

in lieu of taxes [PILT] by over \$950,000. I offer an amendment to the Interior appropriations bill to correct this.

After many years of working on this issue, the Congress last year enacted my proposal to qualify the unorganized borough in the State of Alaska for PILT. This provision of law—section 1033 of P.L. 104-333—made clear that “any area in Alaska that is within the boundaries of a census area used by the Secretary of Commerce in the decennial census,” and which did not qualify for PILT under the existing clause, would qualify for a PILT. The only entity in Alaska that would qualify under this provision is Alaska’s unorganized borough. The Department—through the Solicitor—has correctly interpreted that the unorganized borough qualifies, but has incorrectly calculated the amount the unorganized borough should receive under the 1996 amendment.

PILT payments are generally calculated based on population and land acreage. The 1996 amendment specified that the unorganized borough’s entire population and entire acreage would be used in the calculation. The Secretary has not counted the entire population in the unorganized borough in calculating the borough’s PILT allocation. Specifically, the Department has not counted the population of certain cities which have federal lands within the unorganized borough.

According to the Regional Solicitor’s May 30, 1997 opinion, if the population of each city within the unorganized borough were counted as intended by the 1996 provision, the State would be entitled to \$3,362,339. If in Alaska the cities within the unorganized borough are calculated separately, according to the opinion, the payments to the cities would be \$78,557 and the payment for the unorganized borough would be \$2,333,764. These two payments total \$2,412,321, \$950,018 less than the \$3,362,339 the unorganized borough should be receiving.

The amendment today would clarify that the population of the cities within the unorganized borough in Alaska should be counted in calculating the PILT allocation for the unorganized borough, and not separately, as intended by the provision in the 1996 lands bill.

Mr. GORTON. Mr. President, this does make a correction in connection with bill payments to Alaska which I believe is appropriate and I believe has been cleared.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1240) 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.

#### AMENDMENT NO. 1241

Mr. GORTON. Mr. President, I send an amendment to the desk on behalf of

myself and Senator BYRD and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for himself and Mr. BYRD, proposes an amendment numbered 1241.

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 11, line 11, strike “\$43,053,000” and insert “\$42,053,000”.

On page 15, line 25, strike “\$1,249,409,000” and insert “\$1,250,429,000”.

On page 17, line 8, strike “\$167,894,000” and insert “\$173,444,000”.

On page 17, line 18, strike “\$1,000,000” and insert “\$5,000,000”.

On page 18, line 7, strike “\$125,690,000” and insert “\$126,690,000”.

On page 28, line 22, strike “\$1,527,024,000” and insert “\$1,529,024,000”.

On page 64, line 16, strike “\$1,346,215,000” and insert “\$1,341,045,000”.

On page 65, line 18, strike “\$160,269,000” and insert “\$154,869,000”.

On page 79, line 20, strike “\$627,357,000” and insert “\$629,357,000”.

Mr. GORTON. Mr. President, this is a managers amendment that shifts money between a number of accounts in order to address a number of outstanding issues relating to this bill. This amendment is fully offset by reductions from elsewhere in the bill so that the bill remains in compliance with its allocation. This proposal has been cleared with Senator BYRD and I urge its adoption.

Mr. BYRD. Mr. President, I am in agreement with the Chairman’s remarks, and appreciate his cooperation in developing this amendment. I believe this will help move us further along toward completion of this bill. I support the amendment.

Mr. GORTON. Mr. President, I ask unanimous consent that an explanation of the effect of this amendment be printed in the RECORD.

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

The effect of this amendment is as follows:

—\$200,000 for accessibility improvements at the Fitzgerald Tennis Center at Rock Creek Park;

—\$1,000,000 for recreation development at Franklin Lake Dam on the Homochitto National Forest;

—\$2,000,000 for tribal community colleges;

—\$2,000,000 for bank stabilization at Shiloh National Military Park;

—transfers \$700,000 from National Park Service construction for Gettysburg National Military Park to the operations account for Gettysburg NMP, as well as providing an additional \$220,000 for Gettysburg NMP operations; the net effect of these adjustments as well as funding in the Committee reported bill through the special parks initiative is a total increase for Gettysburg NMP of \$1,052,000 above the budget request;

—\$2,000,000 for transportation fuel cells;

—\$1,000,000 for land acquisition at Cumberland Island National Seashore;

—\$100,000 for the North Country Trail;

—\$4,000,000 for the Oklahoma City bombing memorial; and

—\$50,000 for special resource studies to conduct a study assessing the suitability and feasibility of designating the Charleston School District, in Charleston, AR, the first public school district integrated in 1954 pursuant to the Supreme Court decision of *Brown v. Board of Education*, as a unit of the National Park system, to interpret and commemorate the development of the Civil Rights movement in the United States. Such study shall be prepared as a part of the study of Central High School in Little Rock, AR, identified in the Senate report (S. Rpt. 105-56) accompanying H.R. 2107, and shall be completed within one year after the date of enactment.

The offsets for these purposes come from increases provided above the budget request. The offsets are:

—\$1,000,000 from Fish and Wildlife Service Construction (emergency projects)

—\$5,170,000 from National Forest System, including \$4,300,000 from recreation and \$870,000 from wildlife habitat management;

—\$6,400,000 from Forest Service Construction

#### SMITH-WYDEN AMENDMENT ON COUNTY LAW ENFORCEMENT

Mr. WYDEN. Mr. President, included in the manager’s amendment is an amendment, I am pleased to cosponsor this amendment with my colleague, Senator SMITH, to provide an additional tool in the toolbox, if you will, for rural counties who have come under significant hardship in funding law enforcement activities covering National Forest lands.

Most particularly, Mr. President, a number of Oregon counties have had their sheriff’s office budgets nearly busted by the need to address illegal, occasionally violent protests related to Federal timber sales and the regular management of National Forest lands in Oregon.

On nearly every timber sale protest, my office has worked very closely with the Forest Service to find help. We have literally shaken the Forest Service tree to find additional resources to help small counties deal with their heightened law enforcement needs when one of these demonstrations occurs.

While the Forest Service has been helpful, it has not prevented these rural counties from incurring, in some cases, nearly their entire year’s law enforcement budget on just one protracted timber protest.

Federal receipts must be used by Oregon Counties in the proportion of 25 percent for schools and 75 percent for roads. This amendment simply allows counties to use surplus funds out of the share that is for roads, on law enforcement activities associated with the use of public roads of the county.

The Smith-Wyden amendment simply gives these counties—Douglas, Lane, Klamath, Jackson, and Josephine—a small tool to help them deal with illegal timber demonstrations that are political, and that are related to the Federal management of Federal lands. It is patently unfair that local

communities must bear this burden at all, but we believe that this amendment will help.

I want to express my great appreciation to the chairman of the Interior Appropriations Subcommittee, Senator GORTON, the ranking member of the Interior Appropriations Committee, Senator BYRD, and to the ranking member of the Energy and Natural Resources Committee, Senator BUMPERS, for working with me and Senator SMITH on this provision.

MR. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

MR. REID. Mr. President, the amendment has been reviewed on this side, and it is acceptable.

The PRESIDING OFFICER. Is there further debate on the amendment? The question is on agreeing to the amendment.

The amendment (No. 1241) 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. GORTON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### AMENDMENT NO. 1242

(Purpose: To direct the Secretary of the Interior to convey certain land to Lander County, Nevada)

MR. REID. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1242.

MR. REID. 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:

#### SEC. . CONVEYANCE OF LAND TO LANDER COUNTY, NEVADA.

(a) CONVEYANCE.—Not later than the date that is 120 days after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall convey to Lander County, Nevada, without consideration, all right, title, and interest of the United States, subject to all valid existing rights and to the rights of way described in subsection (b), in the property described as T. 32 N., R. 45 E., sec. 18, lots 3, 4, 11, 12, 16, 17, 18, 19, 20 and 21, Mount Diablo Meridian.

(b) RIGHTS-OF-WAY.—The property conveyed under subsection (a) shall be subject to—

(1) the right-of-way for Interstate 80;

(2) the 33-foot wide right-of-way for access to the Indian cemetery included under Public Law 90-71 (81 Stat. 173); and

(3) the following rights-of-way granted by the Secretary of the Interior:  
NEV-010937 (powerline).  
NEV-066891 (powerline).  
NEV-35345 (powerline).  
N-7636 (powerline).  
N-56088 (powerline).  
N-57541 (fiber optic cable).  
N-55974 (powerline).

(c) The property described in this section shall be used for public purposes and should the property be sold or used for other than public purposes, the property shall revert to the United States.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1242) was agreed to.

MR. REID. I move to reconsider the vote.

MR. GORTON. I move to lay it on the table.

The motion to lay on the table was agreed to.

MR. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### AMENDMENT NO. 1243

(Purpose: To increase funding for payments in lieu of taxes, with an offset)

MR. GORTON. Mr. President, I send an amendment to the desk on behalf of Senators ABRAHAM, LEVIN, and HATCH, and I ask unanimous consent any pending amendment be set aside and we consider this amendment.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. ABRAHAM, Mr. LEVIN, and Mr. HATCH, proposes an amendment numbered 1243.

MR. GORTON. 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:

On page 5, line 8, strike "\$120,000,000" and insert "\$124,000,000".

On page 64, line 16, strike "\$1,346,215,000" and insert "\$1,342,215,000".

MR. GORTON. Mr. President, this allows certain additional funds for payment in lieu of taxes, has benefits to counties throughout the country, and has an appropriate balance but does not affect the overall balance of the bill.

It has been cleared on both sides.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1243) was agreed to.

MR. GORTON. I move to reconsider the vote.

MR. REID. I move to lay it on the table.

The motion to lay the amendment on the table was agreed to.

MR. GORTON. Mr. President, I hope we are close to the end. We have not yet quite settled the second-degree amendment by Senator MURKOWSKI or the first-degree amendment by Senators STEVENS and MCCAIN. I don't think there are any significant number of other amendments that have not yet been dealt with.

We do have a large number of colloquies, but I will wait to enter them until after a vote on final passage. We will try to work out the rest of it.

I notice the Senator from Alaska on the floor, and I yield the floor.

MR. MURKOWSKI. I have not heard back on the Presidio. There was a technical amendment pending on the Presidio. I am not aware whether or not that has been agreed to.

MR. GORTON. There is some confusion here about the location of the amendment. We are looking for it.

MR. MURKOWSKI. And one more on stampede.

MR. MURKOWSKI. I believe it has been submitted for clearance. Would the Senator care to suggest the absence of a quorum?

MR. GORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### AMENDMENT NO. 1244

(Purpose: to direct the Secretary of the Interior to convey, at fair market value, certain properties in Clark County, Nevada, to persons who purchased adjacent properties in good faith reliance on land surveys that were subsequently determined to be inaccurate)

MR. REID. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. BRYAN, for himself and Mr. REID, proposes an amendment numbered 1244.

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

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

The amendment is as follows:

At the appropriate place, add the following new section:

#### SEC. . Conveyance of Certain Bureau of Land Management Lands in Clark County, Nevada—

(a) FINDINGS.—Congress finds that—

(1) certain landowners who own property adjacent to land managed by the Bureau of Land Management in the North Decatur Boulevard area of Las Vegas, Nevada, bordering on North Las Vegas, have been adversely affected by certain erroneous private land surveys that the landowners believed were accurate;

(2) the landowners have occupied or improved their property in good faith reliance on the erroneous surveys of the properties;

(3) the landowners believed that their entitlement to occupancy was finally adjudicated by a Judgment and Decree entered by the Eighth Judicial District Court of Nevada on October 26, 1989;

(4) errors in the private surveys were discovered in connection with a dependent re-survey and section subdivision conducted by the Bureau of Land Management in 1990, which established accurate boundaries between certain Federally owned properties and private properties; and

(5) the Secretary has authority to sell, and it is appropriate that the Secretary should sell, at fair market value, the properties described in section 2(b) to the adversely affected landowners.

(b) CONVEYANCE OF PROPERTIES.

(1) PURCHASE OFFERS—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the city of Las Vegas, Nevada, on behalf of the owners of real property located adjacent to the properties described in paragraph (2), may submit to the Secretary of the Interior, acting through the Director of the Bureau of Land Management (referred to in this Act as the "Secretary"), a written offer to purchase the properties.

(B) INFORMATION TO ACCOMPANY OFFER—An offer under subparagraph (A) shall be accompanied by—

(i) a description of each property offered to be purchased;

(ii) information relating to the claim of ownership of the property based on an erroneous land survey; and

(iii) such other information as the Secretary may require.

(2) DESCRIPTION OF PROPERTIES—The properties described in this paragraph, containing 68.60 acres, more or less, are—

(A) Government lots 22, 23, 26, and 27 in sec. 18, T. 19 S., R 61 E., Mount Diablo Meridian;

(B) Government lots 20, 21, and 24 in sec. 19, T. 19 S., R. 61 E., Mount Diablo Meridian; and

(C) Government lot 1 in sec. 24, T. 19 S., R. 60 E., Mount Diablo Meridian.

(3) CONVEYANCE—

(A) IN GENERAL—Subject to the condition stated in subparagraph (B), the Secretary shall convey to the city of Las Vegas, Nevada, all right, title, and interest of the United States in and to the properties offered to be purchased under paragraph (1) on payment by the city of the fair market value of the properties, based on an appraisal of the fair market value as of December 1, 1982, approved by the Secretary.

(B) CONDITION—Properties shall be conveyed under subparagraph (A) subject to the condition that the city convey the properties to the landowners who were adversely affected by reliance on erroneous surveys as described in subsection (a).

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1244) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1245

Mr. MURKOWSKI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 1245.

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

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

The amendment is as follows:

"SEC. . Notwithstanding any other provision of law, in payment for facilities, equipment, and interests destroyed by the Federal Government at the Stampede Mine Site within the boundaries of Denali National Park, (1) the Secretary of the Interior, within existing funds designated by this Act for expenditure for Departmental Management, shall by September 15, 1998: (A) provide funds subject to an appraisal in accordance with standard appraisal methods, not to exceed \$500,000.00 to the University of Alaska Fairbanks, School of Mineral Engineering; and, (B) shall remove mining equipment at the Stampede Mine Site identified by the School of Mineral Engineering to a site specified by the School of Mineral Engineering; and, (2) the Secretary of the Army shall provide, at no cost, two six by six vehicles, in excellent operating condition, or equivalent equipment to the University of Alaska Fairbanks, School of Mineral Engineering and shall construct a bridge across the Bull River to the Golden Zone Mine Site to allow ingress and egress for the activities conducted by the School of Mineral Engineering. Upon transfer of the funds, mining equipment, and the completion of all work designated by this section, the University of Alaska Fairbanks, School of Mineral Engineering shall convey all remaining rights and interests in the Stampede Mine Site to the Secretary of the Interior."

Mr. MURKOWSKI. Mr. President, I believe this is the Stampede Creek Mine amendment. I am not sure of the status of the issue, other than I believe the minority has agreed to it and it has been discussed. There was a question by the occupant of the chair and by the Senator from Arizona.

In 1987, the Federal Government, through the Park Service, blew up the University of Alaska's mine. This was a mine that was a working model. It was in Denali National Park. It had been donated to the University of Alaska School of Mines by a man by the name of Earl Pilgrim who, in 1942, purchased the claim and continued to operate the mine—it was an antimony mine—until 1972. At one time, the mine was the second-largest producer of antimony in the United States. It was located in an isolated section of the park preserve. The Stampede Mine was found to be eligible for listing in the National Register of Historic Places on June 20, 1989.

Today, the mine site contains—excuse me, did contain several historic workable structures. The site is rich in equipment, machinery, tools, and the myriad objects that make up the stuff of a mining camp. Many of these items are unique to the Pilgrim's operation and reflect on his own inventiveness and mechanical skills.

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

from the airstrip, the historic buildings, water rights, and stream banks.

It was believed at the time that the National Park Service possessed the wherewithal to better maintain and protect the valuable historic structures. Unfortunately, in 1987, history would record that there was very little merit to this line of thinking.

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

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

The School of Mineral Engineering was most pleased with the arrangement and looked forward to providing their mining students a unique opportunity to learn firsthand about earlier-to-present-day mining operations and equipment by having the mining mill to actually operate for the students. Given the chance, they would like the opportunity to conduct such an education program in the future.

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

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

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

During 1986-87 National Park Service personnel conducted field inspections of old mining sites located on their lands for the purposes of identifying potentially contaminated sites and hazardous conditions.

Toward the end of July 1986, the Stampede Creek site was examined. The inspectors recommended immediate action to examine the safety of old blasting caps and chemicals at the site. Before taking any action, the inspectors recommended that the ownership issue be resolved.

In other words, Mr. President, someone actually considered private property. The matter was treated as serious, but not an emergency or life-threatening. Nothing further occurred for 8 months.

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

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

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

Mr. President, let me refer to the pictures on my right which show the Stampede Mine prior to this episode of the Park Service and the U.S. Army ordnance detonation team.

This is the Stampede Creek. This is the mill and the mine. The mine is back here in the hills. This is where the concentrates are recovered, and so forth. The pictures show the facilities before the explosion occurred.

I am going to show you the next chart which shows you what happened when the Park Service finished their work. This is what the mine and the mill looked like. As you can see, it is totally devastated by the blast.

When the smoke cleared and all the debris fell back to the earth, they found that the explosion left a crater in the creek 28 feet wide and 8 feet deep. They also noticed a substantial change in the mining site, which is depicted by this photograph.

Let me show you again the creek which indicates the significance of what this crater did to this stream bed. You can imagine a hole 28 feet wide and 8 feet deep. And this creek flows down into the watershed that flows into the Tanana River which flows into the Yukon River, obviously polluting and killing fish along the way.

The Park Service did it, Mr. President.

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

One of the most telling reports concerning this debacle is from the U.S. Army incident report No. 176-23-87

which stated that the NPS personnel were aware that detonation would result in damage to the surrounding buildings and according to Sergeant Seutter "at no time was it relayed to me that damage was unacceptable."

Mr. President, violations of the law are clear. There are violations of the Clean Water Act, the Historic Preservation Act, section 404 of the Clean Water Act involving wetlands, not to mention the taking and destruction of private property.

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

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

To be fair, during the course of the last 2 years the NPS has been working with the university in an attempt to allow the university to continue its educational program. Unfortunately, the site in its reconformed condition lacks the historic integrity and lure that it once possessed.

The university has located another historic mine site outside of the national park boundaries that can meet the needs and requirements of the university, its curriculum, and its students.

Mr. President, my amendment does not attempt to rectify all the wrong that has been done. If we were to pass legislation, or use the court system, to right the wrong that has been accomplished, the cost would be in the hundreds of millions of dollars. Some of the historic mining equipment loss due to the explosion and subsequent neglect is cost-prohibitive to replace.

My amendment would direct the Secretary: subject to an appraisal—and I emphasize "appraisal"—to provide up to \$500,000.00 to the University of Alaska Fairbanks, School of Mineral Engineering; and, remove certain salvageable historic mining equipment to a location that will be convenient for the university to pick it up and move it to a mine site outside of the park boundary.

One would question, "Well, what is the justification for this action?" There is none. The Federal Government blew up private property, and the Federal Government should be held responsible and make restitution.

My amendment would require the U.S. Army: to provide two six by six vehicles to the School of Mineral Engineering; and, to construct a bridge across the Bull River at the Golden Mine site to allow unimpeded ingress and egress for the activities conducted by the School.

My amendment will ensure that all remaining rights and interests in the Stampede Mine site held by the university would be conveyed to the National Park Service, which is the wish of the Park Service.

Mr. President, passage of this amendment, and its subsequent enactment into law, will ensure us that justice in this matter will have been served and we will be able to put this incident behind us. All accounts will have been satisfied.

Mr. President, the difficulty in asking the Park Service to meet their obligation as in stating "may" and mandate that they actually perform by stating "shall" is the difference between action and no action. We have encouraged the Park Service. We have asked the Park Service. And now it is time to direct the Park Service to right this wrong because they blew up private property belonging to the University of Alaska School of Mines. This amendment would attempt to rectify that situation.

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Kansas.

Mr. BROWNBACK. Mr. President, very briefly, I don't know about the particular merits of the project. But I do consider the specific earmark for a certain sum of money. If this is going to proceed on the floor, I think we ought to have a rollcall vote on it. So, if it is sought to pass by unanimous consent, I will be objecting to that and ask that we have a rollcall vote on this specific earmark for a certain set amount of money.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, this is what I would propose.

First, I ask unanimous consent that Senator DOMENICI be added as a cosponsor on the Abraham amendment.

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

Mr. GORTON. Mr. President, we have one amendment by the Senator from Alaska on the Presidio that can be accepted. Then I believe the Senator from Alaska is going to withdraw his second-degree amendment to the Stevens-McCain amendment. We can pass the Stevens-McCain amendment by voice vote. Then I would suggest that we have stacked votes on the Murkowski amendment that has just been debated, followed immediately by a vote on final passage of the bill.

That is my suggestion, if we can get those other unanimous consents ahead of time.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 1232 WITHDRAWN

Mr. MURKOWSKI. Mr. President, as a consequence of the discussion we have had, it is my understanding that we have been able to address many of the concerns associated with the discussion on the \$1.6 billion from oil leases from offshore Alaska.

So it is my intention to withdraw my amendment.

Further, it is my understanding that Senator GORTON agrees with me that

the additional \$800 million should be captured through legislation in the authorizing committee.

I understand the floor manager would support that.

Mr. GORTON. The Senator is correct.

AMENDMENT NO. 1232, WITHDRAWN

Mr. MURKOWSKI. With that assurance, I would withdraw my second-degree amendment.

Mr. GORTON. I believe I have to withdraw my motion to table that second-degree amendment, which I do.

Mr. MURKOWSKI. I thank the Chair. I thank my friend from Washington.

The PRESIDING OFFICER. Without objection, amendment No. 1232 is withdrawn.

AMENDMENT NO. 1231

Mr. GORTON. Now I think we can by voice vote accept the underlying first-degree amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1231.

The amendment (No. 1231) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. GORTON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1246

Mr. GORTON. Mr. President, I send an amendment to the desk on behalf of Senator MURKOWSKI relating to the Presidio that has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. MURKOWSKI, proposes an amendment number 1246.

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

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

The amendment is as follows:

At the appropriate place add the following new section:

"SEC. . . Delete section 103(c)(7) of Public Law 104-333 and replace with the following:

"(7) STAFF.—Notwithstanding any other provisions of law, the Trust is authorized to appoint and fix the compensation and duties and terminate the services of an executive director and such other officers and employees as it deems necessary without regard to the provisions of title 5, United States Code or other laws related to the appointment, compensation or termination of federal employees."

Mr. GORTON. I have already explained the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1246) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1245

Mr. GORTON. Now, Mr. President, I believe that the leaders approve of it.

The question is the Murkowski amendment. It is a debated amendment.

Does the proponent of the amendment want to ask a rollcall on it or the opponent?

Is not the question before the body now the Murkowski amendment?

The PRESIDING OFFICER. The question before the Senate is the Murkowski amendment No. 1245.

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. On that amendment I ask for a rollcall vote.

The PRESIDING OFFICER. Is there a sufficient second?

At the moment there is not a sufficient second.

Now there appears to be a sufficient second.

The yeas and nays were ordered.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Before we have a vote on that, I ask unanimous consent that we adopt all further committee amendments.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The committee amendments on page 46, line 15 through page 47, line 25; page 115, line 1 through line 22; and page 123, line 9 through page 124, line 20, as amended were agreed to.

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

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Is there further debate on the Murkowski amendment? If not, the question is on agreeing to amendment No. 1245. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oregon [Mr. SMITH] is necessarily absent.

Mr. FORD. I announce that the Senator from Iowa [Mr. HARKIN], the Senator from New York [Mr. MOYNIHAN],

and the Senator from Minnesota [Mr. WELLSTONE] are 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 "aye."

The result was announced—yeas 81, nays 14, as follows:

[Rollcall Vote No. 250 Leg.]

YEAS—81

Abraham	Enzi	Lott
Baucus	Faircloth	Lugar
Bennett	Feinstein	Mack
Biden	Ford	McConnell
Bingaman	Frist	Mikulski
Bond	Graham	Moseley-Braun
Boxer	Grassley	Murkowski
Breaux	Gregg	Murphy
Bryan	Hagel	Nickles
Bumpers	Hatch	Reed
Burns	Helms	Reid
Campbell	Hutchinson	Robb
Chafee	Hutchison	Roberts
Cleland	Inhofe	Rockefeller
Coats	Inouye	Roth
Cochran	Jeffords	Sarbanes
Collins	Johnson	Shelby
Conrad	Kempthorne	Smith (NH)
Coverdell	Kennedy	Snowe
Craig	Kerrey	Specter
D'Amato	Kerry	Stevens
Daschle	Kyl	Thomas
DeWine	Landrieu	Thompson
Dodd	Lautenberg	Thurmond
Domenici	Leahy	Torricelli
Dorgan	Levin	Warner
Durbin	Lieberman	Wyden

NAYS—14

Allard	Glenn	Kohl
Ashcroft	Gorton	McCain
Brownback	Gramm	Santorum
Byrd	Grams	Sessions
Feingold	Hollings	

NOT VOTING—5

Akaka	Moynihan	Wellstone
Harkin	Smith (OR)	

The amendment (No. 1245) was agreed to.

Mr. LOTT. Mr. President, 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.

#### TITLE V—PRIORITY LAND ACQUISITIONS AND EXCHANGES

Mr. MURKOWSKI. I rise today to speak about Title V of H.R. 2107—the Interior Appropriations Bill. Title V provides an additional \$700 million appropriation from the Land and Water Conservation Fund (LWCF), pursuant to the Balanced Budget Agreement, for priority land acquisitions and exchanges. While I had sought to have more money appropriated to the state-side LWCF matching grant program, I commend Senator GORTON for appropriating this \$700 million in a manner consistent with the terms and spirit of the LWCF Act.

Over 30 years ago, in a remarkable bipartisan effort, Congress and the President created the LWCF. The LWCF provides funds for the purchase of federal land by the land management agencies—the federal-side LWCF program—and creates a unique partnership among Federal, state, and local

governments for the acquisition of public outdoor recreation areas and facilities—the state-side LWCF matching grant program. The LWCF is funded primarily from off-shore oil and gas leasing revenues which now exceed \$3 billion annually, and has been authorized through the year 2015 at an annual ceiling of \$900 million.

However, LWCF monies must be annually appropriated. And, despite the increase in offshore oil and gas revenues, the LWCF has not fared well in this decade. Expenditures from the LWCF have fluctuated widely over its life but have generally ranged from \$200 to \$300 million per year. In the 1990s, total appropriations to both the federal and state sides of LWCF steadily declined from a high of \$341 million during the Bush Administration to \$149 million in FY 1997.

Most significantly, all of the FY 1997 appropriation was for the exclusive purpose of federal land acquisition. In 1995, Congress and the President agreed to shut-down the state-side LWCF program. For FY 1998, the President requested \$165 million for federal land acquisitions and only \$1 million for monitoring previously funded state-side projects. The President did not request any funds for new state-side projects.

After submitting his budget to Congress, the President appears to have seen the value of the LWCF. In the Balanced Budget Agreement, Congress and the President agreed to provide an additional \$700 million for priority land acquisitions and exchanges from the LWCF. President Clinton wants all of this additional \$700 million spent on Federal land acquisitions. He has not requested that any of this additional LWCF appropriation be used to fund the state-side LWCF matching grant program.

#### PRIORITY FEDERAL LAND ACQUISITIONS

As Senator DOMENICI stated on the Senate floor, the Balanced Budget Agreement, and the accompanying Concurrent Budget Resolution, provide no specifics as to how this additional \$700 million is to be spent. Neither the Balanced Budget Agreement nor the Concurrent Budget Resolution mention, by name, any land acquisitions. Rather, Congressional leaders intended for this money to be appropriated through the normal legislative process. That is what Senator GORTON is trying to do in the Interior Appropriations Bill.

The Clinton Administration has identified two priority Federal land acquisitions: the 7500 acre Headwaters Forest property in northern California and the 4000 acre New World Mine property in Montana. Last year before the election, the Clinton Administration proposed, with great fanfare, to acquire both of these properties through land exchanges. However, because of the Administration's reluctance to work with Congress to consummate these land exchanges, a number of problems arose. The President then decided to acquire these properties through an outright

cash purchase, using \$315 million of the additional LWCF monies provided in the Balanced Budget Agreement.

The Senate Appropriations Committee, unlike its House counterpart, has agreed to fund these acquisitions. However, it has made this appropriation contingent on the enactment of separate authorizing legislation.

As Chairman of the authorizing Committee—the Energy and Natural Resources Committee—I congratulate the Senate appropriators for respecting the role of legislative committees. Title V of H.R. 2107 honors this historical division of responsibilities among authorizing and appropriations committees and the processes of the Senate, and the Congress.

It also acknowledges that Congress needs to, and should, examine the details of the Headwaters Forest and New World Mine acquisitions. The decisions to acquire these properties were made with no public and little Congressional involvement. As a result, a significant number of unanswered questions surround both acquisitions. Examination of the acquisitions is best done by the authorizing committee.

As an initial matter, Congress needs to authorize the use of LWCF monies. The LWCF Act provides a funding mechanism for the acquisition of Federal lands. It does not provide an independent basis for Federal land acquisitions. The LWCF Act specifies, with limited exceptions, that LWCF monies cannot be used for a Federal land purchase "unless such acquisition is otherwise authorized by law." From the information available to the Energy and Natural Resources Committee, the exceptions to this prohibition do not apply to either the Headwaters Forest or the New World Mine acquisition.

The Clinton Administration disagrees, contending that site-specific authorization for the Headwaters Forest and New World Mine acquisitions is unnecessary because existing statutory authorities allow the Bureau of Land Management, the Fish and Wildlife Service, or the Forest Service to use LWCF monies. Yet, the Administration fails to analyze with any specificity exactly how the other authorities apply to the two acquisitions and override the provisions of the Land and Water Conservation Fund Act.

For example, the Clinton Administration opines that the Forest Service has the authority to purchase the New World Mine property under the Weeks Act. However, the Weeks Act was enacted for the purpose of acquiring eastern forested land. At the same time, the LWCF Act limits the Forest Service's use of LWCF monies for acquisitions "primarily of value for outdoor recreation purposes." Is recreation the primary value of the New World Mine property? Or, is the primary purpose of the acquisition to protect the character of Yellowstone National Park? What about the fact that the LWCF Act limits the Forest Service's use of LWCF monies west of the 100th merid-

ian? Will the New World Mine acquisition, at greater than 4000 acres, run afoul of this limitation?

Similar unanswered questions surround the Headwaters Forest acquisition. The Clinton Administration states that the Headwaters Forest would be managed by the Bureau of Land Management. However, BLM is required to use LWCF monies for land acquisitions which are consistent with the applicable land use plan and "necessary for the property management of public lands which are primarily of value for outdoor recreation purposes." Is the acquisition of the Headwaters Forest even addressed in the applicable land use plan? Is it the Clinton Administration's position that the primary value of the Headwaters Forest is outdoor recreation? If so, how will the public access this new recreation resource? Or, because the Headwaters Forest has been identified as critical habitat under the Endangered Species Act, is the Administration relying on the ESA as authorization for the acquisition? Does it then make sense for the property to be managed by the BLM? Is it the Administration's position that the ESA authorizes the acquisition of any and all private property containing endangered or threatened species and overrides the limitations in the LWCF Act?

All of these questions need to be answered before the Congress accepts the Clinton Administration's assertion that existing laws authorize the acquisition of the Headwaters Forest and the New World Mine and override the prohibitions in the LWCF Act. The Committee of jurisdiction is in the best position to conduct such an examination.

Moreover, even if the Headwaters Forest and the New World Mine can be acquired by the President without the enactment of separate authorizing legislation, Congressional authorization of the agreements is needed to avoid other statutory requirements normally applicable to Federal land purchases. Because the purchase prices for both the Headwaters Forest and the New World Mine were the result of negotiation and dependent, in part, on other terms, the actual fair market value of the properties is unknown.

With respect to the New World Mine, a 1995 National Park Service report estimates the fair market value of the property is less than \$50 million. The Clinton Administration has agreed to purchase the property for \$65 million.

As to the Headwaters Forest, there is enormous discrepancy as to the property's value. The current owner contends the property has a value in excess of \$700 million. A 1993 Forest Service appraisal values the property at \$500 million. However, a 1996 analysis of the property conducted for the Department of Justice concludes that the property has a value between \$20 million, applying current environmental restrictions, and \$250 million, without any environmental restrictions. The

Headwaters Forest property will be acquired for \$380 million in cash and property.

Moreover, the Clinton Administration apparently wants to ensure that the fair market value of the properties is never determined. On June 9, 1997, President Clinton submitted an amendment to his FY 1998 Interior Appropriations budget request to reflect the \$700 million in LWCF monies included in the Balanced Budget Agreement. The recommended statutory language specifically references the negotiated purchase prices for the two acquisitions.

The accompanying budget justification states "by ratifying the specific lands to be acquired and the purchase prices contained in those negotiated agreements, these provisions would also obviate the need for the United States to undertake additional and costly appraisals under the Uniform Relocation Assistance and Real Property Acquisition Act." The Uniform Relocation Assistance and Real Property Acquisition Act requires an appraisal of the fair market value of private property the Federal government desires to acquire, whether through negotiations or condemnation. One of the primary purposes of this Act is to guarantee that any Federal land purchase is a good deal for the American taxpayer.

It is bad precedent for Congress to bless the Administration's blatant disregard of this law. Congress needs to examine, and determine for itself, the fair market value of these properties and, whether or not the purchases are a good deal for the American taxpayer. This examination is properly done in the context of authorizing legislation.

The magnitude of these acquisitions make the disregard of this law even more troubling. As noted in the Senate Appropriations Committee report accompanying H.R. 2107, the \$315 million spent to acquire the two properties is more than the total amount appropriated from the LWCF for land acquisitions over the past two years. Those appropriations have been used to acquire dozens of properties—the vast majority of which cost less than \$1 million. None of them have been excluded from the Uniform Relocation Assistance and Real Property Acquisition Act. The Clinton Administration needs to explain to Congress why the Headwaters Forest and New World Mine acquisitions warrant an exemption from the law.

Congressional authorization is further needed because the Clinton Administration has committed the Federal government to more than the purchase of property.

The New World Mine agreement requires that \$22.5 million of the \$65 million purchase price be used to finance the clean-up of the property which is contaminated from historic mining activities in the area. However, LWCF monies are not authorized for environmental clean-ups.

While the Clinton Administration contends sufficient authorization ex-

ists for it to use LWCF monies to acquire the New World Mine property, nowhere does it argue that it may use \$22.5 million of this LWCF appropriation for financing a private party's CERCLA-type cleanup. Whatever the contours of the debate over the proper uses and purposes of the LWCF Act, it is clear Congress never intended for the LWCF to be used as an environmental contamination insurance account. Yet, such an impermissible use is precisely what the Administration now proposes. Congress clearly needs to review and authorize such a use of LWCF monies.

At the same time, the Agreement to purchase the Headwaters Forest requires that the Federal government and the property seller agree to a habitat conservation plan under the Endangered Species Act for timber harvesting activities which will occur on the remaining 200,000 acres owned by the company. In fact, because of difficulties in negotiating an acceptable habitat conservation plan for this property, the timber company sued the Federal government. However, if the Federal government and company agree to a habitat conservation plan, and the Federal government purchases the property, the company's case against the Federal government will be dismissed. To date, no such agreement has been reached. I question, however, whether it is good public policy to settle litigation in this manner.

I have touched upon some of the issues raised by the two acquisitions. I have not talked about the Clinton Administration's failure to acquire the properties through land exchanges, as originally proposed. Questions also exist about how, and at what cost, the Federal government will manage the properties upon acquisition.

We have held no hearings on the New World Mine acquisition. We have held no hearings on the Headwaters Forest acquisition. Congress had no input into the decision to acquire them. In fact, most of us know little about the two proposals. We owe it to the American taxpayer to review these acquisitions—a review best done by the authorizing Committee.

#### STATE-SIDE LWCF MATCHING GRANT PROGRAM

I also want to comment on the appropriation contained in H.R. 2107 for the state-side LWCF matching grant program. The state-side LWCF program has played a vital role in providing recreational and educational opportunities to millions of Americans. State-side LWCF grants have helped finance well over 37,500 park and recreation projects in all fifty states, including campgrounds, trails, and open space.

The availability of outdoor recreation facilities is critical to the well-being of Americans. People who participate in outdoor recreation activities, are happier and healthier. Recreation is an important component of our economy. Moreover, while trips to our National Parks create experiences and memories which last a lifetime, day-in and day-out, people recreate close to

home. In Fiscal Year 1995, the last year for which the state-side LWCF grant program was funded, there were nearly 3800 applications for state-side grants. Unfortunately, there was only enough money to fund 500 projects. In the intervening three years, the local and state demand for those resources has only increased.

That is why state-side LWCF grants are so important. State-side LWCF grants help address the highest priority needs of Americans for outdoor recreation. At the same time, because of the matching requirement for state-side LWCF grants, they provide vital seed-money which local communities use to forge partnerships with private entities.

Unlike the Clinton Administration, the Interior Appropriations Committee has recognized the value of the state-side LWCF matching grant program. It appropriated \$100 million to the program over the next four years and noted, in its report, that "resource protection is not solely the responsibility nor the domain of the Federal Government, and that States can in many cases extract greater value from monies" appropriated from the LWCF. I congratulate Senator GORTON on this appropriation and am optimistic that this provision will remain in Conference.

I have attached to my statement, for inclusion in the RECORD, two recent resolutions. The first, from the National Governors' Association, calls on the Federal government to revive the Land and Water Conservation Fund state-side matching grant program. This bill does that. The second letter, from the National Recreation and Park Association, urges the Senate to support the \$100 million appropriation contained in the Interior Appropriations Bill.

I ask unanimous consent that these items be printed in the RECORD.

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

NATIONAL GOVERNORS ASSOCIATION,  
Washington, DC.

RECREATION RESOURCES

PREAMBLE

The Governors believe that participation in outdoor recreation provides important physical, mental, and social benefits to the American public, and that responsibility for providing diverse and high-quality opportunities for such recreation is shared by federal, state, and local government interests and the private sector. Continuing growth in demand for outdoor recreation opportunities has brought overcrowding to some areas, while budgetary constraints, environmental pollution, and conversion of open spaces to other uses has further added to the challenges we face. This is particularly true of resources within physical and economic reach of the majority of urban populations. The expansion, development, and management of recreational space and facilities is an important national challenge that can contribute to both quality of life and the economy. To effectively meet this challenge, federal recreation efforts must be modified to include a far greater emphasis on state

and local decisionmaking and on partnerships, particularly with the private sector, than currently exists. The system must also be reinvented to enhance program efficiencies and effective program administration.

#### A VISION FOR AMERICA'S GREAT OUTDOORS

The Governors support a vision of a safe, clean, planned, and well-maintained network of recreation areas available to all Americans. Important objectives can be achieved by reviving and strengthening the existing Land and Water Conservation Fund (LWCF) and Urban Park and Recreation Recovery (UPARR) programs. The Governors recognize the valuable work done by the National Park Service Advisory Board report, "An American Network of Parks and Open Space," with its call for a balanced formula for ensuring state, local, and national funding allocations to meet the nation's diverse needs for recreation resources. In addition, the Governors support continuing substantial funding for recreation programs through appropriations for the federal land-management agencies and through the expenditure of monies at the federal and state levels under programs such as the Pittman-Robertson Act and the Aquatic Resources Trust Fund. The Governors also encourage the continued use of private capital for investment in recreation facilities on public lands and further encourage increased funding for operational expenditures for recreation facilities and services through general fund appropriations and recreation fees paid by those who directly use those facilities and services. To ensure that recreation funds are spent wisely, the Governors believe that, at every level of government, an effort should be made to understand and accommodate recreationists' needs and interests.

#### GUIDING PRINCIPLES

The Governors believe that the creation and maintenance of a nationwide network of recreation areas should be guided by the following principles.

Priorities for spending funds must come from a sustained effort to understand the needs of recreationists on the part of those involved in local, state, and national planning activities. State and local recreation resources planning activities, including comprehensive outdoor recreation plans, should continue to be a foundation for decision-making. The Governors encourage a revitalized LWCF/UPARR program to streamline federal requirements currently imposed on such state planning and granting processes. At the same time, the Governors acknowledge the importance of an open, public process for allocating grants-in-aid and support continuation of this important tool for effective citizen participation.

To assist in a better determination of national priorities and their interaction with the expressed priorities of state and local governments, the Governors also encourage integration of federal recreation resource planning processes with their state and local counterparts.

Programs for land conservation, preservation of cultural landscapes, and recreation resource development require a shared partnership among citizens, private landowners, all levels of governments, and private organizations.

The equity of private property owners must be respected in the implementation of recreation and conservation programs.

As the nation's recreation resources investments are made, the Governors encourage continued attention to providing quality recreation opportunities to all citizens, reflecting the diverse needs for recreation that is safe, accessible, affordable, enjoyable, and open.

National strategies and programs that aid state and local governments should be flexible, effective, and efficient.

The long-term future of our nation's recreation resources is dependent on a citizenry that is both familiar with and appreciative of these resources. Programs that promote such understanding and appreciation should be encouraged in both the private and public sector.

#### FUNDING

The Governors believe that Congress should encourage the provision of adequate and predictable funding for the nation's outdoor recreation resources from both private and public sources.

The Governors support the principle that nonrenewable resources leaving federal ownership, such as oil and gas recovered from the Outer Continental Shelf, should be used as a means to establish assets of lasting value to the nation.

The Governors recommend that Congress make available no less than 60 percent of funds for state and local governments with the balance to federal agencies to be used by both principally for the purposes of acquiring outdoor recreation areas and providing for and protecting outdoor recreation opportunities. The Governors also support increased private investment in recreation facilities on public lands.

The Governors believe it is imperative to adequately maintain public recreation lands and the facilities on them. The Governors recommend that, in addition to general fund revenues, where appropriate and practicable, user fees and private sector funding should be considered to help achieve this objective. The Governors strongly recommend that LWCF not be used for these purposes.

#### FEDERAL RESPONSIBILITY AND PARTNERSHIP

Federally managed public lands and resources serve a critical function in meeting national recreational needs, not only in providing opportunities for outdoor recreation but in providing the means, through the Federal Lands Highway Program, to access and enjoy those opportunities. Federal agencies should develop comprehensive outdoor recreation resource use and access plans in consultation with state and local governments and coordinate their planning with the recreation resource needs identified by state and local governments and private organizations. New federal institutional arrangements are needed to give greater visibility and authority to recreational program administration on federal lands and to foster innovative state, local, and private program partnerships. The efficiency and effectiveness of federal recreational support can be enhanced.

#### RAILROAD RIGHTS-OF-WAY

The Governors believe that where it is consistent with state law and respects the rights of adjacent landowners, it is in the public interest to conserve and maintain abandoned railroad corridors whenever suitable for use as public trails and greenways, for other public purposes, or for possible future rail use. Such efforts can help achieve the goal of the President's Commission on Americans Outdoors of establishing "a continuous network of recreation corridors . . . across the country."

#### SCENIC BYWAYS

The Governors believe that funding for the National Scenic Byway Program, which recognizes the economic and social value of fostering travel on the nation's most scenic routes, one of the most popular forms of recreation in the country, should be continued.

#### USER-PAY/USER-BENEFIT GRANT PROGRAMS

The Governors believe that grant programs that return fees paid by users, for example,

federal gasoline taxes or excise taxes on specific products, to programs which directly benefit those users, should be continued. Examples include the programs funded under the Pittman-Robertson Act, the Aquatic Resources Trust Fund, and the National Recreational Trails Fund.

NATIONAL RECREATION AND  
PARK ASSOCIATION,  
Ashburn, VA, September 10, 1997.

AN OPEN LETTER TO THE UNITED STATES  
SENATE

You will soon have an opportunity to vote on fiscal year 1998 appropriations for the Department of the Interior. The Land and Water Conservation Fund state assistance program is among the many important initiatives that you will consider. We urge you to approve no less than the \$100 million appropriation for LWCF state assistance recommended by the Senate appropriations committee in its version of H.R. 2107.

The LWCF state assistance program addresses the health and welfare of our nation's citizens. By matching state and local resources to complete priority projects for individual communities across the nation, these resources provide access to recreation and conservation opportunities for all American citizens. They are the playgrounds where our children run and shout. They are the swimming pools and playing fields where we learn the values of teamwork, sportsmanship, hard work and competition. They are the parks, picnic areas, pathways and wild places where we find quiet and renew our connection with the natural world. These places restore our minds and bodies and enhance our quality of life. And most importantly, they are accessible. They are down the street, across town, at the metro stop and affordable regardless of economic status. This is what sets these state and local investments apart from our nation's great national parks, forests, refuges and public lands. And this is why they are so important.

After two years without LWCF state assistance, thousands of opportunities for conservation and recreation have been delayed or lost. Restoring this program will allow projects with available matching funds to move forward. It will also renew the nation's commitment to its people to reinvest a portion of revenues from the depletion of our energy resources in state and local, as well as federal, recreation resources. We hope we can count on your support.

Sincerely,

R. DEAN TICE,  
*Executive Director.*

#### REQUIRING LAND MANAGEMENT AGENCIES TO PRIORITIZE ADDITIONAL LAND ACQUISITIONS

**Mr. McCAIN.** Mr. President, I want to take this opportunity to explain to my colleagues an amendment I had intended to offer to the fiscal year 1998 Interior Appropriations bill. I was persuaded not to offer the amendment because of my concern that opening up the section of the bill which provides an additional \$700 million for land acquisitions and exchanges would embolden those who would earmark these funds for particular projects, without consideration of the priorities of our Federal land management agencies. Therefore, I decided not to offer the amendment at this time.

I do intend to pursue this proposal as separate legislation, and I solicit the comments of my colleagues concerning this proposal, described below.

The amendment would require the administration to utilize certain criteria in preparing the prioritized list of land acquisitions and exchanges that would be conducted using the \$700 million increase recommended in this bill for Federal land acquisitions and exchanges. This amendment places primary responsibility for determining the priority of land acquisitions in the hands of the Federal land management agencies charged with preserving, protecting, and managing our nation's natural resources. At the same time, the amendment preserves the prerogative of Congress to approve or disapprove the administration's recommendations prior to making any of these additional funds available.

The amendment establishes seven specific criteria to be used by the National Park Service, the Forest Service, the Fish and Wildlife Service, and the Bureau of Land Management in assessing proposed acquisitions and exchanges:

- (1) the natural resources located on the land,
- (2) the degree to which those natural resources are threatened,
- (3) the length of time required for acquisition of the land,
- (4) the extent, if any, to which an increase in land cost makes timely completion of the acquisition advisable,
- (5) the extent of public and local government support for the acquisition,
- (6) the amount of federal lands already in the region, and
- (7) the total estimated costs of the acquisition.

In addition, the amendment permits the Secretaries of Interior and Agriculture to consider additional matters in their assessments, but they must explain to Congress in a report what those additional considerations were and how they were weighted in the prioritization of land proposals.

Over the years, Congress has wisely taken steps to preserve our natural heritage. We have protected many remarkable natural areas through the establishment of national parks, monuments, wilderness areas, wildlife refuges, national scenic areas, and other conservation efforts.

While this Nation has no shortage of beautiful country to be preserved and protected, there is a limited amount of funding available to accomplish these goals. As a result, our Nation has a multibillion dollar backlog in land acquisitions at both the Department of Interior and the Department of Agriculture. Because of this enormous backlog, I support the recommendation in this bill to make available an additional \$700 million for the land acquisitions and exchanges, consistent with the budget agreement.

What this amendment would require the administration to do is not new. The agencies already produce these types of rankings when developing the President's budget request. The Bureau of Land Management, the Fish and Wildlife Service, the National Park

Service, and the Forest Service all compose priority based lists. In this case, we will be requiring the agencies to perform the same sort of priority assessments on projects that would be funded with these additional funds, to ensure that Congress has all the information necessary to review the administration's proposal.

The amendment includes a requirement for the agencies to consider the extent of local support for an acquisition proposal, as well as the amount of land in the area already owned by the Federal Government. Preservation of our natural resources is a high priority, but it must be balanced with an awareness of the economic needs of local communities and their ability to plan for future growth and development. These two criteria will ensure that a community will not be harmed unnecessarily by the removal of preservation lands from its tax base or by undue restrictions on development and economic growth.

I understand the concerns expressed by the committee in the report language about the costs of managing and maintaining current federally owned lands, and I believe the agencies should focus on acquisition and exchange proposals that would consolidate Federal land holdings and eliminate inholdings to lessen these costs. However, I think it would be a mistake to fail to consider funding new acquisitions and exchanges that would protect and preserve resources that might otherwise be lost to development in the near future.

Mr. President, I am very concerned that the committee has earmarked \$315 million for the additional funding for two specific projects—the Headwaters Forest and New World Mines acquisitions. I am not seeking to strike those earmarks in this amendment, although I understand an amendment may be offered to do so, which I would support. Unfortunately, these earmarks make clear the need for established criteria for prioritizing the many pending acquisition requests at our land management agencies. My amendment would ensure that all funds which are available for pending land acquisitions and exchanges are used prudently and for the highest priority projects identified by Federal land management agencies.

Let me stress that I understand the right of Congress to review and revise the President's budget request, as we see fit. My amendment is simply intended to help us make those decisions by requiring input from the Federal land management agencies on the expenditure of the \$700 million we are adding to this appropriations bill for land acquisitions and exchanges. Congress will still have the last word.

Mr. President, as I stated at the outset, I intend to pursue separate legislation to require the administration to submit annually with the budget request a list of proposed land acquisitions and exchanges, coordinated and prioritized among the four Federal land

management agencies. The agencies would be required to consider the criteria set forth in the amendment described above, and the Secretaries of Interior and Agriculture would be required to explain the relative weight given each criterion, including additional criteria selected by the administration.

Mr. President, I ask unanimous consent that the amendment I had intended to propose to this legislation be printed in the RECORD at this point. And I welcome the comments and suggestions of my colleagues for improving these criteria and the process of ensuring that scarce resources for land preservation are used prudently.

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

On page 134, beginning on line 2, strike “Provided” and all follows through “heading” on line 8 and insert the following: “Provided” That the Secretary of the Interior and the Secretary of Agriculture, after consultation with the heads of the National Park Service, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Forest Service, shall jointly submit to Congress a report listing the lands and interests in land, in order of priority, that the Secretaries propose for acquisition or exchange using funds provided under this heading; *Provided further*; That in determining the order of priority, the Secretaries shall consider with respect to each property the following: the natural resources located on the property; the degree to which a natural resource on the property is threatened, the length of time required to consummate the acquisition or exchange; the extent to which an increase in the cost of the property makes timely completion of the acquisition or exchange advisable; the extent of public support for the acquisition or exchange (including support of local governments and members of the public); the total estimated costs associated the acquisition or exchange; the extent of current Federal ownership of property in the region; The extent to which the acquisition or exchange would consolidate Federal holdings or eliminate its holding; the owner's willingness to sell or exchange the property; and such other factors as the Secretaries consider appropriate, which factors shall be described in the report in detail; *Provided further*, That the report shall describe the relative weight accorded to each such factor in determining the priority of acquisitions and exchanges”.

On page 134, line 12, strike “a project list to be submitted by the Secretary” and insert “the report of the Secretaries.”

#### GAS UTILIZATION SECTION

Mr. MURKOWSKI. I wonder if the distinguished chairman of the Senate Appropriations Committee would be willing to enter into a colloquy with me regarding the gas utilization section of this legislation.

Mr. STEVENS. I would.

Mr. MURKOWSKI. It is my understanding that the administration request for gas utilization was \$4.8 million dollars.

Mr. STEVENS. That is correct.

Mr. MURKOWSKI. It is also my understanding that the House has added an additional \$2 million above the administration request; and that the Senate has agreed to add \$1.5m to the administration request.

Mr. STEVENS. That is also correct.

Mr. MURKOWSKI. I understand that some of the additional funds Congress has added may be used by the Department of Energy to fund an \$84 million cost-shared private research project for the development of a process for commercialization of a ceramic membrane used to convert natural gas to synthetic crude which can then be transported via conventional oil transportation systems?

Mr. STEVENS. I understand that to be correct as well.

Mr. MURKOWSKI. As chairman of the Energy and Natural Resources Committee I have taken a keen interest in the development of this technology. In fact at a committee hearing in July of this year we discussed some of these developing technologies. One thing that is becoming clear when you talk about natural gas conversion to liquids is that there is "more than one way to skin a cat."

In other words there seem to be a number of companies around the globe that are developing this technology with their own particular niche. I would not, at this time try to predict which particular process is going to emerge as the best, nor would I attempt to predict when this technology will be used on a commercial basis. By some industry accounts this technology is here now. By others it is years off.

Would the chairman agree that it makes sense then to possibly look at other methods being used to develop this technology.

Mr. STEVENS. I would defer to the chairman of the Energy and Natural Resources Committee and agree that it would make sense to look at other potential technologies as well.

Mr. MURKOWSKI. Would the chairman seek in conference to try and match the House level of \$2 million and try to preserve flexibility for the Department of Energy to support other cost-sharing projects looking at ways to convert natural gas to liquids?

Mr. STEVENS. I would.

Mr. MURKOWSKI. I wonder if the subcommittee chairman, the distinguished Senator from Washington would also support this?

Mr. GORTON. In light of the different technologies brought to my attention by the Senators from Alaska, I will indeed be inclined to favor the House funding level in conference if that level will facilitate investigation of alternative technologies while ensuring that the current project moves forward.

Mr. MURKOWSKI. I will continue to monitor the existing project and thank the chairman and subcommittee chairman.

Mr. NICKLES. Mr. President, I seek unanimous consent to engage in a colloquy regarding Oklahoma Indian funding with the distinguished chairman of the Interior Appropriations Subcommittee, Senator GORTON.

The PRESIDING OFFICER. Without objection, the Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I understand the bill before us contains several categories of Interior Department funding for Indians, one of which is the "new tribes" account. I also understand that the committee has included, as requested by the Administration, \$160,000 from this account for the Delaware Tribe of Indians, a tribe located in eastern Oklahoma. Mr. President, I ask the distinguished Senator from Washington, is that correct?

Mr. GORTON. Yes, that is correct.

Mr. NICKLES. Thank you, Mr. President.

#### TRIBAL WELFARE

Mr. DASCHLE. Mr. President, I should like to engage in a discussion with the distinguished chairman and ranking member of the subcommittee about a provision in this bill that is very important to the Indian tribes in my State. The committee report directs the BIA to spend \$5 million from the Tribal Priority Allocation [TPA] to provide funds to Indian tribes that wish to run their own welfare programs in States where the tribal welfare caseload exceeds 50 percent of total caseload.

I am very grateful to my colleagues for recognizing the unique situation that exists in my State. More than half of the welfare caseload in South Dakota is made up of native Americans. Poverty on South Dakota reservations is very high; in the last census poverty among the South Dakota tribes was greater than 50 percent. My State has the dubious distinction of having the poorest county in the country, and it is a reservation county. Unemployment is also very high. For the largest tribes, it was 44 percent in 1995. The number of native Americans in the potential labor force who are not working averages 68 percent and, on some reservations, is as high as 95 percent.

The native Americans in my State do not want to be dependent on welfare. Representatives for the tribes have talked extensively with me about how they want to build their economies and help their people find good jobs. They dream of the day when all native American people will have the opportunity to hold good jobs and have the satisfaction of contributing to the economic strength of their communities.

For a number of complex reasons, this has been a difficult dream to accomplish. While they are working to improve their economies, they also want to assume the responsibility and use the option that is granted in the welfare bill to run their own welfare programs. They believe it is a matter of sovereignty, indeed even a treaty matter, that they enter into this new relationship with the Federal Government in a way that is parallel to how the States are treated. They do not want to be dependent upon the State. So they have asked for this funding to make it possible for them to take over their welfare programs and have a fair chance of succeeding in making their people's lives a little better.

That is why I feel this provision is so important, and why I want to make sure it gives them the best chance at success. For this reason, I would like to ask my colleagues a few questions.

As noted, the committee report indicates that \$5 million would be provided under the Tribal Priorities Allocation to Indian tribes in States where the Indian welfare caseload exceeds 50 percent that wish to run their own welfare programs, and that the funds can be expended over a 2-year period. Is that also the chairman's understanding?

Mr. GORTON. Mr. President, I would tell my colleague that, yes, the TPA account is authorized to expend funds for 2 years.

Mr. DASCHLE. Mr. President, I mentioned that the tribes in my State have indicated that they would like to run their own programs, but it is possible that some will decide it is not feasible for them to do so. The way this proposal is currently structured, if this happens, I would want to make sure that any unused funds revert to the TPA, and not the U.S. Treasury. Is it the committee's intent that, if all of the funds are not used 60 days prior to when they would otherwise lapse, they would then revert to the TPA fund to be allocated according to the program's formula?

Mr. GORTON. Mr. President, it is my understanding that, because these funds are expended as part of the TPA account, any unused funds would revert to the other uses of the TPA account. We would support allowing this to happen 60 days prior to the end of the fiscal year.

Mr. BYRD. Mr. President, I am in agreement with the subcommittee chairman. Such an arrangement would ensure that any funds not expended for this welfare initiative would be used for other TPA priorities.

Mr. DASCHLE. Mr. President, I would like to raise a technical detail that is not addressed in the report language. One of the tribes in South Dakota, the Standing Rock Tribe, also extends into North Dakota. It was my intention that, if that tribe chooses to submit a plan to run its own welfare program, the funds be available to run their program in both North and South Dakota, and that the match for the tribal members in North Dakota be proportionate to the match that Standing Rock would have received from their State. I should note that the amount of funding is sufficient to allow Standing Rock to serve both its North and South Dakota members. Would the chairman and ranking member agree that this would be possible under this provision?

Mr. GORTON. Mr. President, I believe that could be accommodated under the committee's language and would be happy to work with the Senator to make sure this is the case.

Mr. DASCHLE. Mr. President, if the chairman and ranking member would continue to indulge me, I would like to clarify one more technical point. The

report language says that the funds would be available to tribes whose caseloads exceed 50 percent of the total welfare caseload for the State. In point of fact, the tribes per se do not have caseloads, the States currently run the programs. My hope is that the chairman intended to indicate that funds would be provided in States where native Americans exceed 50 percent of a State's total caseload using data collected by the Administration for Children and Families at the Department of Health and Human Services in fiscal year 1995. Was that, in fact, the committee's intent?

Mr. GORTON. Mr. President, yes, the intention was that the funds be provided to tribes in a State where the number of native Americans as a percent of total State caseload exceeded 50 percent in fiscal year 1995.

Mr. DASCHLE. Mr. President, I have one last question. As the Senators on this committee are painfully aware, allocating discretionary spending in times of major budget cutting has resulted in many difficult decisions. But, I would point out that the TPA account, which is the one from which this funding would be taken, was cut fairly heavily earlier in the 1990's and is only now starting to regain some of its resources. At the same time, the need among many of the tribes has been growing steadily. Indeed, many parts of Indian Country have not always shared in the economic boom that the rest of the Nation currently enjoys. I would like to ask my colleagues whether they might be willing to find an alternative offset, one which does not take away resources from other tribes, in order to find this important provision. I am, of course, aware that the increase requested by the President for TPA included in this budget, as well as funding for this provision. Would my colleagues be willing to work with me during conference to try to find an alternative means of providing these funds?

Mr. BYRD. Mr. President, the Democratic leader clearly understands the difficult problems we face in allocating limited resources for the programs in our jurisdiction that are important for many of the Members of this body. However, we would certainly be willing to work with him during conference to see whether alternative funds might be available.

Mr. DASCHLE. Mr. President, I express my sincere gratitude to the chairman and ranking member of the Interior subcommittee for their assistance in this matter. Last year's welfare reform bill provides an important opportunity for Indian tribes to run their own welfare programs. As I have said, I have met with representatives of all of the tribes in my State about this issue, and they care very deeply about it. I hope that, with these funds, they will be able to take on this important responsibility and help tribal members gain economic self-sufficiency.

#### CONTAMINATED DRINKING WATER ON THE FORT HALL INDIAN RESERVATION OF IDAHO

Mr. CRAIG. Mr. President, will the Chairman yield for purposes of a colloquy?

Mr. GORTON. I am happy to enter into a colloquy with the Senators from Idaho.

Mr. CRAIG. I do not know if the Chairman is familiar with the problem faced by the Shoshone-Bannock Tribe of Idaho regarding the contamination of the groundwater on the Fort Hall Reservation where the Tribe is located?

Mr. GORTON. I am.

Mr. CRAIG. Then the Chairman knows that since the 1970's a deadly poison named ethylene dibromide, or EDB, has been used as a pesticide on the reservation. Over time, EDB has leached into the groundwater at unsafe levels. Currently, approximately 1,500 people, both on and off the Fort Hall Reservation, are at risk. Most of those living on the reservation are served by one of two existing drinking water systems—one operated by the Bureau of Indian Affairs and the other by Indian Health Service.

Mr. KEMPTHORNE. Nothing is more important than ensuring all of our citizens have safe and affordable supply of drinking water. Over the last 6 years, both agencies have been very helpful. The Indian Health Service has provided technical assistance and funding to characterize the groundwater contamination and to investigate alternatives. Its efforts have included the drilling and testing of wells, conducting Tribal meetings, providing educational material, and assisting in Federal coordination. In addition, the Shoshone-Bannock Tribe, Idaho Department of Environmental Quality, Environmental Protection Agency, Bureau of Reclamation, Bureau of Indian Affairs, Indian Health Service, and others have devoted an enormous effort over several years to assess the situation and develop alternative solutions.

Mr. CRAIG. I would also like to bring to the Chairman's attention that the Bureau of Reclamation has prepared a needs assessment on the EDB problem. This assessment concluded that the preferred alternative is the incorporation of the existing Indian Health Service water supply system into a new, larger drinking water system. Such a project would involve the drilling of new public wells outside the contaminated area and piping the water to the residents whose wells are unsafe.

Mr. GORTON. It would appear that such a recommendation would be a reasonable approach to provide for the delivery of safe drinking water to the 1,500 people currently at risk.

Mr. KEMPTHORNE. I agree with the Chairman. The recommendation outlined by the Bureau of Reclamation is the most logical and cost-effective alternative.

Mr. CRAIG. Of course such a project would be expensive. However, this burden would be spread out over the several agencies from all levels of Govern-

ment which would share responsibility for its completion. The Indian Health Service already has identified and suggested several areas where it might be of assistance during the education, public involvement, and coordination phase. These include providing further educational assistance and public information materials, the investigation of alternative water sources, assistance in the selection and implementation of appropriate treatment technologies, the design of ground water monitoring plans and schedules, and the coordination and sharing of data and analysis.

Mr. GORTON. Along with the other Federal agencies involved in the actual construction of the drinking water system, I would agree that the Indian Health Service clearly has a role in the education and advisement of the affected community, so long as the Service meets its priorities and other obligations.

Mr. KEMPTHORNE. I agree with the Chairman. Of course, we understand that funding for this project cannot be guaranteed, given the many competing priorities faced by the Indian Health Service.

Mr. GORTON. Given the threat to the health of those exposed to the contaminated drinking water, I would support whatever assistance the Service could provide.

Mr. KEMPTHORNE. I thank the Chairman and am pleased to hear of his strong support of this project.

Mr. CRAIG. I too would like to thank the Chairman. Seeing this project started as quickly as possible has become a high priority for myself and my fellow Idahoans. We are committed to getting this project completed and will be working over the coming months and years to see that all necessary funds are appropriated for the project's construction. Beginning the education phase now, through the Indian Health Service, will save valuable time and help relieve the threat of continued harm.

#### FOSSIL ENERGY R&D ACCOUNT: COAL MINE METHANE PROGRAM

Mr. BYRD. Mr. President, Senator ROCKEFELLER and I would like to engage the manager of the Interior Appropriations bill in a brief colloquy.

Mr. GORTON. I would be pleased to respond to my friend who is the ranking member on the subcommittee and to his colleague from West Virginia, Senator ROCKEFELLER.

Mr. BYRD. The committee's recommendation does not fund the administration's \$963,000 request for the Coal Mine Methane Program under the Fossil Energy account. I believe that the House also declined to fund this program based on the belief that it was a "new start."

Mr. GORTON. The Senator is correct.

Mr. BYRD. I appreciate the fiscal constraints facing this bill and the difficult task that our chairman has accomplished in a fair and bipartisan manner. However, I would hope that we could take a second look at this methane recovery program.

Mr. President, this program is not a new start as the House committee report suggests. Congress appropriated money specifically for the Coal Mine Methane Program in fiscal year 1995. Some of the funds for this initiative were obligated prior to the rescission bill enacted in 1995. While the Department may have gotten off to a slow start with this program, for the past 18 months it has had five teams under contract to prepare phase II detailed project designs. The original appropriation to initiate these projects has been exhausted, and the funds requested for fiscal year 1988 are necessary to complete the ongoing project designs. I am told that the five teams have provided costsharing in excess of thirty percent.

The Department of Energy has indicated that the Coal Mine Methane Program can make a significant contribution to the effort to curtail greenhouse gases and estimates that within five years coal mine methane collection and utilization systems could reduce emissions by an amount equivalent to 5.5 million tons of carbon dioxide [CO<sub>2</sub>] each year. The Department's research is expected to demonstrate that the private sector can, remarkably, generate profit by utilizing and destroying these waste gases. Given the large, cost-effective and near-term potential of this research, the Department has proposed the Coal Mine Methane program as one of its global climate change research initiatives.

As the sponsor of Senate Resolution 98, I am clearly on the record in opposition to any binding international greenhouse gas emissions agreement that would injure the American economy or put us at a competitive disadvantage with any other countries. At the same time, I strongly believe that we in Congress should promote the development and use of technologies that can become economically competitive energy sources and which, at the same time, reduce potential greenhouse gas emissions.

The Coal Mine Methane program clearly meets these standards. Turning pollution into useful energy at a competitive price, with no subsidies and no new regulation, can be good for electric consumers, good for the environment and good for America, in general.

Mr. ROCKEFELLER. Mr. President, I completely agree with the comments of my senior Senator. I would note that three of the five teams under contracts to the Department of Energy are working on projects in our State of West Virginia. I understand that the other two are located in Alabama and Ohio.

These five projects offer great promise compared to conventional greenhouse gas mitigation efforts. A single, small coal mine methane project designed to produce 10 megawatts of electricity is expected to operate at a profit. That same project would unequivocally produce collateral greenhouse gas mitigation benefits equal to the carbon sequestered by approximately 14 million trees. In sharp contrast to the

profit generated by the coal mine methane project, tree planting would come at a cost conservatively estimated at \$18 million. So, DOE's methane capture program makes dollars and sense.

This program is relatively small in terms of Federal cost but can leverage significant private sector investment and may generate considerable economic and environmental benefits for Americans living in the Appalachian coal regions. I hope that we may reconsider the recommendation on this particular program.

Mr. GORTON. Mr. President, the Senators make a compelling case.

Mr. ROCKEFELLER. Mr. President, I thank the Chairman. In that light, I inquire whether he would have any objection if the Department were to shift up to \$500,000 to continue the Coal Mine Methane Program.

Mr. GORTON. As the Senator may know, the reprogramming threshold established by the committee's guidelines is \$500,000. I do appreciate the clarification that this effort would not be a new start. Should the Department be able to identify funds for a reprogramming, it should consider the needs associated with completing the ongoing project designs.

Mr. ROCKEFELLER. Mr. President, I thank the manager of the bill for his consideration and support of this matter.

Mr. BYRD. Mr. President, I offer my appreciation as well. As always, the Senator from Washington has been most fair in this deliberation.

#### ENGINEERING RELATED SERVICES UTILIZED BY DEPARTMENT OF INTERIOR AGENCIES

Mr. BENNETT. Mr. President, I would like to raise an issue with the Chairman as we conclude the debate on the Interior Appropriations bill. I had intended offered an amendment on behalf of myself and Senators THOMAS and MURKOWSKI to instruct the various agencies of the Department of the Interior to prepare a report to the committee regarding the instances in which they have entered into Inter-Agency Service Agreements with other Federal agencies or into agreements with State and local governments on foreign entities. Unfortunately, we have been unable to reach agreement among members of the committee on the feasibility and scope of this amendment. I am disappointed with this development and I will not offer this amendment this evening.

As the Chairman well knows, there are a number of architectural, engineering, geological mapping and even aircraft services that are contracted out by the various agencies within the Department of the Interior. I simply would like to get a sense of the impact on private engineering and consulting firms when agencies enter into agreements or contract for services within. I believe the information would have been valuable to the committee. It would help the committee recognize opportunities to save money by using

the private sector more often and it will help redirect agencies toward their core governmental missions. While I will not offer this amendment, I intend to continue to pursue this information. I ask the Chairman if he would be also be interested in exploring this issue further?

Mr. GORTON. The Senator from Utah raises a good point. But given our very short timeframe, I appreciate the Senator's decision to withhold. The information to be gathered by any such inquiry would be very costly and time-consuming to develop, so I would hope that a more focused effort could be considered. The Senator is correct that cost-saving measures are important during tight budget times, and I appreciate his interest in this matter.

#### NEEDED REPAIRS TO TWIN RESERVOIR DAM

Mr. BAUCUS. Mr. President, I would like to engage the Chairman in a colloquy to bring to his attention the need for repairs to the Twin Reservoir Dam located near Polson, MT.

Mr. GORTON. Certainly.

Mr. BAUCUS. The dam is in need of \$50,000 in repairs, and I would like to know if the Chairman would support the Bureau of Indian Affairs if the BIA could allocate funds within existing resources to make these much-needed repairs.

Mr. GORTON. I would support whatever assistance the Bureau of Indian Affairs could devote to repairs of the Twin Reservoir Dam, so long as the expenditure of any funds is consistent with the Bureau's priorities.

Mr. BAUCUS. I thank the Chairman.

#### ELECTROCHROMIC RESEARCH

Mr. GRAHAM. Mr. President, we would like to engage our dear friend, Senator GORTON, in a colloquy. He has once again drafted a difficult bill this year and has balanced difficult priorities. Within the energy conservation section of the bill, the committee has provided \$500,000 more than in fiscal year 1997 for electrochromic research within the building equipment and materials section. We would hope that it is the expectation of the chairman that this \$500,000 increase will be used to further the development of Plasma Enhanced Chemical Vapor Deposition [PECVD] techniques for electrochromic technology.

Mr. MACK. Understand that this technology provides a flexible means to control the amount of light and heat that passes through a glass surface. This is a superb energy savings opportunity important to the Nation.

In recognition of the importance of this technology, Florida has provided \$1.2 million in State funds to develop this technology in cooperation with the University of South Florida and a licensee of a technology developed by the National Renewable Laboratory in Colorado.

Is it the Chairman's understanding that the Committee intends that this project be a priority for the use of this \$500,000 addition?

Mr. GORTON. I appreciate my colleagues bringing this technology to my

attention. It is indeed a promising technology that could produce substantial energy savings. Within the increase provided for electrochromic research, I hope the Department will consider supporting the PECVD project, provided this can be accomplished without a substantially adverse impact on ongoing projects in the electrochromic program. I further hope the Department will consider PECVD in formulating its FY 1999 budget request.

Mr. BYRD. Mr. President, I concur with the subcommittee chairman's assessment. DOE should evaluate the potential benefits of this technology when considering its allocation of fiscal year 1998 funds.

#### IHS FUNDING

Mr. KERREY. Mr. President, I wish to inquire of my colleague from Washington State, Senator GORTON, chairman of the Interior Appropriations Subcommittee, on the funding status of health facility construction projects within the Indian Health Service that are in the design and engineering phase. Prior to the 1998 appropriations process, the Congress had funded about two-thirds of the design and engineering work that is necessary prior to begin construction of the new Winnebago Hospital. This hospital, now over 70 years old, serves the Indian people in northeast Nebraska and northwest Iowa. The Indian Health Service has indicated that another \$650,000 will be needed to complete the design phase. Does Senator GORTON share my understanding of this situation?

Mr. GORTON. Yes, the Senator from Nebraska is correct as to this funding shortfall. In addition, there are two other nonhospital facilities in Arizona for which appropriated design funds have not been sufficient. The administration's fiscal year 1998 budget did not request design funds for these facilities either. This lack of a funding request has meant that neither the House nor the Senate has included funds necessary to complete the design phase for the Winnebago Hospital.

Mr. KERREY. I thank Senator GORTON for bringing this matter to the attention of the Senate. It is an incredible slip on the part of the IHS to have neglected to request these needed funds. It appears that in previous years the IHS seriously underestimated the amount of funding that would be required to complete the design phase of this facility. This is why it is so puzzling that there was no request for additional funding in this budget year. Every delay in funding means increased project costs. My question to Senator GORTON and to Ranking Member BYRD is whether it is still possible for the Congress to find some funds in this appropriations measure to be sure these projects stay on track?

Mr. GORTON. It is my understanding that a total of \$2.1 million would be needed to complete the design phase for the three projects. There simply is not that leeway in the measure we are

considering today. However, should funds become available as a result of conference agreements with the House, I will try to see that they are made available for completion of the design phase of the three projects if that is agreeable to my colleague, Senator BYRD.

Mr. BYRD. Yes, Mr. President, at this point I think that this is the best commitment that we can make to our colleagues from Nebraska and Arizona. If we are not able to accomplish this, however, we can consider including conference report language directing the IHS to include funding requests in the fiscal year 1999 budget to complete the design phase for these facilities; funding requests to begin first phase construction of these facilities might also be appropriate.

Mr. KERREY. I am very pleased that my colleagues are as concerned as I am about meeting the health needs of our native American people. As I mentioned earlier, the existing IHS facility at Winnebago is over 70 years old and I would venture to comment that there are probably not very many full-service hospitals in this country serving non-Indians that have reached that not-so-venerable age. It is a shame and the shame rests mostly with the failure of the United States to fulfill its obligations to this country's first Americans.

#### THE LAND AND WATER CONSERVATION FUND

Mr. FEINGOLD. Mr. President, I wanted to clarify with the subcommittee chairman and the ranking member the process, as described on page 116 in the Senate Committee Report on the Interior Appropriations bill (S. Report 105-56), for the expenditure of land and water conservation fund dollars provided in this legislation. Is this Senator correct in his understanding, Mr. Chairman, that the committee intends to work with the Appropriations Committee in the other body and the administration to develop a list of projects to be funded with the remainder of \$700 million in land and water conservation fund moneys that are not allocated in this legislation for either specific Federal projects or for the States?

Mr. GORTON. Yes, the Senator is correct.

Mr. FEINGOLD. Is it the case that the administration will begin developing this list as soon as possible?

Mr. GORTON. Again, the Senator is correct. After the list is developed it will be provided to the Senate Interior Appropriations Subcommittee and the relevant subcommittee in the other body for their review and approval.

Mr. FEINGOLD. Does the Senator feel that it would be appropriate for Senators to contact Interior line agencies if they are aware of projects they believe are meritorious, such as the Fish and Wildlife Service's proposed Whittlesey Creek National Wildlife Refuge in my home State of Wisconsin?

Mr. GORTON. The Senator from Wisconsin is correct, and indeed, Senators are contacting appropriate Interior

line agencies to make them aware of projects as well as officials within the administration.

Mr. FEINGOLD. Does the senior Senator from West Virginia concur with the Senator from Washington and myself?

Mr. BYRD. I do, and I thank the Senator for seeking additional clarification. It is common practice for Senators to assist Interior agencies by bringing particular projects to their attention so that the agencies may have the benefit of evaluating these projects for potential inclusion on the list.

Mr. MCCAIN. Mr. President, first I would like to thank the managers of the bill for their hard work in putting forth legislation which provides necessary funding for many things from National Parks to the Bureau of Mines. The Interior Appropriations bill is the 12th of the 13 appropriations bills to come before the Senate this year.

Unfortunately, once again, this bill and the report language accompanying it contain numerous earmarks and pork barrel spending projects. I ask unanimous consent that a list of eight pages of objectionable provisions be printed in the RECORD.

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

#### OBJECTIONABLE PROVISIONS IN THE FISCAL YEAR 1998 INTERIOR APPROPRIATIONS BILL

##### BILL LANGUAGE

\$2,043,000 for the assessment of the mineral potential of public lands in Alaska.

Unspecified amount for the maintenance of a long-horned cattle herd on the Wichita Mountains Wildlife Refuge.

\$11,612,000 for the Army Corps of Engineers to construct fishery mitigation facilities on the Lower Snake River.

\$2 million for local governments in Southern California for Natural Communities Conservation Planning.

\$500,000 for the Darwin Mountain House in Buffalo, NY, and \$500,000 for the Penn Center in South Carolina.

\$3 million for the Hispanic Cultural Center in New Mexico and \$1 million for the Oklahoma City Bombing Memorial, both subject to authorization.

Language prohibiting the relocation of the Brooks River Lodge in the Katmai National Park and Preserve located in Alaska.

Directed transfer of the Bowden National Fish Hatchery from the United States to the State of West Virginia (without payment by the state) to be used by the West Virginia Division of Natural Resources.

Language establishing a commission to assist the city of Berlin, NH in identifying and studying the Androscoggin River Valley's "historical and cultural assets", accompanied by an authorization of \$50,000 for operating expenses of the commission.

\$800,000 for the World Forestry Center to continue research into land exchanges in the Umpqua River Basin region in Oregon.

Language specifying the relocation of Region 10 of the Forest Service to Ketchikan, AK, and reference to transfers and closures of other offices in Alaska directed in the report language.

Language dictating that not more than one quarter of the amount of hardwood harvested in 1989 may be cut from the Wayne National Forest in Ohio in 1998, and requiring that landscape architects must be used to "maintain a visually pleasing forest".

Language stating that Forest Service funds shall be available to counties within the Columbia Gorge National Scenic Area in Washington state.

Language stating that Forest Service funds shall be available for payments to Del Norte County, CA.

Earmark of unspecified funds for research on extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs, performed by the Albany Research Center in Oregon.

Language requiring compliance with all "Buy America" provisions.

Language prohibiting the use of any funds to demolish the bridge between Jersey City, NJ and Ellis Island.

Language authorizing the Secretaries of Agriculture and Interior to limit competition for watershed restoration projects in Washington, Oregon, and northern California to individuals and entities in historically timber dependent areas in those states that have been affected by reduced timber harvesting on federal lands.

Language mandating the transfer of the Wind River Nursery in Gifford Pinchot National Forest, WA to Skamania County, WA, in exchange for 120 acres of the Columbia River Gorge National Scenic Area.

Language exempting certain residents in specified areas from having to pay user fees for access to the White Mountain National Forest in New Hampshire.

Earmarks of Land and Water Conservation Funds for the New World Mines project (\$65 million), the Headwaters Forest agreement (\$100 million), acquisition of the Elwha and Glines dams in Washington, and acquisition of the Sterling Forest in New York (\$8.5 million).

#### REPORT LANGUAGE

Earmarks totaling \$6.4 million for the Grand Staircase-Escalante National Monument, UT as follows:

\$1,330,000 increase under land resources.

\$300,000 increase under wildlife and fisheries.

\$270,000 increase under threatened and endangered species.

\$1,150,000 increase under recreation management.

\$150,000 increase under energy and minerals.

\$300,000 increase under realty and ownership management.

\$1,050,000 increase under resource protection and maintenance.

BLM is to allocate all recommended funds to the Utah State office and the project office assigned responsibility for the monument. Report language prohibits reprogramming of funds from these lines.

\$100,000 for Alaska Gold Rush Centennial Task Force.

\$500,000 for Department of Defense to develop habitat mitigation plans in Alaska.

\$350,000 for the Virgin River Basin, UT.

\$400,000 for Lewis and Clark National Historic Trail and related projects.

\$500,000 add-on to allow BLM to process oil and gas lease applications in Alaska, Arizona and Idaho.

\$700,000 for additional library support to Alaska Resources Library and Information Services Consortium to develop digital online library resources and data bases in Alaska, development and implement a plan to protect records at the Geologic Material Center in Eagle River, and develop a data base for mining claims.

Language earmarking funding at FY 97 levels (plus fixed costs and requiring FY 97 levels of employees to continue Alaska cadastral surveys and complete the transfer of 155 million acres of federal land in Alaska to state, Native villages, and individuals.

\$700,000 to fund a type I hotshot crew for wildland fire management in Alaska.

\$1,925,000 for redevelopment of Interior interagency fire operations center in Billings, MT.

Earmark for land acquisitions as follows:

\$900,000 for Lake Fork of the Gunnison, CO.  
\$1,100,000 for Otay Mountains/Kuchamaa, CA.

\$1,000,000 for Santa Rosa Mountains, CA.

\$2,000,000 for Washington County desert tortoise, UT.

\$1,000,000 for Western Riverside County, CA.

\$400,000 for Alabama sturgeon conservation efforts, and \$560,000 for Iron County habitat conservation plan, WI.

Earmark for habitat conservations as follows:

\$600,000 for Middle Rio Grande (Bosque) Program.

\$200,000 for Platte River studies, CO.

\$1,131,000 for Chicago Wetlands Office.

\$200,000 increase for Yukon River escapement monitoring and research, AK, and \$400,000 for Alaska salmon conservation.

\$578,000 for the Great Lakes initiative related to fisheries.

\$1,000,000 for The National Fish and Wildlife Foundation, and

\$200,000 for the Caddo Lake Institute, TX.

Add-ons for construction projects as follows:

\$600,000 for dike repair of Bear River National Wildlife Refuge, UT.

\$335,000 for an Administrative building at Blackwater National Wildlife Refuge, MD.

\$425,000 to replace the boardwalk at Horicon National Wildlife Refuge, WI.

\$1,000,000 for rehabilitation at John Hay Estate, NH.

\$1,000,000 for complete construction of Keauhou Bird Conservation Center, HI.

\$480,000 for access trail and public use facility rehabilitation for Kenai National Wildlife Refuge, AK.

\$702,000 to replace bridges at Mingo National Wildlife Refuge, MO.

\$400,000 to replace irrigation system at National Elk Refuge, WY.

\$2,000,000 for Mora hatchery at Southwest Fisheries Technology Center, NM.

\$840,000 for trail construction and access at Steigerwald National Wildlife Refuge, WA.

\$12,732,000 add-on in land acquisition, for a total of \$57,292,000, which is all earmarked for specific projects [see page 27 of report].

\$100,000 for Park Service trails office in support of Lewis and Clark National Historic Trail activities, and \$400,000 for technical assistance along the Lewis and Clark National Historic Trial.

\$200,000 for support of the Selma to Montgomery National Historic Trail and the California and Pony Express National Historic Trails.

\$100,000 earmarks for the Park Service to establish a Katmai National Park and Preserve satellite office on Kodiak Island, AK.

Earmarks of recreation and preservation funds for:

\$100,000 add-on for Aleutian World War II National Historic Area.

\$324,000 extra for Blackstone River Corridor Heritage Commission.

\$829,000 extra for Delaware and Lehigh Navigation Canal.

\$238,000 extra for Illinois and Michigan Canal National Heritage Corridor Commission.

\$65,000 extra for lower Mississippi Delta.

\$200,000 extra for Quinebaug-Shetucket National Heritage Corridor Commission.

\$758,000 extra for Southwestern Pennsylvania Heritage Preservation Commission.

\$285,000 extra for Vancouver National Historic Reserve.

\$480,000 extra for Wheeling National Heritage Area.

Earmarks of National Park Service construction funds for unrequested projects, as follows:

\$2,200,000 to construct the Alaska Native Heritage Center, AK.

\$500,000 for directional signs, et cetera at Blackstone River Valley national Historic Commission, MA/RI.

\$2,000,000 to move the lighthouse at Cape Hatteras National Seashore, NC.

\$500,000 to construct a storage facility at the Center for Archeological Studies, AL.

\$500,000 to design and engineer the C&O Canal National Historical Park, MD.

\$500,000 for restoration of the Darwin Martin House, NY.

\$250,000 for Fort Jefferson rehabilitation at Dry Tortugas National Park, FL.

\$3,000,000 for a multiagency center with BLM at El Malpais National Monument, NM.

\$3,400,000 for rehabilitation of Fort Smith National Historic Site, AR.

\$2,860,000 for site development at Fort Sumter National Monument, SC.

\$750,000 for facilities planning at Gauley National Recreation Area, WV.

\$700,000 to rehabilitate facilities and monuments at Gettysburg National Military Park, PA.

\$1,731,000 for wastewater treatment at Glacier Bay National Park and Preserve, AK.

\$3,000,000 for an arts center at the Hispanic Cultural Center, NM.

\$500,000 for the stabilization and lead paint for Hot Springs National Park, AR.

\$200,000 for the rehabilitation of Katmai National Park and Preserve, AK.

\$300,000 for an interagency facility at Kenai Fjords National Park, AK.

\$310,000 for the repair of fences at Manzanar National Historic Site, CA.

\$8,000,000 for road construction at Natchez Trace Parkway, MS.

\$153,000 for roof repair and access at New Bedford Whaling National Historical Park MA.

\$2,525,000 for access and trails stabilization at New River Gorge National River, WV.

\$1,000,000 for construction of Oklahoma City Memorial, OK.

\$500,000 for the rehabilitation of Penn Center, SC.

\$1,000,000 for Corinth Battlefield interpretive center at Shiloh National Military Park, MS.

\$510,000 for the joint administrative facility with Forest Service at Timpanogos Cave National Monument, UT.

\$2,223,000 for the planning, compliance, and restoration of Vancouver National Historical Reserve, WA.

\$2,595,000 for the rehabilitation of Vicksburg National Military Park, MS.

\$400,000 for the design interpretive center at Wrangell-St. Elias National Park and Preserve, AK.

\$54,790,000 add-on for land acquisition, for a total of \$125,690,000, almost all of which is earmarked [see page 39 of report].

\$900,000 for the Great Salt Lake study unit of the NAWQA, including a plan for the collection of water quality data.

\$1,000,000 for restoration of the Great Lake fisheries and habitats, \$500,000 for Pacific salmon studies, and \$1,000,000 for endocrine disruption research.

\$500,000 for the establishment of a fine hardwoods tree improvement and regeneration center at Purdue University.

Language directs the Forest Service to initiate a study regarding the establishment of a harvesting and wood utilization laboratory in Sitka, AK.

\$500,000 for a multiparty task force to create an action plan to manage spruce bark beetle infestations and rehabilitate infested areas in Alaska.

\$200,000 to strengthen the role of the Forest Service in assisting the Hardwoods Training

Center in Princeton in becoming economically self-sustaining.

\$800,000 add-on for land exchanges between willing public and private owners in the Umpqua River basin, OR.

\$68,400 add-on for creating and maintaining scenic vistas along the Talimena Scenic Byway.

\$360,000 for planning an office and laboratory facility to house the Institute of Pacific Islands Forestry research and public outreach program.

\$4,000,000 for reconstruction of the Oakridge ranger station on the Willamette National Forest, OR.

\$1,200,000 for the Federal share of construction of the Pikes Peak Summit House, CO.

\$427,000 for construction of restroom facilities at Lee Canyon and Tahoe Meadows.

\$445,000 for construction of a visitor contact station and administrative site on Ouachita National Forest in Oklahoma.

\$725,000 for reconstruction of infrastructure facilities at Waldo Lake on the Willamette National Forest, OR.

\$1,214,000 for construction of new facilities and the rehabilitation of existing facilities in the venues of the 2002 Winter Olympic games.

Language used to direct Forest Service to prepare a report which allows for providing road access from Wrangell to Canada and to Ketchikan.

\$1,300,000 for construction of portions of the Continental Divide National Scenic Trail in Colorado.

Increase of \$8,119,000 for land acquisition, for a total of \$49,176,000, most of which is earmarked [see report p. 80].

\$625,000 for acquisition of the Cannard tract at the Columbia River Gorge.

\$2,000,000 increase over the budget request for mining programs, earmarked for the Intermountain Center for Mining Research and Development.

**Mr. McCAIN.** Some of the earmarked projects funded in this bill have merit—I do not dispute that. What I do object to is the process by which these funds are appropriated. Earmarking Federal tax dollars is a process which can no longer be tolerated in these times of fiscal restraint.

It is unfair to the American taxpayer that we allow this to continue. It is not right that we require the American taxpayer to foot the bill for landscape architects to “maintain a visually pleasing forest” in the Wayne National Forest in Ohio as this bill dictates. Why is it necessary to have hard working Americans pay nearly \$2 million for the redevelopment of a fire operations center in Billings, MT?

As I stated previously, Mr. President, these projects may have merit and may be very important—but how do we know that? Have they ever had a hearing? Have these projects ever been competitively bid? The answer, sadly, is no.

Mr. President, I will not take any more of the Senate’s time voicing my objections. I will close by saying that I truly hope we can bring an end to the practice of earmarking funds in the appropriations process. The American taxpayer deserves better than the wasteful spending that we have seen in these twelve appropriations bills.

#### U.S. MAND AND BIOSPHERE PROGRAM

**Mr. HUTCHINSON.** Mr. President, I thank you for the opportunity to en-

gage Senator GORTON in a discussion of the U.S. Man and the Biosphere Program. As the Senator is aware, the House of Representatives, by a vote of 222 to 203, on July 15, 1997 passed the appropriations bill for the Department of the Interior. Included as part of that legislation was an amendment which prohibits funding for the U.S. Man and Biosphere Program. Although a similar provision has not been included as part of the Senate deliberations on this appropriation, I offer the following argument for its inclusion in the upcoming conference between the House and Senate.

Many of my colleagues may question exactly what the U.S. Man and the Biosphere Program is. After all you will not find it mentioned in any line item within this bill, nor will you find it housed in any of the agencies which receive appropriations under this bill. The U.S. Man and the Biosphere Program or USMAB operates through the State Department and under the guidance of the United Nations Educational and Scientific Organization [UNESCO] to designate tracts of American land as biosphere reserves. These areas are “voluntarily” subject to land management requirements designated to facilitate ecological research and preservation. Currently, there are 47 biospheres in the United States covering a land area approximately the size of Colorado, our eighth largest state. Some biospheres, such as the Land Between the Lakes Biosphere in Kentucky, include populated areas with over 484,000 residents.

Despite the size and breadth of this program it has never been authorized by Congress, yet it is still 100% taxpayer funded. It is supported through interagency transfers from a total of thirteen different agencies. Collectively, these agencies contributed \$210,000 to the U.S. Man and the Biosphere Program in Fiscal Year 1997.

While the total value associated with this program may fly well below many of our radar screens, the question and problems associated with the U.S. Man and the Biosphere Program are very real and very much in the minds of our constituents.

While I was serving in the House, some of my constituents brought to my attention a proposal by the U.S. Man and the Biosphere Program to create the Ozark Man and the Biosphere Cooperative, which would have encompassed part of my home state of Arkansas as well as part of the states of Kansas, Missouri, and Oklahoma. As I began to investigate this proposal some of the very worst fears of my constituents were confirmed. The “voluntary, honorary” land designation represented a potential threat to the private property rights of my constituents. For example, on page 120 of the Feasibility Study for the Ozark Man and the Biosphere appeared the following statement, “Normally, there is no need for change in land-holding or regulation following the designation of a bio-

sphere reserve except where changes are required to ensure the strict protection of the core area or specific research sites.”

Perhaps what was even more frightening was this biosphere was being created in secret. The steering committee responsible for attempting to create the Ozark biosphere admitted in their feasibility study that they “decided that public meetings would not be part of the interview process because such meetings tend to polarize views of the public and may capture negative attention from the press.” (Page 43 of the Feasibility study)

Many individuals will undoubtedly wonder how this was possible. Under what legislative authority did the U.S. Man and the Biosphere Program undertake these initiatives? The answer is that there is no legislative authority. Congress has never passed any law creating the U.S. Man and the Biosphere Program authorizing them to engage in their activities. Even the web page for the U.S. Man and the Biosphere Program admits that “No specific law exists for the U.S. Man and the Biosphere Program.”

Proponents of this program will undoubtedly assert that my experience was an isolated incident, and it was for the very reasons I cited that the area around the Ozarks was never finally designated a Biosphere Reserve. However, I would urge these individuals to look at the testimony presented before the House Resources Committee this year, where local officials repeatedly testified that they were never consulted about proposals to create biosphere reserves in their areas. I would encourage the proponents of this program to look to the Alaska and Colorado State Legislatures and the Kentucky State Senate, all of which passed resolutions opposing the U.S. Man and the Biosphere Program, despite the fact that there are currently three biospheres in Alaska, four in Colorado, and two in Kentucky. To date, the U.S. Man and the Biosphere Program has taken no action to address the concerns of these State and local officials.

This is not to say that the U.S. Man and the Biosphere Program has not produced some positive contributions to our understanding of the environment and man’s relationship to it. However, until my questions, the questions of my constituents, the questions of the State Legislatures, and the questions of many of our colleagues are answered, I in good conscience cannot support using one more tax dollar in support of this program.

It is for these above stated reasons that I ask that the House adopted language be included in the Conference report.

I thank Senator GORTON, for the opportunity to present this very important issue for Conference consideration.

Mr. GORTON. I appreciate the Senator from Arkansas bringing his concerns to my attention, and they will

have considerable weight with me when the House presents its position in Conference.

#### USE OF BIA FUNDS FOR MARTY INDIAN SCHOOL

Mr. DASCHLE. Mr. President, first let me thank the distinguished Chairman of the Subcommittee, Senator GORTON, and the distinguished ranking Democrat, Senator BYRD, for their leadership and hard work on this legislation. I appreciate their willingness to work with me and Senator JOHNSON to provide greatly needed assistance to the Marty Indian School in our state.

In the past, the Marty School has received funds sufficient to replace its decaying high school facility. However, the elementary school is 70 years old and is in serious need of immediate repairs. The facility is not suitable to serve the educational needs of its students safely. Recently, a piece of the ceiling in one of the elementary school's buildings crashed onto the desk of a young student. Fortunately, there were no injuries. However, the serious physical problems at the school continue to pose a significant threat to its students. It is clear that eventually the entire elementary school will need to be replaced.

Senator JOHNSON and I would like to ask if it is the intent of the committee that the report language that refers to the Marty Indian School, found on page 55 of the Committee Report, gives direction to the Bureau of Indian Affairs to assess the serious structural deficiencies, particularly those that could compromise the health and safety of the elementary school students, and to endeavor to provide funds from the emergency or minor repair programs of the Facility Improvement and Repair program to correct these problems at the earliest possible date?

Mr. GORTON. That is the committee's intention to the extent high priority requirements are identified and prioritized.

Mr. BYRD. That is my understanding.

Mr. JOHNSON. I thank you for adding that language to the report. While we are delighted that these emergency repairs will be made if identified as a priority, we wish to note that the BIA has determined that the entire Marty facility needs to be replaced because it is no longer economically feasible merely to shore up these very old structures. Senator DASCHLE and I are delighted that the replacement high school is now being constructed. However, before long the elementary school facilities must also be replaced. I recognize the shortage of Facilities Improvement and Repair funds. Senator DASCHLE and I would like to work with the committee and the BIA to place the Marty Indian School elementary school on the priority list for future replacement funds when that list is opened up.

Mr. DASCHLE. Again, I thank the Chairman and Ranking Member and look forward to working with you on this issue. I am proud of the Marty In-

dian School. Under the leadership of School Board President, Mike Redlightning, and past President Robert Cournoyer and the other Board Members, the school has a wonderful working relationship with the Yankton Sioux Tribal Council. Support for the Marty Indian School indeed is strong among the Yankton Sioux people.

Mr. JOHNSON. I thank the distinguished Chairman and Ranking Member and ask unanimous consent to have printed in the RECORD a brief history of the Marty Indian School that has served the Yankton Sioux people of the Marty area so well for so long.

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

#### THE MARTY INDIAN SCHOOL SCHOOL BACKGROUND AND HISTORY

Marty Indian School is owned and operated by the Yankton Sioux Tribe. The Marty Indian School is a legal entity of the Yankton Sioux Tribal Business and Claims Committee and is authorized to operate, maintain and administer Marty's educational programs on behalf of the Yankton Sioux Tribe. The school is located on the Yankton Sioux Reservation in southeast South Dakota near the South Dakota/Nebraska border four miles east of the Missouri River and 13 miles southwest of Wagner, South Dakota. The original Yankton Sioux Nation consisted of about two thirds of the portion of South Dakota lying east of the Missouri River. The original reservation consisted of 400,000 acres established by the treaty of 1858. Tribal enrollment for both on and off reservation Yanktons is over 7,000. Marty Indian School serves Students in grades K-12 in their Instructional programs. The school also operates a dormitory program for students in grades 6-12. Of the 796 school age children living on the reservation in 1994-1995, 290 or 38.94% of those children attended Marty Indian School. The remaining students attending The Wagner and Lake Andes public schools.

Marty Indian School, formerly known as St. Paul's Indian Mission, began in 1926 by a missionary priest from Indiana, Father Sylvester Eisenmann, O.S.B. The leaders of the Yankton Dakota people wanted formal education for their children because they realized that change was coming for the Yankton Tribe. In April, 1921, three of these leaders, Thunder Horse, Edward Yellow Bird, and David Zephier made their trek to St. Meinrad Abby in southern Indiana to request that Father Sylvester be assigned as the permanent missionary on their reservation. They camped on the lawn of the Abby until the abbot agreed to their plea.

When Father Sylvester first came to the present site of Marty Indian School, he built a two story school building and a chapel. He named the mission after Martin Marty, the first South Dakota Roman Catholic Bishop. Osotewin—Smoke Woman—(to become known as Grandma White Tallow) donated the land for the new school and the farms needed to support it. The school was built building after building as the demand for space grew and funds were collected. Since its inception, through the labor of many devoted workers, Marty Indian School's campus has grown to include twenty-seven buildings on thirty beautifully landscaped acres.

In its early days, the students learned a great deal from doing. During various construction phases, the students worked on the building projects for half of the day, and went to school the other half. There was a shoe shop on the campus, a printing shop

where the bilingual newspaper was published, and the school ran a farming operation.

In March 1975, the ownership of Marty Indian School was transferred to the Yankton Sioux Tribe from the Benedictine Fathers of Blue Cloud Abby. Since that time, the school has been operated by the Marty Indian School Board of Education. Marty has continuously maintained full academic accreditation with exemplary ratings from the State of South Dakota Department of Education.

In the fall of 1994, Marty entered the Effective Schools Program. Since that time a new mission statement has been adopted which involves parents and staff. A comprehensive survey was completed. In-service training has been held on learning styles and teaching strategies. An in-service concerning centering on the issue of restructuring the school was held for all teaching and dorm staff in August of 1995. A curriculum committee consisting of representatives from the community, tribal education office, administration and teaching staff has been meeting for two years to make curriculum more relevant to students and increase student learning. This last year a Tribal Education Code was adopted by the Yankton Sioux Tribe.

In 1995, the Tribe was presented with the Lyle Richards Memorial Award for exemplary service to Indian children by the South Dakota Indian Education Association. Two middle teacher, Carrie Ackerman-Rice and Cynthia Goter, were named Middle school teachers of the year. Dorothy Kiyukan, the Intensive Residential Guidance Program Director, was named National and State Indian Educator of the year in 1994. Karen White Horse was honored as Home Living Specialist of the Year in 1991 by the National Indian School Board Association.

For the last year, the SET Team (School Effectiveness Team), and Curriculum Committee have been gathering data to assess the direction of the school. The school plans to break ground on a new educational building in the spring of 1996. Plans include incorporation of the latest state-of-the-art technology. Many curriculum changes are needed as the school moves from text based curriculum to outcome based education, with academic and behavioral objectives.

#### EDUCATIONAL PHILOSOPHY

The educational philosophy of the Marty Indian School has evolved since its inception. The school was founded because the community leaders wanted education for their children to prepare for the changes which they saw coming. The current leaders of the school recognize the acceleration of change in the world in which they live, and hold to the original basic tenet of the founders—the education of their youth is vital to the future of their culture and way of life.

#### MISSION STATEMENT

The Mission of the Marty Indian School, in partnership with the Yankton Sioux Tribe and its communities, is to offer a safe supportive environment: to provide intellectual, social, and cultural values needed to prepare our students for a multi-cultural Circle of Life; and to instill self discipline and respect for self and others.

#### EDUCATION

We believe that Marty should serve the educational needs of all students. The educational needs of the students include self-development in spiritual and moral values, in intellectual insight, emotional stability, effective human relations, and physical fitness. A special need of Marty students is the awareness, understanding, appreciation and enrichment of their nature culture, and being free of alcohol and other drugs.

We believe that Marty should serve the educational needs of the adult Indians in the area and encourage community involvement in the educational opportunities available at Marty. It is our philosophy that Marty is the educational center for the Yankton Sioux Reservation. We believe that true education on any level is the instilling of the desire for continued learning through the development of a healthy curiosity, active interest, and enlivened ambition.

#### STUDENTS

It is the philosophy of Marty to provide a safe and secure learning and living environment to Marty students K-12. The objectives are: To assume full responsibility for all students—including their conduct, safety and presence—during the time they are in attendance, in class or residing in the dormitories; and to provide accountability standards by establishing and enforcing adequate student check out procedures.

#### COMMUNITY

It is the responsibility of Marty that the operation of Marty is the responsibility of the Indian people themselves. We believe that the successful operation of Marty depends on the quality of service and the dedication of the people who administer the various programs at Marty. We also believe that Marty is the social service center the people of the area, and the facilities and personnel of Marty are valuable resources for effective educational projects and human relations program.

Objectives for the betterment of student dormitory life are: to provide training programs to the dormitory staff by developing a regular course of instruction and a comprehensive in-service schedule in which each staff member will learn the necessary techniques in providing a safe domiciliary environment.

#### SCHOOL COMMUNITY

Marty has as its goal the total education of its students at Marty and the self-improvement of the people in the local area. In order to accomplish this goal, objectives are delineated in regard to education: Marty will maintain an accredited school for grades K-12. As facilities and staff are available, the specific needs of Indian students will be served.

#### NPS GATEWAYS FUNDING

**Mr. SARBANES.** Mr. President, I would like to engage the distinguished manager of the bill in a colloquy concerning the funding for National Park Service natural programs and the Rivers and Trails Conservation Assistance Program.

It is my understanding that the FY 98 Interior Appropriations Bill provides an increase of \$1 million for the RTCA program, and that the Committee has directed that this increase be specifically applied to activities within the scope of the existing program, not to new initiatives.

**Mr. GORTON.** That is correct.

**Mr. SARBANES.** In FY 97, the committee provided \$200,000 from the RTCA account for the National Park Service's Chesapeake Bay Program Office to implement its Chesapeake Bay Action Agenda. The Committee's support enhanced NPS's ability to provide important financial and technical assistance to communities and organizations implementing their watershed protection, heritage area or heritage tourism strategic plans. These projects are ter-

rific examples of community-led conservation, interpretation and preservation efforts that complement other Chesapeake Bay Program activities and illustrate NPS's unique role as a formal participant in the Bay Program.

I note in the Committee report that a number of worthy projects have been mentioned as deserving of continued funding from this program. I would ask the Senator whether NPS Chesapeake Bay Program Office activities would also qualify as a continuing project to receive funding from RTCA.

**Mr. GORTON.** Most certainly—The project the Senator describes appears to be a good example of the type of work intended to be funded with the additional funding provided by the Committee.

**Mr. BYRD.** Mr. President, I share the Chairman's observations and encourage the National Park Service to continue its support of this effort.

#### BLUE PIKE STUDY (USGS)

**Mr. SPECTER.** Mr. President, I have sought recognition for the purpose of engaging the distinguished chairman of the Interior Appropriations Subcommittee in a brief colloquy regarding the fish known as the blue pike.

Mr. President, the blue pike was officially declared extinct in 1983 under the Endangered Species Act. This highly valued species, prized for food and sport, prospered in Lakes Erie and Ontario prior to its disappearance in these lakes. But recently, I have been made aware of reports from the Erie, PA area that the blue pike can still be found in Canadian lakes. If this is so, we have an exceptional opportunity to bring a species back from the brink of extinction.

Mr. President, I would suggest that the Biological Resources Division of the U.S. Geological Survey consider investigating the existence of the blue pike. The Chairman has shown excellent judgment in recommending a bill which includes a \$1 million increase for restoration of the Great Lakes fisheries and habitats in this legislation, and I think this is an appropriate area where this important work can be carried out. I am advised that this study and restoration plan could cost \$250,000. This is a small price to pay to realize the economic and environmental benefits this study, if successful, would surely produce. Accordingly, I look forward to working with my colleague from Washington to address the blue pike issue.

**Mr. GORTON.** Mr. President, I thank the distinguished Senator from Pennsylvania. I agree that the blue pike study deserves thorough consideration by the U.S. Geological Survey.

#### ENSURING ADEQUATE LAW ENFORCEMENT SERVICES ON THE YANKTON SIOUX RESERVATION

**Mr. DASCHLE.** Mr. President, Senator JOHNSON and I have recently been informed of two urgent matters on the Yankton Sioux Reservation in South Dakota that require immediate attention. The boundaries of the Yankton Reservation are the subject of an ongo-

ing legal dispute. Although the final status of the case will be resolved in the coming year by the Supreme Court, lower court decisions have already transferred criminal jurisdiction over tribal members within the disputed boundaries of the reservation to the Yankton Sioux Tribe. As a result, the tribe's patrol area has increased from 38,000 acres to 400,000 acres and the number of arrests and detentions by the tribe has tripled. The cost of providing these law enforcement services has correspondingly increased from \$56,000 to \$308,721. We are informed the tribe is in need of \$250,000 to accommodate these increased costs.

**Mr. JOHNSON.** In addition, the reservation's juvenile detention center is undergoing a much needed, year-long renovation that has required the tribe to find alternative housing for the residents of the facility. The annual cost of placing the up to 20 juveniles the tribe houses per day in alternative facilities will cost at least \$400,000. These resources cannot be found within the tribe's existing budget. Absent additional resources, Bureau of Land Affairs [BIA] officials state the tribe will be forced to release some offenders into the community and borrow money in order to incarcerate the most violent offenders.

**Mr. DASCHLE.** It is our hope that BIA funds can be made available to the tribe for these pressing law enforcement needs during fiscal year 1998. If there is special consideration for the funding requirements of underfunded tribes pursuant to section 118 of this bill, would you agree that the BIA should consider providing up to \$650,000 to the Yankton Sioux Tribe for these purposes?

**Mr. BYRD.** I agree that these are two serious problems. The Yankton Sioux Tribe is struggling to maintain adequate law enforcement services and provide housing for juveniles in the criminal justice system. If additional funds are available through the TPA program, then the tribe is encouraged to identify these requirements as a priority in its allocation of funds.

**Mr. GORTON.** I agree as well. I recognize that funds are not available in the tribe's existing budget to accommodate these responsibilities. It is clear that alternative housing must be provided for juveniles in the criminal justice system while the existing detention facility is being renovated. These additional requirements should be considered in the allocation of TPA funds.

**Mr. JOHNSON.** I thank the chairman and the ranking member for their assistance.

**Mr. DASCHLE.** I thank the colleagues for their attention to this important problem, and ask unanimous consent that a letter from Timothy Lake of the BIA providing additional details about these problems be printed in the RECORD.

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

U.S. DEPARTMENT OF THE INTERIOR,  
BUREAU OF INDIAN AFFAIRS,  
YANKTON AGENCY,  
*Wagner, S.D., September 11, 1997.*

Senator TOM DASCHLE,  
317 Hart Senate Bldg.,  
Washington, DC.

DEAR SENATOR DASCHLE: This is in response to your request for information as it relates to the existing reservation boundary decision and its impacts on juvenile and adult detention.

First, the decision created an increase in Federal and Tribal jurisdiction. Prior to June, 1995, we were exercising criminal jurisdiction on 38,000 acres of trust land. The State of South Dakota was asserting its jurisdiction on all fee lands within the boundary. The reservation boundary consist of 400,000 acres of land. Since June 1995, we have been exercising jurisdiction over all Indians within the 400,000 acre reservation. As you can see, our area has increased 10 fold. Much of the crime is committed in the cities of Wagner, Lake Andes, Dante and Pickstown. These cities were previously handled by city and county law enforcement.

Our adult prisoner care is contracted with Charles Mix County, and Lower Brule Agency. To illustrate a impact is to look at the previous year before the decision from June, 1994 to June 1995. We had a total of 672 arrest and prisoner detention cost of \$56,000.00. The first year after the decision (June 1995 through June 1996) shows us arresting 2,078 and detention cost of \$308,721.00. Another interesting illustration is the road miles we previously patrolled. The BIA had 22 miles and now we patrol 314 miles within the reservation.

The Yankton Sioux Tribe was operating a juvenile hold-over facility that was not intended for long term juvenile detention but turned out that way. The Tribe was fortunate to receive a grant (1.3 million) from the Justice Department to renovate their hold-over facility to an approved juvenile detention center. The Tribe was incurring the expense at \$250,000.00 per year to house juveniles.

Because of liability concerns, lack of funding, and the renovation project, the Tribe closed the facility at the end of August. The facility should be fully approved and operational by October 1998. We now have no where on the reservations to house juvenile offenders. I have made arrangements with the juvenile detention facility at Kyle, South Dakota. They will house ten of our juveniles at a rate of \$50.00 per day per juvenile. This equates to a cost of \$182,500.00 per year. The daily average of juveniles that the Tribe was holding in their hold-over facility was 20.

I will need to locate another juvenile facility to hold the balance. I am sure the cost to house the remaining juveniles at another facility will be more costly than the Kyle, SD facility. We must also deal with the time, manpower and vehicle cost to run these juveniles to Kyle and wherever. It is easy to see that we can spend \$400,000.00 a year on juvenile detention. Once the Tribe's renovation project is completed, we must begin to pay the cost to house our juvenile offenders at their facility.

There are four (4) full-time FIA police officers at this agency. The Yankton Sioux Tribe was successful in securing six (6) additional officers through the Justice Department COPS Fast program. However, COPS fast funds can only be used for salaries so we have to provide these officers with equipment as well as vehicles to patrol.

As the Yankton Sioux Tribe has communicated to you, the Tribal Priority Allocation (TPA) process does not allow for such a large increase to our law enforcement pro-

gram. We can not maintain our fiduciary responsibility by decreasing all reservation programs by \$650,000.00 and increasing law enforcement by this amount. The whole reservation TPA budget for fiscal year 97 is 1.6 million. The Tribe will need these funds added to its TPA base.

I hope I have answered your inquiry to your satisfaction. I appreciate the interest that you have shown on the impacts of the reservation boundary decision.

Sincerely,

TIMOTHY C. LAKE,  
*Superintendent.*

BUREAU OF INDIAN AFFAIRS FUNDING FOR THE  
NORTHWEST INDIAN FISHERIES COMMISSION  
AND OTHER ISSUES

Mrs. MURRAY. Mr. President, much tribal management of salmon resources in western Washington State is conducted through the Northwest Indian Fisheries Commission. Historically, the Commission received its funding directly from the Bureau of Indian Affairs under the Western Washington—Boldt Implementation and Pacific Salmon Treaty accounts under trust accounts. Beginning five years ago, however, a portion of these monies was re-routed for administrative purposes within the BIA system, passing through the Tribal/Agency Operations, Tribal Priority Allocation line item in the BIA appropriation. This system worked fine for several years, but funding reductions to Tribal/Agency Operations in recent years have resulted in an approximately 13 percent cut to these accounts. Now these funds are being rerouted back to the original line items of Western Washington—Boldt Implementation and Pacific Salmon Treaty in the trust accounts, but at the reduced level.

Since both the Western Washington—Boldt Implementation and Pacific Salmon Treaty accounts were only included in the Tribal Priority Allocations system for administrative, pass-through purposes, it is inappropriate for these line items to be continued at only the reduced level. Full funding for these accounts should be restored. Congress did not reduce funding for the trust accounts. In addition, Congress has annually adopted the Pacific Salmon Treaty budget as developed by the U.S. Section of the Pacific Salmon Commission, and at no time has this funding been reduced. Also, within the FY-98 funding levels, Tribal Priority Allocations are being restored, but not the Western Washington—Boldt Implementation or Pacific Salmon Treaty funds. These factors provide significant justification for restoring these subject funds in the FY-98 budget. While the trust account budget is now set, the BIA may utilize appropriate funds from another account, such as Tribal Priority Allocations, to fully fund these important programs of the Northwest Indian Fisheries Commission.

Mr. GORTON. Mr. President, I agree, the BIA should have the ability to restore funding for the Western Washington—Boldt Implementation and Pacific Salmon Treaty accounts from Tribal Priority Allocations. In addition, I suggest that the BIA and the

Department of Interior modify their budget proposal for the next fiscal year to ensure that the trust account includes full funding for Western Washington—Boldt Implementation and Pacific Salmon Treaty.

Mrs. MURRAY. Mr. President, the House Committee Report (105-163) for the Interior Appropriations bill recommends that within the \$3,000,000 provided for the "jobs in the woods" initiative under non-recurring programs, Operation of Indian Programs, \$400,000 should continue to be used by the Northwest Indian Fisheries Commission for the Wildstock Restoration Initiative. Although the Senate Committee Report does not mention this account, does the Chairman of the Subcommittee, the distinguished Senior Senator from Washington, agree with the guidance of House Committee Report?

Mr. GORTON. The "jobs in the woods" initiative is an important program for displaced timber workers in western Washington. The Wildstock Restoration Initiative is a key component of the overall initiative. I will support efforts in the Conference Committee to secure funding for the Wildstock Restoration Initiative.

Mrs. MURRAY. Mr. President, the Senate Committee Report on this appropriations measure directs the Bureau of Indian Affairs on page 52 of the report to include a private sector representative on the BIA task force to implement recommendations of an Inspector General's audit of the Wapato Irrigation Project on the Yakama Indian Reservation. In addition to this representative, it was the Chairman's and my intention to also include a representative of the Yakama Indian Nation on the task force.

Mr. GORTON. That is correct. The BIA task force on the Wapato Irrigation District should include a private sector representative and a tribal representative.

Mrs. MURRAY. Mr. President, I thank the chairman for his cooperation.

#### KAIPAROWITS COAL BASIN

Mr. HATCH. Mr. President, let me say to my good friend from Washington, Senator GORTON, and the distinguished Senator from West Virginia, Senator BYRD, that it seems to me, in light of the scientific disagreements between the recently conducted BXG findings and the ongoing data collection and analysis by the Utah Geological Survey, there is sufficient reason to revisit the BXG study regarding the Kaiparowits Coal Basin located in the Grand Staircase-Escalante National Monument. Do my colleagues from Washington and West Virginia agree that the significant disparate findings of these studies warrant additional review before the BXG work is accepted as fact?

Mr. GORTON. In view of some of the concerns which have been raised, BLM should consider working with all the experts, including the Utah Geological

Survey, to ensure that there is an accurate reading of the current and future state of the Kaiparowits Plateau coal.

Mr. BYRD. Mr. President, I share the sentiments expressed by the subcommittee chairman.

Mr. HATCH. I thank my colleagues for their responses.

#### ALLEGHENY NATIONAL FOREST (USFS)

Mr. SPECTER. Mr. President, I have sought recognition for the purpose of engaging the distinguished chairman of the Interior Appropriations Subcommittee in a colloquy regarding the Allegheny National Forest in Pennsylvania.

Mr. President, I would suggest that the U.S. Forest Service consider the possibility of funding the following three projects, all of which would enhance visitors' experiences in the Allegheny National Forest.

The first project is for the construction of a central office in Marienville, Pennsylvania. For more than a decade, the Allegheny National Forest has requested funding to carry out this project. Currently, Allegheny National Forest Service employees work out of two small office buildings, a trailer, and two warehouses located separately from the district office. Construction of a central office will help alleviate additional travel and communications costs as well as improve the efficiencies in work coordination.

The second project involves the rehabilitation of three boat-access campgrounds on the Allegheny Reservoir. These sites were constructed in the 1960s, but they have each outlived their expected life spans. Completion of this project would go a long way to improving access for the estimated 11,800 visitors who use these campsites each year.

The last project concerns rehabilitation of the Buckaloons Recreation Area. This area is located within the designated Wild and Scenic River corridor of the Allegheny River. I am advised that visitors' complaints focus on water facilities, parking, and access to the area. The funds needed for this project would improve the Buckaloons Recreation Area to allow Pennsylvanians and others to more fully enjoy the Allegheny National Forest.

Mr. President, I look forward to working with my colleague from Washington to address these three important funding issues.

Mr. GORTON. Mr. President, I thank the distinguished Senator from Pennsylvania. I am aware of the importance of the Allegheny National Forest to Pennsylvania and I believe that these three projects deserve thorough consideration by the U.S. Forest Service. Accordingly, I intend to work with the Senator from Pennsylvania to secure funding for these important rehabilitation projects in the Allegheny National Forest.

#### RECREATION FEE DEMONSTRATION PROGRAM

Mr. KYL. Mr. President, I rise to engage in a colloquy with the distin-

guished Chairman of the Interior and Related Agencies Appropriations Subcommittee and the Chairman of the Subcommittee on Forest and Public Lands of the Energy and Natural Resources Committee on an issue related to the Recreation Fee Demonstration Program. In the first year of operation of Fee Demonstration projects, flaws in the program's application are coming to light. These are flaws that I believe can be corrected through a clarification of the policy articulated by Congress in 1996.

I am generally pleased with the overall results of the Recreation Fee Demonstration Program. As various Fee Demo projects have been implemented, some problems have occurred. Public acceptance of new or higher fees has been enthusiastic in some quarters and hostile in others. However, the program has shown promise overall.

Constituents have brought to my attention the threat of private sector displacement by recreation managers in some National Forests. As private permit terms expire, it appears at some Fee Demo sites there is an intent to discontinue reliance on the private sector for delivery of recreation goods and services. In other instances, the agencies are choosing to go into direct competition with the private sector. The Forest Service will now be offering so-called Heritage Expeditions, which may evolve as whitewater rafting expeditions, archaeological digs, or expeditions into Indian Country—activities offered in abundance by community recreation programs, outfitters and guides, environmental educators, lodges, marinas and dude ranches throughout rural America.

If this type of activity is allowed under Fee Demo, more and more concessions may likely be taken from private sector operators and placed into the hands of federal employees to operate. At a time when federal employment rolls are being steadily trimmed, new employees will be required at recreation sites to collect fees, perform maintenance, plan and participate in interpretive and recreational activities. I do not believe this was the intent of the Fee Demonstration Program.

This problem seems to be developing in other states. We need to send a clear message to the land management agencies involved in the Fee Demo project that Congress did not authorize this program to enable the agencies to displace or discourage existing and future investment by the private sector.

Mr. CRAIG. Mr. President, I concur with my colleague from Arizona. Idaho has experienced similar problems with implementation of the Recreation Fee Demonstration Program in this first season of operation.

My colleague, the gentleman from Arizona, has identified a serious problem: use of Fee Demo authority to put the government into direct competition with the private sector. It has happened in Idaho under Fee Demo this

summer, and I appreciate the gentleman's effort to bring this unfortunate development in the implementation of the Fee Demo program to the attention of our colleagues in the Senate.

It was on the Wild and Scenic section of Idaho's Snake River in Hell's Canyon that the Forest Service conducted a pilot Heritage Expedition trip in July. The Heritage Expedition element of the Fee Demo program will be conducted regionwide next year in the Pacific Northwest and in the Southwest Regions of the Forest Service, and I'm told that the concept may be adopted nationally in the very near future.

Essentially, the new Heritage Expedition initiative puts the Forest Service into direct competition with an adventure travel industry that is already highly competitive. Dozens of these businesses compete with each other at every primary tourist destination in the country. Thousands more have invested private capital to create and sustain unique market niches on the fringes of the National Park System, or tucked away in some remote corner of the National Forest.

At Hells Canyon, the demand for access to the river and along trails and limited camping facilities is very competitive and increasingly difficult for resource managers to resolve. Environmentalists hold strong views that the river corridor is being trampled by boaters and hikers. Boaters cling tenaciously to levels of float boat and jetboat use that have increased steadily over decades. The Forest Service has to date been entirely unable to reduce conflicts between these various users groups, let alone soften the shrill cry from those who would radically reduce use altogether. Congress has stepped in to arbitrate a portion of these issues, and the situation is now the subject of rather heated congressional hearings.

In pricing and advertising a whitewater Heritage Expedition through Hells Canyon last July, the Forest Service executed an extraordinary piece of business. It advertised a "de luxe, fully catered" whitewater and camping trip in which the fourth night would be spent "in the luxury of" a historic lodge. The four-day trip was offered, and I understand fully booked, for the "fee" (the agency's term of choice) of \$1,740.

The Forest Service did use the services of a river outfitter in conducting this trip and spent the final night at a commercial inn. There may have been other director costs not evident from the agency's advertisement of this trip in the Internet. But, I do not believe that this is what we contemplated when we approved the Fee Demonstration.

It's important to note that a commercial operator in Hells Canyon would not be allowed by Forest Service river managers to charge the public such an exorbitant fee, no matter what amenities were tacked onto the basic outdoor experience.

It was advertised by the Forest Service that a portion of its fee would directly fund "preservation, protection, and future management of Hells Canyon's irreplaceable heritage resources." When the job of analyzing this initial pilot Demo Fee program is complete, it will be important to know how much agency staff time and support costs were diverted from normal responsibilities in order to plan, package, market and conduct this trip.

Mr. President, I agree with my colleague from Arizona. Such activities as running expeditions were not what was intended when we approved the Fee Demonstration Program.

Mr. GORTON. I thank my colleagues for bringing this matter to the Committee's attention. In a letter to Regional Foresters on February 25, 1997, Forest Service Chief Dombeck clearly stated that the Fee Demonstration is not intended to displace concessionaires. That was clearly not the intent of this Committee when we passed the Fee Demonstration Program. I thank the gentleman for calling this to the attention of the Committee.

Mr. DORGAN. Mr. President, Senator BURNS and I see the distinguished chairman of the Subcommittee on Interior Appropriations on the floor and we would like to engage him in a discussion regarding assistance from the Department of Energy (DOE) to help finance the construction of a pipeline to transport carbon dioxide (CO<sub>2</sub>) now produced as a waste gas at the Great Plains Gasification (Great Plains) plant near Beulah, North Dakota to existing oil fields to be used for enhanced tertiary oil recovery.

Mr. GORTON. I will be happy to discuss this matter with my colleagues.

Mr. DORGAN. We thank the Chairman. This project will enhance tertiary oil recovery efforts in North America which will help the United States and Canada secure greater energy independence from foreign oil. It is also critical to the long-term operation of Great Plains, which has been a priority for the federal government since it sold the plant to the Dakota Gasification Company in the late 1980s.

The financial assistance Senator BURNS and I are proposing would consist of a loan from funds currently available to DOE in a Great Plains trust fund. DOE staff has reviewed the details of the CO<sub>2</sub> project and the Department believes that a loan is appropriate if so directed in an appropriations bill.

Is the Chairman willing to work with us and the House conferees to include Statement of Managers language in the conference agreement that permits DOE to provide such a loan at reasonable terms to the owners of Great Plains and to the government?

Mr. GORTON. I am unfamiliar with the details of the proposed CO<sub>2</sub> project, but I can assure my colleagues from North Dakota and Montana that I will work with you, Senator BYRD and the House conferees to include Statement

of Managers language allowing the Department of Energy to make a loan to the owners of Great Plains for the CO<sub>2</sub> project, provided the project is consistent with our country's overall energy and environmental policy objectives and is worthy of federal support.

Mr. DORGAN. I wish to thank the Chairman for his cooperation.

Mr. BURNS. I am also supportive of this loan for the construction of a pipeline to transport the excess CO<sub>2</sub> from the Great Plains Gasification plant to existing oil fields to enhance tertiary oil recovery. Some portions of these fields lie within the boundaries of my state of Montana, and would assist with the economic development of this area. I would like to thank both the Chairman and my colleague from North Dakota for working with me to reach some sort of understanding on the importance of language in the conference report.

#### REGARDING THE US FOREST SERVICE ROCKY MOUNTAIN RESEARCH STATION

Mr. BENNETT. Mr. President, the chairman knows, the Forest Service recently completed the consolidation of the Intermountain and Rocky Mountain Research Stations in Fort Collins Colorado. I had some serious reservations with this consolidation, but in the interest of reducing the federal budget, I reluctantly agreed to allow the consolidation to proceed. Allow me to share with my colleagues what some of those concerns were.

I was concerned that the proposed merger would actually produce the cost savings promised by the Forest Service. I was further concerned that any administrative savings would be offset by increased travel costs of staff traveling to Fort Collins. And since the consolidated center would be responsible for providing research for approximately 60 percent of the nation's forest lands, I was particularly concerned that the new center would have the ability to provide quality services to my constituents once consolidation removed the administrative process one step further from Utah. Finally, I was most concerned that the employees currently stationed in Utah would be jeopardized by consolidation. While I received numerous assurances that no positions will be eliminated in Utah due to consolidation, it was still unclear that the employees based in Utah would continue to have substantive research responsibilities.

As I mentioned, despite these reservations, I reluctantly concluded that the merger should proceed. I sought your assurance that the Committee would revisit the consolidation next year to determine if the promised benefits and savings have indeed been realized. If these savings have not been met, I requested that the committee take the appropriate action to rectify the situation. Is it still the Chairman's intent to revisit the consolidation?

Mr. GORTON. I recall the Senator from Utah raising these issues in a letter to me last March. I again say to

him that the Committee remains concerned that the estimated savings provided by the Forest Service may well not be achieved. It would be an unfortunate waste of taxpayer dollars to have permitted this consolidation to go forward if the Forest Service fails to reach the savings promised. The Committee would be happy to revisit the consolidation issue next spring during the hearing process.

Mr. BENNETT. I thank the Chairman for his efforts.

#### NEWFOUND GAP ROAD

Mr. FAIRCLOTH. Mr. President, I wish to enter into a colloquy with Chairman GORTON about Newfound Gap Road in western North Carolina. The National Park Service is responsible for the maintenance of this road, which runs through Great Smoky Mountains National Park, and it is the major route for many residents of the area. The road reaches elevations of 5,000 feet, so there is substantial snowfall in the winter, and I am concerned about the snowfall removal effort from the NPS. The road was closed on 42 days over the 1995-96 winter, and it was closed on 13 days over the 1996-97 winter, but the last winter was exceptionally mild. The NPS pledged increased efforts, but I am unaware of real changes in their methods, and I am concerned about prospects for this winter. Is the chairman aware of these problems?

Mr. GORTON. I am well aware of this issue. The Great Smoky Mountains National Park received a \$1.06 million increase for Fiscal Year 1997 and a \$400,000 increase for fiscal year 1998. This is a large amount of money, and I expect it to be well spent. This committee is reluctant to seize the management prerogatives of the NPS, but I want to ensure that this road is maintained for the people of western North Carolina, and is available for use for as many days as reasonably achievable. The House and Senate Appropriations Committees have previously expressed concern about Park Service maintenance of this road, and I expect the Service to be responsive to our concerns.

Mr. FAIRCLOTH. I am pleased to hear that the Committee understands the importance of this issue. The NPS expects to spend a lot of money for personnel costs, but I don't see evidence of a real commitment to increased maintenance of Newfound Gap Road. The NPS produced a plan last year to answer our concerns, but it was a superficial document that offered little encouragement, so I am glad to hear the chairman state that he expects NPS to be more responsive. This is important to the community, and I hear support for these people, but the NPS will need to take concrete steps to resolve this issue. The NPS cannot use salt on this road because of environmental concerns, so it needs to look at new equipment such as motorgraders, but I do not hear much about that. Robert Stanton, the new NPS director, told

me that he is eager to work with us. He is a good man, and I am confident that he will make some changes, but the NPS budget plan for the Great Smoky Mountains National Park concerns me.

Mr. GORTON. The Park Service has ample flexibility to consider equipment purchases if that is necessary for proper maintenance. The Director is aware of the problem and I encourage him to remain attentive to the situation so that this road remains open as much as possible through the winter.

#### MICHIGAN LAKES AND STREAMS

Mr. ABRAHAM. Mr. President, I rise today to speak in support of the acquisition of 7600 acres of private land located in Michigan's Huron and Manistee National Forests by the U.S. Forest Service.

As the result of a settlement between the State of Michigan and one of Michigan's power companies, 11,000 acres of the utility's land are being—or have been—transferred to the Great Lakes Fisheries Trust. The trust is a coalition of the State's environmental agencies and several conservation groups which was established as part of the settlement and is authorized to sell these lands in order to capitalize a trust fund that will support projects to restore the Great Lakes fishery.

Approximately 7,600 of the settlement acres lie within or along the boundaries of the Huron-Manistee National Forest, and a significant portion are located along the popular Au Sable and Manistee Rivers. Both these rivers boast some of the State's best fishing. The acquisition of these parcels by the Forest Service would ensure the protection of the water and forests and species located within them.

Mr. LEVIN. If my colleague would yield for a moment, it is my understanding that the bill appropriates \$700 million from the Land and Water Conservation Fund [LWCF] for land acquisition which have been set aside for a variety of projects, some of which will be identified after consultation with the administration and the House. I believe approximately \$285 million of those funds have not been designated for specific projects.

Mr. ABRAHAM. The senior Senator from Michigan is correct. These funds have been budgeted but have not yet been earmarked for specific purchases.

Mr. LEVIN. If my colleague will yield further, I think it is also important to point out that the sale of these inholdings by the Great Lakes Fishery Trust will help generate funds for fishery enhancement programs and preserve critically important frontage along rivers that flow into the Great Lakes. If, however, these lands are not purchased quickly, then the Great Lakes Fisheries Trust could face significant costs, including taxes and administrative fees. Such costs would put the trust in the uncomfortable position of either having to sell these lands commercially or paying these costs and thereby reducing the flow of funds destined for financing improvements in the Great Lakes fishery.

Mr. ABRAHAM. My colleague is again correct. the Great Lakes Fish-

eries Trust and the Forest Service have a great opportunity to protect some of Michigan's pristine natural resources. Unfortunately, if we do not act soon, this opportunity will quickly slip away.

Mr. GORTON. Will the Senator from Michigan yield for a question?

Mr. ABRAHAM. Mr. President, I would be happy to yield to the distinguished Senator from Washington.

Mr. GORTON. Can my colleague tell me whether the U.S. Forest Service has expressed an interest in purchasing these lands?

Mr. ABRAHAM. Yes, the Forest Service has expressed its desire to purchase these acres. I understand that this acquisition is on the Forest Service's priority list.

Mr. GORTON. I thank the Senators from Michigan for bringing this to my attention. I understand how important this issue is to them both and will give it due consideration as the conferees consider Federal land purchases during the conference.

Mr. ABRAHAM. Mr. President, I wish to thank the distinguished subcommittee chairman for his consideration and hard work in support of this Nation's parks, national forests, and wildlife refuges.

Mr. LEVIN. I appreciate the Senator's consideration and my colleague from Michigan's efforts and interest on this matter. Also, I want the chairman and Senator BYRD to know that I have communicated our interest to the administration and urged that this item be put on their priority list.

#### CHICKAMAUGA-CHATTANOOGA NATIONAL MILITARY PARK HIGHWAY ROAD RELOCATION PROJECT

Mr. COVERDELL. Will the distinguished chairman of the Senate Appropriations Subcommittee on Interior yield for a question?

Mr. GORTON. I would be happy to yield to the senior Senator from Georgia for a question.

Mr. COVERDELL. As the Senator well knows, Federal funding for the Chickamauga-Chattanooga National Military Park highway road relocation project is very important to myself and the State of Georgia. Your previous support for this project has been especially helpful and appreciated. I note that in the fiscal year 1998 Interior Appropriations Committee report, on page 38, it states "that the Park Service intends to allocate \$2.8 million in fiscal year 1997 to continue work on the Chickamauga-Chattanooga National Military Park highway road relocation project, and that additional funds will be allocated in fiscal year 1999 from Federal Highway Lands Program funds." In addition, the report also states that "the committee supports efforts to complete this project in fiscal year 1999."

I appreciate the subcommittee chairman's interest in this important issue. However, I am concerned that it appears that no funding will be allocated for this project in fiscal year 1998. This has been an ongoing road construction project and any further delay in its completion will cause additional bur-

dens to my State. It is my understanding that the Park Service has made assurances that it will provide at least \$8.85 million in fiscal year 1998 from its Federal Highway Lands Program funds. Is the Senator aware of these assurances made by the Park Service?

Mr. GORTON. Yes. I am aware that the Park Service has indicated that it will provide an estimated \$8.85 million in fiscal year 1998 from its Federal Highway Lands Program funds to continue work on the U.S. Highway 27 bypass around the Chickamauga-Chattanooga National Military Park in Georgia. The Senator should be aware, however, that the current authorization for FLHP expires with ISTEA on September 30, 1997, so any allocations for fiscal year 1998 are dependent upon enactment of a new authorization and evaluation of the total funding allowed.

Mr. COVERDELL. If the subcommittee chairman would further yield, it is my understanding that the House's version of the fiscal year 1998 Interior appropriations bill includes report language which reflects the Park Service's assurance and sets aside a minimum of \$8.85 million for this project. I believe it is critical there be no further delays in completion of this project or gaps in funding from the Park Service. Would the chairman be inclined to include language similar to the House in the conference report to the fiscal year 1998 Interior appropriations bill?

Mr. GORTON. I would be happy to work with the senior Senator from Georgia on this issue. I realize how important the Chickamauga-Chattanooga project is to you and the State of Georgia. I appreciate all your hard work and diligence on this project.

Mr. COVERDELL. I thank the chairman for his help. I yield the floor.

#### RENOVATION OF MONTEZUMA CREEK HEALTH CLINIC

Mr. BENNETT. I thank the distinguished Chairman, Senator GORTON, for his support on a matter of particular importance to the Utah Navajo population of San Juan County. The issue involves the Montezuma Creek Health Clinic in Montezuma Creek, UT.

For nearly 3 years, my colleague Senator HATCH and I have worked together to improve the delivery of health care services to the residents of San Juan County. This area is located in an extremely remote part of southeastern Utah and is the home of approximately 6,000 Navajos. The Montezuma Creek Clinic is very important to this rural community. However, the existing facility is in extremely poor condition and has undergone numerous repairs. The clinic comprises a patchwork of a mobile trailer connected to a permanent structure which is approximately 40 years old.

In an effort to make improvements to the clinic, the committee provided

\$100,000 for planning and renovation of the existing structure. These funds will be matched by the State of Utah and the Utah Navajo Trust Fund that collectively will provide at least \$300,000 for renovation of the facility. However, I do have a question for the Chairman regarding the intent of the committee report language with respect to how these funds can be spent.

Mr. GORTON. I would be happy to provide a clarification.

Mr. BENNETT. The committee report language on page 98 states: "The Committee does not intend for any of these funds to be used for facility or program [expansion], but rather, for improvement of existing conditions." My concern is over the word "expansion." As a practical matter, the renovation of the facility may result in an expansion of the overall structure. This is especially apparent since the clinic is partially housed in a temporary structure and replacing it may, in fact, increase the overall square footage of the clinic. They clinic's staff also informs me there is a critical need to increase the size of the emergency room as well as add additional examination rooms in order to handle the current heavy caseload. Moreover, in order to comply with Federal and State building codes, some expansion of the facility will be needed. Clearly, these measures are designed to accommodate existing services and, as such, should not be viewed as an expansion per se.

Mr. GORTON. I understand the Senator's concerns. The committee intends that the funds are used toward the design and construction of renovating and improving the existing facility. Making improvements to accommodate existing services is certainly acceptable. Such measures would include replacing temporary housing with a permanent addition as well as enlarging the emergency room, or adding examination rooms. The use of the word expansion in the committee report was used to indicate that the committee cannot ensure that additional funding—beyond what is currently provided in this bill—will be provided by virtue of facility improvements being made at this location. If additional costs are anticipated because of a larger facility than presently exists, the committee will consider these needs but can make no guarantees.

Mr. BENNETT. I understand the Chairman's position. The funds provided by the committee are a positive step in improving the conditions at the Montezuma Creek. I think my colleague for the clarification and, once again, appreciate his support for this important project. I also want to thank Senator HATCH for his support and work on this project.

Mrs. BOXER. Mr. President, increasingly frequent catastrophic die-offs of fish and waterfowl at the Salton Sea have led experts to conclude that the entire ecosystem is in crisis and could perish in the next five to ten years unless dramatic measures are taken. The

crisis has dire implications for migratory birds on the Pacific Flyway because the Salton Sea is a critical stop for species migrating along the Pacific Coast. Urgent scientific research is underway, but scientists have not yet identified the cause of the environmental crisis. The area's agriculture, wildlife, water usage, and environmental health systems are in jeopardy.

Another massive die-off is occurring now. Previously, the U.S. Fish and Wildlife Service and the U.S. Geological Survey worked in partnership with the California Department of Fish and Game to deal the diagnosis of dead species, rehabilitation of sick birds, and the disposal of carcasses to avert the spread of disease. Unfortunately, just a few weeks ago, California withdrew most of its field personnel due to costs and concerns about the potential health threat to state field personnel. California's withdrawal has resulted in a significant increase in the workload of an already undersized federal staff at the Sea.

I therefore ask the Chairman of the subcommittee to work with me to include the following report language in conference.

Spurred by the accelerated rate of species decline at the Salton Sea, the Committee directs the Secretary of the Interior to create a plan for Department of the Interior activities in the Salton Sea region in Southern California; to submit the plan to Congress no later than April 15, 1998; and to make every effort to consider any preliminary recommendations in the FY 1999 Budget request. The plan should seek to be as comprehensive as possible, and to be compatible with important factors including water transfer plans, environmental restoration needs, economic factors (including agriculture) and the rights of Native Americans. The Department shall develop the plan in cooperation with the State of California and the Salton Sea Authority. In addition the Committee urges the Department to consider the funding needs of the Salton Sea National Wildlife Refuge for operations including laboratory support from the U.S. Geological Survey, supplemental field staff during declared die-off episodes to recover dead and dying wildlife and to monitor wildlife health at the Sea, on-site and remote field hospital operations for sick wildlife from the sea, incineration and disposal facilities for dead wildlife, and for high priority research needs identified by the 1997 Salton Sea Needs Assessment Workshop.

Mr. GORTON. I recognize the importance of addressing the emerging crisis at the Salton Sea. I share your concerns, and will carefully consider this language for possible inclusion in the Statement of Managers accompanying the conference report on the Interior bill. I would note, however, that the funding constraints under which the Interior agencies operate do not allow for agencies to perform tasks that should rightly be the responsibility of the States. Should the conferees request the report suggested by the Senator for California, such report should include a discussion of an appropriate division of responsibilities among the federal government, the State of California, and other relevant agencies.

#### TECHNICAL CORRECTIONS TO THE UTAH MINER'S HOSPITAL GRANT

Mr. BENNETT. Mr. President, I would like to discuss briefly the technical corrections made in this bill to Section 116 of the Omnibus Appropriations Act for Fiscal Year 1997. I wish to point out to my colleagues that the original language was intended to ratify the State of Utah's legislative decision to allocate all funds generated by two federal land grants for a miner's hospital to the University of Utah in Salt Lake City for construction and support of a physical rehabilitation center. However, the original language inadvertently failed to include the statutory citation of the first of the two land grants for a miner's hospital. The technical amendments correct this omission, clarifying Congress' ratification of the Utah legislature's actions with respect to funds generated from miners' hospital land grants in both 1894 and 1929.

Mr. GORTON. I thank the Senator from Utah for the clarification. Will the Senator briefly outline the history of these land grants?

Mr. BENNETT. Certainly. In the Utah Enabling Act, Congress granted the new State of Utah the right to select 50,000 acres of unappropriated federal lands for support of a miner's hospital for disabled miners. This 1894 grant was supplemented in 1929 by the grant of an additional 50,000 acres. In the late 1950's, the Utah legislature, with the support of the United Mineworkers of America, determined that accumulated funds from these two grants could best be used for the construction of a rehabilitation center that would serve both miners and the general public, rather than for the construction of a standalone hospital for the limited number of disabled miners in the state. This facility was constructed in 1965 and operated under the supervision of an advisory commission that included representatives of the State's mining unions. Subsequent state legislation has provided that ongoing funds generated from the two land grants are to be used to support this rehabilitation center.

Mr. GORTON. Will the Senator explain for the benefit of our colleagues the need for Congressional ratification of the Utah legislature's actions concerning these grants?

Mr. BENNETT. Although the rehabilitation center was constructed with the support of the United Mineworkers of America, and has been open to use by the state's miners, some have questioned whether the Utah legislature was permitted under the Utah Enabling Act to use funds generated from these grants for a rehabilitation center open to both miners and the general public, as opposed to a facility open only to miners. Section 116 of the Omnibus Appropriations Act for Fiscal Year 1997 was intended as Congressional approval of the Utah legislature's actions with respect to use of accumulated and ongoing funds from these land grants.

However, as I have noted, that Act referred only to the 1929 land grant and inadvertently failed to cite the 1894 land grant. These technical amendments correct that omission.

Mr. GORTON. I thank the Senator for the clarification. I am pleased that we can now bring this issue to closure.

Mr. DOMENICI. Mr. President, I rise in support of H.R. 2107, the fiscal year 1998 Interior and related agencies appropriations bill.

I congratulate my good friend, the senior Senator from Washington, for his diligence in fashioning this important appropriations measure. He has done a masterful job throughout the process.

Mr. President, the pending bill provides \$13.7 billion in new budget authority and \$9.1 billion in new outlays

to fund the programs of the Department of Interior, the Forest Service of the Department of Agriculture, the energy conservation and fossil energy research and development programs of the Department of Energy, the Indian Health Service, and arts-related agencies.

When outlays from prior-year budget authority and other completed actions are taken into account, the bill provides a total of \$13.8 billion in budget authority and \$13.7 billion in outlays for these programs for fiscal year 1998.

I support the bill with the adoption of the manager's amendment to bring the bill within the subcommittee's 302(b) allocation for budget authority.

The reported bill is \$38 million in outlays under the subcommittee's allocation.

It has been my privilege to serve on the subcommittee with the distinguished chairman. I appreciate the subcommittee's support for several priority projects in my home State of New Mexico.

I support the bill with the exception of the provisions relating to Indian tribes, which I will speak to later in the debate.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee's scoring of the Interior and related agencies appropriations bill for fiscal year 1998 be printed in the RECORD.

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

H.R. 2107, INTERIOR APPROPRIATIONS, 1998: SPENDING COMPARISONS—SENATE-REPORTED BILL  
[Fiscal Year 1998, \$ millions]

	Defense	Nondefense	Crime	Mandatory	Total
Senate-reported bill:					
Budget authority		13,701		55	13,756
Outlays		13,691		50	13,741
Senate 302(b) allocation:					
Budget authority		13,700		55	13,755
Outlays		13,729		50	13,779
President's request:					
Budget authority		13,747		55	13,802
Outlays		13,771		50	13,821
House-passed bill:					
Budget authority		12,980		55	13,035
Outlays		13,382		50	13,432
Senate-reported bill compared to:					
Senate 302(b) allocation:					
Budget authority		1			1
Outlays		-38			-38
President's request:					
Budget authority		-46			-46
Outlays		-80			-80
House-passed bill:					
Budget authority		721			721
Outlays		309			309

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

#### TIMBER ROAD SUBSIDIES

Mr. McCAIN. Mr. President, yesterday, I voted against the Bryan amendment regarding timber road construction subsidies. I would like to take this opportunity to explain my reasons for doing so.

First, and most important, I believe the amendment goes too far. I have consistently opposed the current subsidy because I believe it is unfair to use the value of natural resources that belong to all taxpayers to offset the full cost of access roads needed by the timber industry to harvest those resources for their own profit. I agree with the proponents of the amendment that this is nothing more than a handout of federal assets at a loss to the taxpayers.

However, because many of these roads serve dual or multiple purposes, I do not believe it is fair to shift the cost entirely to the timber industry, unless the industry is the only user of the road. This is a position I had clearly staked out in an amendment I offered in late 1995. In that amendment, I proposed to change the current system to require timber companies to pay a fair share of the costs of construction and maintenance of forest access roads. If, for example, the road would be used half of the time for recreation, maintenance or firefighting access, or some other legitimate purpose, then the timber industry would only have to pay for

half of road construction. If, however, the road would only serve the timber company, the company would pay the entire cost of construction.

I believe this is a fair means of allocating responsibility for construction and maintenance costs—based on actual use of the road. The Bryan amendment would have gone much too far and unfairly penalized the timber industry.

Second, the amendment would have cut \$10 million from the Forest Service budget for road construction and maintenance. Anyone familiar with some of the roads through our nation's forest lands recognizes the need for more funding, not less, for maintenance of existing roads. Even supporters of the amendment pointed out that the Forest Service has a \$440 million backlog of road maintenance needs for existing roads.

Many of these roads were built and paid for by the timber industry, and have since been turned over to the Forest Service. Many of them remain multi-purpose roads, providing ready access for the timber industry as well as the public and others to our forest areas. The Forest Service budget for maintenance of these roads is limited, and the Bryan amendment would have cut funding that could be used to maintain existing forest roads.

Finally, the amendment does not adequately protect the counties from a cut in the funding they receive from timber sales. Because the timber industry would be required to fully fund access roads, companies would likely submit lower bids for the timber. County governments rely on revenues from timber sales to maintain their own roadways. Because the money counties receive is based on a fixed share of total timber revenues, a smaller pot would mean less money to the counties. The National League of Counties has written a very strong letter opposing the Bryan amendment.

Let me address briefly the concerns of environmental organizations about the timber access road program. I believe we have to strike a balance in our forest management policy between preservation and production, focusing on healthy, well-maintained forests that will be preserved for future generations.

However, I doubt seriously that eliminating the road construction subsidy for timber companies would result in less logging of our forests. The key to limiting logging and road-building in our forests is a rational, reasonable forest management policy. In fact, because the revenue from timber sales would decline with lower timber bids, our forests could actually be harmed.

The Forest Service would have even less funding to carry out its important preservation and management activities, and those wishing to utilize these roads for recreational access to forest lands would be denied that opportunity.

Mr. President, this amendment was cast as an anti-pork amendment. My commitment to eliminating pork-barrel spending is quite well known to my colleagues, whether it be earmarks in an annual appropriations bill or corporate subsidies. But it is important that we look at the details of this amendment, because it would have had serious consequences for local communities and others who use these roads that I do not believe the authors intended, and which have nothing to do with pork.

Mr. President, for these reasons, I voted against the Bryan amendment. I will continue to pursue elimination of unfair and inequitable corporate subsidies, including the current timber access road subsidy. One mechanism which would help in the effort to eliminate such subsidies is an independent, non-partisan commission to study all corporate subsidies and prepare a package of recommendations for Congressional review and action, and I have authored a bill, S. 207, with several of my colleagues to set up such a commission. And I am prepared to work with Senator BRYAN and my colleagues to craft an amendment to eliminate this inequitable corporate subsidy and put in place a fair and equitable program to share the costs of timber access roads among all users, and to ensure that rural counties already strapped by declines in the timber industry are held harmless.

#### NEW WORLD MINE

Mr. BUMPERS. Mr. President, more than a year ago I addressed this body to tell my colleagues about a proposed gold mine that posed a major threat to Yellowstone National Park. Crown Butte Mining, Inc. proposed to construct a 72-acre impoundment area with a dam that would be somewhere between 75 and 100 feet high, which would have a plastic lining on the bottom and some sort of a cap on top to keep oxygen away from the 5.5 million tons of tailings from the mining operation that would go into this impoundment area. The purpose of keeping the oxygen away from it is to keep the waste from turning into sulfuric acid. This earthfill dam would be located high about Yellowstone National Park and the Yellowstone River, in one of the most seismically active, earthquake-prone areas of the country. An area where it snows thirty feet a year.

I introduced a bill at the time to withdraw Federal lands from around that mine from further disposal under the mining laws, and to draw attention to this problem. I said at that time that my bill would not legally stop Crown Butte from proceeding with the mine, but that I hoped my bill would discourage them and dissuade them

from doing it. I said that I hoped that Crown Butte, as good corporate citizens, would not force the issue and leave us to wonder whether or not this 5.5 million tons of tailings that they proposed to impound there could possibly break loose and pollute the Clarks Fort and Soda Butte Creek, which flows right into Yellowstone National Park.

To their credit, Crown Butte has not proceeded. They recognized that the public wanted to protect Yellowstone, and they were going to have to overcome some fairly significant environmental problems. And they reached an agreement with the administration and with local conservation groups that had sued them, and they agreed to let the United States buy out their interest. They reached that agreement more than a year ago, and the only thing that is required for it to be consummated—for Yellowstone to be protected from this threat and for the company to receive what they believe is fair compensation—is for us to fund that agreement in this bill.

The Interior Appropriations bill includes \$65 million for this purpose. So we have the money to accomplish this goal of protecting Yellowstone National Park.

Unfortunately, as the bill currently stands, it requires further legislation for the administration to actually use the money for that purpose. I hope we dispense with that requirement. The question is simple—do we protect Yellowstone National Park through an agreement which is supported by both the mining company and the National Park Service, and which involves paying the mining company the appraised value of its property? Or do we need to kick this around for another two years, and reward the mining company for being a responsible corporate citizen by saying, “We’ve got to think more about this”?

As the ranking minority Member of the Senate Energy Committee, I am very sensitive to that Committee’s responsibilities. But it is quite clear that no new law is required for this agreement to be consummated. It involves purchasing private inholdings in a National Forest—something the Interior Appropriations Committee has funded in hundreds of places over the past several years on the authority of existing law.

The question is simple. Do we take the opportunity to save Yellowstone, or throw it away?

I went to Yellowstone when I was 12 years old—breathtaking. I never forgot any part of it, the geysers, the magnificent waterfalls—all of it. Here is the first national park in America. Yellowstone, a crown jewel. To allow a huge industrial development generating hundreds of tons of highly acidic mine waste to threaten to destroy the first national park in America, one of the real crown jewels of the world, not just America, is absolutely unacceptable.

Many times we find that we in this chamber can’t agree on some proposal

to protect environmental values because there is another side, and a conflict. Here there is no other side. The mining company wants to solve this problem. The conservation community wants to solve this problem. I hope that when we take this matter up in conference, we will drop this requirement for further legislation and simply solve the problem.

#### WEATHERIZATION AND STATE ENERGY CONSERVATION PROGRAMS

Mr. LEAHY. Mr. President, I want to thank Chairman GORTON for increasing funding for the Low-Income Weatherization Assistance Program and the State Energy Conservation Program from the levels provided in 1997. As a strong supporter of these programs, I am encouraged to see the Senate reverse the disheartening trend of the last few years whereby the programs had been reduced to 50 percent of the 1995 level.

These programs are very important in Vermont, where high energy costs are a stark reality. Last year, Vermont and the entire Northeast experienced a dramatic price spike in heating fuel, twenty-five percent higher than the previous winter. These price spikes hurt all Vermonters, but low-income families carry a greater burden. Energy costs account for fourteen percent of their total income, four-times as much as the average household. The Weatherization assistance program eases this burden by helping families insulate their homes, replace inefficient heaters and ventilation systems and seal drafty windows and doors. One thing Vermont has plenty of is drafty, old houses.

But the Weatherization assistance program is not just about keeping homes warm, it is also about keeping homes safe. The program gives priority to houses with unsafe chimneys and wiring, cracked heating systems, carbon monoxide and combustion air concerns, and faulty mechanical systems. In Vermont, this program is saving lives. Let me share one example with my colleagues. During a routine energy audit at the home of an elderly couple, the weatherization auditor found extremely high and dangerous levels of carbon monoxide being emitted from the gas cooking range. He discovered that when the power goes out, the couple puts a blanket up around the kitchen and uses the cooking range for heat. As it turns out, the couple had been suffering from carbon monoxide poisoning in the dark every time there was a power outage. Through the Weatherization program, the defective valve system was replaced to make the home easier to heat and healthier for the couple.

Finally, the Weatherization and State Energy Conservation programs make economic sense. The Weatherization program returns \$1.80 in energy savings for every \$1.00 spent on weatherization activities. The average savings per home that participates in these programs is \$4,000 annually. Again, these are savings for low-income families who are having to make

the tough choices between heating their homes and feeding their children. These programs also benefit our economy as a whole, by creating jobs in the energy efficient technology industry and in the service sector. In Vermont, for every dollar we spend on energy efficiency, over seventy percent remains in our economy.

I commend Chairman GORTON for his support and look forward to supporting the Senate level in conference as the minimum necessary for these critical programs. As we attempt to make our nation more energy efficient we cannot turn our backs on the programs that actually work and deliver real benefits to real people. Whether these programs are insulating the homes of the elderly, disabled or poor, or helping to reduce energy costs for our hard-pressed schools and hospitals, we need to support these effective programs. I hope that we can have a successful conference in this area.

Mr. BOND. Mr. President, I rise today to commend my colleague Senator GORTON on his amendment to provide kindergarten through 12th grade education funding directly to local educational agencies. Last month, I traveled through my home State of Missouri to discuss education and the importance of parent involvement in their child's education. I strongly believe that parents are the key to educational progress. As I visited with parents, educators, and local school officials, they were in full agreement concerning the education of our children; they need the flexibility to improve the quality of education at the local level without federal intrusion. As responsible parents and educators, the need for our children to be properly educated was a top priority.

Over the last 30 years, federal involvement in education has burgeoned and I am disturbed by the growth of federal involvement in what is constitutionally the right of states: to provide for high-quality, public education. This growth has been a wolf in sheep's clothing: states and localities have been offered additional funding in exchange for adhering to federal rules and regulations. The result has been that local school officials, who are directly accountable to parents, have experienced increasingly less control over education.

The Gorton amendment gives local schools and States what they have been requesting for years: the flexibility to develop challenging academic standards and programs that works in each locality. States and communities are where the action should be in designing standards and programs. It is at those levels that disputes are most likely to be resolved and important local priorities recognized. We must return to the traditional role of education and reduce federal control.

States and local school districts are making great strides in educating our young people; however, the federal government cannot continue to impede

their ability to provide a high-quality education which they are perfectly capable of doing. The Gorton amendment sends us in the right direction, allowing both parents and educators to work together for quality education. It is bringing education back where it belongs: at the local level. We have lost too much already by the impositions of the federal government, and it is time to remedy this problem to prepare our children for the 21st century.

This amendment will ease regulations that prevent teachers, school administrators, and parents from doing what is best to improve their schools. Our goal is to ensure that our children are equipped with solid academic basics, which is learning to read, write, compute, think, and speak. There is no need to reinvent the wheel because we know what works and that is parents, teachers, and local communities working together to find local solutions to local problems to educate our children. We know that our children could be doing better and I want to ensure that local schools have every possible resource to make that happen.

Mr. President, the Gorton amendment will help strengthen our educational system by increasing local school district's flexibility and funding to improve the quality of education for our children. I am proud to support this amendment and urge my colleagues to adopt this provision in conference.

#### NATIONAL ENDOWMENT FOR HUMANITIES

Mr. JOHNSON. Mr. President, I rise today to express my strong support for the National Endowment for Humanities (NEH). While I am aware of the national importance of the NEH, I am particularly supportive of continued federal funding for NEH because of the regular and critical funding my state of South Dakota receives. Grants from NEH are vital to the people of my state in preserving the rich and unique cultural heritage of South Dakota and the surrounding great plains states.

NEH programs exemplify the type of federal-state-local partnerships that have traditionally fostered a collective dedication to cultural and historic education. The NEH gives state humanities councils the necessary freedoms to meet local education needs. In the last five years, institutions in South Dakota have received roughly \$2.7 million from the NEH and the South Dakota Humanities Council for a variety of library programs and exhibits, literary publications, and cultural heritage visitors centers.

The South Dakota Humanities Council relies on the NEH for 90 percent of its funding. That support goes directly to schools and small communities for projects like "Calamity Jane: The Woman and the Legend" produced by the Deadwood Historic Preservation Commission, and "Lakota: Language, History, and Culture" at the Bonesteel Fairfax School. At the same time, broader educational projects continue the literary legacy of many of this na-

tion's most acclaimed authors and long time South Dakota residents, including Laura Ingalls Wilder, who gave us the "Little House" series, and L. Frank Baum, author of the classic "The Wonderful Wizard of Oz." This year, South Dakota celebrated Baum's work with the Wizard of Oz Festival in Baum's hometown of Aberdeen. This festival bloomed into a statewide, year-long celebration, including reading programs in public schools, travelling educational programs, and symposiums involving scholarly interpretations of Baum's work at state colleges and universities. This far reaching festival celebrating Frank Baum's literature was made possible through several NEH grants.

The many NEH-funded heritage fairs and events held throughout my state every year are endorsed by the South Dakota State Arts and Humanities Councils, as well as state and local tourism authorities. Recently, the South Dakota State Humanities Council received one of only two national awards presented at the National Conference of State Humanities Councils for the Oscar Michaux Festival" held in Gregory, SD. These and countless other worthy public education programs will disappear in my rural State, and the creativity behind this type of education programming will be thwarted if efforts to gut or eliminate the NEH continue.

Although the United States provides far less public support for the humanities than we spend on military bands, the NEH continues to play a critically important role in improving the quality of life in rural areas, such as South Dakota. I will continue to support Federal funding for the humanities because of the NEH's very positive assistance to cultural and historic organizations and schools throughout America.

#### LOW-INCOME WEATHERIZATION PROGRAM

Mr. D'AMATO. Mr. President, I would like to engage my colleague from Washington in a colloquy on the importance of the Low-Income Weatherization Assistance Program and the State Energy Conservation Program to the people of New York, as well as the entire country.

Mr. President, I would first like to acknowledge the fact that Chairman GORTON has crafted a good bill under difficult circumstances. This bill combines a number of different agencies and functions within a tight budget cap, and I appreciate his effort to balance these different needs.

Mr. President, the Weatherization Program upgrades the energy efficiency of the homes of the poor, elderly, and disabled in this Nation. This is important in warm and cold climates alike, providing people with long-term solutions to housing affordability. This program is highly effective with low administrative costs. The State Energy Conservation Program permits States to target energy programs in all sectors of the economy, from making schools and hospitals more energy efficient to promoting alternative motor

fuels and renewable energy. This program is highly leveraged with large amounts of State, local, and private funding. As the country moves forward to restructure the electric industry, these two programs will be all the more important to meet the needs of low-income families.

Mr. President, the committee's bill provides \$5 million more than the House-passed bill for weatherization and \$1.1 million more than the House for the State Energy Conservation Program. I would like to urge Senator GORTON to stand firm in support of the Senate numbers in conference with the House.

Mr. GORTON. Mr. President, I appreciate the kind remarks of my colleague from New York. I would like to assure him that I will seek to uphold the Senate position on the weatherization program and the State Energy Conservation Program in conference. I appreciate the help and interest of the Senator from New York in these two important programs.

Mr. D'AMATO. I thank the chairman.

Mr. LOTT. Mr. President, I think we are ready now for final passage on the Interior appropriations bill. I thank all the Senators for their cooperation. I'm sorry it took so long to get to this point.

Senator DASCHLE and I have been working on a unanimous-consent agreement that would allow us to pass this bill and to get an understanding of how we will proceed on the FDA reform.

#### UNANIMOUS-CONSENT AGREEMENT—S. 830

Mr. LOTT. Mr. President, I ask unanimous consent that following the filing of the cloture motion on the FDA bill tonight, Senator KENNEDY be recognized for debate only for up to 1 hour, and the pending Harkin amendment be temporarily laid aside until Tuesday, September 23.

I further ask that when the Senate reconvenes on Friday, all time from adjournment on Thursday and reconvening on Friday count against the 30-hour cap postclosure.

I further ask that the Durbin amendments Nos. 1139 and 1140 be in order on Friday and limited to 30 minutes each, equally divided, and the votes occur in a stacked sequence at 9:30 a.m. on Tuesday, September 23, with 2 minutes for debate between each vote.

Further, I ask unanimous consent that the time between 9:30 a.m. and 10:30 a.m. on Friday be under the control of Senator KENNEDY for debate only, and when the Senate resumes consideration of FDA on Tuesday, September 23, that 5 hours remain postclosure to be equally divided, and following the stacked votes, Senator REED of Rhode Island be recognized to offer his amendment No. 1177 and all other provisions of rule XXII remain in status quo.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Therefore, in light of this agreement, the next vote tonight will be the last vote this week. The next

votes will occur at 9:30 a.m., Tuesday, September 23.

I yield the floor.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. GORTON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays having been ordered, The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Iowa [Mr. HARKIN], the Senator from New York [Mr. MOYNIHAN], and the Senator from Minnesota [Mr. WELLSTONE] are absent on official business.

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 "aye."

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

The result was announced—yeas 93, nays 3, as follows:

#### [Rollcall Vote No. 251 Leg.]

#### YEAS—93

Abraham	Feingold	Lott
Allard	Feinstein	Lugar
Baucus	Ford	Mack
Bennett	Frist	McCain
Biden	Glenn	McConnell
Bingaman	Gorton	Mikulski
Bond	Graham	Moseley-Braun
Boxer	Gramm	Murkowski
Breaux	Grams	Murray
Brownback	Grassley	Nickles
Bryan	Gregg	Reed
Bumpers	Hagel	Reid
Burns	Hatch	Robb
Byrd	Hollings	Roberts
Campbell	Hutchinson	Rockefeller
Chafee	Hutchison	Roth
Cleland	Inhofe	Santorum
Coats	Inouye	Sarbanes
Cochran	Jeffords	Sessions
Collins	Johnson	Shelby
Conrad	Kemphorne	Smith (NH)
Coverdell	Kennedy	Smith (OR)
Craig	Kerry	Smith
D'Amato	Kerry	Specter
Daschle	Kohl	Stevens
DeWine	Kyl	Thomas
Dodd	Landrieu	Thompson
Domenici	Lautenberg	Thurmond
Dorgan	Leahy	Torricelli
Durbin	Levin	Warner
Enzi	Lieberman	Wyden

#### NAYS—3

Ashcroft	Faircloth	Helms
<b>NOT VOTING—4</b>		

Akaka	Moynihan
Harkin	Wellstone

The bill (H.R. 2107), as amended, was passed.

Mr. GORTON. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, I move that the Senate insist on its amendments, request a conference with the House on the disagreeing votes of the two Houses, and that the President be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer [Mr. HAGEL] appointed Mr. GORTON, Mr. STEVENS, Mr. COCHRAN, Mr. DOMENICI, Mr. BURNS, Mr. BENNETT, Mr. GREGG, Mr. CAMPBELL, Mr. BYRD, Mr. LEAHY, Mr. BUMPERS, Mr. HOLLINGS, Mr. REID, Mr. DORGAN, and Mrs. BOXER conferees on the part of the Senate.

Mr. GORTON. As the Presiding Officer is well aware, this has been a highly complex bill with a large number of amendments, colloquies, inquiries, extensive debate and the like, and it almost, but not quite, goes without saying that it would have been impossible to reach this point without the service of large numbers of dedicated staff, many of those for individual Senators with whom my staff and committee staff have worked. But I want particularly to thank Ginny James, Anne McInerney, Martin Delgado, Hank Kashdan, and Kevin Johnson of the majority staff of the Interior subcommittee for countless hours in preparing the bill and helping me in debate; Sue Masica, Lisa Mendelson and Carole Geagley, of Senator BYRD's staff, for similar and equally important work. The two staff directors of the overall Appropriations Committee in the minority, Steve Cortese and Jim English; from my own personal staff, Chuck Berwick and Nina Nguyen, who also have worked countless hours. But most of all, the young man sitting beside me, Bruce Evans, who is the new staff director for the Interior subcommittee, who has gone through this for the first time with flying colors; who seems to be able to write some of my remarks in exactly the same way I would phrase them myself and who has been vital to our success. I hope this praise spurs them on to ever more successful work as we deal with the House, and the many differences between the two bills.

Finally, I want to say, Mr. President, even though he is absent, how greatly I appreciated the guidance and support of Senator BYRD, the most senior Member of the Democratic Party, the ranking member of the Appropriations Committee, and of course the ranking member of this subcommittee. From the moment I took the chairmanship of the subcommittee, he has been helpful and cooperative. He has pointed out many pitfalls into which I otherwise would have fallen, and has been a true friend and colleague, in a bill I think it is safe to say that is highly bipartisan in nature. In spite of the many amendments with great contests, most of

them have involved votes that have crossed party lines. And Senator BYRD has been a wonderful ally and friend in that connection.

With that, I am ready to go to conference on this bill and allow the Senate to move onto another subject.

#### MORNING BUSINESS

(During today's session of the Senate, the following morning business was transacted.)

#### FAST TRACK NEGOTIATING AUTHORITY ON TRADE AGREEMENTS

Mr. BYRD. Mr. President, The President this week submitted to the Congress the "Export Expansion and Reciprocal Trade Agreement Act of 1997", designed to renew so-called "fast track" procedures for trade agreements. There are many issues associated with this proposal, evidenced by the reports that the White House has essentially established a "war room" to marshall the votes in the Congress to support its proposal. We all know the United States needs to be competitive in foreign markets, and we all know the administration needs to strike the best deals it can with foreign nations on behalf of American business and consumers. There is no dispute over these goals. My concern today is over the procedure which the administration wishes to incorporate in considering this proposal which is driven by the insistence by the Clinton Administration that it can only be effective in promoting U.S. trade and negotiating such agreements if the legislative vehicle we consider is subject to one up-and-down vote, after a period of limited debate.

The administration has elevated its desire to eliminate the opportunity for the Congress to amend such enacting legislation to the stature or degree of a religious mantra. The administration seems to think that any agreement it submits to the Congress will, in fact, be amended, forcing it to renegotiate agreements it has reached with foreign nations and thereby shredding its statute as a negotiator. The argument goes that fast-track authority is critical because it sends to our negotiating partners a necessary promise of good faith, that is, they will know that the deals hammered out at the negotiating table won't be dismembered by amendments in the Congress. The proposition is now being stated and restated by the administration's legions ad nauseam that without fast track all is lost, American leadership is gone, nations won't negotiate with us, our strategy on trade as a nation will fail, the sky will go dark, all life forms will perish, and on and on. These assertions are repeated at every opportunity, as if repetition really makes them valid. I say they are wild exaggerations, wild exaggerations, wild exaggerations, which underestimate both the capabilities of our nego-

tiators and the sound judgment of the Congress of the United States.

Mr. President, the insistence on the no-amendment strategy reveals a staggering lack of confidence on the part of the administration in its own negotiating prowess. It suggests that, heaven forbid, possible weaknesses in the agreements that are reached will be discovered and acted upon by the Congress. It shows no sense of confidence—no sense of confidence—on the part of the administration that it can prevail in arguing the merits of a particular agreement to the Congress, thereby forcing the administration to return to the negotiating table to change an agreement. From what I understand, for instance, the relative tariff barriers between the U.S. and Chile are such that an agreement reducing the Chilean barriers is desirable. Why would the Congress not want to support an agreement that is in our interest in penetrating the Chilean market, to even out the playing field on trade matters between the U.S. and Chile?

There is no inconsistency between supporting free trade, or freer trade, as negotiated by the administration around the world, and preserving the right of the Congress not only to scrutinize the agreements reached for their worthiness, but also to question, if necessary, parts of the agreement that might appear not to be in our overall interest. If the administration does its job and negotiates sound agreements, they should be approved by the Congress as such, intact, regardless if there is "fast-track" procedure or not. The Senate is not unresponsive to arguments made by the administration that an international agreement that it has negotiated is in the national interest and that amendments could unravel it. That is not to say that if there is a flaw in the agreement that is serious enough for renegotiation, it may just be in the American national interest for the negotiators to be forced to go back to the table by the people's elected representatives and get it right. If they do the job right in the first place, renegotiation should not be necessary.

Mr. President, one could just as easily make the case that, if the Senate retained amending authority, our negotiators might just come up with a somewhat better product, knowing that the entire agreement will be scrutinized by the elected representatives of the American people. After all, the agreements that are negotiated are presumably on the behalf of the American people, the same constituency that is represented by this Senate. On the other hand, the Senate has a responsibility to turn back amendments that might be offered representing special interests, but not the overall American interest. That is the "American Way." Would such amendments be offered? Possibly. Would they be approved by a majority of Senate? Not if the American interest in the overall agreement would be hurt. This body

has the capability of exerting leadership on trade, just as on any other matter. It can do what is in the best interests of the nation and yet not kill trade agreements through special interest amendments.

The administration, in its insistence on a no-amendment treaty on trade indicates either a lack of confidence in the integrity of this body, or a lack of confidence on the part of its own negotiators, or just simply a desire to have its way and not have to do the hard work of convincing the Senate of the value of the agreement that it has just negotiated.

It wants to have it the easy way, no questions asked, just present the agreement to the Senate and the House of Representatives and both bodies just roll over and sleep, sleep, sleep; not have to do the hard work of convincing the Senate of the value of the agreement that it has just negotiated.

None of these reasons seems to justify eliminating through a special procedure the power of this body to amend if a majority of this body, or the other body, finds it necessary to do so. None of this justifies Congress' handing off its exclusive power under Article I Section 8, of the Constitution, to "regulate Commerce with foreign nations". The amending potential is a healthy check on sloppy work. The amending potential can prevent a lazy presentation of the issues, or just plain bad negotiating results.

Here is what one pundit says about the need for fast-track negotiating authority. According to David Rothkopf, in an article appearing in the current issue of "The New Democrat": "If the United States doesn't have fast-track authority it cannot negotiate agreements."

Piffle! That is sheer nonsense, "If the United States doesn't have fast-track authority it cannot negotiate agreements."

It goes on to say that this is supposedly a crucial tool that the "administration needs," according to Mr. Rothkopf "to ensure that U.S. businesses and workers are treated fairly in the global economy." I contend that this is all a non sequitur—it just does not follow that preserving the power of the Senate over legislation is inconsistent with America's ability to negotiate agreements. If the Congress does not want the trading environment supposedly created by particular agreements, it can vote the whole thing down. Fast track authority does not, somehow by itself, produce an immediate supporting of freer trade in the Congress.

The administration has expended a huge amount of energy in an exercise to convince the Congress to forego its normal ability to amend legislation. And there will be some in here who will fall for that. The administration might be better served to put those tremendous energies into negotiating sound agreements with our negotiating partners and then selling the