language that would prohibit the Secretary of the Interior from approving compacts that do not have State approval. His amendment does not affect existing casinos that might be negotiating with States for renewal of their compacts, but it does prohibit the Secretary from issuing compacts to legalize gambling if those compacts are without State concurrence.

Mr. President, the first version I saw of Senator ENZI's amendment raised a strong concern in New Mexico that the Senator from Wyoming was attempting to cancel the compacts in New Mexico that were recently approved because the Secretary of the Interior chose not to approve or disapprove. According to the provisions of IGRA, the Secretary is allowed 45 days to act. If he does not act, the compacts are deemed valid.

New Mexico is the only State affected by the original language of the Enzi amendment. New Mexico was the only State to get compact approval of its compacts in 1997 because the Secretary did not approve or disapprove the compacts. I immediately discussed this situation with Senator ENZI and he assured me that he did not intend to target the New Mexico compacts because they are the product of years of tribal and State negotiations, law suits, court decisions, and legislative action.

Senator ENZI has changed his amendment to protect States like New Mexico that have State concurrence in the gambling compacting process. With this change, I am able to support his amendment to prohibit the Secretary of the Interior from unilaterally creating compacts for Indian gambling without State concurrence in the process. I believe his amendment is important to protect the spirit of IGRA that recognizes the competing interests of tribal and State sovereignty in determining precise Indian gambling agreements.

I recognize the new difficulty faced by tribes that do not yet have tribal-State compacts in light of the Seminole decision. I believe a 1-year moratorium on Secretarial authority is appropriate as insurance against new compacts that avoid State participation. I am also supportive of legislative action that would clarify the process for tribes in States that refuse to negotiate, but I want to avoid a restructuring of the tribal-State balances we have struck in IGRA.

There remain questions about the conditions and extent to which the Secretary and the tribe could initiate mediation and Secretarial compacts. We need to address these questions, but I do not believe we should leave the solution solely to the Secretary of the Interior. I am pleased that Senator ENZI has changed his amendment to recognize the New Mexico compacts and other compacts with State concurrence. They are clearly valid compacts under IGRA and we should not tamper with them in an appropriations bill.

I am now in agreement with Senator ENZI's effort to prohibit new compacts from becoming legally binding if those compacts do not have State approval. New Mexico tribes and State government have gone through a long and hard process to reach agreement under IGRA. New Mexico voters have been well represented and tribal rights have been recognized. I believe each State should be allowed to participate as fully as New Mexico has in determining the extent of legal gambling on Indian reservations within its borders.

The PRESIDING OFFICER. Is there further debate on the second-degree amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1222) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, now that we have added the second-degree amendment to my amendment, I would like to conclude my remarks so we can move on with the other discussion that is so important to this appropriations bill.

I do have to respond to some comments that were made earlier. I am not trying to do a piecemeal approach that will destroy what the Indian Affairs

Committee is doing. I commend them for any activities they take. This is just a very small part of the appropriations, and it is to prevent the expenditure of any moneys by the Secretary of the Interior that would bypass the State's right to an involvement in this process.

I really appreciate the offer for the hearings, the offer to bring witnesses, even so generous as to suggest that we could use 3 days. We have been on this for almost an hour and a half, and that is really all I need, and I have used only a small portion of that. I think we have talked about this issue to the extent that we can, because I have modified it to put it in a situation where I am maintaining business as usual. We are assuring that there is a State's right to involvement in the Indian gaming issue. That is the way it is at the moment, and this amendment doesn't make any change in that.

There is some talk about the words ''1-year moratorium'' in this. There is a 1-year moratorium because this is an appropriation, and the appropriation deals with 1 year's worth of expenditures, but it is not a 1-year moratorium against the tribes being able to do anything. It is a 1-year moratorium against the Secretary of the Interior being able to impose himself on the process. The Secretary of the Interior cannot make Federal law. We do that right here in conjunction with the House folks. I am trying to make sure that we can keep that same process. So we are not really asking for a 1-year moratorium on Indian gambling.

I heard the letter that was read, and I assume that letter was written before the changes were made here that I have allowed in this amendment. If that letter was written and still intends to be a part of this discussion, I have to say that I am offended. I am offended that the Secretary of the Interior wants to impose his will and a threat of a Presidential veto over business as usual that has already been passed by the Senate.

That is not a role that the Secretary of the Interior can have. We cannot give him that right. That is our right. That is our responsibility. That is what we were elected to this great body to do: to make the law. He can suggest guidelines, and we already have a law that suggests how this process works. The amendment, as it is now written, assures that all States have their rights in this process and that the law continues the way it is now. I have sent the change to the desk.

I ask unanimous consent that the Senator from Alabama, Senator SESSIONS, and the Senator from Missouri, Senator ASHCROFT, be made cosponsors of the amendment.

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

Mr. ENZI. I thank the body for their time and ask for their support on this important amendment.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, it may very well be this amendment can be dealt with by voice vote, but there also may be one more speaker who wishes to speak on it. We are checking that out, and so for the moment, 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. KEMPTHORNE). Without objection, it is so ordered.

Mr. GORTON. Mr. President, I believe it is appropriate to put the question on the Enzi amendment, as amended.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment No. 1221, as modified, as amended.

The amendment (No. 1221), as modified as amended, was agreed to.

Mr. GORTON. 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.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 1223

(Purpose: To provide additional funding for law enforcement activities of the Bureau of Indian Affairs to reduce gang violence)

Mr. KYL. Mr. President, I send an amendment to the desk. I do not know whether it is at the desk yet, but I think it is not.

The PRESIDING OFFICER. Without objection, the committee amendment is set aside. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. KYL], for himself, Mr. CAMPBELL, and Mr. HATCH, proposes an amendment numbered 1223.

The amendment is as follows:

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

''SEC. 1 . In addition to the amounts made available to the Bureau of Indian Affairs under this title, $4,840,000 shall be made available to the Bureau of Indian Affairs to be used for Bureau of Indian Affairs special law enforcement efforts to reduce gang violence.''

On page 96, line 9, strike ''$5,840,000'' and insert ''$1,000,000''.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. As my colleagues can see from the reading of the amendment, it is a very short, very simple amendment, that simply takes $4,800,000 from one project and provides it to another for dealing with the problem of gang violence on our Indian reservations. I ask for my colleagues' support.

The amendment is cosponsored by the distinguished chairman of the Indian Affairs Committee, Senator CAMPBELL, and the distinguished chairman of the Judiciary Committee, Senator HATCH.

This amendment, as read, would provide the Bureau of Indian Affairs law enforcement with $4.84 million for antigang activities, equipment, and personnel. The offset would be from the Woodrow Wilson International Center for Scholars fund.

The Senate Judiciary and Indian Affairs Committees held a joint hearing yesterday, Mr. President, which examined the growing problem of gang violence in Indian country. Therefore, I think it propitious that we are able to offer the amendment today to help alleviate the problem that was identified in that hearing.

We heard from representatives of several Indian tribes, as well as the Justice Department, about the problem of gang violence on our reservations.

Here are some of what we found.

According to the Justice Department, violent crime nationwide has declined significantly between 1992 and 1996. The overall violent crime rate has dropped about 17 percent, and homicides are down 22 percent. That is the good news.

Here is the bad news. In the same period of time, homicides in Indian country rose an astonishing 87 percent, Mr. President. The Indian Health Service tells us that the homicide rate among Indians is the highest among any ethnic group in the country—2½ times the rate among white Americans. Numerous tribes, including the Navajo Nation in my State of Arizona, record homicide rates that exceed those of notoriously violent urban areas in our country.

The FBI reports a dramatic increase in violent crime attributable to gangs in Indian country, nearly doubling between 1994 and 1997. The BIA's law enforcement division identified 181 active gangs on or near Indian reservations in 1994. By 1997, that estimate had risen to 375 gangs with approximately 4,650 gang members. The Navajo Nation alone reports at least 75 active gangs. Think about that for a moment, Mr. President. Just one Indian tribe in the State of Arizona has 75 active gangs.

There is a small reservation just east of the Phoenix area that has 19 active gangs on it. These are among Indian kids.

On the Menominee reservation in Wisconsin, there was a 293 percent increase in the number of juveniles arrested between 1990 and 1994. And between 1995 and 1997, the U.S. Attorney's Office in the District of New Mexico has noted an evolution in juvenile killings from reckless manslaughters to vicious, intentional killings.

The crimes can be heinous. On May 15, 1994, a 20-year-old Subway sandwich shop clerk was gunned down while on the job on the Salt River Pima-Maricopa Indian Community in Arizona. That is the reservation I just alluded to a moment ago. Shot six times, including once in the face, young Pat Lindsay later died. His attackers stole sandwiches, chips, and $100 from the sandwich shop.

On South Dakota's Lower Brule Reservation in 1996, four gang members broke into a police officer's car and threw in a Molotov cocktail.

Mr. President, why is it that Indian country is particularly susceptible to gang violence? Part of the answer lies in demographics. The American Indian population is fast growing and increasingly youthful. Based on the 1990 census, 33 percent of the Indian population was younger than 15-years-old versus 22 percent of the general population.

On the Gila River Indian Community in Arizona, about half of the reservation's population is expected to be under the age of 18 by the year 2000.

Another reason for the growing problem is socioeconomic. American Indians lag in comparison to the general population, experiencing cultural disruption, poverty, chronic unemployment, and disproportionate rates of alcoholism and substance abuse. These create an environment in which gangs can flourish.

Insufficient law enforcement and detention capability also contribute to the problem. Juveniles may be arrested, but tribes often lack the detention facilities, the probation officers, adequate social services, including substance abuse programs, creating a revolving door for these young people.

So, Mr. President, the needs for this funding are apparent and urgent.

I realize of course the need to offset the additional funding proposed in this amendment, this $4.8 million. The offset we are proposing comes from the Woodrow Wilson International Center for Scholars. Funding for the center would be set at the level recommended in the House-passed version of the Interior appropriations bill—$1 million. The reduction, I said, amounts to $4.8 million.

The Wilson Center was the subject of a Washington Post article in July. And I ask, Mr. President, unanimous consent that it be printed in the RECORD.

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

[From the Washington Post, July 18, 1997]

HOUSE CUT WOULD KILL WOODROW WILSON'S LIVING MEMORIAL

(By Stephen Barr)

More than 30 years ago, when Congress decided to honor Woodrow Wilson, it adopted a suggestion by Wilson's grandson and created a ''living institution'' instead of erecting a more traditional marble and stone monument to the nation's 28th president.

Today, that living memorial—the Woodrow Wilson International Center for Scholars—operates with public and private money in antiquated offices at the Smithsonian Castle. The center is not a think tank and does not take positions on issues, but sees itself as a house where scholars in a variety of disciplines can gather.

But the Wilson Center appears to be at a crossroads. A review by the National Academy for Public Administration (NAPA) portrays the center as a splintered operation, suffering from ''damaged morale'' and ineffective leadership. The House, which ordered the review, voted Tuesday to give the center $1 million for fiscal year 1998, essentially enough money to disband.

The House decision means the center's future will be in doubt until later this year, since the Senate seems likely to continue its funding. A Senate Appropriations subcommittee is scheduled to meet today, and a spokeswoman for Sen. Slade Gorton (R-Wash.) said he would propose that the center get the same amount it currently receives, about $5.8 million.

The dispute over the center has been overshadowed by the clash over funding for the National Endowment for the Arts (NEA), which receives its funding from the same appropriations bill. Like the NEA, the Wilson Center is caught up in the debate over how much the government should subsidize cultural and intellectual activities.

Center supporters stress that it is neither partisan nor ideological. ''I can't understand why the conservatives should be voting against the center,'' said Gertrude Himmelfarb, a neoconservative and professor emeritus at the City University of New York. ''It is the least trendy of all the institutions in the United States. Of all institutions, this is one they should be supporting.''

But the center also faces a harsher kind of criticism: that its existence no longer seems to make any difference, particularly in public policy debates.

''I want them to be relevant,'' said Rep. Ralph Regula (R-Ohio), who heads the House subcommittee that placed the center in jeopardy. ''Are they relevant as far as agencies of government in town? I'm not sure they are. Are they relevant to the public? Maybe a little bit.'' Regula added, ''They don't seem to have a sense of mission; they're just kind of drifting.''

The NAPA report argues that the Wilson center's operations need to be pulled together so that visiting scholars not only pursue their research but also contribute to the center's specialized geographic programs. The principal purpose of the center, the NAPA report said, is ''the bridging of the worlds of learning and public affairs.''

Rep. David E. Price (D-N.C.), who led an effort in the House to defend the center, said many of the center's research efforts have ''a strong public policy connection'' and said the NAPA report did not address the center's relevance to such issues ''one way or another.''

Charles Blitzer, 69, a target of the NAPA report, has presided over the center as its director for the last eight years. During an interview at his office, where he chainsmoked as the air conditioner struggled against the searing heat outside, Blitzer noted that the NAPA report concluded the center ''merits continued support.''

He dismissed much of the report's criticism, saying that ''we are stuck on a semantic problem'' about how to define the center's ''mission'' in Washington. For the most part Blitzer said, he believes that scholars at the center should be left free to pursue their studies.

According to the NAPA report, the center's only requirement on fellows, in addition to fulfilling their study objectives, is a five-minute presentation on their project to colleagues and staff.

The center annually selects about 35 fellows, who receive an average stipend of $43,000 and spend their time studying and writing. Previous and current fellows include Raul Alfonsin, the former president of Argentina; Anatoly Dobrynin, the former Soviet ambassador to the United States; Washington Post reporter Thomas B. Edsall; author Betty Freidan; New York Times columnist Thomas L. Friedman; novelist Carlos Fuentes; Harvard University professor Samuel P. Huntington; and Itamar Rabinovich, the former Israeli ambassador here.

More than 100 other scholars annually pass through the doors of the center's geographic-based programs. They include the Kennan Institute for Advanced Russian Studies and programs devoted to Latin American, Asian, East and West European, and U.S. studies. The center also operates the Cold War International History Project and the Environmental Change and Security Project, exploring such issues as global population trends and how they fit into U.S. foreign policy.

Some of Blitzer's colleagues agree that an artificial division separates Wilson fellows from the various programs and needs to be addressed. ''Scholars working on their own research can enrich programmatic activities and vice versa.'' said Kennan Institute director Blair Ruble.

The NAPA report also heightened tensions over Blitzer's management of the center, which was criticized in the NAPA report. Blitzer rejected the criticism, saying he has worked to improve the center's endowments, operations and scholarship.

When he arrived, Blitzer said, the center had an endowment of $4 million and $2 million in debts. Now, he said, the center's endowment is valued at $24 million, and $3 million has been raised to furnish new quarters in the Ronald Reagan building at the Federal Triangle, where the center has a 30-year, rent-free arrangement.

Regula has expressed concerns about the Wilson Center's role since the early 1980s and at one point opposed Blitzer's plans to move the center into the Reagan building. Now, Regula's funding cut and the NAPA study have plunged center officials into internal meetings on how to address what Latin American program director Joseph S. Tulchin called a ''constructive kick in the pants.''

Regula said he has ''no qualms'' about abolishing Wilson's memorial if Congress concludes the tax dollars being spent do not advance public policy or prove useful to society.

But, he added, ''I'm a fan of Woodrow Wilson. For his time, he was a great president, and I like the living memorial. To me, it beats bricks and mortar.''

Mr. KYL. Mr. President, as reported in this Post article, the Wilson Center selects about 35 fellows each year who receive an average stipend of $43,000 to spend their time studying and writing. The only requirement of the fellows is that in addition to fulfilling their study objectives, they provide a 5-minute presentation on their project to their colleagues and staff.

A review of the center's operations by the National Academy for Public Administration earlier this year portrays the center as a splintered operation, ineffective, and drifting. The House Appropriations Committee's report on the Interior bill notes that the only accomplishment the academy could cite for the center was obtaining new office space on Pennsylvania Avenue.

The House committee concluded:

[T]he Center has operated so long without a clear mission that it may be impossible to reestablish one within an organization that has no relevance to real world public policy issues.

It seems to me that we could put this $4.8 million currently allocated to an operation that has been widely recognized as drifting and ineffective toward the real and growing problem of gang violence in Indian country. That is what this amendment is all about, Mr. President.

I express my appreciation to Chairman CAMPBELL and to Chairman HATCH for joining me in this amendment and for their leadership on this issue generally. I hope this amendment will be accepted and that we will begin putting the resources we need into fighting the growing problem of gang violence in Indian country.

Thank you, Mr. President.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. I rise in the firmest opposition to this proposal.

Might I first state that I have not the least difficulty with the thought of the distinguished Senators that there might be more funds made available to deal with gang violence among Indian populations. That is a perfectly reasonable proposition. I do not claim any specific knowledge in my awareness of anything notable in that way of difficulty in the State of New York.

But, sir, I am appalled that this reasonable, modest proposal should be advanced at the expense and the effect of destroying the national memorial to President Woodrow Wilson. I have to tell you I was aggrieved to hear the gratuitous comments about the Woodrow Wilson Center that have just been made here on the floor.

There is a history, Mr. President, and I will not go into it in any great detail, but I am prepared to spend the rest of the day and tomorrow, if need be. But let me see if I cannot be brief about this so that the Senate can get on with its work.

In 1961, the Congress, by joint resolution, called upon President Kennedy to appoint a bipartisan commission for the purpose of proposing an appropriate memorial to Woodrow Wilson in the Nation's Capital. We have just seen the opening of the superbly designed memorial to President Roosevelt. In a time sequence, it is not inappropriate that a memorial to President Wilson would take place a quarter century earlier.

In 1968, after a bipartisan commission had deliberated the matter, it was proposed that there be a living memorial to President Wilson—not a statue and not a fountain. And in all truth, he was never known to be seated on a horse.

The idea arose from the same proposition put forth by the American Historical Association that said that, for all the fine universities, there was not a center for advanced studies here in the Nation's Capital where persons from around the world, and principally from the United States, could come and work in our archives, work on our various subjects, land that wouldn't it be a fine thing that there should be such, and why not have it as a memorial to President Wilson, who was a university professor, university president, a great teacher.

In 1968, the Woodrow Wilson Memorial Act was passed. The act's preamble stipulates that this memorial is not to be a statue or a building bearing Wilson's name but rather a living institution expressing ''his accomplishments as the 28th President of the United States: A distinguished scholar, an outstanding university president and a brilliant advocate of international understanding.''

There is a nice bit of history here which I will not ask anybody to elucidate further, but the measure provides that the chairman of the board of trustees be from the private sector and there be a mix of public and private individuals, all appointed by the President.

On his last day in office, President Johnson appointed Vice President Hubert Humphrey to be the first chairman of the first board of trustees. It was something Hubert Humphrey, beloved Senator that we all know and remember so well, that is what he wished to leave in public life, as he assumed he would be doing, and go forward with.

It happened at that time I had been appointed assistant to President Nixon. In my own work I have done some writing about Woodrow Wilson. President Nixon asked if I would be the first vice chairman. Now, there is a little bit of a problem here because if Lyndon B. Johnson was President, then Hubert H. Humphrey would be Vice President—not exactly a person in the private sector—but President Nixon was not going to make an issue of that.

This is something everybody knew about at the time and was excited about at the time, and so we went forward. We have been at this now for 30 years. The International Center has established an international reputation. The world over, there are persons in universities, in governments, who have been fellows here and retained a tie to the institution that is important. One does not wish to overstate, but it is an important fact of international life, particularly in the area of diplomacy.

I might make the point that our present Secretary of State, most luminous and indefatigable Madeleine Albright, was a fellow at the Woodrow Wilson Center, and on the occasion of the 25th anniversary, President Bush arranged a dinner in the State Department. There were a series of lectures. At one of these, Madeleine Albright had this sort of happy remark, in a lecture. She said, ''Let me begin by wishing a happy 25th birthday to the Woodrow Wilson International Center for Scholars. I will never forget my own time at the center as a Wilson fellow. Where else can one do truly independent research, meet scholars from all over the world and get paid for working in a castle? I have always felt in a town full of monuments, the center is unique because it is a living monument. It memorializes not only Wilson, but Wilson's lifelong effort as an educator and President, to map a trail for a future that would elude the traps of the past.''

She was referring, of course, to the Smithsonian Institution.

At the time the center began, small amounts of money were made available from the Congress—about $5 million a year; now less. A fundraising effort has been made by the trustees to raise private funds. They now are a larger part of the budget than what the Federal Government provides. But there was no place to locate. Such was the expectation and understanding that the then Secretary of the Smithsonian, the Honorable S. Dillon Ripley, turned over that great Renwick Building, the Smithsonian Institution on the Mall, to the center. It's called among the family of Smithsonian workers the castle, and indeed it is a castle of sorts. It has been there ever since until just this moment. We have completed, on Pennsylvania Avenue, as the statute requires and dictates, a building for the center as part of the Ronald Reagan Building, which will be dedicated next spring.

Let me take the liberty, Mr. President, of citing comments of a few Presidents of the United States. First of all, Lyndon Johnson, who signed the legislation, said ''The dream of a great scholarly center in the Nation's Capital is as old as the Republic itself * * * This Center could serve as an institution of learning that the 22nd century will regard as having influenced the 21st.''

There was a certain serendipity that its first 30 years should be located in the Smithsonian building. The Smithsonian building was created there for the advance and diffusion of knowledge—primarily in the sciences but also in other areas. Here was the incubator for this new center, ''an institution of learning that the 22nd century will regard as having influenced the 21st.''

Later in my remarks I will note that there is ample evidence that it has already influenced the 20th century.

Jimmy Carter: ''The Wilson Center is a nucleus of intellectual curiosity and collaboration on issues of critical importance to our national well-being.''

George Bush, who, as I say, hosted a dinner at the State Department on one of the anniversaries, said, ''In this alliance of scholars now world-renowned for exploring some of the most vital issues that confront mankind, Woodrow Wilson's ideals find their highest and most effective expression.''

Ronald Reagan, in whose building the center will be part: ''The work of this organization symbolizes the yearning by Americans to understand the past and bring the lessons of history to bear upon the present.''

Richard M. Nixon: ''One of the most significant additions to Pennsylvania Avenue will be an international center for scholars, to be a living memorial to Woodrow Wilson. There could hardly be a more appropriate memorial to a President who combined a devotion to scholarship with a passion for peace. The District has long sought, and long needed, a center for both men of letters and men of affairs.''

And now to our own President at this moment, William Jefferson Clinton,

and this was just recently: ''Three years ago I had the pleasure of signing legislation designating the great public space that will lead from Pennsylvania Avenue to the Woodrow Wilson International Center for Scholars as 'Woodrow Wilson Plaza.' Now that the Woodrow Wilson Center is preparing to move into its own home, fronting on the plaza, I salute its world-renowned contributions to scholarship, international understanding, and public service over the last 30 years. The Wilson Center will be a true living memorial to one of our great Presidents.''

I might add, just as a matter of serendipity, that the center will be part of that building construction, the Ronald Reagan Building, which will finally complete, after 70 years, the Federal Triangle, which was begun by Herbert Hoover, under Hoover's Presidency. Hoover was a great admirer of Wilson and was himself an author of one of the finest books ever written on President Wilson.

This 30th anniversary, this impending move and the decision here in the Congress to see that the building will finally go up—no hurry, 30 years. It will be furnished out of private donations. Just this spring there was a large dinner in New York where our most distinguished Chairman of the Federal Reserve Board, Dr. Alan Greenspan, gave an extraordinary address at which we raised—it is a public matter—almost $1 million with a matching pledge for the furnishings, the books, the desks, tables, and such.

On September 8 of this year the New York Times had an editorial on the center saying, ''The center has been a tone of civility during political and cultural wars and a refuge for those persecuted elsewhere.''

A center for civility. You would be surprised how often a comment returns to that quality in the Senate.

The Times goes on, ''The Center's House,'' referring to the House of Representatives, ''critics fault for lacking a public policy function by overemphasizing scholarly pursuits. This seems perversely to miss the point. Washington is amply stocked with policy think tanks, and the Center was never meant to churn out position papers. The hope, instead, was to provide a forum where politicians and officials might encounter those more alien muses of history, philosophy and literature.'' Could you dispute that the center has stimulated prize-winning books, animated innumerable public workshops and published a lively quarterly? Every Federal dollar appropriated for the center is matched by a private donor.''

It goes on in that spirit.

The New York Times is generally thought to be a paper disposed to liberal views—its editorial page. The Weekly Standard, newly and happily arrived in Washington, is nothing of the sort. Its editor, William Kristol, is an avowed and energetic, hugely influential conservative. The Weekly Standard ran an editorial a little while ago when this dispute was coming out in the House, and it said, ''Save the Wilson Quarterly!'' That is a published journal, scholarly, lively, published once a quarter, and it said this: ''Having somehow resisted the p.c.''—political correctness—''trendiness that has contaminated the academy, the Wilson Center, under the auspices of the Smith1sonian Institution, remains one of the few havens for disinterested scholarship * * *.''

I suppose, in the interest of full disclosure, I should say that I am a regent of the Smithsonian, and I believe at this point I am the senior regent appointed from the Senate, as well as the House.

But it says, ''Having somehow resisted the p.c. trendiness that has contaminated the academy, the Wilson Center, under the auspices of the Smithsonian Institution, remains one of the few havens for disinterested scholarship in the country.''

I began by quoting the New York Times editorial page, a page of liberal opinion. I went on to quote an editorial from the Weekly Standard, a journal of assertively conservative opinion.

Let me now quote George F. Will, one of the most learned, thoughtful, entertaining, and rewarding observers of the Washington scene we have had in a long time. When he is not writing about baseball, he tends to write about politics. Occasionally, he enters the world of such as we are now talking about. He refers to an essay published in the Wilson Quarterly: ''The invaluable quarterly of the irreplaceable Woodrow Wilson International Center for Scholars.''

See, we have here a living memorial to a great President, well established, known worldwide, read worldwide. There is a web site, there is a radio program called ''Dialog.'' There is no end. There are 200,000 listeners each week. We don't want to put this center at jeopardy.

I am not in the least at a disinclination to provide funds for juvenile delinquency programs in Indian tribes or populations. But at the cost, we can find those funds somewhere. To destroy this irreplaceable institution. We will start again. And, sir, it takes 30 years to take root.

We have had a wonderful fortune in the persons who have led the Center. James Billington, the present Librarian of Congress, himself a great historian, particularly of the Russian Empire, and then the Soviet Empire that succeeded it. James H. Billington is a trustee now, but he was a great director for the longest while.

Then it was the fortune of the center to have for a long period another distinguished scholar, a great administrator, great person, Charles Blitzer, who has just announced, at age 70, his retirement, but after a distinguished career. He had been Assistant Secretary of the Smithsonian when the castle was opened up to welcome the new institution. He went from here to be director of the National Center for the Humanities in North Carolina, and then he was summoned back to the Wilson Center, and now having reached the age of retirement, has announced he will retire at the time a successor is chosen. It might give you a sense, sir, of the importance attached by Americans of every disposition to the Center to know what the search committee is for the new director.

First, James A. Baker III, former Secretary of State and trustee of the Wilson Center. Next, James H. Billington, Librarian of Congress. Mary Brown Bullock, a former fellow, former director of the Wilson Center Asia Program, and now president of Agnes Scott College. William T. Coleman, Jr., a Wilson council member, former Secretary of Transportation, and a distinguished attorney here in Washington. I. Michael Heyman, a trustee and the Secretary of the Smithsonian Institution. Gertrude Himmelfarb, one of the great scholars of our age, a person who has transcended understanding of Victorian Britain. The British learn about their history from Gertrude Himmelfarb today. She was formerly a fellow at the Center, professor emeritus at City University of New York, and a former trustee. Chris Kennan, former Wilson council member. Elizabeth McCormack, Associate, Rockefeller Family & Associates, and former President of Manhattanville College. Finally, Herbert S. Winokur, Jr., Wilson council member and managing partner of Capricorn Management.

You see, sir, an extraordinary array of support, every President since Lyndon Johnson who lined the legislation has attested—in this case, to his hopes and now to the realization of those hopes for this center. Scholars from the world over. Our own Secretary of State—a great quarterly, an extraordinary audience in the world at a minimal cost to our budget and great advantage to our Nation.

Mr. President, I cannot imagine that we would do this act of desecration. I would happily pledge my support to any effort to provide funds for a juvenile delinquency program. But for now, I trust this amendment will be withdrawn and, if not, it will be defeated. I hope it would not have to have a vote. I cannot imagine the U.S. Senate, which created this institution, having to vote on destroying it for another purpose altogether, unrelated and as regards this issue of a profoundly different order of importance.

Mr. President, I thank you. Seeing my friend from Colorado on the floor, I yield the floor.

Mr. CAMPBELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. CAMPBELL. Mr. President, I rise to support my friend and colleague from Arizona in his efforts to address the needs of law enforcement in Indian country. Tribal governments are in desperate need of these funds, which will help them to combat the cancer of

gang activity growing throughout the country.

I listened very carefully to my friend and colleague, Senator MOYNIHAN from New York, and I have to say that we are not trying to kill the Woodrow Wilson Center; we are just trying to prevent some young Americans from being killed. We are not trying to destroy it. We are trying to prevent a culture from being destroyed. I know, as all of my colleagues know, that we have to make some very tough choices if we are truly going to get our deficit under control and balance the budget. I don't know much about the Woodrow Wilson Center, but I suppose it is very important from a scholarly standpoint. The lives of people that are affected on Indian reservations with our youngsters going into gang activity, I think, is equally as important. I don't think we can put a price tag on their lives.

The Senator talked about the memorial being a living memorial. I simply believe that Senator KYL is on the right track when he wants to keep more youngsters on the Indian reservations also in that State—an alive State. They tell me that the scholars at the Wilson Center get about $43,000 a year to study different projects. I was looking at some of the projects. Very frankly, they may be very important, but some of them I don't quite understand.

Let me read into the RECORD a few of the projects that have been done. Here is one: popular mystical sectarianism and models of rationality in prerevolutionary Russia; family and society in greater Syria; making China perfectly equal; creating language for westernization in early Meiji, Japan. I went to Meiji University in Japan and I don't remember that one. The rise and fall of childrearing experts in 20th century America. I would like to see somebody do a little more study on the rise and fall of children in America and where we have to go to prevent them from getting more involved in gangs. One that I almost can't pronounce is the malediction of malpractice medicine and misfortune in post-colonial Zimbabwe.

That may be very important. I am not going to disagree with the Senator from New York. Maybe it is. I think that we have to recognize, though, that writing about starvation and starving are two different things. Doing studies about youngsters at risk who may be dying from gang violence and then talking to their families who have watched their youngsters die in gang violence are two different things.

I wanted to reaffirm to the Senator from New York that we are not trying to destroy the Woodrow Wilson Center. I am sure it is very important. We just know that there are some things that we face that demand immediate attention, and we think this is one of the ways we can do it.

As my colleague noted, over the past 5 years, homicide rates across America decreased by 22 percent. But on Indian reservations, it went up by 87 percent during the same 5 years.

Yesterday, we had a joint hearing of the Indian Affairs and the Judiciary Committees. Testimony in that hearing revealed that gang violence poses a very special threat to America's Indian tribes that they are simply not equipped to deal with. Those tribes, we noted with interest through the testimony, that have a closer proximity to metropolitan areas, like Phoenix and Detroit, or any large metropolitan areas, that adds more and more pressure on inner-city gangs, like the Crips or Bloods, whatever, and they tend to migrate out and go to a path of least resistance—in this case, the Indian reservations.

Studies conducted by Federal agencies, universities, and tribal governments reveal that gang activity within Indian country has steadily increased over the past decade. A study in 1997, as an example, of 132 tribes conducted by the Bureau of Indian Affairs Law Enforcement Division estimated there were 375 active gangs with approximately 4,600 members. In Arizona alone, as Senator KYL stated, a recent FBI study identified 177 gangs on 14 different reservations.

Juvenile gang activities poses a unique threat to all jurisdictions. And, since there are multiple jurisdictions on Indian reservations, there are often people who should be prosecuted that simply fall through the cracks because of the time consumed in defining who is in charge, who has the jurisdiction for the person. In Indian country, the potential growth is even greater in this jurisdictional maze than it is from any downtown community that faces gang activities.

These limitations on tribal courts and law enforcement authority are imposed by the Federal Government. We can't continue to tie the hands of the tribal justice systems, refuse to adequately fund their law enforcement, and then expect them to do an adequate job in protecting their citizens against gangs.

The Office of Tribal Justice within the Department of the Interior recently stated that ''* * * it is twice as likely that a reported crime will be violent''—on the reservation—''as compared with the rest of the United States, yet there are only half as many law enforcement officers on Indian lands per capita.''

It is absolutely a problem that is just virtually out of control.

The complexity and severity of youth violence and criminal gang activity within Indian country demands immediate attention. These funds will enable tribal governments to protect their citizens, and they will go far in fulfilling our obligation to protect and preserve the health and welfare of our Indian communities—and the people who are non-Indian who happen to live in those Indian communities.

I know that the Woodrow Wilson Center is important. They get a great deal of private money from well-meaning and good-hearted Americans who contribute regularly to that center—unlike Indian reservations. You rarely have people who are going to donate money to the Indian people who are trying to reduce gang violence. They depend almost totally on Federal money to do this.

With that, Mr. President, I urge my colleagues to support the Kyl amendment, and I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. MOYNIHAN. Will the Senator allow me just 2 minutes?

Mr. GORTON. I certainly yield to the Senator from New York.

Mr. MOYNIHAN. Mr. President, I thank the Senator for his generous remarks about the center. But I also say that it is so easy to make fun of studies of ancient times and obscure subjects. But a great deal comes with them.

In that New York Times editorial I spoke of, it says at one point:

> That such a forum is needed was suggested by a Senator's inept award several decades ago of a ''golden fleece'' to a Wilson scholar for writing a paper on how Russia's czars persecuted nomadic minorities centuries ago. This scene was not remote or irrelevant to the author, Bronislaw Geremek, the Polish medievalist who was to play a pivotal role in the Solidarity movement.

''who was to play a pivotal role in the Solidarity movement.''

> In the humanities, as in natural sciences, ideas often spring from improbable intersections.

I make a point again about a certain ''improbable'' intersection.

It was a study by a Polish medievalist of the way in which a central Russian empire persecuted nomadic tribes.

It was thought ridiculous here, but was part of the creation of a career which led to the independence of Poland.

Thank you, Mr. President.

I thank the Senator from Washington for his generosity.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, two points rather briefly in opposing, with regret, the amendment proposed by my two friends and colleagues:

The first is in no way to deprecate or understate the problem of gang violence on Indian reservations, or, for that matter, in any other place, but simply to point out that this bill includes greater increases for Indian programs taken as a whole than it does for any other set of programs.

At the request of the President and of the Senator from New Mexico, Mr. DOMENICI, tribal priority allocations are increased by some $76 million, the distribution of which is to be determined primarily by Indian organizations themselves, any portion of which can be dedicated to this purpose.

Second, the appropriations bill managed by my friend from Colorado, the chairman of the Indian Affairs Committee, the appropriations bill for Treasury-Postal increases the so-called grant program to $13 million with specific reference to criminal gang activity on Indian reservations and a direction to the Bureau of Alcohol, Tobacco, and Firearms to help curtail that gang violence. This $13 million in that bill can be used in whole or in part for the goal that the two Senators aim at. When one totals up all of the public safety and justice programs in the bill before us, the Interior bill, that is an additional $116 million-plus.

Obviously, not all of that, not even a large percentage of it, is going to be used to combat gang violence.

The point is that in this bill, and in the Treasury-Postal bill, there is a true recognition of the seriousness of the problem and significant resources that can be devoted to dealing with that problem.

As a consequence, my attitude toward this amendment would change 180 degrees if this amendment were an earmark of some of those tribal priority allocations specifically to gang-related violence. Personally, I think an earmark would probably be unnecessary.

I accept the seriousness of the problem, as described by my two colleagues, and suspect that those who determine where those tribal priority allocations will go will share those views.

The point is that if this amendment had come out of Indian activities, it would not need to be discussed here at any length. We simply would have accepted it. Instead, Mr. President, it comes out of the destruction of the Woodrow Wilson Memorial.

Last Thursday, when we began this debate, I presented this chart in this large form here on the floor, but with a small one to every Member of the body, showing the relative division of moneys within the Department of the Interior budget—the green on the left being the management of all of our public land, the various blues, almost $4 billion in this bill, for Indian activities. Then we have to come all the way over here to this very short line for all of the cultural activities supported by this bill. In this short line, one-fifth of the amount that goes for Indian programs in total is included in the Smithsonian Institution, the National Gallery of Art, the Holocaust Museum, the two endowments that we debated some 4 days on the floor here, and in a line that would be too small to see on a chart of this size, the Woodrow Wilson International Center for Scholars.

Mr. President, we should not slow up opportunities for scholarly research in the United States. We should not abandon an institution that admittedly authorizes studies in a number of esoteric scholarly pursuits. That simply isn't the way in which we ought to treat our own history, or our own culture. A place outside of the rest of the world for longer or shorter periods of reflection and writing on the part of scholars is not, Mr. President, I am convinced a waste of the taxpayers' money.

I believe the House of Representatives was wrong to follow the course of action that it did in this respect. But by reflecting the views of the House of Representatives, we are saying, fine, there will be $1 million to close down this memorial. It may not be exactly analogous to closing down the Lincoln Memorial, though it is a memorial to a famous President of the United States. But we aren't considering closing down the Lincoln Memorial because it doesn't make money or produce an immediate income.

Woodrow Wilson was himself a scholar, a president of a university, and Congress deemed the best memorial to him would be a place at which scholarly pursuits could be followed.

But this amendment would destroy that institution forever in order to fund an activity for a single year for which there is already an ample source of funds.

So, I must say that I believe it to be an ill-advised amendment—once again, not so much because there can be criticism of the goal that it pursues, but because the goal is already adequately pursued in this and other bills and should not be the excuse to destroy one of the smallest elements of this bill directed at the preservation of American culture, the addition to our fund of knowledge about our own history and about the world around us.

We can vote on this amendment. I hope, if we do, that it is defeated. We could modify the amendment so that it becomes an earmark out of the already large and justified appropriations for Indian activities, one that has a greater increase this year than any other. We should not vote for it in its present form.

Mr. KYL. Mr. President, I would like to speak for a few minutes perhaps to close the debate. I think perhaps most of the things have been said.

Mr. GORTON. Will the Senator yield?

Mr. KYL. Of course.

Mr. GORTON. Senator STEVENS is on his way to the floor. He wishes to speak on it. So we will save time for him.

Mr. KYL. That is fine. I will speak for a few minutes. I know Senator BUMPERS is anxious to present another amendment, and I don't intend to take a lot more time.

But I would like, Mr. President, to get to the essence of what we are trying to accomplish here because the distinguished chairman of the subcommittee has made some constructive suggestions in the end, however, which do not capture the spirit of this amendment.

The whole point of this amendment is to prioritize among scarce resources.

It is true that we have funded Indian programs this year to the extent that we thought was possible, and that represents an increase over last year, and it represents an increase more than the other programs within this budget were increased.

But, Mr. President, that is not to say much, because the needs of our Indian communities are so significantly greater than the amount of money that we can provide that this is a scant comfort, I think, to those in our Indian communities.

I detailed, and my colleague Senator CAMPBELL from Colorado detailed, some of the things which we learned in the hearings yesterday jointly held which discussed the dire situation on our Indian reservations today regarding gang violence and the need to, obviously, do much, much more in a concerted way to alleviate that problem now.

So, while it is true that we could take money from some other Indian program and apply it to this program, I don't see that as a solution given all of the other needs that exist on our Indian reservations.

While it is also true that we have allocated $13 million toward a very specific program—not to the BIA but the money goes to the BATF, a totally different program for training—while it is true that that money is in this budget, that is not an adequate substitute for what we are trying to provide for in terms of very special operations requirements to deal with the problems of gang violence.

Just to reiterate a couple of things—I will not take long—but there are half as many law enforcement officers per capita in Indian country as there are in the small communities outside Indian country.

We are not just talking about training people. We are talking about hiring people to be on the job and doing their job. In terms of the detention facilities and all of the other personnel that are required, in every category it is far less than needed in Indian country, and that is one of the reasons, as I pointed out from the testimony, that you have this difficult problem of gang violence.

So when the distinguished chairman of the subcommittee says, well, one thing we could do is simply take money from another part of the Indian budget and put it into here, that is true, but that is really in a sense robbing Peter to pay Paul.

What we are suggesting, the chairman of the Indian Affairs Committee and myself, is to prioritize in a larger sense from the entire budget that we have under consideration here, this Interior appropriations budget.

What we are asking, Mr. President, is this question: As between the funding that is being provided by the Federal Government, the Federal component to the Woodrow Wilson Program and this particular need, which one is more important in today's America? Which one does the Senate justify better to the taxpayers of America? Both Senator CAMPBELL and I have been very clear that we are not attempting to kill the Woodrow Wilson Center. As a matter of

fact, it receives more in private funding than it does in Government funding. We are simply reducing the amount of Federal Government funding to the level recommended by the House of Representatives.

Last year, its budget was something like $12.5 million, and, as I said, more than half of that was from the private sector rather than from this Interior appropriation. So this is not an effort to kill that center. But I do think that because of the criticisms leveled at the center, among others, from the National Academy of Public Administration, I think a study of significance and objectivity, because of some of those criticisms I think it is wise for us to ask whether or not a priority of spending taxpayer dollars should put those moneys into this program as opposed to the one which everyone here has said deserves support, our attempt to deal with Indian gang violence.

The distinguished Senator from New York talked about some of the leaders of the Woodrow Wilson Center, including the current director who is about to step down. But one of the conclusions of this important study about the center is as follows:

> The director's performance is deficient in a number of areas. For example, he has not effectively articulated what the Center does.

Mr. President, if the director of the center cannot articulate what the center does, I wonder just how good a memorial to President Wilson this really is. And since my colleague from Washington State compared this to the Washington Monument, for example, I will do a little comparing myself. It is true that the Washington Monument does not pay a scholar $43,000 a year to write an esoteric paper, but I think it inspires 250 million Americans every year in ways that probably can't be measured but help us to appreciate what our country stands for and to remember the great Presidents of this country. I would rather that the Woodrow Wilson Center do a better job, frankly, of inspiring Americans and reaching out to all 250 million Americans instead of its very narrow focus on the somewhat esoteric papers that are written there.

Our colleague from New York talked about the fact that one of the scholars noted: Where else can you work among intellectuals and get paid for working in a castle? It is a nice way of saying that it is a very nice thing to be a recipient of this funding. I am sure for those who get it, it is. Undoubtedly, some of the papers presented are very worthy.

One of the other criticisms that was leveled at the center from this review of the organization by the National Academy of Public Administration noted the fact that some of the employees of the program and program staff and fellows could benefit from more cooperative activities and that they be urged to make some interactions obligatory rather than voluntary. They said that the center ''does not fully motivate fellows toward cooperation and gives them the option to work in isolation from others. Some are called 'phantom fellows' because they seldom appear at the Center let alone interact with staff members.''

So apparently not all of the fellows who receive this stipend are participating in the activities described by the Senator from New York.

I am not here to criticize the Woodrow Wilson Center, but what I am saying is that it is a troubled program. That cannot be denied. Now, advocates of it, proponents of it will say it is going to be improved and it has performed a mission in the past. After all, we would not want to do anything to suggest we do not honor Woodrow Wilson. Obviously, none of us are suggesting that. But when on the one hand you have a program that has been troubled and a program which can be sustained by private funding as opposed to support for Indian gang activities, which, as the Senator from Colorado noted, is probably not going to be supported by private giving—it relies exclusively on the Senate and House of Representatives to provide the funding for those programs in Indian country—I think in setting the priorities, we can say that this $4.8 million is better spent on saving lives on the Indian reservations, as my colleague from Colorado put it, rather than continuing to fund that degree of support to the Woodrow Wilson Center.

Mr. President, again, I compliment the Senator from New York for his vigorous advocacy of the center. It is not our intention to kill it. I compliment the distinguished subcommittee chairman for noting that there are ways in which other Indian programs could have their funding reduced in order to support these important gang activity programs.

Again, I do not think that is a good option. We need more money than we can possibly appropriate to Indian activities rather than simply taking it from one Indian activity and putting it against this particular problem. I think at the end of the day the answer here is take this $4.8 million from the Government-sponsored portion of the Woodrow Wilson Center and apply it to dealing with the problem of gang activity as part of the BIA budget.

I appreciate again the support of the distinguished chairman of the Indian Affairs Committee, Senator CAMPBELL from Colorado.

Mr. MOYNIHAN. Will the distinguished manager, the Senator from Washington, allow me just one word?

Mr. GORTON. I certainly will, and I think the Senator from Utah wants to speak briefly on the amendment as well.

Mr. MOYNIHAN. May I say in response to my friend from Arizona, first of all, that the remark about being paid to work in a castle was just a friendly joke by Madeleine Albright, now our Secretary of State. She was a fellow at the Woodrow Wilson Center in the 1980's.

As far as I know, no fellow makes $43,000 a year. No one is above that. Some come for short periods, others for longer periods. Some come to the center and spend much of their time in the archives of the Library of Congress. It is a center for scholars, and they are different one from another. They have different views. And they have to be let do their work as they will.

Remember how Madeleine Albright finished her remarks. She said of the center:

> It memorializes not only Wilson but Wilson's lifelong effort as an educator and President to map a trail for the future that will elude the traps of the past.

The cost of this is so small. Some stipends are moderate, are barely up to the living levels, a third of what an executive in one of our executive departments makes, but no one is in that life for the salary and no one is at the center for this purpose. The world is proud of what we have done. I hope, sir, the Senate would do the same.

I thank the Chair.

Mr. President, I ask unanimous consent at this point, if I may, to introduce a letter sent by the distinguished Librarian of Congress James Billington to the second director after Mr. Baroody of the Center, Joseph Flom, who is chairman of the board of trustees, setting forth the principal point that a center for scholars is not a think tank. It does not produce policy papers or policymakers. It can produce policymakers. It produced Madeleine Albright, just for an example today, but it has a different purpose, one declared by Congress when Congress enacted this legislation in 1989.

I yield the floor and I thank the Chair.

I ask unanimous consent it be printed in RECORD.

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

THE LIBRARIAN OF CONGRESS,
June 30, 1997.

JOSEPH H. FLOM, Esq.
Chairman, Board of Trustees, Woodrow Wilson International Center for Scholars, New York, NY.

DEAR MR. CHAIRMAN: I am writing as a statutory member of the Board of Trustees to express my deep concern at both the recommendation of a shut-down and the accompanying language that has just been reported out on the Wilson Center from the Subcommittee on Interior and Related Agencies of the House of Representatives. As a former director of the Center, I may be able to help provide some perspective on the central institutional question that has been raised.

The main substantive charges against the Center as an institution seem to be that it does not have a ''public policy function,'' currently emphasizes ''scholarly pursuits over its public policy objectives,'' and has lost effectively ''the original goal of the Center to link these two worlds [scholarly and public policy].''

I do not believe that the Center has ever formally had a ''public policy function'' as that term is generally understood in Washington; and I am troubled by the seeming implication that a deep emphasis on scholarship is somehow a distraction from (rather

than a prerequisite for) making a distinctive contribution to the overall public policy dialogue in Washington.

The Board, after the Center's initial shakedown period, produced a major study by Dillon Ripley and William Baroody, Sr., some time in 1972–73, basically suggesting that, in a city with many public policy think tanks and a constant preoccupation with immediate public policy concerns, the most fundamental unmet need was to bring into Washington precisely the kind of broad-ranging, high scholarly talent that did not normally come here: to assemble each year a critical mass of first-rate thinkers performing major projects—and then to bring them into creative contact with the world of affairs represented by almost all the rest of Washington. After nearly a decade of commissions and discussions with Congress about how to memorialize Woodrow Wilson (and a brief start-up period that was largely focussed on public policy research), the Board decided that the Wilson Center should not be another version of the public policy think tanks that were then well represented in Washington by organizations like AEI or the Brookings Institution. The distinctive market niche of the Wilson Center was to provide something which neither the think tanks nor the universities of Washington were able to provide: temporary opportunities for a sufficient number of the highest quality thinkers, largely out of academia, to pursue major projects in a place and atmosphere in which they would also be brought in contact with the world of affairs. I was hired in 1973 in response to this study; and, so far as I know, the Board did not then foresee—and has not since foreseen—a public policy mission or agenda as such for the Woodrow Wilson Center.

The distinctive role of bringing top intellect to Washington from all over the country and the world seems to me even more needed now than it was nearly a quarter of a century ago when I came to Washington to run the Center. There has been since that time a great growth of public policy think tanks in the Washington area, but almost no expansion of the possibilities for world-class intellect to be brought here for the kind of long-term, ranging and reflective scholarship that the Wilson Center has consistently sought out. Therefore, for the core mission of ''strengthening and symbolizing'' the link between the worlds of ideas and affairs, this type of Center may well have an even more important and distinctive role to play now than it did then.

I believe that the growth of public policy think tanks in Washington has been a constructive development for our open democratic society, but most of them are inclined (quite properly) to develop advocacy as well as research roles; and I think everyone agrees that this would be inappropriate (and probably unsustainable) in a federally-supported institution. No one, as far as I know, has accused the Center of having been coopted by the ideological or methodological biases that often plague entrenched faculties and academic guilds. Indeed, a great strength of the Center is its meticulous and, I have felt over the years, remarkably unbiased process of selecting fellows. As a member of the Fellowship Committee, I have been impressed not just with the high quality and variety of the selectees but also with the fairness and objectivity of the selection process.

It seems to me that the Center has consistently had and sustained a basic, twofold mission of competitively bringing high-quality, first-class minds to do research on important questions in Washington and of interacting them with the broader world of affairs in this city. Such a broad mission, of course, leaves many important and legitimate questions unanswered: should more fellows be brought into the Center with public policy projects? How much and what kind of dialogue should be conducted within the Center and with the world of affairs outside? To what extent should the Center be internally organized by themes, disciplines, or regions as a way of energizing the fellows? Should more practitioners be included in the mix?

All these are recurring questions for which there is no absolute right or wrong answer. Either the Congress or the Board or both together may well want to undertake or to commission some kind of overall assessment of the Center or of the whole memorial idea—or may wish to produce a great deal more in the way of explicit mission, strategy, or policy statements.

I believe, however, that there would be very serious and predictably negative consequences to any studies or commissions undertaken with the presumption that the Center should have some new and explicitly mandated public policy mission or function. The Center would, first of all, become political—not so much, probably, in the sense of acquiring a distinct overall advocacy coloration, but in the sense of becoming an inviting and exposed arena for the continuing play of political pressures and advocacy agendas that would increasingly influence the choice both of the issues to be studied and of the fellows to study them. Center officials would spend their time debating how to slice and distribute pork—rather than how to bring new types of food to the Washington table and find new ways to serve it better to more people.

To be sure, a small Center retooled with a public policy agenda could probably add a small amount to public policy research and dialogue on current questions in this city. But there is already so much of this kind of research in Washington that the Center's contribution to public policy would almost certainly be marginal at best and redundant at worst. What would almost certainly be irreplaceably lost in the process, however, would be the two benefits to society that the Center has implicitly promised to provide for nearly a quarter of a century: (1) the highest quality standards for studies produced at taxpayer expense; and (2) a shaping effect over the log term on the world of affairs.

(1) An important, all-permeating weakness of the NAPA study (justifiable perhaps in a ''review of Organization and Management'') is its seeming failure to recognize that the major ''product'' of this small Presidential memorial is quite properly the quality of its intellectual activity. Whatever one might justifiably add or subtract from the programs, activities, and analyses of the Center, one should not, it seems to me, embark on any serious comprehensive reviews under the delusion that it will be possible to sustain the high quality of the scholarship that has been and is being maintained if there is any blurring at the Center of its well established focus on the quality and promise of individual fellow's projects.

The present director helped shape and support that core commitment in the earliest days of the Center; and he and his staff are to be praised for continuing to insist that scholarly quality and long-term promise provide the indispensable platform on which any serious and lasting accomplishments have to be based.

(2) One of the key founding Board members said early in the history of the Center that its mission was to be a place which the 22d century would recognize as having helped shape the 21st. Lasting, long-term impact was the desired pay-off; basic scholarship on important questions was the armature; the matchless scholarly resources of Washington provided unique ammunition; and federal funds were to be provided basically for venture capital with long-term prospects rather than for short-term investment in the ever-shifting public policy debates of this present-minded city.

Sincerely,

JAMES H. BILLINGTON,
Librarian of Congress.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. I just wanted to respond to Senator MOYNIHAN, to the Senator's comment about the $43,000 stipends. According to the article in the Washington Post, which I submitted for the RECORD a moment ago, by Stephen Barr writing about the Woodrow Wilson Living Memorial—and I quote now:

> The Center annually selects about 35 fellows who receive an average stipend of $43,000 and spend their time studying and writing.

Also if one does math of the $12,500,000 budget, roughly, of the program, I believe about $1.7 million of that is allocated for the stipend. And if you divide that number it averages out to something over $40,000 a year. So that is where I got my information that the average stipend is about $43,000.

Mr. MOYNIHAN. Mr. President, I must apologize to my friend. He accurately describes this passage from Mr. Barr's article on the Federal Page and the average stipend. But if I could just take a moment to go on to say what this same article says:

> Previous and current fellows include Raul Alfonsin, the former President of Argentina; Anatoliy Dobrynin, the former Soviet Ambassador to the United States; Washington Post reporter Thomas B. Edsal; New York Times columnist Thomas L. Friedman; novelist Carlos Fuentes; Harvard University Professor Samuel P. Huntington, and Itamar Rabinovich, the former Israeli Ambassador here.

This is a great institution, been a great success. Can we not leave it to its great desserts, as it was intended?

I do want to tell my colleague I was in error, and I do apologize.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I find this debate very illuminating, and I congratulate the Senator from Arizona in bringing an issue to the attention of the Senate that I for one was not aware of. I do not treat lightly the conclusions of the Association for Public Administration who have made their examination of the Woodrow Wilson Memorial. I think it deserves airing.

I think the deficiencies that are identified in that report should be discussed, and at some point I may find myself convinced to follow the Senator from Arizona down this particular road if in fact there is not a significant change that would allow at least some objective observers to come to the conclusion that the Memorial was more fittingly fulfilling its mission than apparently it is now.

Having said that, I find that I will vote with my subcommittee chairman

on this issue for the following reason, based on my own experience in terminating longstanding organizations.

When the Republicans took control of the Senate, I found myself on the subcommittee for the legislative branch, chaired by the Senator from Florida, [Mr. MACK], and the two of us as a team began to look around the legislative branch to see what there was that we might either cut back or eliminate because it was not performing properly. We focused in on the Office of Technology Assistance, OTA, and, as we spent time looking at OTA, we found that it did a number of very good things. We also found that it was duplicative of a number of very good things that had been done other places in the Government.

I was lobbied about as hard on that issue as any issue I can think of by Members, not only of this body, including the Senator who is now the chairman of the Appropriations Committee, but also Members of the other body who came at me and said, ''we must hang on to the OTA for all of these good reasons.''

Senator MACK and I agonized over this decision for a long period of time. We examined the record of the OTA. We had the leadership of the OTA come before the subcommittee and we held open hearings, we presented to them our concerns and we gave them every opportunity to respond. Ultimately, we came to the conclusion that the OTA was, indeed, duplicative of that which was being done in the Library of Congress, particularly the Congressional Reference Service, and however good its performance was, we decided that it was redundant and we voted, ultimately, to shut it down.

When you take something that has been part of America as long as the Woodrow Wilson Memorial has been, I think you owe it the same kind of opportunity to defend itself through hearings and examinations if, indeed, you are determined to kill it. As a member of the subcommittee before which such hearings would be held, I do not recall that the subject has ever come up prior to the introduction of this matter on the floor.

Much as I sympathize with and react to the need for more money in the Indian gang program, and if we can find more money I am more than sympathetic to finding an offset to make it happen, I am reluctant on the basis of a debate on the floor—without a hearing, without an opportunity for these people to come defend themselves, to lay out exactly what they are doing in a full hearing circumstance where they are notified sufficiently in advance and are able to marshal their arguments and their activities—to react to the debate on the floor saying, ''All right, this sounds more logical as a priority than that and so I will vote to eliminate an agency that has been around for, what, 30 years?''

So, for all of my sympathy with my friend from Arizona, and I am reluctant to oppose him because he is usually right and he is very thoughtful and he does not give knee-jerk reactions to these things, I find that I will be with my subcommittee chairman in saying that this is not the kind of thing to do at this late hour in this bill with an amendment on the floor.

I would say to my friend from Arizona, if in the next appropriations cycle, which will be upon us so rapidly we will not be able to remember how short the time was, he wants to raise this in the subcommittee, I would support the actions of the subcommittee in having a hearing on this and letting the people from the Woodrow Wilson Memorial come in and respond to the charges that have been made against them by the responsible organization that has examined them. And I will keep an open mind in that circumstance. But I reluctantly part company with my friend from Arizona in this circumstance and at this time, because I do not think it is fair to the people who are involved in the Woodrow Wilson Memorial for the Senate to make this kind of a decision in this rapid circumstance.

So, I intend to be with my subcommittee chairman and intend to vote to keep the bill as it is in this regard.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Washington.

Mr. GORTON. Mr. President, I need make no more remarks on the subject myself. I am asked, with great urgency, by the chairman of the Appropriations Committee, Senator STEVENS, who is in intense negotiations over the defense budget at the present time and is unable to be on the floor, to state that he is adamantly opposed to this amendment and supports the Woodrow Wilson Memorial and hopes the amendment will be defeated. That is all I have.

Mr. KYL. Mr. President, I just wanted to make one comment and then close the debate and ask for the yeas and nays. I want to reassure my colleague from Utah that our amendment does not eliminate the Woodrow Wilson Center. It is not our intention to eliminate the Woodrow Wilson Center. And nothing in it does eliminate the Woodrow Wilson Center. The majority of its funds come from the private sector. One could argue that removing this $4.8 million would have a significant impact upon the Woodrow Wilson Center, but several times in the presentation you talked about eliminating it. I just want the record to be clear that our amendment does not do that.

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. MOYNIHAN. Mr. President, just to clarify what was not meant to be misleading, to leave the center with a million dollars would be with the understanding that it would close, and I think this is something we would regret for a very long time.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the Kyl amendment, No. 1223. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Minnesota [Mr. WELLSTONE] is necessarily absent.

I also announce that the Senator from Hawaii [Mr. AKAKA] is absent due to a death in the family.

I further announce that, if present and voting, the Senator from Minnesota [Mr. WELLSTONE] would vote ''no.''

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

The results was announced, yeas 34, nays 64, as follows:

[Rollcall Vote No. 248 Leg.]

YEAS—34

Abraham	Faircloth	Murkowski
Allard	Grams	Murray
Ashcroft	Grassley	Nickles
Bingaman	Hatch	Roberts
Brownback	Helms	Santorum
Campbell	Hutchison	Sessions
Coverdell	Inhofe	Smith (NH)
Craig	Kempthorne	Thomas
DeWine	Kyl	Thurmond
Domenici	Mack	Wyden
Durbin	McCain	
Enzi	McConnell	

NAYS—64

Baucus	Ford	Lieberman
Bennett	Frist	Lott
Biden	Glenn	Lugar
Bond	Gorton	Mikulski
Boxer	Graham	Moseley-Braun
Breaux	Gramm	Moynihan
Bryan	Gregg	Reed
Bumpers	Hagel	Reid
Burns	Harkin	Robb
Byrd	Hollings	Rockefeller
Chafee	Hutchinson	Roth
Cleland	Inouye	Sarbanes
Coats	Jeffords	Shelby
Cochran	Johnson	Smith (OR)
Collins	Kennedy	Snowe
Conrad	Kerrey	Specter
D'Amato	Kerry	Stevens
Daschle	Kohl	Thompson
Dodd	Landrieu	Torricelli
Dorgan	Lautenberg	Warner
Feingold	Leahy	
Feinstein	Levin	

NOT VOTING—2

Akaka	Wellstone

The amendment (No. 1223) was rejected.

Mr. MOYNIHAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. ROBB addressed the Chair.

Mr. GORTON. I yield to the Senator form Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. I thank my colleague from Washington.

CHANGE OF VOTE

Mr. ROBB. Mr. President, on rollcall vote No. 245 I was erroneously recorded as voting ''aye'' when in fact I voted

''no,'' as verified by the C–SPAN tape. Therefore, I ask unanimous consent that the official RECORD be corrected to accurately reflect my vote. This will in no way change the outcome of the vote.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, for the information of all Senators, at this point I know of only one other amendment on which a rollcall vote will be required. That does not mean to say there are not others that we will not be able to settle that might possibly require a vote. But I only know of one more, and it will be proposed by the Senator from Arkansas [Mr. BUMPERS], but in a couple of minutes.

Right now I have two or three unanimous-consent requests on amendments that have been agreed to.

Mr. BUMPERS. Will the Senator yield?

Mr. GORTON. I will.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. I ask unanimous consent that the pending amendment be laid aside and the Senate proceed to the committee amendment beginning on page 123, line 9.

Mr. GORTON. No. I object, Mr. President.

The PRESIDING OFFICER. Objection is heard.

Mr. GORTON. We have three or four unanimous-consent requests for amendments we have agreed to that we would like to do first.

AMENDMENT NO. 1225

(Purpose: To provide funding for the engineering and design of a road in the Wasatch-Cache National Forest)

Mr. GORTON. Mr. President, I send an amendment to the desk on behalf of Senators BENNETT and HATCH and ask for its immediate consideration.

It provides funding for a design of a road associated with the 2002 Winter Olympics, offset by a reduction in land acquisition in Utah.

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

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. BENNETT and Mr. HATCH, proposes amendment numbered 1225.

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:

On page 5, line 17, strike ''$9,400,000'' and insert ''$8,600,000'' and on page 65, line 18, strike ''$160,269,000,'' and insert ''$161,069,000,'' and on page 65, line 23, after ''205'' insert '', of which $800,000 shall be available for the design and engineering of the Trappers Loop Connector Road in the Wasatch-Cache National Forest''.

Mr. BENNETT. Mr. President, I appreciate the willingness of the Chairman to include language regarding the design and engineering of the Trappers Loop Connector Road in the Wasatch-Cache National Forest. I want to clarify the intent of this amendment which has been accepted by the Managers of the bill.

The language I have included provides $800,000 to the Forest Service to undertake the preliminary design and engineering of a road connecting the Trappers Loop (SR 167) and Snowbasin, the site of the 2002 Winter Olympics Downhill and Super ''G'' ski racing events. This road is identified in their Master Plan as a Phase I project referenced in Public Law 104–333, Section 304. Is it the Chairman's understanding that this language is consistent with the provisions set forth in Public Law 104–333, Section 304?

Mr. GORTON. This is correct. The Senator from Utah rightly points out that Section 304 of Public Law 104–333 recognizes Phase One facility construction and operation activities as set forth in the Snowbasin Ski Area Master Development Plan dated October 1995. This statute specifically states that ''. . . 'Phase I' facilities referred to in the Master Plan . . . are limited in size and scope, and are reasonable and necessary to accommodate the 2002 Olympics, and in some cases are required to provide for the safety for skiing competitors and spectators.'' Clearly, this project falls within the parameters of Public Law 104–333, Section 304 and is vital to the successful execution of the Downhill event.

Mr. BENNETT. I thank my colleague for the clarification. Is it the Committee's intent that the Forest Service proceed quickly on the design of this project?

Mr. GORTON. I understand that there is a very short time frame in which this project must be completed. Therefore, once funds are made available by the enactment of this Act, the Committee fully expects the Forest Service to proceed quickly with the design and engineering of this road. However, the Committee is concerned that the Forest Service is not left with the full responsibility of funding this project. I ask the Senator from Utah if the Olympic Committee and the State of Utah are pursuing other funding options for the construction of the road?

Mr. BENNETT. The Senator raises a good point. The Olympic Committee, working in conjunction with the Utah Department of Transportation has been pursuing a number of funding options for this project. It is my intent to work closely with the Olympic Committee and the Utah Department of Transportation in these efforts. I thank the Chairman for his assistance in this matter.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1225) was agreed to.

Mr. GORTON. 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. 1226

(Purpose: To require the Chairperson of the National Endowment for the Arts to give priority to funding projects, productions, workshops, or programs that serve underserved populations)

Mr. GORTON. Mr. President, I send an amendment to the desk on behalf of Senator DEWINE and ask for its immediate consideration.

This amendment requires the National Endowment for the Arts to give priority in grantmaking to underserved communities.

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

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. DEWINE, proposes an amendment numbered 1226.

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 end of title III, insert the following:

SEC. . (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term ''underserved population'' means a population of individuals who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term ''poverty line'' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1226) was agreed to.

Mr. GORTON. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1227

(Purpose: To direct the Secretary of the Interior to submit to Congress a report identifying at least 20 sites on Federal land that are potentially suitable for Youth Environmental Service program activities)

Mr. GORTON. Mr. President, I send an amendment to the desk on behalf of Senator GRAHAM of Florida directing the Secretary of Interior to prepare a report on Youth Environmental Service programs.

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

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. GRAHAM, proposes an amendment numbered 1227.

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:

On page 63, between lines 8 and 9, insert the following:

SEC. . YOUTH ENVIRONMENTAL SERVICE PROGRAM.

Not later than 180 days after the date of enactment of this Act, the Secretary of Interior, in consultation with the Attorney General, shall—

(1) submit to Congress a report identifying at least 20 sites on Federal land that are potentially suitable and promising for activities of the Youth Environmental Service program to be administered in accordance with the Memorandum of Understanding signed by the Secretary of the Interior and the Attorney General in February 1994; and

(2) provide a copy of the report to the appropriate State and local law enforcement agencies in the States and localities in which the 20 prospective sites are located.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1227) was agreed to.

Mr. GORTON. 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.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. If the Senator will withhold.

AMENDMENT NO. 1228

Mr. REID. Mr. President, I send an amendment to the desk on behalf of Senators REID and BRYAN.

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

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself and Mr. BRYAN, proposes an amendment numbered 1228.

Mr. REID. 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:

No funds provided in this or any other Act may be expended to develop a rulemaking process relevant to amending the National Indian Gaming Commission's definition regulations located at 25 CFR 502.7 and 502.8.

Mr. REID. Mr. President, my amendment to the bill is straightforward and simple.

It will prohibit the use of appropriated dollars to begin a rulemaking process by the National Indian Gaming Commission that runs contrary to congressional intent.

Nine years ago, the Congress passed the Indian Gaming Regulatory Act to regulate what was even then a rapid spread of gaming activity in Indian Country.

The act established a three-member Commission to promulgate regulations to control and oversee tribal gaming activities.

These regulations were intended to ensure the integrity of the games and to give States an assurance that gaming activities that were not available to non-Indians similarly did not occur on tribal lands.

These regulations were four years in the making and have sustained legal challenges all the way to the Supreme Court.

In essence, the regulations serve to classify and define the different types of games allowed under the Indian Gaming Regulatory Act.

Games such as blackjack, craps, and roulette fall under the category of class III, basically casino gambling.

Games such as slot machines and video poker machines—the largest revenue generators of gaming—also fall under the class III category.

Games such as bingo and traditional tribal gambling games fall under class II and class I respectively.

For years these regulations have worked well. Electronic devices that clearly are class III, or slot-machine-type devices, have been regulated under class III gaming.

This is significant because class III, or casino-type gaming requires States and tribals to enter into a compact and to regulate it.

Needless to say, unregulated casino gaming would be bad for consumers, bad for States and bad for tribes.

Even so, for years, some tribes and manufacturers of gaming devices have sought class II designation for devices that clearly are slot machines or video poker-like devices from the National Indian Gaming Commission.

These efforts have failed because of the strict convention of the existing regulations.

But now, this Commission has initiated an open-ended rulesmaking process that would seek to redefine what constitutes an electronic gaming device.

The lawyers at the Commission who initiated this process will tell you that they simply want to clarify the definition of electronic or mechanical devices that are not games of chance but are vague under the existing regulations.

They will tell you that they are simply clearing up confusion.

If that is the case, then why is their advance notice of proposed rulemaking so broad in nature? The solicitation in this notice, published in the Federal Register, states that the Commission is seeking public comment—quote—''in its evaluation of the decision to amend its current definition regulations'' end quote.

I would like to know how this decision was made. Who made this decision to amend the definitions? How was it accomplished?

It certainly was done without any notification to a number of us who are familiar with this issue and interested in it.

Perhaps most importantly, Mr. President, I would remind the Senate that the very same Commission that is now seeking to embark on an extensive rulemaking process is the one that only two months ago was beseeching the Appropriations Committee to change current law so it could collect more fees from tribes.

Why? Because this same Commission said it didn't have enough money to fulfill its legal mandate to regulate gaming.

Interestingly enough, less than half the tribes conducting gaming across this country are in compliance with the existing regulations.

Mr. President, this Commission has been wracked with controversy. Its previous chairman left under a cloud of alleged mismanagement.

This Commission needs to get its act together before it embarks on any rulemaking process, let alone one that undermines existing and good regulations and violates congressional intent.

We need, at least, Mr. President, some time for the committees of jurisdiction of this Congress to have hearings on such a significant change that could occur with the rewriting of these regulations.

This amendment will allow Congress time to be informed by this Commission about such a significant action.

Mr. DOMENICI. Mr. President, I would like my colleagues and my constituents to understand why I support the amendment of Mr. REID regarding the classification of gambling devices by the National Indian Gaming Commission. As we have experienced in New Mexico, the Indian Gaming Regulatory Act [IGRA] was difficult to apply in our state, but it does draw some important lines and legal distinctions that are now understood by New Mexico tribes and the state government. IGRA now serves as the basis for the compacts that allow Indian gambling casinos to be legal in New Mexico and in our nation.

If we do not adopt the Reid amendment, I believe we will be implicitly supporting an effort that has the clear potential of unraveling IGRA as we now understand it, without the benefit of congressional oversight. The National Indian Gaming Commission has issued new regulations and started a public comment process that could result in the removal of slot machines from the strict regulation we envisioned for them under the system of tribal-state compacts we designed in IGRA.

Removing slot machines from this process and placing them under the control of the National Indian Gaming Commission could ignite a renewed debate about IGRA and result in undermining the delicate balance we have struck between tribal and states' rights in regulating gambling casinos on Indian reservations. We need to

avoid even the perception that the National Indian Gaming Commission proposed regulations and changes in critical definitions could create this scenario. Hence, we must take action to ensure continuation of the current distinctions between those gambling activities that are now regulated by tribal-state compacts and those that can be regulated by the National Indian Gaming Commission. These distinctions are essential to maintain if we expect continuing public and Congressional support for IGRA.

Please allow me to explain further. Perhaps the most significant definition in IGRA is the definition of ''class III gaming.'' Class III games are commonly understood to be casino style gaming such as poker, blackjack, roulette, and slot machines, with some variations depending on state laws. Class II games are understood to be the original bingo games and pull tabs that are allowed without the necessity of reaching a compact agreement with state governments, but they are games that are regulated by the National Indian Gaming Commission.

The distinctions between class II and class III games are made in IGRA and are more precisely defined by regulations promulgated by the National Indian Gaming Commission and published in the Code of Federal Regulations at 502.7 and 502.8. The final rules were published on April 9, 1992 (57 FR 12392).

The National Indian Gaming Commission (NIGC) has the statutory authority to regulate class II games and to distinguish between class II and class III gaming under statutory guidance. The definitions it has published have served to determine which games fall into class III and hence into the realm of compacts between tribes and states. Without these compacts, casino gaming (class III) would be illegal under IGRA.

New Mexico tribes are well aware of these distinctions as they have gone through an arduous process of negotiating with the Governor and the State legislature. They have finally resolved this issue after two New Mexico Supreme Court decisions and Federal district and circuit court decisions which eventually led to the state legislative solution. The scope of class III casino gaming that is legal in New Mexico is now defined under the compacts which relied on current definitions of class II and class III gaming. Not once during this long and difficult process did the tribes or the state question the type of gambling that would be negotiated in the compacts. They relied on the NIGC definitions when they negotiated the compacts.

Now comes a disturbing new scenario. In the guise of up-dating the current definitions of class II and class III gaming to take into account technological changes and computer advancements of the past few years, the National Indian Gaming Commission is now reopening the question of gambling devices to be placed into these two critical categories.

What is disturbing is the distinct and likely possibility that this reopened process could result, after tribal consultation and public comment, in the placing of slot machines into class II rather than class III gaming, thus removing slot machines from the more strict regulation and control of the tribal-state compacts.

There is a distinct and negative outcome if the new rule-making by the National Indian Gaming Commission results in removing slot machines or any other highly profitable gambling device from the legal protections of the required compacts and places them under the control of the National Indian Gaming Commission, and hence subject only to tribal ordinances. This result would be a clear set-back for public support of the current law and could rapidly lead to the deterioration of the carefully balanced system we now have.

I am not accusing the National Indian Gaming Commission or the tribes of intending to reach this outcome. I am alerting both to the perception by many Senators that re-opening the definition process in the latest proposed rule-making is clearly aimed at the section of national law defining gambling devices and hence invites such tampering possibilities. I believe we have enough difficulty reaching gambling agreement, as we have seen for several years in New Mexico, under current law and regulations. Adding the new possibility of removing the most profitable gambling device from close legal scrutiny in the compacting process is a dangerous move. Once this potential is understood by the public, I believe opposition to Indian gambling will justifiably multiply. The relatively stable situation we now have under current law and regulation will become volatile.

Thus, I cannot agree with the seemingly innocent claim that the National Indian Gaming Commission is simply doing its job by up-dating these critical definitions. The technical changes we all see in computer technology are being used as an excuse to re-open the most critical line drawn by the Congress in IGRA—the line between gambling that can be simply regulated by the National Indian Gaming Commission (headed by three commissioners appointed by the President) and gambling that must come under the close scrutiny of state law and local voters.

Mr. President, I opt for the close scrutiny and local control by the states through our current compacting process. I would also like to remind my colleagues and my Indian friends in New Mexico that slot machines were understood to be part of the compacting negotiations, and agreements have been reached which allow the legal operation of slot machines in Indian casinos in New Mexico. While I understand that there are problems with the compacts from both the State and the tribal viewpoints, at least the ground rules were understood, and agreements are now in place.

If we now raise the specter of allowing these most profitable gambling devices being removed from the purview of these compacts by redefining them to class II gaming, I predict we will have even more turmoil in the Indian gaming debate than we have had to date.

I sincerely hope my New Mexico Indian friends and leaders are not in support of the new rule making by the National Indian Gaming Commission because of the possibilities this rule-making process holds for removing key elements of casino gambling from the compacts. I hope they would oppose even the perception that this was their motive. I frankly doubt that New Mexico Indian leaders have even discussed this possibility, but as their Senator and friend, I want to avoid a controversy we do not need in Indian gambling law and regulation.

I support Senator REID's efforts to avoid this new firestorm in Indian gambling. By adopting his amendment and withholding the funds from the regulatory process changes I have just described, we can avoid the clear potential this rule-making process has for unraveling rather than stabilizing Indian gambling in America.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1228) was agreed to.

Mr. REID. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for 3 or 4 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

TRIBUTE TO RED SKELTON

Mr. REID. Mr. President, I rise today to pay tribute to someone I knew and cared a great deal about.

I had the good fortune to consider Red Skelton a friend. I first met Red Skelton when I was Lieutenant Governor of the State of Nevada. He and I went to a rodeo together. At that time I found him to be jovial, a real gentleman, and not taken with his celebrity status.

He has been tremendous to the State of Nevada. He has performed in the north and the south. He has been involved in many charitable functions. We in Nevada consider Red Skelton part of Nevada.

Charlie Chaplin once said, ''I remain just one thing, and one thing only—and that is a clown. It places me on a far higher plane than any politician.''

This morning on public radio, Mr. President, Red Skelton was heard