

We have children of immigrants in the U.S. Senate. Most of us are grandchildren or great-grandchildren of immigrants. We want people to come to America to build their dream, to build our dream, but we ought to end this practice of letting people come to America and immediately go on welfare.

Senator DOLE has agreed today—in fact, our staffs at this moment are meeting—to try to see if we can find language in this area that we can agree on, both to settle this issue and to make a fundamental change in this bill. I think if we can do that, then we are making progress toward a consensus.

I want a smaller Federal bureaucracy. If we are going to give AFDC to the States, if we are going to let States run this building block of the welfare system, it seems to me we should not be keeping 70 percent of the program's Government employees at the Federal level with nothing to run. What are these people going to do other than to get in the way of States that are trying to reform the system?

In working with Senator ASHCROFT, I have proposed that we give those Federal programs which are going to be block granted to the States no more than 10 percent of the Government positions they have now, so that they can monitor what the States are doing. Although I would rather have audits by independent firms, I cannot see any logic in giving AFDC, a program which we are eliminating at the Federal level, the ability to keep 70 percent of their Government employees in place. Is a Government job the only immortal thing in the temporal world? I would answer no, but Congress continually says yes.

Finally, I would like to expand the number of programs that we are giving to the States. We will try to block grant food stamps and I believe that there will be a cross section of Senators voting together in favor of this proposal.

The point is that although some progress has been made, we need to continue to work. In the past, we have reformed welfare many times, but we have never truly changed it. I want this bill to be different.

I yield the floor.

DEPARTMENT OF THE INTERIOR APPROPRIATIONS, 1996

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows:

A bill (H.R. 1977) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in *italics*.)

H.R. 1977

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau **[\$570,017,000]** *\$565,936,000*, to remain available until expended, of which not more than \$599,999 shall be available to the Needles Resources Area for the management of the East Mojave National Scenic Area, as defined by the Bureau of Land Management prior to October 1, 1994, in the California Desert District of the Bureau of Land Management, and of which \$4,000,000 shall be derived from the special receipt account established by section 4 of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-6a(i)): *Provided*, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors; and in addition, \$27,650,000 for Mining Law Administration program operations, to remain available until expended, to be reduced by amounts collected by the Bureau of Land Management and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than **[\$570,017,000]** *\$565,936,000*: *Provided further*, That in addition to funds otherwise available, and to remain available until expended, not to exceed \$5,000,000 from annual mining claim fees shall be credited to this account for the costs of administering the mining claim fee program, and \$2,000,000 from communication site rental fees established by the Bureau.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire use and management, fire preparedness, emergency suppression, suppression operations, emergency rehabilitation, and renovation or construction of fire facilities in the Department of the Interior, **[\$235,924,000]** *\$242,159,000*, to remain available until expended, of which not to exceed \$5,025,000, shall be available for the renovation or construction of fire facilities: *Provided*, That notwithstanding any other provision of law, persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further*, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That unobligated balances of amounts previously appropriated to the Fire Protection and Emergency Department of the Interior Firefighting Fund may be transferred or merged with this appropriation.

CENTRAL HAZARDOUS MATERIALS FUND

For expenses necessary for use by the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of

hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended (42 U.S.C. 9601 et seq.), \$10,000,000, to remain available until expended: *Provided*, That, notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to sections 107 or 113(f) of the Comprehensive Environmental Response, Compensation and Liability Act, as amended (42 U.S.C. 9607 or 9613(f)), shall be credited to this account and shall be available without further appropriation and shall remain available until expended: *Provided further*, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary of the Interior and which shall be credited to this account.

CONSTRUCTION AND ACCESS

For acquisition of lands and interests therein, and construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, **[\$2,515,000]** *\$2,615,000*, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901-07), **[\$111,409,000]** *\$100,000,000*, of which not to exceed \$400,000 shall be available for administrative expenses.

LAND ACQUISITION

For expenses necessary to carry out the provisions of sections 205, 206, and 318(d) of Public Law 94-579 including administrative expenses and acquisition of lands or waters, or interests therein, **[\$8,500,000]** *\$10,550,000* to be derived from the Land and Water Conservation Fund, to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; **[\$91,387,000]** *\$95,364,000*, to remain available until expended: *Provided*, That 25 per centum of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the provisions of the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 per centum of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than \$9,113,000, to remain available until expended: *Provided*, That not to exceed \$600,000

shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under sections 209(b), 304(a), 304(b), 305(a), and 504(g) of the Act approved October 21, 1976 (43 U.S.C. 1701), and sections 101 and 203 of Public Law 93-153, to be immediately available until expended: *Provided*, That notwithstanding any provision to the contrary of section 305(a) of the Act of October 21, 1976 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this or subsequent appropriations Acts by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such forfeiture, compromise, or settlement are used on the exact lands damage to which led to the forfeiture, compromise, or settlement: *Provided further*, That such moneys are in excess of amounts needed to repair damage to the exact land for which collected.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing law, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to \$100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau of Land Management; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed \$10,000: *Provided*, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly-produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For expenses necessary for scientific and economic studies, conservation, management, investigations, protection, and utilization of fishery and wildlife resources, except whales, seals, and sea lions, and for the performance of other authorized functions relat-

ed to such resources; for the general administration of the United States Fish and Wildlife Service; and for maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge; and not less than \$1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93-408, [\$498,035,000 (less \$885,000)] \$496,978,000, to remain available for obligation until September 30, 1997, of which \$11,557,000 shall be available until expended for operation and maintenance of fishery mitigation facilities constructed by the Corps of Engineers under the Lower Snake River Compensation Plan, authorized by the Water Resources Development Act of 1976 (90 Stat. 2921), to compensate for loss of fishery resources from water development projects on the Lower Snake River: *Provided*, That unobligated and unexpended balances in the Resource Management account at the end of fiscal year 1995, shall be merged with and made a part of the fiscal year 1996 Resource Management appropriation, and shall remain available for obligation until September 30, 1997: *Provided further*, That no monies appropriated under this Act or any other law shall be used to implement subsections (a), (b), (c), (e), (g), or (i) of section 4 of the Endangered Species Act until such time as legislation reauthorizing the Act is enacted, except that monies appropriated under this Act may be used to delist or reclassify species pursuant to subsections 4(a)(2)(B), 4(c)(2)(B)(i), and 4(c)(2)(B)(ii) of the Act.

CONSTRUCTION

For construction and acquisition of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; [\$26,355,000] \$38,775,000, to remain available until expended.

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601, et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), the Oil Pollution Act of 1990 (Public Law 101-380), and the Act of July 27, 1990 (Public Law 101-337); [\$6,019,000] \$4,000,000, to remain available until expended: *Provided*, That sums provided by any party in fiscal year 1996 and thereafter are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated or otherwise disposed of by the Secretary and such sums or properties shall be utilized for the restoration of injured resources, and to conduct new damage assessment activities.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, [\$14,100,000] \$32,031,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), as amended by Public Law 100-478, \$8,085,000 for grants to States, to be derived from the Cooperative

Endangered Species Conservation Fund, and to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), \$10,779,000.

REWARDS AND OPERATIONS

For expenses necessary to carry out the provisions of the African Elephant Conservation Act (16 U.S.C. 4201-4203, 4211-4213, 4221-4225, 4241-4245, and 1538), \$600,000, to remain available until expended.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101-233, [\$4,500,000] \$6,750,000, to remain available until expended.

LAHONTAN VALLEY AND PYRAMID LAKE FISH AND WILDLIFE FUND

For carrying out section 206(f) of Public Law 101-618, such sums as have previously been credited or may be credited hereafter to the Lahontan Valley and Pyramid Lake Fish and Wildlife Fund, to be available until expended without further appropriation.

RHINOCEROS AND TIGER CONSERVATION FUND

For deposit to the Rhinoceros and Tiger Conservation Fund, \$200,000, to remain available until expended, to be available to carry out the provisions of the Rhinoceros and Tiger Conservation Act of 1994 (P.L. 103-391).

WILDLIFE CONSERVATION AND APPRECIATION FUND

For deposit to the Wildlife Conservation and Appreciation Fund, [\$998,000] \$800,000, to remain available until expended, to be available for carrying out the Partnerships for Wildlife Act only to the extent such funds are matched as provided in section 7105 of said Act.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed [54 passenger] 113 motor vehicles, none of which are for police-type use; not to exceed \$400,000 for payment, at the discretion of the Secretary, for information, rewards, or evidence concerning violations of laws administered by the United States Fish and Wildlife Service, and miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on his certificate; repair of damage to public roads within and adjacent to reservation areas caused by operations of the United States Fish and Wildlife Service; options for the purchase of land at not to exceed \$1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the United States Fish and Wildlife Service and to which the United States has title, and which are utilized pursuant to law in connection with management and investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly-produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That the United States Fish and Wildlife Service may accept donated aircraft as replacements for existing aircraft: *Provided further*, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of

the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 103-551: *Provided further*, That none of the funds made available in this Act may be used by the U.S. Fish and Wildlife Service to impede or delay the issuance of a wetlands permit by the U.S. Army Corps of Engineers to the City of Lake Jackson, Texas, for the development of a public golf course west of Buffalo Camp Bayou between the Brazos River and Highway 332: *Provided further*, That notwithstanding the Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3911), amounts collected from the sale of admissions permits and from fees collected at units of the Fish and Wildlife Service for fiscal year 1996 shall be available for use by the Fish and Wildlife Service pursuant to paragraph (c)(4) of section 315 of this Act: *Provided further*, That, with respect to lands leased for farming pursuant to Public Law 88-567, none of the funds in this Act may be used to develop, implement, or enforce regulations or policies (including pesticide use proposals) related to the use of chemicals and pest management that are more restrictive than the requirements of applicable State and Federal laws related to the use of chemicals and pest management practices on non-Federal lands.

NATURAL RESOURCES SCIENCE AGENCY
RESEARCH, INVENTORIES, AND SURVEYS

For authorized expenses necessary for scientific research relating to species biology, population dynamics, and ecosystems; inventory and monitoring activities; technology development and transfer; the operation of Cooperative Research Units; for the purchase of not to exceed 61 passenger motor vehicles, of which 55 are for replacement only; and for the general administration of the National Biological Service, \$145,965,000, of which \$145,915,000 shall remain available until September 30, 1997, and of which \$50,000 shall remain available until expended for construction: *Provided*, That none of the funds under this head shall be used to conduct new surveys on private property unless specifically authorized in writing by the property owner: *Provided further*, That none of the funds provided herein for resource research may be used to administer a volunteer program when it is made known to the Federal official having authority to obligate or expend such funds that the volunteers are not properly trained or that information gathered by the volunteers is not carefully verified: *Provided further*, That no later than April 1, 1996, the Assistant Secretary for Water and Science shall issue agency guidelines for resource research that ensure that scientific and technical peer review is used as fully as possible in selection of projects for funding and ensure the validity and reliability of research and data collection on Federal lands: *Provided further*, That no funds available for resource research may be used for any activity that was not authorized prior to the establishment of the National Biological Survey: *Provided further*, That once every five years the National Academy of Sciences shall review and report on the resource research activities of the agency: *Provided further*, That if specific authorizing legislation is enacted during or before the start of fiscal year 1996, the agency should comply with the provisions of that legislation.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general admin-

istration of the National Park Service, including not to exceed \$1,593,000 for the Volunteers-in-Parks program, and not less than \$1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93-408, [\$1,088,249,000] \$1,092,265,000, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451), of which not to exceed \$72,000,000, to remain available until expended is to be derived from the special fee account established pursuant to title V, section 5201, of Public Law 100-203], and of which not more than \$1 shall be available for activities of the National Park Service at the Mojave National Preserve].

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, [\$35,725,000] \$38,051,000: *Provided*, That [\$248,000] \$236,000 of the funds provided herein are for the William O. Douglas Outdoor Education Center, subject to authorization.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the provisions of the Historic Preservation Act of 1966 (80 Stat. 915), as amended (16 U.S.C. 470), [\$37,934,000] \$38,312,000, to be derived from the Historic Preservation Fund, established by section 108 of that Act, as amended, to remain available for obligation until September 30, 1997.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, [\$114,868,000] \$116,480,000, to remain available until expended: *Provided*, That not to exceed [\$6,000,000] \$4,500,000 shall be paid to the Army Corps of Engineers for modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989: *Provided further*, That up to \$1,500,000 of the funds provided under this head, to be derived from the Historic Preservation Fund, established by the Historic Preservation Act of 1966 (80 Stat. 915), as amended (16 U.S.C. 470), shall be available until expended to render the site safe for visitors and to continue building stabilization of the Kennicott, Alaska copper mine.

LAND AND WATER CONSERVATION FUND
(RESCISSION)

The contract authority provided for fiscal year 1996 by 16 U.S.C. 4601-10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4-11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with statutory authority applicable to the National Park Service, [\$14,300,000] \$43,230,000, to be derived from the Land and Water Conservation Fund, to remain available until expended], of which \$4,800,000 is provided for Federal assistance to the State of Florida pursuant to Public Law 103-219,] and of which \$1,500,000 is to administer the State assistance program: *Provided*, That funds appropriated herein for the purpose of acquisition of the Elwha and Glines dams shall be used solely for acquisition, and shall not be expended until the full purchase amount has been appropriated by the Congress.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not

to exceed 518 passenger motor vehicles, of which 323 shall be for replacement only, including not to exceed 411 for police-type use, 12 buses, and 5 ambulances: *Provided*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

None of the funds in this Act may be spent by the National Park Service for a United Nations Biodiversity Initiative in the United States.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, and the mineral and water resources of the United States, its Territories and possessions, and other areas as authorized by law (43 U.S.C. 31, 1332 and 1340); classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; [\$686,944,000] \$777,503,000, of which \$62,130,000 shall be available for cooperation with States or municipalities for water resources investigations], and of which \$112,888,000 for resource research and the operations of Cooperative Research Units shall remain available until September 30, 1997: *Provided*, That no part of this appropriation shall be used to pay more than one-half the cost of any topographic mapping or water resources investigations carried on in cooperation with any State or municipality: *Provided further*, That funds available herein for resource research may be used for the purchase of not to exceed 61 passenger motor vehicles, of which 55 are for replacement only: *Provided further*, That none of the funds available under this head for resource research shall be used to conduct new surveys on private property except when it is made known to the Federal official having authority to obligate or expend such funds that the survey or research has been requested and authorized in writing by the property owner or the owner's authorized representative: *Provided further*, That none of the funds provided herein for resource research may be used to administer a volunteer program when it is made known to the Federal official having authority to obligate or expend such funds that the volunteers are not properly trained or that information gathered by the volunteers is not carefully verified: *Provided further*, That no later than April 1, 1996, the Director of the United States Geological Survey shall issue agency guidelines for resource research that ensure that scientific and technical peer review is utilized as fully as possible in selection of projects for funding and ensure the validity and reliability of research and data collection on Federal lands: *Provided further*, That no funds available for resource research may be used for any activity that was not authorized prior to the establishment of the

National Biological Survey: *Provided further*, That once every five years the National Academy of Sciences shall review and report on the resource research activities of the Survey: *Provided further*, That if specific authorizing legislation is enacted during or before the start of fiscal year 1996, the resource research component of the Survey should comply with the provisions of that legislation: *Provided further*, That unobligated and unexpended balances in the National Biological Survey, Research, inventories and surveys account at the end of fiscal year 1995, shall be merged with and made a part of the United States Geological Survey, Surveys, investigations, and research account and shall remain available for obligation until September 30, 1996].

ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for purchase of not to exceed 22 passenger motor vehicles, for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the United States Geological Survey appointed, as authorized by law, to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302, et seq.

MINERALS MANAGEMENT SERVICE ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only; [\$186,556,000] \$182,169,000, of which not less than \$70,105,000 shall be available for royalty management activities; and an amount not to exceed [\$12,400,000] \$15,400,000 for the Technical Information Management System [of] and Related Activities of the Outer Continental Shelf (OCS) Lands Activity, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for OCS administrative activities performed by the Minerals Management Service over and above the rates in effect on September 30, 1993, and from additional fees for OCS administrative activities established after September 30, 1993: *Provided*, That beginning in fiscal year 1996 and thereafter, fees for royalty rate relief applications shall be established (and revised as needed) in Notices to Lessees, and shall be credited to this account in the program areas performing the function, and remain available until expended for the costs of administering the royalty rate relief authorized by 43 U.S.C. 1337(a)(3): *Provided further*, That \$1,500,000 for computer acquisitions shall remain available until September 30,

1997: *Provided further*, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721 (b) and (d): *Provided further*, That not to exceed \$3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: *Provided further*, That notwithstanding any other provision of law, \$15,000 under this head shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the Minerals Management Service concurred with the claimed refund due, to pay amounts owed to Indian allottees or Tribes, or to correct prior unrecoverable erroneous payments: *Provided further*, That beginning in fiscal year 1996 and thereafter, the Secretary shall take appropriate action to collect unpaid and underpaid royalties and late payment interest owed by Federal and Indian mineral lessees and other royalty payors on amounts received in settlement or other resolution of disputes under, and for partial or complete termination of, sales agreements for minerals from Federal and Indian leases.

OIL SPILL RESEARCH

For necessary expenses to carry out the purposes of title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, \$6,440,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

BUREAU OF MINES MINES AND MINERALS

[For expenses necessary for the orderly closure of the Bureau of Mines, \$87,000,000] *For expenses necessary for conducting inquiries, technological investigations, and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs; to foster and encourage private enterprise in the development of mineral resources and the prevention of waste in the mining, minerals, metal, and mineral reclamation industries; to inquire into the economic conditions affecting those industries; to promote health and safety in mines and the mineral industry through research; and for other related purposes as authorized by law, \$132,507,000, of which \$111,192,000 shall remain available until expended.*

ADMINISTRATIVE PROVISIONS

The Secretary is authorized to accept lands, buildings, equipment, other contributions, and fees from public and private sources, and to prosecute projects using such contributions and fees in cooperation with other Federal, State or private agencies: *Provided*, That the Bureau of Mines is authorized, during the current fiscal year, to sell directly or through any Government agency, including corporations, any metal or mineral products that may be manufactured in pilot plants operated by the Bureau of Mines, and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipts: *Provided further*, That notwithstanding any other provision of law, the Secretary is authorized to convey, without reimbursement, title and all interest of the United States in property and facilities of the United States Bureau of Mines in Juneau, Alaska to the City and Borough of Juneau, Alaska; in Tuscaloosa, Alabama, to The University of Alabama; in Rolla, Missouri, to the University of Missouri-Rolla; and in other localities to such university or government entities as the Secretary deems appropriate.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and

Reclamation Act of 1977, Public Law 95-87, as amended, including the purchase of not to exceed 15 passenger motor vehicles for replacement only; [\$92,751,000] \$95,470,000, and notwithstanding 31 U.S.C. 3302, an additional amount shall be credited to this account, to remain available until expended, from performance bond forfeitures in fiscal year 1996: *Provided*, That notwithstanding any other provision of law, the Secretary of the Interior, pursuant to regulations, may utilize directly or through grants to States, moneys collected in fiscal year 1996 pursuant to the assessment of civil penalties under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: *Provided further*, That notwithstanding any other provision of law, appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out the provisions of title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, as amended, including the purchase of not more than 22 passenger motor vehicles for replacement only, [\$176,327,000] \$170,441,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended[, of which \$5,000,000 shall be used for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines through the Appalachian Clean Streams Initiative]: *Provided*, That grants to minimum program States will be \$1,500,000 per State in fiscal year 1996: *Provided further*, That of the funds herein provided up to \$18,000,000 may be used for the emergency program authorized by section 410 of Public Law 95-87, as amended, of which no more than 25 per centum shall be used for emergency reclamation projects in any one State and funds for Federally-administered emergency reclamation projects under this proviso shall not exceed \$11,000,000: *Provided further*, That donations credited to the Abandoned Mine Reclamation Fund, pursuant to section 401(b)(3) of Public Law 95-87, are hereby appropriated and shall be available until expended to support projects under the Appalachian Clean Streams Initiative, directly, through agreements with other Federal agencies, as otherwise authorized, or through grants to States or local governments, or tax-exempt private entities]: *Provided further*, That prior year unobligated funds appropriated for the emergency reclamation program shall not be subject to the 25 per centum limitation per State and may be used without fiscal year limitation for emergency projects: *Provided further*, That pursuant to Public Law 97-365, the Department of the Interior is authorized to utilize up to 20 per centum from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts.

BUREAU OF INDIAN AFFAIRS OPERATION OF INDIAN PROGRAMS

For operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts, and grants including expenses necessary to provide education and welfare services for Indians, either directly or in cooperation with States and other organizations, including payment of care, tuition, assistance, and other expenses of Indians in boarding homes, or institutions, or schools; grants and other assistance to needy

Indians; maintenance of law and order; management, development, improvement, and protection of resources and appurtenant facilities under the jurisdiction of the Bureau of Indian Affairs, including payment of irrigation assessments and charges; acquisition of water rights; advances for Indian industrial and business enterprises; operation of Indian arts and crafts shops and museums; development of Indian arts and crafts, as authorized by law; for the general administration of the Bureau of Indian Affairs, including such expenses in field offices; maintaining of Indian reservation roads as defined in section 101 of title 23, United States Code; and construction, repair, and improvement of Indian housing, [\$1,508,777,000 (plus \$851,000)] \$997,221,000, of which not to exceed [\$106,126,000] \$104,626,000 shall be for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts or grants or compacts entered into with the Bureau of Indian Affairs prior to fiscal year 1996, as authorized by the Indian Self-Determination Act of 1975, as amended, and [\$5,000,000] up to \$5,000,000 shall be for the Indian Self-Determination Fund, which shall be available for the transitional cost of initial or expanded tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act; and of which not to exceed [\$330,711,000] \$330,991,000 for school operations costs of Bureau-funded schools and other education programs shall become available for obligation on July 1, 1996, and shall remain available for obligation until September 30, 1997; and of which not to exceed [\$67,138,000] \$69,477,000 for higher education scholarships, adult vocational training, and assistance to public schools under the [Johnson O'Malley Act] Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), shall remain available for obligation until September 30, 1997; and of which not to exceed [\$74,814,000] \$35,331,000 shall remain available until expended for [trust funds management;] housing improvement, road maintenance, [attorney fees, litigation support,] self-governance grants, and the Indian Self-Determination Fund, and the Navajo-Hopi Settlement Program;] *Provided*, That tribes and tribal contractors may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants or compact agreements: *Provided further*, That funds made available to tribes and tribal organizations through contracts or grants obligated during fiscal year 1996, as authorized by the Indian Self-Determination Act of 1975 (88 Stat. 2203; 25 U.S.C. 450 et seq.), or grants authorized by the Indian Education Amendments of 1988 (25 U.S.C. 2001 and 2008A) shall remain available until expended by the contractor or grantee; *Provided further*, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with the accounting of such funds from which the beneficiary can determine whether there has been a loss; *Provided further*, That to provide funding uniformity within a Self-Governance Compact, any funds provided in this Act with availability for more than one year may be reprogrammed to one year availability but shall remain available within the Compact until expended: *Provided further*, That notwithstanding any other provision of law, Indian tribal governments may, by appropriate changes in eligibility criteria or by other means, change eligibility for general assistance or change the amount of general assistance payments for individuals within

the service area of such tribe who are otherwise deemed eligible for general assistance payments so long as such changes are applied in a consistent manner to individuals similarly situated: *Provided further*, That any savings realized by such changes shall be available for use in meeting other priorities of the tribes: *Provided further*, That any net increase in costs to the Federal Government which result solely from tribally increased payment levels for general assistance shall be met exclusively from funds available to the tribe from within its tribal priority allocation; *Provided further*, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 1996, may be transferred during fiscal year 1997 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: *Provided further*, That any such unobligated balances not so transferred shall expire on September 30, 1997; *Provided further*, That notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs, other than the amounts provided herein for assistance to public schools under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), shall be available to support the operation of any elementary or secondary school in the State of Alaska in fiscal year 1996: *Provided further*, That funds made available in this or any other Act for expenditure through September 30, 1997 for schools funded by the Bureau of Indian Affairs shall be available only to the schools which are in the Bureau of Indian Affairs school system as of September 1, 1995: *Provided further*, That no funds available to the Bureau of Indian Affairs shall be used to support expanded grades for any school beyond the grade structure in place at each school in the Bureau of Indian Affairs school system as of October 1, 1995: *Provided further*, That notwithstanding the provisions of 25 U.S.C. 2011(h)(1)(B) and (c), upon the recommendation of a local school board for a Bureau of Indian Affairs operated school, the Secretary shall establish rates of basic compensation or annual salary rates for the positions of teachers and counselors (including dormitory and homeliving counselors) at the school at a level not less than that for comparable positions in public school districts in the same geographic area: *Provided further*, That notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations or pooled overhead general administration shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103-413), unless a proposal for amounts to be available for such tribal contracts, grants, compacts, or cooperative agreements has been submitted to and approved by the Committees on Appropriations: *Provided further*, That of the funds available only through September 30, 1995, not to exceed \$8,000,000 in unobligated and unexpended balances in the Operation of Indian Programs account shall be merged with and made a part of the fiscal year 1996 Operation of Indian Programs appropriation, and shall remain available for obligation for employee severance, relocation, and related expenses, until March 31, 1996.

CONSTRUCTION

For construction, major repair, and improvement of [irrigation and power systems,] buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands and interests in lands; and preparation of lands for farming, \$98,033,000] \$60,088,000, to remain available until expended: *Provided*, [That such amounts as may be available for

the construction of the Navajo Indian Irrigation Project and for other water resource development activities related to the Southern Arizona Water Rights Settlement Act may be transferred to the Bureau of Reclamation: *Provided further*,] That not to exceed 6 per centum of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau of Indian Affairs; *Provided further*, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a non-reimbursable basis; *Provided further*, That for the fiscal year ending September 30, 1996, in implementing new construction or facilities improvement and repair project grants in excess of \$100,000 that are provided to tribally controlled grant schools under Public Law 100-297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: *Provided further*, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: *Provided further*, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: *Provided further*, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): *Provided further*, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e).

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

[For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, \$75,145,000, to remain available until expended; of which \$73,100,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 87-483, 97-293, 101-618, 102-374, 102-441, 102-575, and 103-116, and for implementation of other enacted water rights settlements, including not to exceed \$8,000,000, which shall be for the Federal share of the Catawba Indian Tribe of South Carolina Claims Settlement, as authorized by section 5(a) of Public Law 103-116; and of which \$1,045,000 shall be available pursuant to Public Laws 98-500, 99-264, and 100-580; and of which \$1,000,000 shall be available (1) to liquidate obligations owed tribal and individual Indian payees of any checks canceled pursuant to section 1003 of the Competitive Equality Banking Act of 1987 (Public Law 100-86 (101 Stat. 659)), 31 U.S.C. 3334(b), (2) to restore to Individual Indian Monies trust funds, Indian Irrigation Systems, and Indian Power Systems accounts amounts invested in credit unions or defaulted savings and loan associations and which were not Federally insured, and (3) to reimburse Indian trust fund account holders for losses to their respective accounts where the claim for said loss(es) has been reduced to a judgment or settlement agreement approved by the Department of Justice.]

TECHNICAL ASSISTANCE OF INDIAN ENTERPRISES

For payment of management and technical assistance requests associated with loans and grants approved under the Indian Financing Act of 1974, as amended, \$900,000.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans \$7,000,000, as authorized by the Indian Financing Act of 1974, as amended: *Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$50,680,000.*

In addition, for administrative expenses necessary to carry out the guaranteed loan program, \$700,000.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Indian Affairs shall be available for expenses of exhibits, and purchase of not to exceed 275 passenger carrying motor vehicles, of which not to exceed 215 shall be for replacement only.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, [\$52,405,000, to remain available until expended for brown tree snake control and research] \$68,188,000, of which (1) \$64,661,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94-241; 90 Stat. 272); and (2) \$3,527,000 shall be available for salaries and expenses of the Office of Insular Affairs: *Provided, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or utilized by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: Provided further, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 99-396, or any subsequent legislation related to Commonwealth of the Northern Mariana Islands Covenant grant funding: Provided further, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: Provided further, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance of capital infrastructure in American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia through assessments of long-range operations and maintenance needs, improved capability of local operations and maintenance institutions and agencies (including management and vocational education training), and project-specific maintenance (with territorial participation and cost sharing to be determined by the Secretary based on the individual territory's commitment to timely maintenance of its capital assets): Provided further, That any appropriation for disaster assistance under this head in this Act or previous appropriations Acts may be used as non-Federal matching funds for*

the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and 233 of the Compacts of Free Association, and for economic assistance and necessary expenses for the Republic of Palau as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, \$24,938,000, to remain available until expended, as authorized by Public Law 99-239 and Public Law 99-658, and \$4,580,000 for impact aid for Guam under section 104(e)(6) of Public Law 99-239: *Provided, That notwithstanding section 112 of Public Law 101-219 (103 Stat. 1873), the Secretary of the Interior may agree to technical changes in the specifications for the project described in the subsidiary agreement negotiated under section 212(a) of the Compact of Free Association, Public Law 99-658, or its annex, if the changes do not result in increased costs to the United States.*

DEPARTMENTAL OFFICES

[OFFICE OF THE SECRETARY]

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses [of the Office of the Secretary] for management of the Department of the Interior, [\$53,919,000] \$58,109,000, of which not to exceed \$7,500 may be for official reception and representation expenses: *Provided, That none of the funds provided herein for official reception and representation expenses shall be available until the Charter for the Advisory Commission referred to in Title 30 of Public Law 102-575 has been filed and the Members of such Commission appointed.*

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, \$34,608,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, \$23,939,000.

CONSTRUCTION MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Construction Management, \$500,000.

NATIONAL INDIAN GAMING COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the National Indian Gaming Commission, pursuant to Public Law 100-497, \$1,000,000: *Provided, That on October 1, 1995, the Chairman shall submit to the Secretary a report detailing those Indian tribes or tribal organizations with gaming operations that are in full compliance, partial compliance, or non-compliance with the provisions of the Indian Gaming Regulatory Act (25 U.S.C. 2701, et seq.): Provided further, That the information contained in the report shall be updated on a continuing basis.*

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants including expenses necessary to provide for management, development, improvement, and protection of resources and appurtenant facilities formerly under the jurisdiction of the Bureau of Indian Affairs, including payment of irrigation assessments and charges and acquisition of water rights, \$280,038,000, of which \$15,964,000 shall remain

available until expended for trust funds management, attorney fees, litigation support, and the Navajo-Hopi Settlement Program: *Provided, That funds made available to tribes and tribal organizations through contracts or grants obligated during fiscal year 1996, as authorized by the Indian Self-Determination Act of 1975 (88 Stat. 2203; 25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: Provided further, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with the accounting of such funds from which the beneficiary can determine whether there has been a loss: Provided further, That notwithstanding any other provision of law, the reconciliation report to be submitted pursuant to Public Law 103-412 shall be submitted by November 30, 1997: Provided further, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 1996, may be transferred during fiscal year 1997 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's fund account: Provided further, That any such obligated balances not so transferred shall expire on September 30, 1997: Provided further, That obligated and unobligated balances provided for trust funds management, attorney fees, litigation support, and the Navajo-Hopi Settlement Program within "Operation of Indian programs," Bureau of Indian Affairs are hereby transferred to and merged with this appropriation.*

CONSTRUCTION

For construction, major repair, and improvement of irrigation and power systems; acquisition of lands and interest in lands; and preparation of lands for farming, \$47,245,000, to remain available until expended: *Provided, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project and for other water resource development activities related to the Southern Arizona Water Rights Settlement Act may be transferred to the Bureau of Reclamation: Provided further, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a non-reimbursable basis: Provided further, That all irrigation and power projects and dams under the jurisdiction of the Bureau of Indian Affairs on the date of enactment of this Act are hereby transferred to the jurisdiction of the Special Trustee for American Indians: Provided further, That the obligated and unobligated balances of the resources management activity within "Construction," Bureau of Indian Affairs, are hereby transferred to and merged with this appropriation.*

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, \$82,745,000, to remain available until expended; of which \$78,600,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 87-483, 97-293, 101-618, 102-374, 102-441, 102-575, and 103-116, and for implementation of other enacted water rights settlements, including not to exceed \$8,000,000, which shall be for the Federal share of the Catawba Indian Tribe of South Carolina Claims Settlement, as authorized by section 5(a) of Public Law 103-116; and of which \$1,045,000 shall be available pursuant to Public Laws 98-500, 99-264, and 100-580; and of which \$3,100,000 shall be available (1) to liquidate obligations owed tribal and individual Indian payees of any checks canceled pursuant to section 1003 of the Competitive Equality Banking Act of 1987 (Public Law 100-86 (101 Stat. 659)), 31 U.S.C. 3334(b), (2) to restore to Individual Indian Monies trust funds,

Indian Irrigation Systems, and Indian Power Systems accounts amounts invested in credit unions or defaulted savings and loan associations and which were not Federally insured, and (3) to reimburse Indian trust fund account holders for losses to their respective accounts where the claim for said loss(es) has been reduced to a judgment or settlement agreement approved by the Department of Justice: Provided, That the obligated and unobligated balances of "Indian land and water claim settlements and miscellaneous payments to Indians," Bureau of Indian Affairs, are hereby transferred to and merged with this appropriation.

TRANSFERS OF BALANCES OF APPROPRIATIONS

Under the terms and conditions of the original appropriations, the obligated and unobligated balances of the following appropriations are hereby transferred from the Bureau of Indian Affairs to the Office of the Special Trustee for American Indians: Navajo Rehabilitation Trust Fund, Claims and Treaty Obligations, O&M Indian Irrigation Systems, Cooperative Fund (Papago), Tribal Trust Funds, Funds Contributed for the Advancement of the Indian Race, Bequest of George C. Edgeter, Northern Cheyenne, Payment to Tribal Economic Recovery Fund, Crow Boundary Settlement Act, and Tribal Economic Recovery Fund.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That notwithstanding any other provision of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: *Provided further*, That no programs funded with appropriated funds in [the "Office of the Secretary"] "*Departmental Management*", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 and [must.] *must* be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oilspills; response and natural resource damage assessment activities related to actual oilspills; for the

prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99-198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95-87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for emergency rehabilitation and wildfire suppression activities, no funds shall be made available under this authority until funds appropriated to the "Emergency Department of the Interior Firefighting Fund" shall have been exhausted: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 and must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, U.S.C.: *Provided*, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed \$500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902 and D.C. Code 4-204).

SEC. 106. Appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of twelve months beginning at any time during the fiscal year.

[SEC. 107. Appropriations made in this title from the Land and Water Conservation Fund for acquisition of lands and waters, or interests therein, shall be available for transfer, with the approval of the Secretary, between

the following accounts: Bureau of Land Management, Land acquisition, United States Fish and Wildlife Service, Land acquisition, and National Park Service, Land acquisition and State assistance. Use of such funds are subject to the reprogramming guidelines of the House and Senate Committees on Appropriations.

[SEC. 108. Amounts appropriated in this Act for the Presidio which are not obligated as of the date on which the Presidio Trust is established by an Act of Congress shall be transferred to and available only for the Presidio Trust.

[SEC. 109. Section 6003 of Public Law 101-380 is hereby repealed.]

SEC. 110. None of the funds appropriated or otherwise made available by this Act may be obligated or expended by the Secretary of the Interior for developing, promulgating, and thereafter implementing a rule concerning rights-of-way under section 2477 of the Revised Statutes.

SEC. 111. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore leasing and related activities placed under restriction in the President's moratorium statement of June 26, 1990, in the areas of Northern, Central, and Southern California; the North Atlantic; Washington and Oregon; and the Eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 112. No funds provided in this title may be expended by the Department of the Interior for the conduct of leasing, or the approval or permitting of any drilling or other exploration activity, on lands within the North Aleutian Basin planning area.

SEC. 113. No funds provided in this title may be expended by the Department of the Interior for the conduct of preleasing and leasing activities in the Eastern Gulf of Mexico for Outer Continental Shelf Lease Sale 151 in the Outer Continental Shelf Natural Gas and Oil Resource Management Comprehensive Program, 1992-1997.

SEC. 114. No funds provided in this title may be expended by the Department of the Interior for the conduct of preleasing and leasing activities in the Atlantic for Outer Continental Shelf Lease Sale 164 in the Outer Continental Shelf Natural Gas and Oil Resource Management Comprehensive Program, 1992-1997.

SEC. 115. (a) *Of the funds appropriated by this Act or any subsequent Act providing for appropriations in fiscal years 1996 and 1997, not more than 50 percent of any self-governance funds that would otherwise be allocated to each Indian tribe in the State of Washington shall actually be paid to or on account of such Indian tribe from and after the time at which such tribe shall—*

(1) *take unilateral action that adversely impacts the existing rights to and/or customary uses of, nontribal member owners of fee simple land within the exterior boundary of the tribe's reservation to water, electricity, or any other similar utility or necessity for the nontribal members' residential use of such land; or*

(2) *restrict or threaten to restrict said owners use of or access to publicly maintained rights of way necessary or desirable in carrying the utilities or necessities described above.*

(b) *Such penalty shall attach to the initiation of any legal action with respect to such rights or the enforcement of any final judgment, appeals from which has been exhausted, with respect thereto.*

SEC. 116. *Within 30 days after the enactment of this Act, the Department of the Interior shall issue a specific schedule for the completion of the Lake Cushman Land Exchange Act (Public Law 102-436) and shall complete the exchange not later than September 30, 1996.*

SEC. 117. Notwithstanding Public Law 90-544, as amended, the National Park Service is authorized to expend appropriated funds for maintenance and repair of the Company Creek Road in the Lake Chelan National Recreation Area: Provided, That appropriated funds shall not be expended for the purpose of improving the property of private individuals unless specifically authorized by law.

SEC. 118. INSULAR DEVELOPMENT.—

Section 1. Territorial and Freely Associated State Infrastructure Assistance

Section 4(b) of Public Law 94-241 (90 Stat. 263) as added by section 10 of Public Law 99-396 (99 Stat. 837, 841) is amended by deleting "until Congress otherwise provides by law." and inserting in lieu thereof: "except that, for fiscal years 1996 and thereafter, payments to the Commonwealth of the Northern Mariana Islands pursuant to the multi-year funding agreements contemplated under the Covenant shall be limited to the amounts set forth in the Agreement of the Special Representatives on Future Federal Financial Assistance of the Northern Mariana Islands, executed on December 17, 1992 between the special representative of the President of the United States and special representatives of the Governor of the Northern Mariana Islands and shall be subject to all the requirements of such Agreement with any additional amounts otherwise made available under this section in any fiscal year and not required to meet the schedule of payments set forth in the Agreement to be provided as set forth in subsection (c) until Congress otherwise provides by law.

"(c) The additional amounts referred to in subsection (b) shall be made available to the Secretary for obligation as follows:

"(1) for fiscal year 1996, all such amounts shall be provided for capital infrastructure projects in American Samoa; and

"(2) for fiscal years 1997 and thereafter, all such amounts shall be available solely for capital infrastructure projects in Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Federated States of Micronesia and the Republic of the Marshall Islands: Provided, That, in fiscal year 1997, \$3,000,000 of such amounts shall be made available to the College of the Northern Marianas and beginning in fiscal year 1997, and in each year thereafter, not to exceed \$3,000,000 may be allocated, as provided in Appropriation Acts, to the Secretary of the Interior for use by Federal agencies or the Commonwealth of the Northern Mariana Islands to address immigration, labor, and law enforcement issues in the Northern Mariana Islands, including, but not limited to detention and corrections needs. The specific projects to be funded shall be set forth in a five-year plan for infrastructure assistance developed by the Secretary of the Interior in consultation with each of the island governments and updated annually and submitted to the Congress concurrent with the budget justifications for the Department of the Interior. In developing and updating the five year plan for capital infrastructure needs, the Secretary shall indicate the highest priority projects, consider the extent to which particular projects are part of an overall master plan, whether such project has been reviewed by the Corps of Engineers and any recommendations made as a result of such review, the extent to which a set-aside for maintenance would enhance the life of the project, the degree to which a local cost-share requirement would be consistent with local economic and fiscal capabilities, and may propose an incremental set-aside, not to exceed \$2,000,000 per year, to remain available without fiscal year limitation, as an emergency fund in the event of natural or other disasters to supplement other assistance in the repair, replacement, or hardening of essential facilities: Provided further, That the cumulative amount set aside for such emergency fund may not exceed \$10,000,000 at any time.

"(d) Within the amounts allocated for infrastructure pursuant to this section, and subject to the specific allocations made in subsection (c), additional contributions may be made, as set forth in Appropriation Acts, to assist in the resettlement of Rongelap Atoll: Provided, That the total of all contributions from any Federal source after January 1, 1996 may not exceed \$32,000,000 and shall be contingent upon an agreement, satisfactory to the President, that such contributions are a full and final settlement of all obligations of the United States to assist in the resettlement of Rongelap Atoll and that such funds will be expended solely on resettlement activities and will be properly audited and accounted for. In order to provide such contributions in a timely manner, each Federal agency providing assistance or services, or conducting activities, in the Republic of the Marshall Islands, is authorized to make funds available, through the Secretary of the Interior, to assist in the resettlement of Rongelap. Nothing in this subsection shall be construed to limit the provision of ex gratia assistance pursuant to section 105(c)(2) of the Compact of Free Association Act of 1985 (Public Law 99-239, 99 Stat. 1770, 1792) including for individuals choosing not to resettle at Rongelap, except that no such assistance for such individuals may be provided until the Secretary notifies the Congress that the full amount of all funds necessary for resettlement at Rongelap has been provided."

Sec. 2. Federal Minimum Wage

Effective thirty days after the date of enactment of this Act, the minimum wage provisions, including, but not limited to, the coverage and exemptions provisions, of section 6 of the Fair Labor Standards Act of June 25, 1938 (52 Stat. 1062), as amended, shall apply to the Commonwealth of the Northern Mariana Islands, except—

(a) on the effective date, the minimum wage rate applicable to the Commonwealth of the Northern Mariana Islands shall be \$2.75 per hour;

(b) effective January 1, 1996, the minimum wage rate applicable to the Commonwealth of the Northern Mariana Islands shall be \$3.05 per hour;

(c) effective January 1, 1997 and every January 1 thereafter, the minimum wage rate shall be raised by thirty cents per hour or the amount necessary to raise the minimum wage rate to the wage rate set forth in section 6(a)(1) of the Fair Labor Standards Act, whichever is less; and

(d) once the minimum wage rate is equal to the wage rate set forth in section 6(a)(1) of the Fair Labor Standards Act, the minimum wage rate applicable to the Commonwealth of the Northern Mariana Islands shall thereafter be the wage rate set forth in section 6(a)(1) of the Fair Labor Standards Act.

Sec. 3. Report

The Secretary of the Interior, in consultation with the Attorney General and Secretaries of Treasury, Labor, and State, shall report to the Congress by the March 15 following each fiscal year for which funds are allocated pursuant to section 4(c) of Public Law 94-241 for use by Federal agencies or the Commonwealth to address immigration, labor or law enforcement activities. The report shall include but not be limited to—

(1) pertinent immigration information provided by the Immigration and Naturalization Service, including the number of non-United States citizen contract workers in the CNMI, based on data the Immigration and Naturalization Service may require of the Commonwealth of the Northern Mariana Islands on a semi-annual basis, or more often if deemed necessary by the Immigration and Naturalization Service.

(2) the treatment and conditions of non-United States citizen contract workers, including foreign government interference with workers' ability to assert their rights under United States law.

(3) the effect of laws of the Northern Mariana Islands on Federal interests.

(4) the adequacy of detention facilities in the Northern Mariana Islands.

(5) the accuracy and reliability of the computerized alien identification and tracking system and its compatibility with the system of the Immigration and Naturalization Service, and

(6) the reasons why Federal agencies are unable or unwilling to fully and effectively enforce Federal laws applicable within the Commonwealth of the Northern Mariana Islands unless such activities are funded by the Secretary of the Interior.

Sec. 4. Immigration Cooperation

The Commonwealth of the Northern Mariana Islands and the Immigration and Naturalization Service shall cooperate in the identification and, if necessary, exclusion or deportation from the Commonwealth of the Northern Mariana Islands of persons who represent security or law enforcement risks to the Commonwealth of the Northern Mariana Islands or the United States.

Sec. 5. Clarification of Local Employment in the Marianas

(a) Section 8103(i) of title 46 of the United States Code is amended by renumbering paragraph (3) as paragraph (4) and by adding a new paragraph (3) as follows:

"(3) Notwithstanding any other provision of this subsection, any alien allowed to be employed under the immigration laws of the Commonwealth of the Northern Mariana Islands (CNMI) may serve as an unlicensed seaman on a fishing, fish processing, or fish tender vessel that is operated exclusively from a port within the CNMI and within the navigable waters and exclusive economic zone of the United States surrounding the CNMI. Pursuant to 46 U.S.C. 8704, such persons are deemed to be employed in the United States and are considered to have the permission of the Attorney General of the United States to accept such employment: Provided, That paragraph (2) of this subsection shall not apply to persons allowed to be employed under this paragraph."

(b) Section 8103(i)(1) of title 46 of the United States Code is amended by deleting "paragraph (3) of this subsection" and inserting in lieu thereof "paragraph (4) of this subsection".

Sec. 6. Clarification of Ownership of Submerged Lands in the Commonwealth of the Northern Mariana Islands

Public Law 93-435 (88 Stat 1210), as amended, is further amended by—

(a) striking "Guam, the Virgin Islands" in section 1 and inserting in lieu thereof "Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands" each place the words appear;

(b) striking "Guam, American Samoa" in section 2 and inserting in lieu thereof "Guam, the Commonwealth of the Northern Mariana Islands, American Samoa"; and

(c) striking "Guam, the Virgin Islands" in section 2 and inserting in lieu thereof "Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands."

With respect to the Commonwealth of the Northern Mariana Islands, references to "the date of enactment of this Act" or "date of enactment of this subsection" contained in Public Law 93-435, as amended, shall mean the date of enactment of this section.

Sec. 7. Annual State of the Islands Report

The Secretary of the Interior shall submit to the Congress, annually, a "State of the Islands" report on American Samoa, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia that includes basic economic development information, data on direct and indirect Federal assistance, local revenues and expenditures, employment and unemployment, the adequacy of essential infrastructure and maintenance thereof, and an assessment of local financial management and

administrative capabilities, and Federal efforts to improve those capabilities.

Sec. 8. Technical correction

Section 501 of Public Law 95-134 (91 Stat. 1159, 1164), as amended, is further amended by deleting "the Trust Territory of the Pacific Islands," and inserting in lieu thereof "the Republic of Palau, the Republic of the Marshall Islands, the Federated States of Micronesia."

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST RESEARCH

For necessary expenses of forest research as authorized by law, [\$182,000,000] \$177,000,000, to remain available until September 30, 1997.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with, and providing technical and financial assistance to States, Territories, possessions, and others and for forest pest management activities, cooperative forestry and education and land conservation activities, [\$129,551,000] \$128,294,000, to remain available until expended, as authorized by law.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, for ecosystem planning, inventory, and monitoring, and for administrative expenses associated with the management of funds provided under the heads "Forest Research", "State and Private Forestry", "National Forest System", "Construction", "Fire Protection and Emergency Suppression", and "Land Acquisition", [\$1,266,688,000] \$1,256,043,000, to remain available for obligation until September 30, 1997, and including 65 per centum of all monies received during the prior fiscal year as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 4601-6a(i)): *Provided*, That unobligated and unexpended balances in the National Forest System account at the end of fiscal year 1995, shall be merged with and made a part of the fiscal year 1996 National Forest System appropriation, and shall remain available for obligation until September 30, 1997: *Provided further*, That up to \$5,000,000 of the funds provided herein for road maintenance shall be available for the planned obliteration of roads which are no longer needed.

FIRE PROTECTION AND EMERGENCY SUPPRESSION

WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire suppression activities on National Forest System lands, for emergency fire suppression on or adjacent to National Forest System lands or other lands under fire protection agreement, and for emergency rehabilitation of burned over National Forest System lands, [\$385,485,000] \$385,485,000, to remain available until expended: *Provided*, That unexpended balances of amounts previously appropriated under any other headings for Forest Service fire activities may be transferred to and merged with this appropriation: *Provided further*, That such funds are available for repayment of advances from other appropriations accounts previously transferred for such purposes.

CONSTRUCTION

For necessary expenses of the Forest Service, not otherwise provided for, [\$120,000,000] \$186,888,000, to remain available until expended, for construction and acquisition of buildings and other facilities, and for construction and repair of forest roads and

trails by the Forest Service as authorized by 16 U.S.C. 532-538 and 23 U.S.C. 101 and 205: *Provided*, That funds becoming available in fiscal year 1996 under the Act of March 4, 1913 (16 U.S.C. 501) shall be transferred to the General Fund of the Treasury of the United States: *Provided further*, That not to exceed \$50,000,000, to remain available until expended, may be obligated for the construction of forest roads by timber purchasers: *Provided further*, That \$2,500,000 of the funds appropriated herein shall be available for a grant to the "Non-Profit Citizens for the Columbia Gorge Discovery Center" for the construction of the Columbia Gorge Discovery Center: *Provided further*, That the Forest Service is authorized to grant the unobligated balance of funds appropriated in fiscal year 1995 for the construction of the Columbia Gorge Discovery Center to the "Non-Profit Citizens for the Columbia Gorge Discovery Center" to be used for the same purpose: *Provided further*, That the Forest Service is authorized to convey the land needed for the construction of the Columbia Gorge Discovery Center without cost to the "Non-Profit Citizens for the Columbia Gorge Discovery Center": *Provided further*, That notwithstanding any other provision of law, funds originally appropriated under this head in Public Law 101-512 for the Forest Service share of a new research facility at the University of Missouri, Columbia, shall be available for a grant to the University of Missouri, as the Federal share in the construction of the new facility: *Provided further*, That agreed upon lease of space in the new facility shall be provided to the Forest Service without charge for the life of the building.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, [\$14,600,000] \$41,167,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, \$1,069,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 per centum of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the sixteen Western States, pursuant to section 401(b)(1) of Public Law 94-579, as amended, to remain available until expended, of which not to exceed 6 per centum shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), \$92,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (a) purchase of not to exceed 183 passenger motor vehicles of which 32 will be used primarily for law enforcement purposes and of which 151 shall be for replacement; acquisition of 22 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed two for replacement only, and acquisition of 20 aircraft from excess sources; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (b) services pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$100,000 for employment under 5 U.S.C. 3109; (c) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (d) acquisition of land, waters, and interests therein, pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); (e) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, 558a note); and (f) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to change the boundaries of any region, to abolish any region, to move or close any regional office for research, State and private forestry, or National Forest System administration of the Forest Service, Department of Agriculture, or to implement any reorganization, "reinvention" or other type of organizational restructuring of the Forest Service, without the consent of the House and Senate Committees on Appropriations and the Committee on Agriculture, Nutrition, and Forestry and the Committee on Energy and Natural Resources in the United States Senate and the Committee on Agriculture and the Committee on Resources in the United States House of Representatives.

Any appropriations or funds available to the Forest Service may be advanced to the Fire and Emergency Suppression appropriation and may be used for forest firefighting and the emergency rehabilitation of burned-over lands under its jurisdiction: *Provided*, That no funds shall be made available under this authority until funds appropriated to the "Emergency Forest Service Firefighting Fund" shall have been exhausted.

The appropriation structure for the Forest Service may not be altered without advance approval of the House and Senate Committee on Appropriations.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 103-551.

No funds appropriated to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture

without the approval of the Chief of the Forest Service.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service may be used to disseminate program information to private and public individuals and organizations through the use of nonmonetary items of nominal value and to provide nonmonetary awards of nominal value and to incur necessary expenses for the nonmonetary recognition of private individuals and organizations that make contributions to Forest Service programs.

Notwithstanding any other provision of law, money collected, in advance or otherwise, by the Forest Service under authority of section 101 of Public Law 93-153 (30 U.S.C. 185(l)) as reimbursement of administrative and other costs incurred in processing pipeline right-of-way or permit applications and for costs incurred in monitoring the construction, operation, maintenance, and termination of any pipeline and related facilities, may be used to reimburse the applicable appropriation to which such costs were originally charged.

Funds available to the Forest Service shall be available to conduct a program of not less than \$1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93-408.

None of the funds available in this Act shall be used for timber sale preparation using clearcutting in hardwood stands in excess of 25 percent of the fiscal year 1989 harvested volume in the Wayne National Forest, Ohio: *Provided*, That this limitation shall not apply to hardwood stands damaged by natural disaster: *Provided further*, That landscape architects shall be used to maintain a visually pleasing forest.

Any money collected from the States for fire suppression assistance rendered by the Forest Service on non-Federal lands not in the vicinity of National Forest System lands shall be used to reimburse the applicable appropriation and shall remain available until expended as the Secretary may direct in conducting activities authorized by 16 U.S.C. 2101 (note), 2101-2110, 1606, and 2111.

Of the funds available to the Forest Service, \$1,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Notwithstanding any other provision of law, the Forest Service is authorized to employ or otherwise contract with persons at regular rates of pay, as determined by the Service, to perform work occasioned by emergencies such as fires, storms, floods, earthquakes or any other unavoidable cause without regard to Sundays, Federal holidays, and the regular workweek.

To the greatest extent possible, and in accordance with the Final Amendment to the Shawnee National Forest Plan, none of the funds available in this Act shall be used for preparation of timber sales using clearcutting or other forms of even aged management in hardwood stands in the Shawnee National Forest, Illinois.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

[Notwithstanding any other provision of law, eighty percent of the funds appropriated to the Forest Service in the National Forest System and Construction accounts and planned to be allocated to activities under the "Jobs in the Woods" program for projects on National Forest land in the State of Washington may be granted directly to

the Washington State Department of Fish and Wildlife for accomplishment of planned projects. Twenty percent of said funds shall be retained by the Forest Service for planning and administering projects. Project selection and prioritization shall be accomplished by the Forest Service with such consultation with the State of Washington as the Forest Service deems appropriate.

[None of the funds available in this Act shall be used for any activity that directly or indirectly causes harm to songbirds within the boundaries of the Shawnee National Forest.]

None of the funds provided by this Act shall be used to revise or implement a new Tongass Land Management Plan (TLMP).

None of the funds provided in this or any other Appropriations Act may be used on the Tongass National Forest except in compliance with Alternative P, identified in the Tongass Land Management Plan Revision Supplement to the Draft Environmental Impact Statement dated August 1991.

DEPARTMENT OF ENERGY

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95-91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, **[\$379,524,000] \$376,181,000**, to remain available until expended: *Provided*, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas.

ALTERNATIVE FUELS PRODUCTION

(INCLUDING TRANSFER OF FUNDS)

Monies received as investment income on the principal amount in the Great Plains Project Trust at the Norwest Bank of North Dakota, in such sums as are earned as of October 1, 1995, shall be deposited in this account and immediately transferred to the General Fund of the Treasury. Monies received as revenue sharing from the operation of the Great Plains Gasification Plant shall be immediately transferred to the General Fund of the Treasury.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For necessary expenses in carrying out naval petroleum and oil shale reserve activities, **\$136,028,000**, to remain available until expended: *Provided*, That the requirements of 10 U.S.C. 7430(b)(2)(B) shall not apply to fiscal year 1996: *Provided further*, *That section 501 of Public Law 101-45 is hereby repealed.*

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, **[\$556,371,000] \$576,976,000**, to remain available until expended, including, notwithstanding any other provision of law, the excess amount for fiscal year 1996 determined under the provisions of section 3003(d) of Public Law 99-509 (15 U.S.C. 4502), and of which **\$16,000,000** shall be derived from available unobligated balances in the Biomass Energy Development account: *Provided*, That **[\$148,946,000] \$168,946,000** shall be for use in energy conservation programs as defined in section 3008(3) of Public Law 99-509 (15 U.S.C. 4507) and shall not be available until excess amounts are determined under the provisions of section 3003(d) of Public Law 99-509 (15 U.S.C. 4502): *Provided further*, That notwithstanding section 3003(d)(2) of Public Law 99-509 such sums shall be allocated to the eligible programs as follows: **[\$110,946,000] \$137,446,000** for the weatherization assistance program and **[\$26,500,000] \$31,500,000** for the State energy conservation program.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Economic Regulatory Administration and the Office of Hearings and Appeals, **[\$6,297,000] \$8,038,000**, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), **\$287,000,000**, to remain available until expended, of which **\$187,000,000** shall be derived by transfer of unobligated balances from the "SPR petroleum account" and **\$100,000,000** shall be derived by transfer from the "SPR Decommissioning Fund": *Provided*, That notwithstanding section 161 of the Energy Policy and Conservation Act, the Secretary shall draw down and sell up to seven million barrels of oil from the Strategic Petroleum Reserve: *Provided further*, That the proceeds from the sale shall be deposited into a special account in the Treasury, to be established and known as the "SPR Decommissioning Fund", and shall be available for the purpose of removal of oil from and decommissioning of the Weeks Island site and for other purposes related to the operations of the Strategic Petroleum Reserve.

SPR PETROLEUM ACCOUNT

[Notwithstanding 42 U.S.C. 6240(d) the United States share of crude oil in Naval Petroleum Reserve Numbered 1 (Elk Hills) may be sold or otherwise disposed of to other than the Strategic Petroleum Reserve: *Provided*, That outlays in fiscal year 1996 resulting from the use of funds in this account shall not exceed \$5,000,000.]

Notwithstanding 42 U.S.C. 6240(d) the United States share of crude oil in Naval Petroleum Reserve Numbered 1 may be sold or otherwise disposed of to other than the Strategic Petroleum Reserve: Provided, That outlays in fiscal year 1996 resulting from the use of funds in this account shall not exceed \$5,000,000.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, **[\$79,766,000] \$64,766,000**, to remain available until expended: *Provided*, That notwithstanding Section 4(d) of the Service Contract Act of 1965 (41 U.S.C. 353(d)) or any other provision of law, funds appropriated under this heading hereafter may be used to enter into a contract for end use consumption surveys for a term not to exceed eight years: *Provided further*, That notwithstanding any other provision of law, hereafter the Manufacturing Energy Consumption Survey shall be conducted on a triennial basis.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources

and to prosecute projects in cooperation with other agencies, Federal, State, private, or foreign: *Provided*, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: *Provided further*, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: *Provided further*, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, **[\$1,725,792,000]** *\$1,815,373,000* together with payments received during the fiscal year pursuant to 42 U.S.C. 300aaa-2 for services furnished by the Indian Health Service: *Provided*, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That **\$12,000,000** shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: *Provided further*, That **[\$351,258,000]** *\$350,564,000* for contract medical care shall remain available for obligation until September 30, 1997: *Provided further*, That of the funds provided, not less than **\$11,306,000** shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act, as amended: *Provided further*, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall be available for two fiscal years after the fiscal year in which they were collected, for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): *Provided further*, That of the funds provided, **\$7,500,000** shall remain avail-

able until expended, for the Indian Self-Determination Fund, which shall be available for the transitional costs of initial or expanded tribal contracts, grants or cooperative agreements with the Indian Health Service under the provisions of the Indian Self-Determination Act: *Provided further*, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available for obligation until September 30, 1997: *Provided further*, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act, as amended, shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act and the Indian Health Care Improvement Act, and for expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, **[\$236,975,000]** *\$151,227,000*, to remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902); and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities: *Provided*, That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651-53) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation: *Provided further*, That notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86-121 (the Indian Sanitation Facilities

Act) and Public Law 93-638, as amended: *Provided further*, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: *Provided further*, That the Indian Health Service shall neither bill nor charge those Indians who may have the economic means to pay unless and until such time as Congress has agreed upon a specific policy to do so and has directed the Indian Health Service to implement such a policy: *Provided further*, That, notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant or agreement authorized by Title I of the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450), may be deobligated and reobligated to a self-governance funding agreement under Title III of the Indian Self-Determination and Education Assistance Act of 1975 and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That none of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law: *Provided further*, That funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation structure set forth in this Act: *Provided further*, That the appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION INDIAN EDUCATION

For necessary expenses to carry out, to the extent not otherwise provided, title IX, part A, subpart 1 of the Elementary and Secondary Education Act of 1965, as amended, and section 215 of the Department of Education Organization Act, **[\$52,500,000]** *\$54,660,000*.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93-531, **[\$21,345,000]** *\$20,345,000*, to remain available until expended: *Provided*, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further*, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further*, That no relocatee will be provided with more than one new or replacement home: *Provided further*, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on

the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d-10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA
NATIVE CULTURE AND ARTS DEVELOPMENT
PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99-498 (20 U.S.C. 4401 et seq.), \$5,500,000.

SMITHSONIAN INSTITUTION
SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed thirty years), and protection of buildings, facilities, and approaches; not to exceed \$100,000 for services as authorized by 5 U.S.C. 3109; up to 5 replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees; **[\$309,471,000] \$307,988,000**, of which not to exceed **[\$32,000,000] \$30,472,000** for the instrumentation program, collections acquisition, Museum Support Center equipment and move, exhibition reinstallation, the National Museum of the American Indian, the repatriation of skeletal remains program, research equipment, information management, and Latino programming shall remain available until expended and, including such funds as may be necessary to support American overseas research centers and a total of \$125,000 for the Council of American Overseas Research Centers: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL
ZOOLOGICAL PARK

For necessary expenses of planning, construction, remodeling, and equipping of buildings and facilities at the National Zoological Park, by contract or otherwise, **[\$3,000,000] \$3,250,000**, to remain available until expended.

REPAIR AND RESTORATION OF BUILDINGS

For necessary expenses of repair and restoration of buildings owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed \$10,000 for services as authorized by 5 U.S.C. 3109, **[\$24,954,000] \$33,954,000**, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or restoration of buildings of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

CONSTRUCTION

For necessary expenses for construction, **[\$12,950,000] \$27,700,000**, to remain available until expended. *Provided*, That notwithstanding any other provision of law, a single procurement for the construction of the National Museum of the American Indian Cultural Resources Center may be issued which includes the full scope of the project: *Provided further*, That the solicitation and the contract shall contain the clause "availability of funds" found at 48 CFR 52.232.18.

NATIONAL GALLERY OF ART
SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901-5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, **[\$51,315,000] \$51,844,000**, of which not to exceed \$3,026,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF
BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized **[\$5,500,000] \$7,385,000**, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE
PERFORMING ARTS
OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, **[\$9,800,000] \$10,323,000**: *Provided*, That 40 U.S.C. 193n is hereby amended by striking the word "and" after the word "Institution" and inserting in lieu thereof a comma, and by inserting "and the Trustees of the John F. Kennedy Center for the Performing Arts," after the word "Art."

CONSTRUCTION

For necessary expenses of capital repair and rehabilitation of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, \$8,983,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR
SCHOLARS
SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, **[\$5,140,100] \$6,537,000**.

NATIONAL FOUNDATION ON THE ARTS AND THE
HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS
GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and Humanities Act of 1965, as amended, **[\$82,259,000]**, subject to passage by the House of Rep-

resentatives of a bill authorizing such appropriation,] shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to groups and individuals pursuant to section 5(c) of the Act, and for administering the functions of the Act, to remain available until September 30, 1997.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, **[\$17,235,000]**, subject to passage by the House of Representatives of a bill authorizing such appropriation,] to remain available until September 30, 1997, to the National Endowment for the Arts, of which \$7,500,000 shall be available for purposes of section 5(p)(1): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of section 10(a)(2), subsections 11(a)(2)(A) and 11(a)(3)(A) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

NATIONAL ENDOWMENT FOR THE HUMANITIES
GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, **[\$82,469,000] \$96,494,000** shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until September 30, 1997.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, **[\$17,025,000] \$18,000,000**, to remain available until September 30, 1997, of which **[\$9,180,000] \$10,000,000** shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

INSTITUTE OF MUSEUM SERVICES
GRANTS AND ADMINISTRATION

For carrying out title II of the Arts, Humanities, and Cultural Affairs Act of 1976, as amended, \$21,000,000, to remain available until September 30, 1997.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses.

COMMISSION OF FINE ARTS
SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), \$834,000.

NATIONAL CAPITAL ARTS AND CULTURAL
AFFAIRS

For necessary expenses as authorized by Public Law 99-190 (99 Stat. 1261; 20 U.S.C. 956(a)), as amended, \$6,000,000.

ADVISORY COUNCIL ON HISTORIC
PRESERVATION

SALARIES AND EXPENSES

For expenses necessary for the Advisory Council on Historic Preservation, **[\$3,063,000] \$2,500,000.**

NATIONAL CAPITAL PLANNING COMMISSION
SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71-71i), including services as authorized by 5 U.S.C. 3109, **\$5,090,000: Provided,** That all appointed members will be compensated at a rate not to exceed the rate for Executive Schedule Level IV.

FRANKLIN DELANO ROOSEVELT MEMORIAL
COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Franklin Delano Roosevelt Memorial Commission, established by the Act of August 11, 1955 (69 Stat. 694), as amended by Public Law 92-332 (86 Stat. 401), **[\$48,000] \$147,000,** to remain available until September 30, 1997.

PENNSYLVANIA AVENUE DEVELOPMENT
CORPORATION

SALARIES AND EXPENSES

For necessary expenses for the orderly closure of the Pennsylvania Avenue Development Corporation, **\$2,000,000.**

PUBLIC DEVELOPMENT

Funds made available under this heading in prior years shall be available for operating and administrative expenses of the Corporation.

UNITED STATES HOLOCAUST MEMORIAL
COUNCIL

HOLOCAUST MEMORIAL COUNCIL

For expenses of the Holocaust Memorial Council, as authorized by Public Law 96-388, as amended, **[\$28,707,000] \$26,609,000;** of which \$1,575,000 for the Museum's repair and rehabilitation program [and \$1,264,000 for the Museum's exhibition program] shall remain available until expended.

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 302. No part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agriculture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: *Provided,* That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

SEC. 303. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 304. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 305. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 306. No assessments may be levied against any program, budget activity, sub-activity, or project funded by this Act unless notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such Committees.

SEC. 307. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c; popularly known as the "Buy American Act").

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 308. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (*sequoiadendron giganteum*) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 1995.

SEC. 309. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 310. Where the actual costs of construction projects under self-determination contracts, compacts, or grants, pursuant to Public Laws 93-638, [100-413] 103-413, or 100-297, are less than the estimated costs thereof, use of the resulting excess funds shall be determined by the appropriate Secretary after consultation with the tribes.

SEC. 311. Notwithstanding Public Law 103-413, quarterly payments of funds to tribes and tribal organizations under annual funding agreements pursuant to section 108 of Public Law 93-638, as amended, may be made on the first business day following the first day of a fiscal quarter.

[SEC. 312. None of funds in this Act may be used for the Americorps program.]

SEC. 312. None of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps program.

[SEC. 313. (a) On or before April 1, 1996, the Pennsylvania Avenue Development Corporation shall—

[(1) transfer and assign in accordance with this section all of its rights, title, and inter-

est in and to all of the leases, covenants, agreements, and easements it has executed or will execute by March 31, 1996, in carrying out its powers and duties under the Pennsylvania Avenue Development Corporation Act (40 U.S.C. 871-885) and the Federal Triangle Development Act (40 U.S.C. 1101-1109) to the General Services Administration, National Capital Planning Commission, or the National Park Service; and

[(2) except as provided by subsection (d), transfer all rights, title, and interest in and to all property, both real and personal, held in the name of the Pennsylvania Avenue Development Corporation to the General Services Administration.

[(b) The responsibilities of the Pennsylvania Avenue Development Corporation transferred to the General Services Administration under subsection (a) include, but are not limited to, the following:

[(1) Collection of revenue owed the Federal Government as a result of real estate sales or lease agreements entered into by the Pennsylvania Avenue Development Corporation and private parties, including, at a minimum, with respect to the following projects:

[(A) The Willard Hotel property on Square 225.

[(B) The Gallery Row project on Square 457.

[(C) The Lansburgh's project on Square 431.

[(D) The Market Square North project on Square 407.

[(2) Collection of sale or lease revenue owed the Federal Government (if any) in the event two undeveloped sites owned by the Pennsylvania Avenue Development Corporation on Squares 457 and 406 are sold or leased prior to April 1, 1996.

[(3) Application of collected revenue to repay United States Treasury debt incurred by the Pennsylvania Avenue Development Corporation in the course of acquiring real estate.

[(4) Performing financial audits for projects in which the Pennsylvania Avenue Development Corporation has actual or potential revenue expectation, as identified in paragraphs (1) and (2), in accordance with procedures describe in applicable sale or lease agreements.

[(5) Disposition of real estate properties which are or become available for sale and lease or other uses.

[(6) Payment of benefits in accordance with the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970 to which persons in the project area squares are entitled as a result of the Pennsylvania Avenue Development Corporation's acquisition of real estate.

[(7) Carrying out the responsibilities of the Pennsylvania Avenue Development Corporation under the Federal Triangle Development Act (40 U.S.C. 1101-1109), including responsibilities for managing assets and liabilities of the Corporation under such Act.

[(c) In carrying out the responsibilities of the Pennsylvania Avenue Development Corporation transferred under this section, the Administrator of the General Services Administration shall have the following powers:

[(1) To acquire lands, improvements, and properties by purchase, lease or exchange, and to sell, lease, or otherwise dispose of real or personal property as necessary to complete the development plan developed under section 5 of the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 874) if a notice of intention to carry out such acquisition or disposal is first transmitted to the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives and the Committee on Environment and Public

Works and the Committee on Appropriations of the Senate and at least 60 days elapse after the date of such transmission.

[(2) To modify from time to time the plan referred to in paragraph (1) if such modification is first transmitted to the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives and the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and at least 60 days elapse after the date of such transmission.

[(3) To maintain any existing Pennsylvania Avenue Development Corporation insurance programs.

[(4) To enter into and perform such leases, contracts, or other transactions with any agency or instrumentality of the United States, the several States, or the District of Columbia or with any person, firm, association, or corporation as may be necessary to carry out the responsibilities of the Pennsylvania Avenue Development Corporation under the Federal Triangle Development Act (40 U.S.C. 1101-1109).

[(5) To request the Council of the District of Columbia to close any alleys necessary for the completion of development in Square 457.

[(6) To use all of the funds transferred from the Pennsylvania Avenue Development Corporation or income earned on Pennsylvania Avenue Development Corporation property to complete any pending development projects.

[(d)(1)(A) On or before April 1, 1996, the Pennsylvania Avenue Development Corporation shall transfer all its right, title, and interest in and to the property described in subparagraph (B) to the National Park Service, Department of the Interior.

[(B) The property referred to in subparagraph (A) is the property located within the Pennsylvania Avenue National Historic Site depicted on a map entitled "Pennsylvania Avenue National Historic Park", dated June 1, 1995, and numbered 840-82441, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Pennsylvania Avenue National Historic Site includes the parks, plazas, sidewalks, special lighting, trees, sculpture, and memorials.

[(2) Jurisdiction of Pennsylvania Avenue and all other roadways from curb to curb shall remain with the District of Columbia but vendors shall not be permitted to occupy street space except during temporary special events.

[(3) The National Park Service shall be responsible for management, administration, maintenance, law enforcement, visitor services, resource protection, interpretation, and historic preservation at the Pennsylvania Avenue National Historic Site.

[(4) The National Park Service may enter into contracts, cooperative agreements, or other transactions with any agency or instrumentality of the United States, the several States, or the District of Columbia or with any person, firm, association, or corporation as may be deemed necessary or appropriate for the conduct of special events, festivals, concerts, or other art and cultural programs at the Pennsylvania Avenue National Historic Site or may establish a non-profit foundation to solicit funds for such activities.

[(e) Notwithstanding any other provision of law, the responsibility for ensuring that development or redevelopment in the Pennsylvania Avenue area is carried out in accordance with the Pennsylvania Avenue Development Corporation Plan—1974, as amended, is transferred to the National Capital Planning Commission or its successor commencing April 1, 1996.

[(f) SAVINGS PROVISIONS.—

[(1) REGULATIONS.—Any regulations prescribed by the Corporation in connection with the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 871-885) and the Federal Triangle Development Act (40 U.S.C. 1101-1109) shall continue in effect until suspended by regulations prescribed by the Administrator of the General Services Administration.

[(2) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Subsection (a) shall not be construed as affecting the validity of any right, duty, or obligation of the United States or any other person arising under or pursuant to any contract, loan, or other instrument or agreement which was in effect on the day before the date of the transfers under subsection (a).

[(3) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Corporation in connection with administration of the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 871-885) and the Federal Triangle Development Act (40 U.S.C. 1101-1109) shall abate by reason of enactment and implementation of this Act, except that the General Services Administration shall be substituted for the Corporation as a party to any such action or proceeding.

[(g) Section 3(b) of the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 872(b)) is amended as follows:

["(b) The Corporation shall be dissolved on April 1, 1996. Upon dissolution, assets, obligations, and indebtedness of the Corporation shall be transferred in accordance with the Department of the Interior and Related Agencies Appropriations Act, 1996.".

[(SEC. 314. (a) Except as provided in subsection (b), no part of any appropriation contained in this Act or any other Act shall be obligated or expended for the operation or implementation of the Interior Columbia River Basin Ecoregion Assessment Project (hereinafter "Project").

[(b) From the funds appropriated to the Forest Service and the Bureau of Land Management, \$600,000 is made available to publish by January 1, 1996, for peer review and public comment, the scientific information collected, and analysis undertaken, by the Project prior to the date of enactment of this Act concerning forest health conditions and forest management needs related to those conditions.

[(c)(1) From the funds appropriated to the Forest Service, the Secretary of Agriculture (hereinafter "Secretary") shall—

[(A) review the land and resource management plan (hereinafter "plan") for each national forest within the area encompassed by the Project and any policy which is applicable to such plan (whether or not such policy is final or draft, or has been added to such plan by amendment), which is or is intended to be of limited duration, and which the Project was tasked to address; and

[(B) determine whether such policy modified to meet the specific conditions of such national forest, or another policy which serves the purpose of such policy, should be adopted for such national forest.

[(2) If the Secretary makes a decision that such a modified or alternative policy should be adopted for such national forest, the Secretary shall prepare and adopt for the plan for such national forest an amendment which contains such policy, which is directed solely to and affects only such plan, and which addresses the specific conditions of the national forest and the relationship of such policy to such conditions.

[(3) To the maximum extent practicable, any amendment prepared pursuant to paragraph (2) shall establish procedures to develop site-specific standards in lieu of imposing general standards applicable to multiple

sites. Any amendment which would result in any change in land allocations within the plan or reduce the likelihood of achievement of the goals and objectives of the plan (prior to any previous amendment incorporating in the plan any policy referred to in paragraph (1)(A)) shall be deemed a significant plan amendment pursuant to section 6(f)(4) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(4)).

[(4) Any amendment prepared pursuant to paragraph (2) which adopts a modified or alternative policy to substitute for a policy referred to in paragraph (1)(A) which has undergone consultation pursuant to section 7 of the Endangered Species Act of 1973 shall not again be subject to the consultation provisions of such section 7. No further consultation shall be undertaken on any policy referred to in paragraph (1)(A).

[(5) Any amendment prepared pursuant to paragraph (2) shall be adopted on or before March 31, 1996: *Provided*, That any amendment deemed a significant amendment pursuant to paragraph (3) shall be adopted on or before June 30, 1996.

[(6) No policy referred to in paragraph (1)(A) shall be effective on or after April 1, 1996.]

SEC. 314. (a) *Except as provided in subsection (b), no part of any appropriation contained in this Act or any other Act shall be obligated or expended for the operation or implementation of the Interior Columbia Basin Ecosystem Management Project (hereinafter "Project").*

(b) *From the funds appropriated to the Forest Service and Bureau of Land Management, a sum of \$1,600,000 is made available for the appropriate line officers assigned to the Walla Walla office and the Boise office of the Project to publish by April 30, 1996, an eastside final environmental impact statement, without a record of decision, for the Federal lands subject to the Project in Oregon and Washington and an Upper Columbia Basin final environmental impact statement, without a record of decision, for the Federal lands subject to the Project in Idaho and Montana and other affected States, respectively. Among other matters, the final environmental impact statements shall contain the scientific information collected and analysis undertaken by the Project on landscape dynamics and forest health conditions and the implications of such dynamics and conditions for forest management, including the management of forest vegetation structure, composition, and density.*

(c)(1) *From the funds appropriated to the Forest Service and the Bureau of Land Management, the Secretary of Agriculture or the Secretary of the Interior as the case may be, shall—*

(A) *review the resource management plan (hereinafter "plan") for each national forest and unit of lands administered by the Bureau of Land Management (hereinafter "forest") within the area encompassed by the Project, the analysis in the relevant draft environmental impact statement prepared pursuant to subsection (b) which is applicable to such plan, and any policy which is applicable to such plan (whether or not such policy is final or draft, or has been added to such plan by amendment), which is or is intended to be of limited duration, and which the Project addresses; and*

(B) *based on such review, determine whether such policy modified to meet the specific conditions of such forest, or an alternative policy which serves the purpose of such policy, should be adopted for such forest.*

(2) *If the Secretary concerned makes a decision that such a modified or alternative policy should be adopted for such forest, the Secretary concerned shall prepare and adopt for the resource management plan for such forest an amendment which contains such policy, which is directed solely to and affects only such plan, and which addresses the specific conditions of the forest and the relationship of such policy to*

such conditions. The Secretary shall consult with the Governor of the State, and the Commissioner of the county or counties, in which the forest is situated prior to such decision and, if the decision is to prepare an amendment, during the preparation thereof.

(3) To the maximum extent practicable, any amendment prepared pursuant to paragraph (2) shall establish procedures to develop site-specific standards in lieu of imposing general standards applicable to multiple sites. Any amendment which would result in any change in land allocations within the land management plan or reduce the likelihood of achievement of the goals and objectives of the plan (prior to any previous amendment incorporating in the plan any policy referred to in paragraph (1)(A)) shall be deemed a significant plan amendment, or equivalent, pursuant to section 6(f)(4) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(4)) or section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712).

(4)(A) Any amendment prepared pursuant to paragraph (2) which adopts a policy that is a modification of or alternative to a policy referred to in paragraph (1)(A) upon which consultation or conferencing has occurred pursuant to section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) shall not again be subject to the consultation or conferencing provisions of such section 7.

(B) If required by such section 7, the Secretary concerned shall consult or conference separately on each amendment prepared pursuant to paragraph (2) which is not subject to subparagraph (A).

(C) No further consultation other than the consultation specified in subparagraph (B) shall be undertaken on any amendments prepared pursuant to paragraph (2), on any project or activity which is consistent with an applicable amendment, on any policy referred to in paragraph (1)(A), or on any portion of any resource management plan related to such policy or the species to which such policy applies.

(5) Any amendment prepared pursuant to paragraph (2) shall be adopted on or before July 31, 1996: Provided, That any amendment deemed a significant amendment pursuant to paragraph (3) shall be adopted on or before December 31, 1996.

(6) No policy referred to in paragraph (1)(A), or any provision of a resource management plan or other planning document incorporating such policy, shall be effective on or after December 31, 1996, or after an amendment is promulgated subject to the provisions of this section, whichever occurs first.

(d) The documents prepared under the authority of this section shall not be applied or used to regulate non-Federal lands in the affected States.

SEC. 315. (a) The Secretary of the Interior (acting through the Bureau of Land Management, the National Park Service and the United States Fish and Wildlife Service) and the Secretary of Agriculture (acting through the Forest Service) shall each implement a fee program to demonstrate the feasibility of user-generated cost recovery for the operation and maintenance of recreation sites and habitat enhancement projects on Federal lands.

(b) In carrying out the pilot program established pursuant to this section, the appropriate Secretary shall select from areas under the jurisdiction of each of the four agencies referred to in subsection (a) no fewer than 10, but as many as 30, sites or projects for fee demonstration. For each such demonstration, the Secretary, notwithstanding any other provision of law—

(1) shall charge and collect fees for admission to the area or for the use of outdoor recreation sites, facilities, visitor centers, equipment, and services by individuals and groups, or any combination thereof;

(2) shall establish fees under this section based upon a variety of cost recovery and fair market valuation methods to provide a broad basis for feasibility testing;

(3) may contract with any public or private entity to provide visitor services, including reservations and information, and may accept services of volunteers to collect fees charged pursuant to paragraph (1); and

(4) may encourage private investment and partnerships to enhance the delivery of quality customer services and resource enhancement, and provide appropriate recognition to such partners or investors.

(c)(1) Amounts collected at each fee demonstration site in excess of 104 percent of that site's total collections during the previous fiscal year shall be distributed as follows:

(i) Eighty percent of the amounts collected at the demonstration site shall be deposited in a special account in the Treasury established for the administrative unit in which the project is located and shall remain available for expenditure in accordance with paragraph (3) for further activities of the site or project.

(ii) Twenty percent of the amounts collected at the demonstration site shall be deposited in a special account in the Treasury for each agency and shall remain available for expenditure in accordance with paragraph (3) for use on an agencywide basis.

(2) For purposes of this subsection, "total collections" for each site shall be defined as gross collections before any reduction for amounts attributable to collection costs.

(3) Expenditures from the special funds shall be accounted for separately.

(4) In order to increase the quality of the visitor experience at public recreational areas and enhance the protection of resources, amounts available for expenditure under paragraph (1) may only be used for the site or project concerned, for backlogged repair and maintenance projects (including projects relating to health and safety) and for interpretation, signage, habitat or facility enhancement, resource preservation, annual operation, maintenance, and law enforcement relating to public use. The agencywide accounts may be used for the same purposes set forth in the preceding sentence, but for sites or projects selected at the discretion of the respective agency head.

(d)(1) Amounts collected under this section shall not be taken into account for the purposes of the Act of May 23, 1908 and the Act of March 1, 1911 (16 U.S.C. 500), the Act of March 4, 1913 (16 U.S.C. 501), the Act of July 22, 1937 (7 U.S.C. 1012), the Act of August 8, 1937 and the Act of May 24, 1939 (43 U.S.C. 1181f et seq.), the Act of June 14, 1926 (43 U.S.C. 869-4), chapter 69 of title 31, United States Code, section 401 of the Act of June 15, 1935 (16 U.S.C. 715s), the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601), and any other provision of law relating to revenue allocation.

(2) Fees charged pursuant to this section shall be in lieu of fees charged under any other provision of law.

(e) The Secretary of the Interior and the Secretary of Agriculture shall carry out this section without promulgating regulations.

(f) The authority to collect fees under this section shall commence on October 1, 1995, and end on September 30, 1996. Funds in accounts established shall remain available through September 30, 1997.

SEC. 315. (a) The Secretary of the Interior (acting through the Bureau of Land Management, the National Park Service and the United States Fish and Wildlife Service) and the Secretary of Agriculture (acting through the Forest Service) shall each implement a fee program to demonstrate the feasibility of user-generated cost recovery for the operation and maintenance

of recreation areas or sites and habitat enhancement projects on Federal lands.

(b) In carrying out the pilot program established pursuant to this section, the appropriate Secretary shall select from areas under the jurisdiction of each of the four agencies referred to in subsection (a) no fewer than 10, but as many as 50, areas, sites or projects for fee demonstration. For each such demonstration, the Secretary, notwithstanding any other provision of law—

(1) shall charge and collect fees for admission to the area or for the use of outdoor recreation sites, facilities, visitor centers, equipment, and services by individuals and groups, or any combination thereof;

(2) shall establish fees under this section based upon a variety of cost recovery and fair market valuation methods to provide a broad basis for feasibility testing;

(3) may contract, including provisions for reasonable commissions, with any public or private entity to provide visitor services, including reservations and information, and may accept services of volunteers to collect fees charged pursuant to paragraph (1);

(4) may encourage private investment and partnerships to enhance the delivery of quality customer services and resource enhancement, and provide appropriate recognition to such partners or investors; and

(5) may assess a fine of not more than \$100 for any violation of the authority to collect fees for admission to the area or for the use of outdoor recreation sites, facilities, visitor centers, equipment, and services.

(c)(1) Amounts collected at each fee demonstration site shall be distributed as follows:

(A) Of the amount in excess of 104 percent of the amount collected in fiscal year 1995, and thereafter annually adjusted upward by 4 percent, 80 percent to a special account in the Treasury for use by the agency which administers the site, to remain available for expenditures in accordance with paragraph (3)(A).

(B) Of the amount in excess of 104 percent of the amount collected in fiscal year 1995, and thereafter annually adjusted upward by 4 percent, 20 percent to a special account in the Treasury for use by the agency which administers the site, to remain available for expenditure in accordance with paragraph (3)(B).

(C) For agencies other than the Fish and Wildlife Service, up to 15 percent of current year collections at each site, but not greater than fee collection costs for that fiscal year, to remain available for expenditure in accordance with paragraph (3)(C).

(D) For agencies other than the Fish and Wildlife Service, the balance to the special account established pursuant to subparagraph (A) of section 4(i)(1) of the Land and Water Conservation Act as amended.

(E) For the Fish and Wildlife Service, the balance shall be distributed in accordance with the Fish and Wildlife Service Administrative Provisions of this Act.

(2) For purposes of the subsection, "total collections" for each site shall be defined as gross collections before any reduction for amounts attributable to collection costs.

(3)(A) Expenditures from site specific special funds shall be for further activities of each site, and shall be accounted for separately. Expenditures for each site shall be in proportion to total collections from the demonstration sites administered by an agency.

(B) Expenditures from agency specific special funds shall be for use on an agency-wide basis and shall be accounted for separately.

(C) Expenditures from the fee collection support fund shall be used to cover fee collection costs in accordance with section 4(i)(1)(B) of the Land and Water Conservation Act as amended.

(4) In order to increase the quality of the visitor experience at public recreational areas and enhance the protection of resources, amounts available for expenditure under paragraph (1)

may only be used for the site or project concerned, for backlogged repair and maintenance projects (including projects relating to health and safety) and for interpretation, signage, habitat or facility enhancement, resource preservation, annual operation (including fee collection), maintenance, and law enforcement relating to public use. The agencywide accounts may be used for the same purposes set forth in the preceding sentence, but for sites or projects selected at the discretion of the respective agency head.

(d)(1) Amounts collected under this section shall not be taken into account for the purposes of the Act of May 23, 1908 and the Act of March 1, 1911 (16 U.S.C. 500), the Act of March 4, 1913 (16 U.S.C. 501), the Act of July 22, 1937 (7 U.S.C. 1012), the Act of August 8, 1937 and the Act of May 24, 1939 (43 U.S.C. 1181f et seq.), the Act of June 14, 1926 (43 U.S.C. 869-4), chapter 69 of title 31, United States Code, section 401 of the Act of June 15, 1935 (16 U.S.C. 715s), the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l), and any other provision of law relating to revenue allocation.

(2) Fees charged pursuant to this section shall be in lieu of fees charged under any other provision of law.

(e) The Secretary of the Interior and the Secretary of Agriculture shall carry out this section without promulgating regulations.

(f) The authority to collect fees under this section shall commence on October 1, 1995, and end on September 30, 1998. Funds in accounts established shall remain available through September 30, 2001.

SEC. 316. The Forest Service and Bureau of Land Management may offer for sale salvageable timber in the Pacific Northwest in fiscal year 1996: *Provided*, That for public lands known to contain the Northern spotted owl, such salvage sales may be offered as long as the offering of such sale will not render the area unsuitable as habitat for the Northern spotted owl: *Provided further*, That timber salvage activity in spotted owl habitat is to be done in full compliance with all existing environmental and forest management laws.]

SEC. 317. None of the funds made available in this Act may be used for any program, project, or activity when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any applicable Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 318. None of the funds provided in this Act may be made available for the Mississippi River Corridor Heritage Commission.

SEC. 319. (a) LIMITATION ON USE OF FUNDS.—None of the funds made available in this Act may be used by the Department of Energy in implementing the Codes and Standards Program to plan, propose, issue, or prescribe any new or amended standard.

[(b) CORRESPONDING REDUCTION IN FUNDS.—The aggregate amount otherwise provided in this Act for "DEPARTMENT OF ENERGY—Energy Conservation" is hereby reduced by \$12,799,000.

SEC. 320. None of the funds made available in this Act may be used by the Department of Energy in implementing the Codes and Standards Program to plan, propose, issue, or prescribe any new or amended standard—

[(1) when it is made known to the Federal official having authority to obligate or expend such funds that the Attorney General, in accordance with section 325(o)(2)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6295(o)(2)(B)), determined that the standard is likely to cause significant anti-competitive effects;

[(2) that the Secretary of Energy, in accordance with such section 325(o)(2)(B), has determined that the benefits of the standard do not exceed its burdens; or

[(3) that is for fluorescent lamps ballasts.]

SEC. 320. None of the funds made available in this Act may be used by the Department of Energy in implementing the Codes and Standards Program to plan, propose, issue, or prescribe any new or amended standard for fluorescent lamps ballasts.

SEC. 321. None of the funds made available in this Act may be used (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when it is made known to the Federal official having authority to obligate or expend such funds that such pedestrian use is consistent with generally accepted safety standards.

SEC. 322. No funds appropriated or otherwise made available pursuant to this Act in fiscal year 1996 shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws or to issue a patent for any such claim.]

SEC. 323. None of the funds appropriated or otherwise made available by this Act may be used for the purposes of acquiring lands in the counties of Lawrence, Monroe, or Washington, Ohio, for the Wayne National Forest.

SEC. 324. No part of any appropriation contained in this Act or any other Act shall be expended or obligated to fund the activities of the Office of Forestry and Economic Development after December 31, 1995.

SEC. 325. No part of any appropriation contained in this Act or any other Act shall be expended or obligated to: (a) redefine the definition of an area in which a marbled murrelet is "known to be nesting"; or (b) to modify the protocol for surveying for marbled murrelets in effect on July 21, 1995.

SEC. 326. (a) LAND EXCHANGE.—The Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to convey to the Boise Cascade Corporation (hereinafter referred to as the "Corporation"), a corporation formed under the statutes of the State of Delaware, with its principal place of business at Boise, Idaho, title to approximately seven acres of land, more or less, located in sections 14 and 23, township 36 north, range 37 east, Willamette Meridian, Stevens County, Washington, further identified in the records of the Bureau of Reclamation, Department of the Interior, as Tract No. GC-19860, and to accept from the Corporation in exchange therefor, title to approximately one hundred and thirty-six acres of land located in section 19, township 37 north, range 38 east and section 33, township 38 north, range 37 east, Willamette Meridian, Stevens County, Washington, and further identified in the records of the Bureau of Reclamation, Department of the Interior, as Tract No. GC-19858 and Tract No. GC-19859, respectively.

(b) APPRAISAL.—The properties so exchanged either shall be approximately equal in fair market value or if they are not approximately equal, shall be equalized by the payment of cash to the Corporation or to the Secretary as required or in the event the value of the Corporation's lands is greater, the acreage may be reduced so that the fair market value is approximately equal: *Provided*, That the Secretary shall order appraisals made of the fair market value of each tract of land included in the exchange without consideration for improvements thereon: *Provided further*, That any cash payment received by the Secretary shall be covered in the Reclamation Fund and credited to the Columbia Basin project.

(c) ADMINISTRATIVE COSTS.—Costs of conducting the necessary land surveys, preparing the legal descriptions of the lands to be conveyed, performing the appraisals, and administrative costs incurred in completing the exchange shall be borne by the Corporation.

(d) LIABILITY FOR HAZARDOUS SUBSTANCES.—(1) The Secretary shall not acquire any lands under this Act if the Secretary determines that

such lands, or any portion thereof, have become contaminated with hazardous substances (as defined in the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601)).

(2) Notwithstanding any other provision of law, the United States shall have no responsibility or liability with respect to any hazardous wastes or other substances placed on any of the lands covered by this Act after their transfer to the ownership of any party, but nothing in this Act shall be construed as either diminishing or increasing any responsibility or liability of the United States based on the condition of such lands on the date of their transfer to the ownership of another party. The Corporation shall indemnify the United States for liabilities arising under the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601), and the Resource Conservation Recovery Act (42 U.S.C. 6901 et seq.).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

SEC. 327. TIMBER SALES PIPELINE RESTORATION FUNDS.—(a) The Secretary of Agriculture and the Secretary of the Interior shall each establish a Timber Sales Pipeline Restoration Fund (hereinafter "Agriculture Fund" and "Interior Fund" or "Funds"). Any revenues received from sales released under section 2001(k) of the Fiscal Year 1995 Supplemental Appropriations for Disaster Assistance and Rescissions Act, minus the funds necessary to make payments to States or local governments under other law concerning the distribution of revenues derived from the affected lands, which are in excess of \$37,500,000 (hereinafter "excess revenues") shall be deposited into the Funds. The distribution of excess revenues between the Agriculture Fund and Interior Fund shall be calculated by multiplying the total of excess revenues times a fraction with a denominator of the total revenues received from all sales released under such section 2001(k) and numerators of the total revenues received from such sales on lands administered by the Bureau of Land Management, respectively: *Provided*, That revenues or portions thereof from sales released under such section 2001(k), minus the amounts necessary for State and local government payments and other necessary deposits, may be deposited into the Funds immediately upon receipt thereof and subsequently redistributed between the Funds or paid into the United States Treasury as miscellaneous receipts as may be required when the calculation of excess revenues is made.

(b)(1) From the funds deposited into the Agriculture Fund and into the Interior Fund pursuant to subsection (a)—

(A) seventy-five percent shall be available, without fiscal year limitation or further appropriation, for preparation of timber sales, other than salvage sales as defined in section 2001(a)(3) of the fiscal year 1995 Supplemental Appropriations for Disaster Assistance and Rescissions Act, which—

(i) are situated on lands within the National Forest System and lands administered by the Bureau of Land Management, respectively; and

(ii) are in addition to timber sales for which funds are otherwise available in this Act or other appropriations acts.

(B) twenty-five percent shall be available, without fiscal year limitation or further appropriation, to expend on the backlog of recreation projects on lands within the National Forest System and lands administered by the Bureau of Land Management, respectively.

(2) Expenditures under this subsection for preparation of timber sales may include expenditures for Forest Service activities within the forest land management budget line item and associated timber roads, and Bureau of Land Management activities within the Oregon and

California grant lands account and the forestry management area account, as determined by the Secretary concerned.

(c) Revenues received from any timber sale prepared under subsection (b) or under this subsection, minus the amounts necessary for State and local government payments and other necessary deposits, shall be deposited into the Fund from which funds were expended on such sale. Such deposited revenues shall be available for preparation of additional timber sales and completion of additional recreation projects in accordance with the requirements set forth in subsection (b).

(d) The Secretary concerned shall terminate all payments into the Agriculture Fund or the Interior Fund, and pay any unobligated funds in the affected Fund into the United States Treasury as miscellaneous receipts, whenever the Secretary concerned makes a finding, published in the Federal Register, that sales sufficient to achieve the total allowable sales quantity of the national forest system for the Forest Service or the allowable sales level for the Oregon and California grant lands for the Bureau of Land Management, respectively, have been prepared.

(e) Any timber sales prepared and recreation projects completed under this section shall comply with all applicable environmental and natural resource laws and regulations.

(f) The Secretary concerned shall report annually to the Committees on Appropriations of the U.S. Senate and the House of Representatives on expenditures made from the Fund for timber sales and recreation projects, revenues received into the Fund from timber sales, and timber sale preparation and recreation project work undertaken during the previous year and projected for the next year under the Fund. Such information shall be provided for each Forest Service region and Bureau of Land Management State office.

(g) The authority of this section shall terminate upon the termination of both Funds in accordance with the provisions of subsection (d).

SEC. 328. Notwithstanding any other provision of law, none of the funds provided in this or any other act shall be available for travel and training expenses for the Bureau of Indian Affairs or the Office of Indian Education for education conferences or training activities.

SEC. 329. Of the funds provided to the National Endowment for the Arts:

(a) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship.

(b) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(c) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

This Act may be cited as the "Department of the Interior and Related Agencies Appropriations Act, 1996".

Mr. GORTON. Mr. President, I lay before the Senate this afternoon the fiscal year 1996 Department of the Interior and related agencies appropriations bill.

This bill, as reported by the Appropriations Committee, totals \$12,122,927,000 in discretionary budget authority, \$73,000 below the subcommittee's 602(b) allocation. The outlay scoring totals \$13,167,502,000, \$6,498,000 below allocation. The bill is \$1,777,000,000 less than the President's

budget request for budget authority and \$991 million below the President's budget request for outlays.

Mr. President, the bill before the Senate represents intensely difficult choices and real cuts in spending of \$1.5 billion below the fiscal year 1995 level or a reduction of 11 percent.

Mr. President, I want to repeat that last statement. There is \$1.5 billion less in this bill than there was in the bill passed by the Congress, signed by the President, covering the current 1995 fiscal year. That is 11 percent less money from that 1995 base.

As a consequence, in crafting this bill, we have had to engage in the process of distributing poverty or distributing reductions. For all practical purposes, there are no programs of any significant size that are increased in this bill and very, very few which we have been able to keep even.

Members will be frustrated—and I think perhaps rightly frustrated—by the fact that some of their important priorities have suffered reductions and can only effectively deal with those reductions when they compare them with the overall reductions in the bill as a whole.

Now, agencies covered by this bill primarily in the Department of the Interior do not share equally in the 11-percent reduction. For instance, the land management agencies are reduced by 4 percent, cultural activities by 15 percent, Indian programs by 8 percent, and Department of Energy programs by 10 percent.

Other Members have raised concerns about the sensitivity to the budget resolution recommendations. This proposal reflects the meshing of the budget resolution, the bill priorities of the subcommittee which wrote this bill, and of members of the full Appropriations Committee together with concerns of individual Members and the administration's own priorities.

In fact, as another aside, Mr. President, I can say that the allocations out of which this bill were built are slightly higher than those that were considered and passed by this body in the budget resolution.

If we had followed the budget resolution to the exclusion of all other considerations, the total amount spent would have been even lower. For instance, members of the administration in the broadest possible sense have placed a high priority on the preservation and enhancement of the National Park Service. As a consequence, the Park Service was reduced by only 6 percent overall, with no reduction for Park Service operations.

In the budget resolution, a moratorium on land acquisition was assumed. Member interest, however, necessitated funding to some land acquisitions even though they are at drastically reduced levels.

Also, an item, which seems to have been lost when considering the budget committee recommendations, is the \$379 million reduction for unidentified

Interior bill overhead. I remind Members that overhead costs exist in all agencies. We faced the question of how that should be dealt with. If applied to some of the smaller agencies, such a reduction would have had a devastating and unacceptable effect.

As has been the practice in past years, the bill before us today was formulated in a bipartisan manner. I wish to thank Senator BYRD and his staff for their assistance and cooperation in drafting the Interior bill.

Again, Mr. President, off of my prepared text here, I should like to express my deep admiration for Senator BYRD, the ranking member of this subcommittee. I am brand new to this responsibility. He has held more offices in this Senate, including majority leader and President pro tempore, than has any other individual in its history. He was, last year, in addition to being chairman of the overall Appropriations Committee, chairman of the Subcommittee on Interior and Related Agencies. It, obviously, has to be very difficult to give up that position and that authority to someone who is new to these responsibilities entirely, but Senator BYRD has been not only gracious and cooperative, but has provided me with a wonderful education in the priorities and responsibilities that fall to me as chairman of the subcommittee and as manager of this bill. I want to thank him for that graciousness, and for that education.

Now, Mr. President, I should like to report that the subcommittee received more than 1,400 requests for amendments to the bill, or for projects within the bill. Even that represents a major step forward from what Senator BYRD faced last year, which, if my memory serves me correctly, was more than 3,000 such requests. Perhaps that reduction does reflect the fact that most Members understand that we have this major cut. But they have made it difficult to honor more than a relatively few of them.

Many of those 1,400 requests, which total up to \$2.1 billion, presumed the enactment of amounts contained in the President's budget and then proposed to add something beyond that number. With the budget constraints that we faced, our starting point had to be the fiscal year 1995 budget, with extensive review and attention to the President's budget proposals, but with the necessity to reduce significantly below that 1995 level.

There are, obviously, many programs which individual Senators would like to see funded at higher levels. In many cases I agree. I do have to emphasize, and remind these Senators, however, of the funding constraints that the subcommittee faced and the difficult choices that had to be made.

Any amendments to increase any program area must be offset by reductions elsewhere to remain within our allocations in the Appropriations Committee and, of course, within the budget resolution overall. Now, let me turn

briefly to the recommendations that are before you today. These are only highlights.

Programs for Native Americans and Alaska Natives are funded at \$3,532,042,000 within the bill, almost 30 percent of its entire amount. Within the funding constraints faced by the committee, efforts were made to protect basic health care services provided through the Indian Health Service, and the education, trust, and natural resources programs within the Interior Department.

Funding has been provided for the Office of Special Trustee for American Indians, by transferring funding for natural resources management, trust services, resource management construction, and miscellaneous payments for Indian land and water settlements from BIA to the office. The activities that remain within the BIA are primarily services that are typically provided through local governments.

Concerns have been raised by the chairman and ranking member of the Indian Affairs Committee concerning potential impacts of the committee's proposal on the confirmation of the special trustee. As a result, I plan to offer an amendment that will transfer the most of the activities proposed for the Office of Special Trustee for American Indians back to the Bureau of Indian Affairs. Only the financial trust management functions and the immediate office of the special trustee will remain. I hope that the merits of the committee's proposal will be considered as the Indian Affairs Committee considers legislation reorganizing the BIA. In any event, this is properly its responsibility.

LAND MANAGEMENT

On the next subject, the subcommittee has attempted to protect the operational base of the land management agencies as much as possible. I have already spoken to the fact there are no such reductions for the National Park Service, the Fish and Wildlife Service has a 3-percent reduction, the Bureau of Land Management and Forest Service each 5-percent reduction.

To assist with the growing recreation demands on the agencies in this bill, a pilot recreation fee proposal is included in the bill after consultation with the Committee on Energy and Natural Resources.

The construction accounts for the land management agencies have decreased \$88 million in total—20 percent. The majority of the construction projects involve the completion of ongoing projects and the restoration or rehabilitation of existing facilities. No new starts for visitor centers are provided.

Overall funding for land acquisition for the land management agencies totals \$127 million which is about halfway between last year's level and the outright moratorium included in the budget resolution. The committee has identified specific projects, while the House bill did not. Priority is given to

completing ongoing acquisitions and avoiding new starts that will increase outyear demands.

NATURAL RESOURCES SCIENCE AGENCY (FORMERLY NBS)

The committee has recommended retaining the Department of the Interior's biological research as a separate entity. Direction is provided to refocus the agency's work on issues most critical to the land managers, but language is included to protect private property owners.

MINING AGENCIES

The committee has not included a moratorium on accepting and processing applications for mining patents, and that will be subject to, perhaps, an amendment that will be proposed very, very soon.

The mining and minerals related agencies are collectively funded at 8 percent below the fiscal year 1995 level. The committee mark funds the Bureau of Mines at the request level of \$132.5 million, a decrease of \$20 million from fiscal year 1995. Field facilities proposed for closure in the budget will be maintained at lower staffing levels.

The mark also includes OCS moratoria language covering the same areas covered by last year's bill.

DEPARTMENT OF ENERGY

The Energy Conservation Program is funded at \$577 million. The low-income Weatherization Program is funded at \$137 million, or about \$26.5 million above the House-passed level. The State energy block grants are funded at \$31.5 million, \$5 million above the House level. Bill language has been included to prohibit DOE from proposing or issuing any new or amended standards for fluorescent lamps ballasts.

Fossil energy research and development is a decrease of 11 percent below the fiscal year 1995 level. Similar reductions are expected over the next several fiscal years.

CULTURAL AGENCIES

Within the constraints of our bill, we have made a concerted effort to address the critical repair and renovation needs of the cultural organizations, such as the National Gallery of Art, the Smithsonian Institution, and the Kennedy Center, for which we have the primary responsibility in order to protect collections and structures of importance to the American people. Reductions to operating accounts, while unavoidable, have been kept relatively small in recognition of the wide array of public services which in part define the mission of these agencies.

As a result, more significant reductions have been necessarily taken to the budgets of the Endowments, whose mandates are fulfilled in varying degrees based on the availability of funds, but whose beneficiaries, of course, have many other sources of support. We make no assumptions with respect to the continuation or termination of the Endowments, believing that to be the function of the authorizing committee.

In short, we have done the best we can with severely limited resources, concentrating our efforts on those agencies that rely on the Congress for all, or about all, of their support.

Mr. BYRD. Mr. President, I am pleased to support the introductory remarks of the chairman.

May I say at the outset that this chairman is one of the finest subcommittee chairman that I have seen in my years here. He has shown a very studious approach and has in my judgment mastered this very complex bill. It is a bill that funds 40 agencies, and I salute him without envy by stating that he has come to grips with this bill and I think has understood its complexities more in this 1 year than I have been able to understand in the several years I have been chairman and ranking member, back and forth from time to time. I have found him to be very fair and reasonable. He is sharp and he is dedicated. I think he is a man who is molded for this particular subcommittee.

It is a subcommittee that I would have to say is probably far more western in its orientation than others. He comes from the West and he is familiar with those issues that are of such interest to the West. It has been a pleasure to work with him, and I have learned from him.

I will not engage in a lengthy summary of the bill because I believe the major issues confronting the subcommittee have already been laid out.

This is not an easy bill to put together. The interests are competing, and the policy issues are of great importance to many Senators. As I have said, Senator GORTON has grasped the ramifications of these issues quickly, and has been very thoughtful in his approach to this bill. He has tried to make the best out of a very difficult situation. The cuts in this bill are very real, but the chairman was left with little choice because of the dictates of the budget resolution. Members should remember that in total, this appropriations bill is \$1.1 billion, or 11 percent, below the fiscal year 1995 level.

In general, this bill protects the operating accounts of the agencies, and constrains construction and land acquisition funding below prior year levels. Despite these efforts to protect the core programs that deliver services to the American public, the Interior Department has estimated that it may have to reduce its current work force by 4,000 positions. Some of these reductions will occur in Washington, DC, but the vast majority of them will occur where the programs are conducted—in places like Pittsburgh, Denver, Sacramento, Portland, Billings, Tucson, Gainesville, Charleston, and the like. This bill is evidence that when the Appropriations Committee has to distribute spending cuts of the magnitude imposed by the budget resolution, programs will be reduced, and so will the number of people who deliver them. As one agency director reminded me, we

are beyond the point of doing more with less—we are now having to do less with less.

Despite these constraints, Mr. President, the programs of this bill are endorsed warmly when it comes to specific requests for individual projects, especially for more land acquisition and construction. Even after the budget resolution recommended a moratorium on land acquisition and cuts in construction, the subcommittee was besieged by requests from both sides of the aisle for these types of projects. The chairman and subcommittee have sought to accommodate the most critical projects, while still reducing the overall program.

The committee has not concurred with some of the program terminations proposed by the House. The subcommittee has recommended a reduced, yet responsible, level for natural resources research within the Interior Department. Funding is also provided to ensure that critical health and safety, mineral information, and pollution abatement activities of the Bureau of Mines are addressed, although at a level \$20 million below last year.

Mr. President, there will be an amendment offered to this bill to reduce funding in various operating accounts in order to put more money into the programs of the Bureau of Indian Affairs. Senator GORTON and I will join together in opposition to this effort to undo the carefully crafted compromise we bring to the Senate today.

Mr. President, this bill is right at its 602(b) allocation, so amendments will need to be offset. Nearly all of the accounts in the bill are funded well below last year's level, the exceptions being the National Park Service operating account and the Indian Health services account, which are essentially frozen at the current level, with no allowances for the effects of fixed cost increases, pay, inflation, and the costs of new facilities.

I encourage Senators who may have amendments to this bill to come to the floor, and let us begin to address the amendments. This bill faces a difficult conference, and the sooner we finish our work in the Senate, the better the chances are of completing action on this bill prior to the beginning of the new fiscal year on October 1. Many of the potential amendments to which the subcommittee has been alerted have been debated previously on this bill, and I hope Senators will be cooperative and willing to enter into time agreements so that we can complete this bill as expeditiously as possible.

Lastly, I wish to thank Senator GORTON and his staff for the cooperative working relationship we have had in this bill.

In particular, I thank Sue Masica, my own very competent and dedicated staff person, for the excellent work that she consistently performs and has performed over the years she has been with the committee.

I also thank Cherie Cooper for her fine work and pleasant way of dealing

with all of us and her very cooperative and congenial manner.

The choices are difficult in this bill, but the task has been made easier by the fair manner in which this bill has been handled by the chairman and by his staff as well as by my own staff.

Mr. President, I yield the floor.

Mr. GORTON. Mr. President, I thank my distinguished colleague from West Virginia for those comments and for that support.

Nevertheless, he and I both realize from our past history that this is a bill which attracts a great deal of interest, a certain degree of controversy and a significant number of amendments.

I am personally gratified by the fact that we have Members already willing to propose those amendments. I just have a couple of other announcements and I hope a motion.

Normally, we would now adopt committee amendments. I had hoped to adopt the committee amendments en bloc and have the bill in condition to be further amended. But first there were three objections to particular committee amendments which Members wished to amend themselves. And then the senior Senator from Texas [Mr. GRAMM], desired to read all of the committee amendments to determine which he wished to amend first. So I am not going to move to adopt any committee amendments now.

We have worked as diligently as we can with Members who have relatively noncontroversial amendments and two that are very large but nonetheless are agreed to.

AMENDMENTS NOS. 2283 THROUGH 2291

Mr. GORTON. Mr. President, I would propose at this point to send a set of en bloc amendments to the desk and ask that they be considered. I will explain them. If any Member wishes to object to any one of them, that Member is free to do so. But I trust there will be no such objections.

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

The clerk will report the amendments en bloc.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON] proposes en bloc amendments numbered 2283 through 2291.

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

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

The amendments are as follows:

AMENDMENT NO. 2283

(Purpose: To direct the Secretary of the Interior to conduct a study concerning the equity regarding entrance, tourism, and recreational fees for the use of Federal lands and facilities, and for other purposes)

Insert at page 126, between line 7 and line 8:

“(g)(1) It is the policy of the Congress that entrance, tourism, and recreational use fees for the use of Federal lands and facilities not discriminate against any State or any region of the country.

“(2) Not later than October 1, 1996, the Secretary of the Interior, in cooperation with the heads of other affected agencies shall prepare and submit to the Senate and House Appropriations Committees a report that—

“(A) identifies all Federal lands and facilities that provide tourism or recreational use; and

“(B) analyzes by State and region any fees charged for entrance to or for tourism or recreational use of Federal lands and facilities in a State or region, individually and collectively.

“(3) Not later than October 1, 1997, the Secretary of the Interior, in cooperation with the heads of other affected agencies, shall prepare and submit to the Senate and House Appropriations Committees any recommendations that the Secretary may have for implementing the policy stated in subsection (1).”

AMENDMENT NO. 2284

(Purpose: To make explicit that certain prohibitions contained in the bill regarding activities under Section 4 of the Endangered Species Act are not to extend beyond the end of fiscal year 1996)

On page 10, line 16 of the bill, strike “enacted,” and insert “enacted or until the end of fiscal year 1996, whichever is earlier.”

AMENDMENT NO. 2285

(Purpose: Technical correction to change draft environmental statement to final environmental statement in order to make the Sec. 314 consistent throughout)

On page 115, line 10, strike “draft” and insert in lieu thereof “final”.

AMENDMENT NO. 2286

(Purpose: Technical amendment to vitiate previous technical correction)

On page 80, lines 5 through 16, vitiate the Committee amendment and restore the House text.

AMENDMENT NO. 2287

(Purpose: Technical correction to include proper statutory citation within bill)

On page 10, line 15 of the bill, strike “Endangered Species Act” and insert “Endangered Species Act of 1973, (16 U.S.C. 1533)”.

AMENDMENT NO. 2288

(Purpose: To make technical corrections to Section 115 concerning Washington State Indian Tribes)

On page 55, line 14, insert “not” after “shall”.

On page 55, line 15, delete “action” and insert “actions”.

On page 55, line 16, delete “judgment” and insert “judgments”.

On page 55, line 16, delete “has” and insert “have”.

AMENDMENT NO. 2289

(Purpose: To prohibit the Forest Service from applying paint to rocks)

On page 76, after line 23, insert the following: None of the funds appropriated under this Act for the Forest Service shall be made available for the purpose of applying paint to rocks, or rock colorization: Provided, That notwithstanding any other provision of law, the Forest Service shall not require of any individual or entity, as part of any permitting process under its authority, or as a requirement of compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4231 et seq), the painting or colorization of rocks.

AMENDMENT NO. 2290

(Purpose: To transfer all funding from the Office of Special Trustee except for financial trust management funding to the Bureau of Indian Affairs, including funding for resources management, trust activities, resources management construction, and Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians)

On page 31, lines 3 through 7, delete the Committee amendment.

On page 31, line 15, delete "\$997,221,000" and insert "\$1,260,921,000".

On page 32, line 13, delete "\$35,331,000" and insert "\$62,328,000".

On page 32, lines 15 through 17, delete the Committee amendments.

On page 34, lines 4 through 11, delete the Committee amendment.

On page 36, line 7, delete the Committee amendment.

On page 36, lines 9 through 10, restore "acquisition of lands and interests in lands; and preparation of lands for farming".

On page 36, line 11, delete "\$60,088,000" and insert "\$107,333,000".

On page 36, lines 12 through 16, delete the Committee amendment.

On page 36, lines 20 through 23, delete the Committee amendment.

On page 37, lines 22 through page 38, line 23, delete the Committee amendment.

On page 37, line 26, of the matter restored, strike "\$75,145,000" and insert "\$82,745,000".

On page 38, line 1 of the matter restored, strike "\$73,100,000" and insert "\$78,600,000".

On page 38, line 11 of the matter restored, strike "\$1,000,000" and insert "\$3,100,000".

On page 44, lines 11 through 16, delete the following: "including expenses necessary to provide for management, development, improvement and protection of resources and appurtenant facilities formerly under the jurisdiction of the Bureau of Indian Affairs, including payment of irrigation assessments and charges and acquisition of water rights".

On page 44, line 16, delete "\$280,038,000" and insert "\$15,338,000" in lieu thereof.

On page 44, line 16, delete "\$15,964,000" and insert "\$15,891,000" in lieu thereof.

On page 44, lines 18 through 19, delete "attorney fees, litigation support, and the Navajo-Hopi Settlement Program".

On page 45, lines 7 through 16, delete beginning with "Provided" on line 7 and ending with "1997" on line 16.

On page 45, lines 18 through 19, delete "attorney fees, litigation support, and the Navajo-Hopi Settlement Program".

Delete the Committee amendment beginning on page 45 line 23 through page 48 line 8.

AMENDMENT NO. 2291

(Purpose: To delete a provision relating to the Bureau of Indian Affairs)

On page 35, beginning on line 11, delete after the word "area" (beginning with "Provided") and all that follows through "Appropriations" on line 22.

Mr. GORTON. The first of these amendments, No. 2283, is the amendment by the Senator from Colorado, [Mr. BROWN] on a Department of the Interior study of recreation fees.

The second, No. 2284, is an amendment from Senator CHAFEE on the Endangered Species Act to clarify that the listing moratorium lasts only during the pendency of this bill, that is to say, through September 30, 1996. That is what we had intended to do and meant the bill to do. It was unclear. And just to make certain, it lasts only for that period of time at the longest

and will also terminate as and when the Endangered Species Act itself is reauthorized.

The next, amendment No. 2285, is one by myself which substitutes the word "final" for the word "draft" in section 314.

The fourth, No. 2286, is a technical amendment of mine on the petroleum reserve.

The next, No. 2287, is a technical correction making the proper citation to a statute.

Amendment No. 2288 is a technical correction which inserts the word "not" in a phrase relating to various Indian tribes in the State of Washington, which was the original desired meaning of the language.

Amendment No. 2289 is one on mandatory rock painting required by various Federal agencies when highways are built.

And then there are two that are not technical amendments that are agreed to: Amendment No. 2290 for myself, the Senator from Arizona, the Senator from Hawaii [Mr. INOUE], and the Senator from New Mexico [Mr. DOMENICI] which will retain trust fund management and special trustee funding within the Office of Special Trustees for American Indians but transfer all of the other major funding accounts that were included in this bill back to the Bureau of Indian Affairs.

The special trustees office was authorized last year. I think we anticipated greater powers for it than the authorizing committee, the Bureau of Indian Affairs, is prepared to grant to it at the present time. And the subject is properly a matter for that committee to consider. So this places only those clear trustee responsibilities in the trustee and returns the rest to BIA.

The amendment transfers back to the Bureau of Indian Affairs all funds and FTE's for the Office of Special Trustee for American Indians, except for \$15,891,000 for Financial Trust Management activities and \$447,000 for the immediate Office of the Special Trustee.

A total of \$393,690,000 is transferred back to the Bureau of Indian Affairs, including \$263,700,000 to the Operation of Indian Programs account, \$47,245,000 to the Construction account, and \$82,745,000 to the Indian Land and Water Claims Settlements and Miscellaneous Payments to Indians account is transferred in its entirety.

Within the funds transferred to the Operation of Indian Programs account, a total of \$73,784,000 is transferred from Trust Asset Management and Protection in the Office of Special Trustee to the Other Trust Services activities, including \$28,692,000 for Tribal Priority Allocations, \$30,227,000 for Non-recurring Programs, \$9,935,000 to Area Office Operations, and \$4,930,000 to Central Office Operations.

Within the net amount transferred for Trust Services for Tribal Priority

Allocations, a reduction of \$1,605,000 has been taken that includes: \$846,000 for pay costs; \$527,000 for general trust services and \$231,000 to real estate services to eliminate increases above the FY 1995 level; and \$1,000 to other trust services. For Non-recurring Programs, a reduction of \$237,000 for pay costs has been included and \$13,472,000 has been transferred for water rights negotiation/litigation. For Area Office Operations, there is a total reduction of \$591,000, including a reduction of \$291,000 for pay costs, and a reduction of \$300,000 for land records improvement. For Central Office Operations, a total reduction of \$58,000 has been taken for pay costs and \$2,900,000 for land records improvement.

A total of \$142,471,000 is transferred from Resource Management and Protection in the Office of Special Trustee to the Resources Management activities in the BIA's OIP account, including \$65,357,000 to Tribal Priority Allocations, \$35,556,000 to Other Recurring Programs, \$31,395,000 to Non-recurring Programs, \$3,996,000 to Area Office Operations, \$1,470,000 to Special Programs and Pooled Overhead, and \$4,697,000 to Central Office Operations. Any committee direction for the programs to be transferred still applies once the programs are transferred to the Bureau of Indian Affairs.

Within the net amount transferred for Resources Management, a reduction of \$3,020,000 for Tribal Priority Allocations has been taken that includes \$1,635,000 for pay costs, \$620,000 to maintain Wildlife and Parks at the fiscal year 1995 level, and \$765,000 to maintain Other Resources Management at the fiscal year 1995 level. For Non-recurring Programs, there is a total reduction of \$428,000 for pay costs. For Area Office Operations, a total reduction of \$505,000 includes \$90,000 for pay costs, \$90,000 for Forestry, \$50,000 for Water Resources, \$200,000 for Wildlife and Parks, and \$75,000 for Minerals and Mining. For Central Office Operations, \$80,000 was reduced for pay costs.

A total of \$1,045,000 is transferred from Executive Direction in the Office of Special Trustee to Central Office Operations within OIP, including \$795,000 to the Assistant Secretary of Indian Affairs for the Office of American Indian Trust, and \$250,000 to Other General Administration.

A total of \$46,400,000 is transferred from Administrative Support in the Office of Special Trustee to Operations of Indian Programs in BIA, including \$40,000,000 to Tribal Government within Tribal Priority Allocations and \$6,400,000 to Other General Administration within Central Office Operations.

A total of \$47,245,000 is transferred from the Office of Special Trustee to the Construction account of the Bureau of Indian Affairs for Resource Construction Management. Reductions include \$139,000 for pay costs, \$500,000 for Engineering and Supervision, and \$12,024,000 for Safety of Dams. For the Navajo Indian Irrigation Project,

\$25,500,000 is provided and \$1,500,000 is provided for the southern Arizona project.

The last one, Amendment No. 2291, is by the same four Senators has to do with tribal shares within the central office of the Bureau of Indian Affairs.

The amendment deletes the committee amendment pertaining to distribution of tribal share from Central Office Operations and Special Programs and Pooled Overhead. The usual reprogramming guidelines of the Interior Appropriations Subcommittee should apply to any amount negotiated to be transferred as tribal shares to tribes or tribal organizations under Public Law 93-638, as amended.

AMENDMENT NO. 2283

Mr. BROWN. Mr. President, today I offer an amendment to the Interior appropriation bill, based on a bill I introduced earlier this year, S. 340, Public Facilities Fees Equity Act of 1995. This amendment is similar to an amendment accepted by the Senate on the California Desert Act last year. This amendment involves three parts. One is a simple statement of policy. It is to suggest there should not be discrimination in the kind of fees we levy across this country; discrimination among the States and discrimination between the various regions of the country. In other words, we ought to be working toward a uniform policy that affects the Nation fairly and evenly.

Second, it calls for a study of the fees we charge for entrance to public facilities, whether they involve tourism or other public facilities.

Third, it calls for recommendations to achieve the policy statement that is for even and fair treatment. It relates specifically to this amendment because it is not beyond the realm of possibility that fees will relate, but its ramifications are broader than that. I think it moves us toward a position of equity for the whole Nation.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Reserving the right to object. On the amendment by Senator CHAFFEE, I think I heard you say this but I was watching on television, not here on the floor. I heard you say that it would be extended during this next fiscal year and/or when the Endangered Species Act is reauthorized?

Mr. GORTON. Whichever is earlier.

The Senator from Arizona is here. I do not know whether he wanted to comment on the trust fund or not or is ready to accept these amendments en bloc.

Mr. McCAIN. I am prepared to accept the amendments en bloc and then comment on that amendment as part of some general remarks I would like to make and some questions I have for the distinguished chairman.

Mr. GORTON. Fine. Then, Mr. President, I urge the adoption of the amendments en bloc.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

So the amendments (Nos. 2283 through 2291), en bloc were agreed to.

Mr. McCAIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. GORTON. In attempting expeditiously and efficiently to organize the debate, I asked the Senator from Arkansas, Mr. BUMPERS, whether or not he would put up his annual amendment on mining patents, and he has agreed to do so. I understand he is on the way to the floor. When he does that, I will move the committee amendment to which that would be an amendment.

In the meantime, I would yield the floor for any remarks the Senator from Arizona would like to make.

Mr. McCAIN. Mr. President, first I would like to congratulate both the manager of the bill and the distinguished Democratic leader on the very difficult decisions that have been made in overall reductions in spending over last year.

I do have several concerns I would like to raise with the manager of the bill, and perhaps I can discuss them with him. First of all, when the committee amendments are proposed—I have already discussed this with the Senator from Washington—I would seek an amendment to authorize the funding for the National Endowment for the Arts by both Houses.

Mr. GORTON. Will the Senator yield?

Does he mean that he would authorize them in this bill or would condition the appropriations—

Mr. McCAIN. Would condition the appropriations with the authorization by both Houses.

And I have already discussed that with the distinguished chairman. I would say to the chairman, on page 19, there is a provision that states:

\$1,500,000 of the funds provided under this head, to be derived from the Historic Preservation Fund, established by the Historic Preservation Act of 1966 * * * shall be available until expended to render the site safe for visitors and to continue building stabilization of the Kennecott, Alaska copper mine.

I believe I have reached an agreement with the Senator from Alaska on this particular part of the bill. And I think that we will be ready soon to propose an amendment that basically says that the changes in the language says that "it may be available until expended to render sites safe for visitors." I think that is an appropriate correction to that part of it.

Mr. GORTON. I note the presence of the Senator from Alaska.

Mr. McCAIN. I note his presence also. And I think he might be ready in just a few minutes. Let me just go on because I have some questions for the distinguished chairman.

On page 27 of the bill, line 23, it says:

Provided further, That notwithstanding any other provision of law, the Secretary is authorized to convey, without reimbursement, title and all interest of the United States in

property and facilities of the United States Bureau of Mines in Juneau, Alaska to the City and Borough of Juneau, Alaska; in Tuscaloosa, Alabama, to The University of Alabama; in Rolla, Missouri, to the University of Missouri-Rolla; and in other localities to such university or government entities as the Secretary deems appropriate.

Am I correct in assuming that that transfer has not gone through the appropriate GSA screening process?

Mr. GORTON. I would assume that to be the case.

Mr. McCAIN. On page 68, beginning at line 6, it says—I am requesting information on this portion of the bill:

Provided further, That \$2,500,000 of the funds appropriated herein shall be available for a grant to the "Non-Profit Citizens for the Columbia Gorge Discovery Center" for the construction of the Columbia Gorge Discovery Center: Provided further, That the Forest Service is authorized to grant the unobligated balance of funds appropriated in fiscal year 1995 for the construction of the Columbia Gorge Discovery Center * * *

Et cetera, et cetera. Then it goes down further:

notwithstanding any other provision of law, funds originally appropriated under this head * * * for the Forest Service share of a new research facility at the University of Missouri, Columbia, shall be available for a grant to the University of Missouri, as the Federal share in the construction of the new facility: Provided further, That agreed upon lease of space in the new facility shall be provided to the Forest Service without charge for the life of the building.

Can the distinguished chairman illuminate me on what the meaning of that portion of the bill is?

Mr. GORTON. The chairman can do so with respect to the Columbia Gorge provisions, which are a part of an ongoing project that was involved in the creation of the Columbia Gorge National Scenic Area in, I believe, the year 1986, which at that time authorized various visitors centers and the like on both the Washington and Oregon sides of the Columbia River within that area, which is almost a form of national park.

All moneys, to the best of my knowledge, have been appropriated for facilities on the Washington side of the river. This is either the end or close to the end of the appropriations that had been authorized for centers on the Oregon side of the river.

I suspect when the chairman of the Appropriations Committee, Senator HATFIELD, is on the floor, he may be able to provide more details. But to the best of my knowledge, this is the culmination of projects authorized by a bill in 1986 and passed then in connection with the Columbia Gorge.

In connection with the Missouri facility—I may have to supplement my answer to this, but I cannot give an answer that is much better than the text itself—that funds have already been appropriated for the Forest Service's share of the research facility at the University of Missouri, and this simply turns whatever that original appropriation was into a grant, provided that the Forest Service will have room in the building when it is completed.

Mr. MCCAIN. I want to thank my colleague for his explanation. Obviously, I will seek an additional explanation on both of those since it has the appearance of earmarking, but I will withhold judgment until I am able to receive an explanation on that issue.

I repeat my concern about the conveyance without reimbursement of various facilities without going through the proper screening process.

As I mentioned, at the appropriate time, I will seek an amendment requiring authorization funding for the National Endowment for the Arts.

But in the meantime, I see my friend from Alaska who has, I believe, very kindly agreed to change the wording of the language on page 19. I am prepared to propose that amendment at the convenience of the manager of the bill and the Senator from Alaska. I will be glad to yield to the Senator from Alaska.

Mr. STEVENS. Mr. President, I thank the Senator. I was typing up the amendment. Does he have it already prepared?

Mr. MCCAIN. I believe momentarily.

Mr. STEVENS. I think it is coming. I might say to my friend from Arizona, Mr. President, it accomplishes the same result. We know that that money is earmarked. It merely confirms earmarking, and the language puts it on the basis of a permissive action but gives attention to the fact that action should be taken.

I am happy to accept that. I know we will go forward and want it to be noted by the Department that it has high congressional priority.

Mr. MCCAIN. I thank my friend from Alaska. I am sure it is a very worthwhile project. The Senator from Alaska and I have discussed many times my view on this kind of bill language. I believe that this language will now allow the Corps of Engineers to make the kind of judgment necessary to carry out the work and complete the task as envisioned by the Senator from Alaska.

Mr. President, I do not have the amendment ready at this moment. As soon as I receive it, I will propose it, hopefully before the Senator from Arkansas begins since I suspect he has a fairly lengthy exposition and I perhaps would like to get this done. Here it is.

Mr. MCCAIN. I send an amendment to the desk and ask for its—

Mr. GORTON. Will the Senator withhold? Does the Senator now have the amendment he was speaking about with the Senator from Alaska?

Mr. STEVENS. Yes.

COMMITTEE AMENDMENT ON PAGE 19, LINES 8 THROUGH 14

Mr. GORTON. Mr. President, I believe I should offer the committee amendment found on page 19, lines 8 through 14, as I suspect this is an amendment to that committee amendment. Mr. President, I call up the committee amendment on page 19, lines 8 to 14.

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

The assistant legislative clerk read as follows:

Committee amendment on page 19, lines 8 through 14.

AMENDMENT NO. 2292 TO THE COMMITTEE AMENDMENT ON PAGE 19, LINES 8 THROUGH 14

Mr. MCCAIN. Mr. President, I want to thank my colleague from Alaska for his attention to my amendment. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 2292 to the committee amendment on page 19, lines 8 through 14.

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

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

The amendment is as follows:

Strike all in the committee amendment on page 19, lines 8-14, and insert in lieu thereof the following: "Provided further, That funds provided under this head, derived from the Historic Preservation Fund, established by the Historic Preservation Act of 1966 (80 Stat. 915), as amended (16 U.S.C. 470), may be available until expended to render sites safe for visitors and for building stabilization".

Mr. MCCAIN. Mr. President, I want to thank my colleague from Alaska. I believe this is appropriate, and I have no more remarks on the amendment. I yield the floor.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2292) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on page 19, lines 8 through 14, as amended.

So the committee amendment, as amended, was agreed to.

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

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

The motion to lay on the table was agreed to.

COMMITTEE AMENDMENT ON PAGE 128, LINES 16 THROUGH 21

Mr. GORTON. Mr. President, I ask unanimous consent to be able to call up, out of order, the committee amendment on page 128, lines 16 to 21, to which the amendment of the Senator from Arkansas will be a second-degree amendment.

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

The clerk will report.

The assistant legislative clerk read as follows:

Committee amendment on page 128, lines 16 through 21.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 2293 TO THE COMMITTEE AMENDMENT ON PAGE 128, LINES 16 THROUGH 21

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for himself, Mr. LAUTENBERG, Mr. LEVIN, Mr. BRADLEY and Mr. FEINGOLD, proposes an amendment numbered 2293 to the committee amendment on page 128, lines 16 through 21.

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

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

The amendment is as follows:

Add the following at the end of the language on lines 16-21 on page 128 proposed to be stricken by the Committee amendment:

"The provisions of this section shall not apply if the Secretary of Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before the date of enactment of the fiscal year 1995 Interior Appropriations Act, and (2) all requirements established under Sections 2325 and 2326 of Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and Sections 2329, 2330, 2331 and 2333 of the Revised Statutes (30 U.S.C. 35, 36 and 37) for placer claims, and Section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date."

Mr. GORTON. Mr. President, before he begins, will the Senator from Arkansas yield for a question?

Mr. BUMPERS. I will be happy to.

Mr. GORTON. Does the Senator have any idea how long he wishes? Can we enter into a unanimous consent agreement on the time?

Mr. BUMPERS. Mr. President, I promise you, this is a fairly narrow issue. This is not mining law reform. I promise you, while I will not unduly delay it, I would like to make my opening argument and see how much time we use, and we can use that as a judge as to how much time it will take.

Mr. GORTON. I thank the Senator from Arkansas.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas has the floor.

Mr. REID. Mr. President, as the Senator from Arkansas starts the debate, I have tried to work with my colleagues on the other side, and it appears at this stage what we probably will do after we finish the Senator's debate and say a few words in opposition to it, is move to table it at the appropriate time.

The PRESIDING OFFICER (Ms. SNOWE). The Senator from Arkansas has the floor.

Mr. BUMPERS. Madam President, in a sense, I hate to stand here and make this argument. This is the eighth consecutive year that I have tried to bring some sanity and reason to an 1872 law which can only be described not as an anachronism, but a scandalous anachronism. People who do not understand this issue can be easily deceived by what we are talking about. But here

are the simple, basic facts. I have called a few of the freshman Senators, and it is very difficult for anybody to believe that the practice I am trying to stop is actually going on.

In 1872, Ulysses Grant signed the 1872 Mining Law. Under that bill, people were encouraged to go west and settle. The West was still pretty wild. And Congress said, essentially, if you will move out to the West, we will let you file claims for hard rock minerals in 20-acre increments. You put down four stakes anywhere you want for 20 acres, and put down as many as you want. If you want 100 acres, put down claims on five 20-acre tracts. If you want 500 acres, put down 25 20-acre plots. And today, 124 years after Ulysses Grant signed the bill, it is still law.

Do not everybody bolt for the door to rush out west and file claims. But if you want to, you can. You just find yourself any one of the 550 million acres of land that the Federal Government still has open for mining and you put your stakes down, and it is yours. You have to pay \$100 a year if you have more than 25 claims. If you do not, you do not pay anything.

But here is the real kicker: If you find any hard rock minerals—gold, silver, palladium, platinum—if you can convince the Bureau of Land Management that you have any of those hard rock minerals in commercial quantities under this land, you can demand a deed. You say, I want a deed to this 500 acres. You know something else? They cannot refuse you. They have to give you a deed to it.

So in the last 124 years, we have given away more than 3.2 million acres. That is acreage the size of the State of Connecticut. For how much? Mr. President, \$2.50 an acre. Sometimes, \$5 an acre. That is the maximum. In that same period of time, \$241 billion worth of minerals have been taken off that land. And what do you think "Uncle Sucker" got? He got somewhere between \$30 billion and \$70 billion in reclamation costs to clean up the thousands of mining sites that are abandoned and, you guessed it, not a dime in royalties.

The taxpayers of this country gave away 3.2 million acres of land for \$2.50 an acre. The mining companies took \$241 billion worth of gold and silver, and we got the shaft. Now, every time I tell that story to somebody, they say you know that could not be true. I have heard a lot about corporate welfare. But I have never heard anything even approaching this.

Madam President, do you know what else? Once you get a deed, you do not even have to mine it. Do you know what you can do with it? You can sell it to somebody for a ski resort. You can sell it to somebody to build condominiums on. It is yours, you have a deed to it. Do you know something else? Every time we give somebody a deed to that land, that means it is theirs, and we can never again charge them a royalty on the land.

What is it about the mining companies that gives them such a stranglehold over this body? Last year, for the first time, the Interior Appropriations Conference finally included a moratorium and said, no more, do not process any more patent applications. We grandfathered-in 393 patent applications that were pending. But at least that was a step in the right direction. For the first time in history, Congress agreed to put a moratorium and say no more patents.

This year, I am saying let us renew it, let us put this moratorium on this year and next year, until we get some kind of reform law through here.

Last year Senator JOHNSTON from Louisiana, the chairman of the Energy Committee, negotiated for 18 months—really 2 years—with everybody in sight, to try to reach a deal on reform. He gave, he compromised, he conciliated, he did everything in the world to try to accommodate everybody's concern, but to pass a law that had some sense of sanity to it.

Let me ask every Member of this body, do you think it is fair for a new mining company to pay an 18 percent royalty on their lands in Nevada? And a few miles away mine gold off Federal lands and not pay one red cent? And then argue that if they had to pay a royalty on Federal lands the mining companies will all go broke and everybody will be without a job? If they mine on private lands, they are happy to pay a royalty of 18 percent, and they go like gangbusters. But if you even suggest charging them a royalty on Federal lands, or that they not be allowed to mine in every national park and wilderness area in the United States, they go broke.

Why is it that the mining companies have such a stranglehold on this body? If you want to mine coal on Federal land, that is fine, but you pay "Uncle Sugar" a 12.5 percent royalty if you take coal off the taxpayers' land. On underground mines, some of them a mile deep, think of the cost of extracting coal from a mile down. They pay an 8 percent royalty. No questions asked. You pay it, or you do not mine. Natural gas, 12.5 percent. Oil 12.5 percent. Coal, silver, platinum, palladium, all the rest of them, zero. What is the difference? Why is that? Mr. President, you need not look any further than the 1872 Mining Law.

Since the Senate first defeated the patent moratorium in the fiscal year 1991 appropriations bill, we have had 468 patent applications covering 159,000 acres, 346 first-half final certificates have been granted; 79 patents granted covering 11,365 acres; the taxpayers have received the handsome sum, for all those patents—"Uncle Sugar's" taxpayers have received the magnificent sum of \$56,000, and we have given away on those lands \$11 billion worth of gold, silver, platinum and palladium, and we received not one red cent in royalties.

Madam President, this amendment is the same one that the Interior Appro-

priations Conference unanimously agreed to last year. We do not disturb the 393 patent applications that we grandfathered-in last year. But there are 233 more that are subject to the moratorium. If my amendment fails, Madam President, listen to this, all you people who are voting to cut Medicare, Medicaid, school lunches, earned income tax credits, National Endowment for the Arts and Humanities, Public Broadcasting, and all you people voting to eliminate those things or cut them very severely, you vote against my amendment and you are giving away \$11 billion to the biggest corporations in America.

Go home and defend that one. It must not be tough. I have been working on mining law reform for 7 years now. All the news magazines have done a segment on this outrageous law. One Senator called me after a particularly harsh show on "Prime Time Live" and said, "For God's sakes put me on as a cosponsor." Two months later when he voted, he voted against it. He said his phone was ringing off the wall, and well it should be.

We have the opportunity here to give away \$15.5 billion in minerals that belong to the taxpayers of this country, while we are trying to balance the budget by the year 2002, and cutting dramatically the most vulnerable people in America, and giving \$15.5 billion to the biggest corporations in America.

Last year, Madam President, on May 16, 1994, the Secretary of the Interior was forced to give a Canadian corporation—not even an American corporation—a deed to 1,800 acres of land for the princely sum of \$9,000. That 1,800 acres had 11 billion dollars' worth of gold under it.

People who may be listening to this say two things: No. 1, you know he is embellishing that, that could not possibly be true. As bad as it is, the Government would never do a thing like that.

Then they will hear people get up and answer this. They say, "We have offered to pay fair market value."

Really? For what?

"For the surface."

Oh, the surface. "You are willing to pay fair market value for the surface?"

"Yes, sir."

On that 1,800 acres, the fair market value is about \$100 an acre, and it has 11 billion dollars' worth of gold under it. Do not fall for that fair market value argument. I will give you 100 times more than fair market value. Bring me a deed and I will pay you right now, give you 100 times more than the fair market value of the surface.

We are not talking about surface. We are talking about what is under the surface. The Stillwater Mining Co. is owned by Chevron Resources and the Manville Corp., a couple of local paupers. This mine is located in the Custer and Gallatin National Forest in Montana, 35 miles north of Yellowstone.

In 1990, I came within two votes of getting a moratorium exactly like the

one I am proposing today. I came with in two votes in 1990 of getting that moratorium put on. Four days later, the Stillwater Mining Co. filed an application for patents on 2,036 acres—scared to death because I came within two votes of stopping these outrageous practices. Do you know what is under that 2,036 acres? This is their figure, not mine—this is what they say—225 million ounces of platinum and palladium worth \$38 billion. For the princely sum of \$5 an acre, Stillwater will pay to Uncle Sugar, a total of \$10,180, and we will deed the Stillwater Mining Co. 225 million ounces of palladium and platinum worth \$38 billion.

I do not know how you explain this to your constituents. You do not, because it never comes up. My father used to say: "Everybody's business is nobody's business," and this is where it comes in. Very few people outside the roughly 11 Western States even know about the issue.

This is not an antiwestern issue. It is not antianthing. It is simple justice for the taxpayers of this country.

A family in Oregon got a deed under this process for 780 acres of land of sand—believe this—sand. They wanted the sand, so they bought it for \$1,950, 780 acres of sand. Guess where it was? It was in the National Dunes Recreation area of Oregon, and they paid \$1,950 for it. There was a hue and cry about selling this sand in a national recreation area. So we started negotiating to get it back. The family had paid \$1,950 for the land. What do you think they want for it back, Senator? Somewhere between \$11 million and \$12 million.

Now, this is not only not collecting royalty, this is having to give somebody \$11 million to \$12 million back because we should not have sold it to them in the first place.

In 1983, a speculator demanded a deed for 160 acres of Forest Service land near the Keystone Ski Resort. He got it for \$400. He sold 44 acres for \$500,000. I do not know why anybody stays in the Senate. We ought to be all out West with our pickaxes. If you do not have a pickax, just send your application in.

In 1987, while DOE was examining Yucca Mountain as a possible nuclear waste site, a man went in and filed for 27 claims for \$135, and DOE paid him \$249,000, almost immediately, for the land. We gave him the land for \$400 and turned right around and paid him back \$249,500.

Have you had enough? I will give you one more.

In 1987 the Government sold land just outside the city of Phoenix to a miner for \$2.50 an acre, and 10 years later, 10 years later he sold the land to a resort developer for \$400,000 plus an 11 percent interest in the resort.

When I first started discussing this subject, a Senator on the other side, a man who is not here anymore, a fine Senator, a man I respected greatly and I thought if there was anyone over

there who would like to join me on this, he would be it, I gave him the pitch you just heard me give, "How about joining with me as a sponsor?"

He said, "No, I am heading for Nevada so I can file a claim." I applauded his honesty.

Mr. President, I wish every Member of the body were here because I would really like to see 100 Senators sitting in their seats and ask this question:

How many times have you told the Chamber of Commerce about how terrible the deficit is? How many times have you told them you are going to do everything you can to get the deficit down? How many times have you told them and the Rotary club, "I will treat your money like it were my own?"

Really?

I used to own a farm. I sold it about a year ago and it broke my heart. I suddenly realized I was not going to build that dream home overlooking the lake on my farm. I never made any money. Made enough to pay the taxes and keep the fences up, but I loved it. And under that farm was some natural gas. If somebody had come to me and said, "Senator BUMPERS, we are going to set up a well over here; we are going to take this gas out from under your land."

"Now wait, just a minute."

"No. The Government gave us a deed to it, so we want to set up shop here and we are going to take your gas."

What would you say, Senator? If you had a 12-gauge handy, you would order them off your land.

Do you know what the landowner out in Nevada said to Newmont Mining Company? "Sure, come in here and mine this gold. Just give us 18 percent of anything you sell it for."

I do not want to belabor this. I want to talk about it long enough that people have some semblance of an idea of what an outrageous scandal it is to continue giving away the Federal domain for \$2.50 an acre. Three years ago, in talking about this, some of the Senators from the West said they would consider paying a 3 percent royalty on the net profits. I had always held out for 8 percent of the gross income, or a net smelter return, which is the common practice for royalties on private land. Eight percent probably—certainly not in this climate—is not realistic. At the time we discussed this 3 years ago, when the industry said a royalty would bankrupt them, gold was \$333 an ounce. Today it is exactly \$50 higher than that, \$383 an ounce. Platinum has gone from \$354 to \$422, \$68 dollars more per ounce than it was at the beginning of the 103rd Congress.

But today—you see, they could have paid an 8 percent gross royalty and just think how much more they would still have than they had then. But today you suggest a 3 or 4 percent royalty: "Oh, it will bankrupt us. It will put us out of business."

Let me refresh your memory on what this amendment does and what it does not do. You make up your own mind. If

you want to go home and defend this, be my guest. All I ask of you is just be honest when you are defending it.

My amendment reinstates the moratorium against the Interior Department processing any new patent applications. Bear in mind, there are 393 patent applications that were grandfathered-in last year. When the Conference agreed to this, I knew that mining law reform would not be enacted.

The Senator from Louisiana [Mr. JOHNSTON] worked his heart out last year to try to enact reform. And at the last minute, when everybody knew it was too late—"Sorry, we just do not have time to do it this year."

All I am trying to do is reinstate exactly what we did last year, put a moratorium on patenting, let the 393 applicants go forward. But for God's sake, do not add any more.

And finally, on a more pathetic note, I have always admitted to be a social liberal and a fiscal conservative. I have stood behind that desk and shouted to the rooftops, just as I have tonight, trying to warn people about what the deficits are doing to this Nation, and it often fell on deaf ears.

Let me ask you this. If you can explain to people why you are going to do this, also explain to them how you had to cut education by 30 percent over the next 7 years. Explain to them why you had to cut Medicare by \$270 billion. Explain to them why you had to cut Medicaid \$170 billion.

Explain to them why you had to cut Earned Income Tax Credits, the best program the Nation ever had to keep people off welfare. Explain to them why the only civilized thing their children get a chance to see is on PBS, and they want to torpedo that—cannot afford it.

Explain to them why you want to cut the Endowment for the Humanities, which trains 3,500 teachers every year in civilized conduct, and they go back home and they pass their lessons, what they learned, on to 500,000 students—you have to cut that out. The National Endowment for the Arts—it is not all pornography, you know. It is "The Civil War," it is "Baseball," it is the Arkansas Symphony—we have to cut all those things out.

At the same time Senators, go home to your constituents and try to explain how you voted to continue to give away public land and billions of dollars worth of minerals. Houdini could not perform that trick and get away with it.

I yield the floor.

Mr. JOHNSTON. Madam President, I hope we will support the Bumpers amendment. As Senator BUMPERS indicated, we worked in the last Congress very hard to get a mining law reform bill. There was a lot of good-faith work by a lot of people on both sides of the issue. But, Madam President, at no point was it ever seriously considered that we give away the public land by patenting for \$2.50 an acre. The companies know better than that. They know

that this is a giveaway program. They are not even trying for that when it comes to serious negotiations on the mining law reform bill.

Madam President, if we give away the public land for \$2.50 an acre, it does not pass the straight-face test. There is nobody who can stand here on the floor of this Senate and say that is seriously what we ought to do, because we all know better. The companies no better.

Madam President, we have still some chance in this Congress to get a mining law reform bill. The bigger companies—I have talked to them—really understand the dynamic. They understand, first of all, the political dynamic. They understand that the people of this country are getting a rising tide of disgust at what we are giving away with the mining law bill. The 1879 mining law bill needs reform. They know it. They are willing to do it.

Frankly, it is many of the smaller companies which are not willing to join in a coalition to get a mining law reform bill. It is only a matter of time. I have counseled with those bigger companies and have told them that, in my judgment, it is in their interest to get a mining law reform bill this year. They know the general outlines of that bill. And the general outlines are you have to end patenting because the people of the country can understand this. There are many things that the people of this country cannot understand, such as complicated formulas, tax provisions, corporate provisions. Some of these laws that we put here, they cannot understand. They can understand patenting. They can understand getting the public domain at \$2.50 an acre, and they know that is wrong. It is simple. It is clear. It is understandable, and it is, in the minds of the people of this country, outrageous.

So I hope we will vote for the Bumpers amendment. Then I hope that we will work in the rest of this Congress to get a fair and good mining law reform bill.

As I told my colleagues from the West last year as we were trying to perfect a mining law reform bill, I believe we can put together a fair mining law reform bill that does not cost one single job in the West—not one; that does not break or bankrupt any company—not one company; but which gets for the American taxpayer, gets for Americans across this country, a fair return on what is theirs, what belongs to all Americans, that is, the public domain.

So, Madam President, I hope we will support the Bumpers amendment. It is fair. If this amendment should fail to pass, and we patent for \$2.50 an acre all those amounts of the public domain, it will not set well with the American public. It will not set well with the American public. And that, believe me, is something they can understand. I hope we will vote for the BUMPERS amendment.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Madam President, I thank the Chair.

This is not the first time that we have debated the Bumpers amendment on appropriations with regard to the mining bill and the patent issue, specifically. I rise today in opposition to the amendment offered by the Senator from Arkansas.

There are lots of arguments that have been used and a lot of generalizations that have been made. But what we all agree on is that mining law reform should be done appropriately in the authorizing committee. We all agree further that there is a need for substantial reform, and we have initiated a bill. We have had considerable discussion in the Energy and Natural Resources Committee. The realization is that every Member agrees that we need this reform.

But the question today is, are we going to pass mining law legislation as part of an appropriations bill? Most Members would say, no, we should not do that.

I am chairman of the Senate Energy and Natural Resources Committee, and I can assure each Member of the Senate that we have made extensive progress on comprehensive reform.

This is a difficult domestic issue. It is an issue ultimately of whether we are going to depend on imported minerals coming into this country and export our dollars and export our jobs, or are going to be able to continue to sustain a mining industry that provides high-paying jobs in this country.

Make no mistake about it. One of the interesting reflections we hear all of the time from the labor community is, What is happening to the high-paying jobs in this country? We have more people employed, but the job pay range is lower. It is quite obvious; we are not developing our resources in mining, in oil and gas, and in timber. We are simply importing those resources and exporting our dollars.

We have held hearings on mining law legislation before the Energy and Natural Resources Committee. We are getting closer to reaching an agreement. There is no question in my mind as chairman that we have enough votes currently to report out a bill. A mining claim patent moratorium is going to delay that process. Moratoriums, such as the one offered by the Senator from Arkansas, become the means by which Congress avoids its responsibility under the law and to make changes in statutes such as the mining laws.

The moratorium is going to slow it down. It is going to perhaps kill any incentive that exists at the present time to complete action on this comprehensive bill. And I am sure my friend from Arkansas would agree.

We have heard these horror stories from Senator BUMPERS each year—they get better each year—about the Federal land giveaway. Yet, when given the opportunity, he apparently wants

to take away the very incentives which should drive Members to enact comprehensive reform. It is not a giveaway. He does not address the investment that goes into exploration and the realization that in many cases when you are looking for reserves which you do not find, or if you do find them, you do not find enough of them, or you may find an ore body and it dribbles out and it is lost, and, as a consequence, the ability for the investment to make a recovery is a relatively high-risk prospect.

Maintaining the status quo—what effect does it have on the mining industry? It certainly has none. If we are proceeding with a bill with which we want to enact true reform, then it is the authorizing committee that has the responsibility to complete action on a comprehensive bill. And that is what we are doing.

The rules for patent application are steeped with longstanding agreements and legal history in accordance with Federal law. Compliance is costly. Compliance is time consuming. Many people fail to recognize that. They think one goes out and simply picks up and sells the minerals. By the time a miner has filed a patent application—in many cases, they have invested tens of thousands of dollars, in some cases, millions of dollars—in proving the discovery of a valuable mineral deposit. You do not locate it without a significant investment of time. You have to prove it up. It has to be able to sustain the investment necessary to bring about a return on the investment.

There are some claims that have been discovered that are rich, and apparently the risk associated with the investment has provided a handsome return. But there are hundreds of thousands that have been expended in what constitutes dry holes in the sense of an oil reference, but in minerals that simply have been petered out because they have not been able to sustain either the quantity or quality necessary to develop it.

A moratorium is a kind of misguided Federal policy that simply creates confusion and distrust among the American people and tramples on their inherent rights. And those rights involve private property. We have an obligation here under the sanctity of private property, and the mining law created a system by which citizens of this country are awarded real property rights in mineral lands in return for developing a valuable mineral deposit.

The generalization is, well, this is a giveaway.

How is it a giveaway? They go out; they make expenditures; they do exploration. And if, indeed, they develop that property, they provide employment; they pay taxes; and they generate a return. I can show you each year mines that shut down. They do not shut down because they did not find ore. The ore is not rich enough to

sustain the investment and as a consequence they have to shut down and lay people off work.

The Supreme Court has held that the right conveyed in a patent is a property right in the highest sense of the term. The Senator from Arkansas wants to do away with that. Senator BUMPERS' amendment grandfathers a few patent applications currently pending at the Interior Department but his amendment also tramples on numerous pending patent applications.

There is already a de facto moratorium on processing patents, and that is as a consequence of the prevailing attitude at the Department of Interior. Secretary Babbitt has made no secret of the fact that he strongly opposes the patent system under current law. The Secretary has taken numerous actions designed to indefinitely delay processing of pending mining mill site claim patent applications.

In fact, for the first 2 years of Babbitt's tenure the Department of Interior did not issue a single, not a single mining or mill site claim under existing law except what the Court ordered the Secretary to do.

Now, two Federal courts have ruled that the delays caused by the Secretary's action have been unreasonable and unfounded. As a result of the Secretary's de facto moratorium, we have seen a huge backlog of patent applications develop. We all know that even if the amendment of the Senator from Arkansas fails, the Secretary of the Interior is going to continue his de facto moratorium, so in essence Senator BUMPERS' amendment is more politics than substance.

In reality, Madam President, the amendment offered by Senator BUMPERS is unnecessary and we should defeat the Bumpers amendment. Let the Energy Committee complete its action on comprehensive reform, debate that bill in the Chamber of the Senate, because as I have indicated before we do have the votes to vote it out of committee, and not fool with a piecemeal moratorium on appropriations bills.

Now, Madam President, by defeating the Bumpers amendment, I think we can send a strong message, a message that needs to be sent, to the authorizing committee to enact comprehensive reform.

Let us talk about that comprehensive reform because it has been addressed by the Senator from Arkansas and others. Make no mistake, Madam President, on the issue of patents miners should be required to pay fair market value for the surface estate. That is what we propose in our legislation, fair market value for the surface estate.

So do not tell me this is a giveaway. It is not a giveaway. We are talking about fair market value. Some people have a way of generalizing and seeing what they want to see and not listening and not understanding what the intent of this reform is. They would pay fair market value for the surface estates.

Now, we have heard a lot of conversation about speculation or using patents for nonmining purposes. That has happened in the past, but it will not happen again. The National Mining Association supports this legislation. They agree that miners should be prohibited from using future patented lands for anything but good-faith mining purposes. If the land is used for other purposes, Madam President, we should require the land to revert back to the Federal Government.

Now, let us make sure we understand the reforms we are talking about. You pay fair market value for the patent, unlike the characterization of my friend from Arkansas, who says this is a giant giveaway.

Speculation or using patents for nonmining purposes would end under the proposed legislation. You could not use it for anything other than good-faith mining purposes. If you use it for anything else or attempt to, it goes back in the Federal domain.

Now, the issue of royalty, talking about what is a return to the Federal Government. We should assure that the Federal Government receives a fair return on all minerals production by imposing a net royalty.

Some Members of this body have suggested that true mining reform must impose the same concept of gross royalty on hard rock minerals as applies to the oil and gas industry. But those who suggest that fail to understand the difference between the two industries and that both the net royalty and gross royalty basically achieve the same results. It depends on how they are structured.

Mineral production and oil and gas extraction are fundamentally different operations. Oil and gas are removed in almost a marketable condition. Very little has to be done. Gas comes out and you condition the gas. The oil comes out and you take some of the residue out of it. But you basically have, when you take it out of the ground, a salable product at that point. But gold, silver, copper, hard rock minerals are extracted in a raw form. When you roll that mineral out of the mine, you have basically a big rock in front of the mine. What is it worth? Nothing. It may have gold in it, copper in it, silver in it. But in that form it is a rock-like material. Raw ore is almost valueless until a mining company has added the significant value to the product. That means transporting it to a mill. That means crushing it. That means recovering the ore. That means disposing of the rock. That means the reclamation process back in the mine.

Recognizing that these costs are necessary, to put the hard rock mining royalty on a par with the oil and gas industry is simply not applicable. You have these steps that have to be taken—concentrating, smelting. When you take the mineral out of the mill, then you have it in a powder form. You have to take it to smelting, put it in the furnace. These are all unlike the

availability of a product that is salable when it comes out of an oil or gas well.

Now, on the issue of reclamation, the mining law should give the States the primacy for assuring that surface effects from mineral activities are reclaimed. We have reclamation in the bill. We have the Western Governors Association which opposes restrictive Federal standards that many believe can be seen as another unfunded mandate from Washington. We have had enough of unfunded mandates. In addition, let us not forget the position of the National Academy of Sciences. It has concluded that uniform reclamation standards similar to those applicable to reclamation of coal mine lands are not appropriate for hard rock mining. So we have a difference.

In short, mining law reform should protect the U.S. mining industry, protect U.S. jobs, protect the environment, and provide a fair return to the U.S. Treasury. That is just what we are attempting to do with my comprehensive mining law reform legislation.

Now, Senator BUMPERS has been at this a lot longer than I have relative to his efforts to terminate the mining industry in the United States as we know it today. Under the direction of my good friend from Arkansas you would have prescribed a royalty that would simply drive the industry out of the United States.

We have seen the experiments in Mexico and Canada where they have developed a royalty system very similar to that which was proposed by the Senator from Arkansas, and they have revised it because it simply has not worked. It has resulted in the industry moving out of both Mexico and Canada.

We ought to learn something by experience around here. The Bumpers amendment may look good on the surface, but like any book, when one begins to read the text, one quickly learns that one should not judge a book by its cover.

Mining law reform belongs in the Energy Committee, not in the fiscal year 1996 Interior appropriations bill. Some of the senior Members who have argued long and fast for legislation on appropriations should be sensitive to authorizing legislation on an appropriations bill. Senator BUMPERS has offered similar amendments in the past. Each time this body has opposed his proposal based on the same logic that I am proposing that you consider here today.

So I would urge my colleagues to defeat the Bumpers amendment, resolve mining law reform through the legislative process, not the appropriations process.

Mr. JOHNSTON addressed the Chair.

Mr. MURKOWSKI. I promise, Madam President, to yield the floor to Senator CRAIG.

Mr. JOHNSTON. Would the Senator yield for a question?

Mr. MURKOWSKI. I would be happy to.

Mr. JOHNSTON. As my chairman knows, I have sent him a letter to the

effect that I believe we could pass mining law reform based on three principles. First, an end of patenting; second, what we call a net smelt royalty of 2.5 percent; and, third, an assurance that we give away no powers that are presently held by the Secretary of the Interior with respect to the ability to regulate mines. Those three principles, as I said in my letter to the distinguished chairman from Alaska, I believe would get us a bill that would not only have strong bipartisan support, but could be signed by the President.

Does the Senator acknowledge that that offer is out on the table now in effect from those of us on this side of the aisle?

Mr. MURKOWSKI. I would be happy to respond to my good friend from Louisiana relative to his points on the net smelt or the end of patenting.

The concern that we have expressed time and time again is relative to value. And we are proposing that the patent reflect a fair market value. We further propose that there be a mandate that would eliminate the use of that land for anything other than its intended mining purposes.

Now, there is a concern in the committee relative to the authority of the Secretary of the Interior. There is a certain sensitivity about not duplicating oversight, not taking away from the States the inherent right that they would have, say, to control and have authority over water issues, which obviously the States are very sensitive to.

So, I think we are very close to accommodating most of these concerns. But the devil is in the details.

Again, the Senator from Arkansas wants to eliminate patenting. We are suggesting that we pay a fair market value, that the small miners have an assurance that they have the right to patent. It is not so much an issue for the larger corporations that have the sophistication internally to have the assurance that their interests are protected.

We have also proposed that there be a reverter back to the Federal Government upon a determination that either the mine has been worked out—then the land could go back to the Federal Government.

So on many issues the Senator from Louisiana, as former chairman and ranking member of the Energy Committee, and others, have worked together and I think have made accommodations. As I have indicated—the Senator, I think he is aware of this—that the Secretary of the Interior—he and I have had conversations about a willingness to try and work out something to resolve this issue. But clearly the position of the Bumpers amendment, with a moratorium, circumvents that effort. I think it puts us substantially behind our goals of reaching accommodation.

Mr. JOHNSTON. Would the Senator from Alaska agree with me that the offer which I made on behalf of this

side of the aisle and this administration is still on the table? That is, any time we want to get a reform of the 1879 mining law reform bill, based upon an end of patenting, 2.5 percent smelt royalty and giving away no present powers, that bill can be put together at—I will not say on a moment's notice—but I think very quickly.

I just wanted to assure my colleague that that offer is still in existence.

Mr. MURKOWSKI. I thank my friend from Louisiana. Again, I do not think we are that far apart in the legislative language. That is why I would urge all of my friends to vote against the Bumpers amendment and recognize the advancements that we are making and the fact that we will have a bill before this body in the near future.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

AMENDMENT NO. 2294 TO AMENDMENT NO. 2293

Mr. CRAIG. Let me join with my colleague from Alaska who is chairman of the full Energy and Natural Resources Committee and the argument I think he has so clearly just placed before this Senate as it relates to a Senate bill that I introduced some months ago, S. 506, which reforms the 1872 mining law, and deals with the very issue that the Senator from Arkansas is attempting to deal with this evening.

It recognizes the patenting process which those of us who I think understand mining on public lands recognize as a clear and necessary part of causing private industry, be it a small miner or a large miner, to gain access to those properties for the purpose of mining.

Now, there have been a variety of other approaches argued over the years. But none of them seem to work in the sense of being able to allow that person to have title to the property and the surface of that property so they can begin to develop a mining operation. There is no question that there are those like the Senator from Arkansas who view the ability to block patents as a way to block access to the resources of our public lands.

The thing that I think most of us recognize, and clearly I recognize in S. 506, is that patenting was an important process. But the 1872 mining law bestowed that property right on an individual who had brought forth a valid claim. That property right was bestowed for \$2.50 an acre. That is obsolete.

And it is the \$2.50-an-acre clause, if you will, provision within the law, that most people have been able to hang their hat on as an effective argument for saying for some reason we are simply giving away the public domain, failing to recognize the millions and millions of dollars that has to be put on that \$2.50 land for that property and that resource to become productive, and as a productive resource to employ people, to pay taxes, and to do the very kinds of things that those of us who are guardians, if you will, of the public do-

main believe to be a responsible use of that resources estate.

So historically the surface of the land was of little value, not of no value, but a very limited value. And the Government in 1872—the Government today should not use the value of the land as a barrier to gain access to the resource below it, the mineral estate for that mineral being used in the economy of our country to employ people, to serve our industrial base, and to do all that we have always expected our minerals and our natural resources to do for us.

So, in S. 506, what I say in proposing that legislation that is before the committee is that we do fair market value. Let us take that issue away. Let us do not offer that argument anymore of \$2.50 an acre. Let us deal with fair market value.

Well, how do we arrive at it? There is really no magical process at all. It is simply the standard appraisal process that the BLM would use in this instance of equivalent values of acreage during the patenting process to allow that title to pass for value, in this case, fair market value.

Now, in some Western States that might be as low as \$100 an acre because that is what the surface value would go for of like lands in the immediate area. And most of these lands we recognize oftentimes are a long ways away from any private property of value to use as a comparative in the appraisal process. So I think that is not a difficult thing to arrive at. That is exactly what we have been trying to arrive at.

We have offered legislation in good faith. We have held a hearing. We have been in negotiations. And yet this administration wants something substantially different. In most instances, they have already argued they would like to prohibit mining on public lands. They no longer view it as a compatible use of our natural resources and, in many instances, they have proposed ideas that would be so restrictive that the mining industry that operates in our country today would choose not to mine anymore, and they would go as they are now going: Offshore to foreign countries to invest their money where they can receive a much higher rate of return with much fewer Federal regulations with which to comply.

I believe, and I think many Senators do believe, that public policy says that mining of public resources for the value of our country, our mineral estate, our industrial base and for employment is a good public policy. So then let us be allowed in a reasonable fashion to move through authorizing legislation to assure that that public policy exists.

We have tried to now for 4 years, and the Senator from Louisiana, when he chaired that committee last year, in good faith tried. But you cannot please everyone and, in many instances, those accommodations were tried and simply failed, and today we believe we have a good bill.

We have sat down in good faith with the Senator from Louisiana to negotiate, and I believe he has attempted to negotiate in good faith. Yet, we have not arrived at anything, largely. Yes, the offer is still on the table, but I can tell you in all fairness, I am tremendously disappointed that the kind of offer back that we get is so penalizing and so restrictive to the ability to produce a viable industry on the public land resource that we are trying to, in a responsible way, offer out to the public simply disallows us from moving forward.

As a result of that deleterious kind of amendment, as that offered by the Senator from Arkansas, that says no more patenting, a patent moratorium—in other words, shut the industry down until the Congress can function, but the Congress cannot function because the Congress cannot agree.

So when you put a moratorium on patenting, you have really put a moratorium on future mining, and if there is no future in future mining in this country, then the industrial base, the mining base of that base begins to move offshore, because the resources that are being mined today in the mines that are operating today, like all mines, some day will wither away, the resource is used, it is completely depleted, and that mine has to close.

To maintain a successful industrial base and viable mining industry, there always has to be a future, there has to be the ability to explore, the ability to discover, the ability to claim, and the ability to patent, to gain the fee title to that property so that the mining operation can continue.

It is with those concerns this evening that I approach this amendment, as we have in the past, from the Senator from Arkansas. And I must say in all fairness, the arguments we have heard tonight are not new arguments. The arguments the Senator from Arkansas has used have been used year after year. If you cannot find new arguments, where is the problem?

Most of us recognize that the problem did exist, the problem was there, but the problem no longer exists today, largely because of this Senate's responsibility and concern about the environment and the putting of the environmental laws in place that has made the modern mining industry of today substantially different than it was 30 years ago.

But the 30-year-old arguments still get drawn to the public eye. The straw person, if you will, of this is the past and not the present. So not only do we have to argue about the future, we have to convince many of us that the current situation is OK. I believe it is, and I believe the mining industry of this country is a responsible industry that performs in an environmentally sound way, complying with the Clean Water Act and complying with the Clean Air Act and doing what they must do inside the regulatory structure that our Government, through

public policy formulated by this Senate, has provided. That is not at issue.

Then what is the problem? Why is this amendment deleterious? Why would it shut down the industry? For the simple reason that it forecloses the opportunity of a future; it forecloses the ability of the industry to go out and explore and gain patent and be able to have the assurance of future resource for future development as the current resource grows progressively depleted.

It is with those concerns that tonight I offer a second-degree amendment, and I send that to the desk.

The PRESIDING OFFICER. The clerk will report.

Mr. CRAIG. A second-degree amendment to the Bumpers amendment that would require a fair market value.

Mr. BUMPERS. Madam President, can we have the amendment read?

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Idaho [Mr. CRAIG] for himself, Mr. REID, and Mr. BRYAN, proposes an amendment numbered 2294 to amendment No. 2293.

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

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

The amendment is as follows:

Strike all the language in the amendment and insert in lieu thereof the following:

"SEC. (a). FAIR MARKET VALUE FOR MINERAL PATENTS.

"Except as provided in subsection (c), any patent issued by the United States under the general mining laws after the date of enactment of this Act shall be issued only upon payment by the owner of the claim of the fair market value for the interest in the land owned by the United States exclusive of and without regard to the mineral deposits in the land or the use of the land. For the purposes of this section, "general mining laws" means those Acts which generally comprise chapters 2, 11, 12, 12A, 15, and 16, and sections 161 and 162, of Title 30 of the United States Code, all Acts heretofore enacted which are amendatory of or supplementary to any of the foregoing Acts, and the judicial and administrative decisions interpreting such Acts.

"SEC. (b). RIGHT OF REENTRY.

"(1) IN GENERAL.—Except as provided in subsection (c), and notwithstanding any other provision of law, a patent issued under subsection (a) shall be subject to a right of reentry by the United States if it is used by the patentee for any purpose other than for conducting mineral activities in good faith and such unauthorized use is not discontinued as provided in subsection (b)(2). For the purpose of this section, the term "mineral activities" means any activity related to, or incidental to, exploration for or development, mining, production, beneficiation, or processing of any locatable mineral or mineral that would be locatable if it were on Federal land, or reclamation of the impacts of such activities.

"(2) NOTICE BY THE SECRETARY.—If the patented estate is used by the patentee for any purpose other than for conducting mineral activities in good faith, the Secretary of the Interior shall serve on all owners of interests in such patented estate, in the manner pre-

scribed for service of a summons and complaint under the Federal Rules of Civil Procedure, notice specifying such unauthorized use and providing not more than 90 days in which such unauthorized use must be terminated. The giving of such notice shall constitute final agency action appealable by any owner of an interest in such patented estate. The Secretary may exercise the right of reentry as provided in subsection (b)(3) if such unauthorized use has not been terminated in the time provided in this paragraph, and only after all appeal rights have expired and any appeals of such notice have been finally determined.

"(3) RIGHT OF REENTRY.—The Secretary may exercise the right of the United States to reenter such patented estate by filing a declaration of reentry in the office of the Bureau of Land Management designated by the Secretary and recording such declaration where the notice or certificate of location for the patented claim or site is recorded under State law. Upon the filing and recording of such declaration, all right, title and interest in such patented estate shall revert to the United States. Lands and interests in lands for which the United States exercises its right of reentry under this section shall remain open to the location of mining claims and mill sites, unless withdrawn under other applicable law.

"SEC. (c). PATENTS EXCEPTED FROM REQUIREMENTS.

"The requirements of subsections (a) and (b) of this Act shall not apply to the issuance of those patents whose applications were excepted under section 113 of Pub. L. No. 103-322, 108 Stat. 2499, 2519 (1994), from the prohibition on funding contained in Section 112 of that Act. Such patents shall be issued under the general mining laws in effect prior to the date of enactment of this Act.

"SEC. (d). PROCESSING OF PENDING PATENT APPLICATIONS.

"(1) PROCESSING SCHEDULE.—For those applications for patent under the general mining laws which are pending at the date of enactment of this Act, or any amendments to or resubmittals of such patent applications, the Secretary of the Interior shall—

"(A) Within three months of the enactment of this Act, file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a plan which details how the Department of the Interior will take final action on all such applications within two years of the enactment of this Act and file reports annually thereafter with the same committees detailing actions taken by the Department of the Interior to carry out such plan; and

"(B) Take such actions as may be necessary to carry out such plan.

"(2) MINERAL EXAMINATIONS.—Upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund the retention by the Bureau of Land Management of a qualified third-party contractor to conduct a mineral examination of the mining claims or mill sites contained in a patent application. All such third-party mineral examinations shall be conducted in accordance with standard procedures and criteria followed by the Bureau of Land Management, and the retention and compensation of such third-party contractors shall be conducted in accordance with procedures employed by the Bureau of Land Management in the retention of third-party contractors for the preparation of environmental analyses under the National Environmental Policy Act (42 U.S.C. §§ 4321-4370D) to the maximum extent practicable."

Mr. CRAIG. Madam President, I retain the floor.

The PRESIDING OFFICER. The Senator from Idaho has the time.

Mr. BUMPERS. Madam President, was my request to stop reading the amendment granted?

The PRESIDING OFFICER. Yes. Several Senators addressed the Chair.

COMMITTEE AMENDMENT ON PAGE 128, LINES 16 THROUGH 21

Mr. BUMPERS. Madam President, I move to table the underlying amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. BUMPERS. The underlying committee amendment.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The underlying amendment is not before us.

Mr. REID. I object.

Mr. BUMPERS. Madam President, he cannot object to the request for a quorum call.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

Mr. CRAIG. I object.

The PRESIDING OFFICER (Mr. SANTORUM). Objection is heard.

The clerk will call the roll. The bill clerk continued calling 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.

Mr. GORTON. What is the pending business?

The PRESIDING OFFICER. The pending question is the motion to table the committee amendment.

Mr. GORTON. Parliamentary inquiry. Will that motion to table, if it is accepted, take not only the committee amendment but the Bumpers amendment and the Craig second-degree amendment with it?

The PRESIDING OFFICER. The motion to table will only take down the committee amendment. It would not take down the Bumpers and Craig amendments. They would be pending after the motion to table.

Mr. BUMPERS. Mr. President, were the yeas and nays ordered?

The PRESIDING OFFICER. They were not ordered.

Mr. BUMPERS. 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 clerk will call the roll.

Mr. LOTT. I announce that the Senator from North Carolina [Mr. HELMS] and the Senator from Florida [Mr. MACK] are necessarily absent.

Mr. FORD. I announce that the Senator from Louisiana [Mr. BREAUX] is necessarily absent.

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

The result was announced—yeas 46, nays 51, as follows:

[Rollcall Vote No. 372 Leg.]

YEAS—46

Akaka	Glenn	Mikulski
Biden	Graham	Moseley-Braun
Boxer	Gregg	Moynihan
Bradley	Harkin	Murray
Bumpers	Hollings	Nunn
Byrd	Jeffords	Pell
Coats	Johnston	Pryor
Cohen	Kassebaum	Robb
Conrad	Kennedy	Rockefeller
Daschle	Kerrey	Roth
DeWine	Kerry	Sarbanes
Dodd	Kohl	Simon
Dorgan	Lautenberg	Snowe
Exon	Leahy	Wellstone
Feingold	Levin	
Feinstein	Lieberman	

NAYS—51

Abraham	Faircloth	McCain
Ashcroft	Ford	McConnell
Baucus	Frist	Murkowski
Bennett	Gorton	Nickles
Bingaman	Gramm	Packwood
Bond	Grams	Pressler
Brown	Grassley	Reid
Bryan	Hatch	Santorum
Burns	Hatfield	Shelby
Campbell	Heflin	Simpson
Chafee	Hutchison	Smith
Cochran	Inhofe	Specter
Coverdell	Inouye	Stevens
Craig	Kempthorne	Thomas
D'Amato	Kyl	Thompson
Dole	Lott	Thurmond
Domenici	Lugar	Warner

NOT VOTING—3

Breaux	Helms	Mack
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So the motion to lay on the table the committee amendment on page 128, lines 16 through 21, was rejected.

Mr. GORTON. Mr. President, I move to reconsider the vote by which the motion was rejected.

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

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, what is now the pending business?

AMENDMENT NO 2294

The PRESIDING OFFICER. The question occurs on the Craig amendment number 2294.

Mr. GORTON. Mr. President, we have had a fairly extensive debate on this general issue of mining patents. We now have a second-degree amendment before us in behalf of Senator CRAIG.

I wonder if I could ask the principals whether or not we could have a relatively short time agreement on the second-degree amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, if I could respond to the manager of the bill, perhaps 30 minutes evenly divided. I would agree to a reasonable time limit as long as there is agreement on the Bumpers amendment, which has already been extensively debated. So I think we should have a time agreement on both rather than just the Craig amendment.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I ask unanimous consent there be 30 minutes equally divided on the Craig amendment.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, I reserve the right to object.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. GORTON. Mr. President, I would like to know whether we cannot deal with the entire issue now. After the disposition of the Craig amendment, I ask the Senator from Arkansas, does there need to be further time?

Mr. BUMPERS. I have no further amendments. As I understand it, Mr. President, the parliamentary situation is that my amendment is pending; is that not correct?

The PRESIDING OFFICER. The amendment of the Senator from Idaho is pending.

Mr. BUMPERS. Let me rephrase it. The second degree amendment of the Senator from Idaho to my amendment is pending.

The PRESIDING OFFICER. That is correct.

Mr. BUMPERS. Once his amendment is disposed of, then my amendment will be pending; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I direct the question to the manager of the bill.

Will the manager of the bill then explain to the membership of the Senate what the parliamentary procedure would be if in fact the Craig amendment is adopted?

Mr. GORTON. The manager of the bill is not certain he can provide that explanation and will ask the Chair to correct him.

As the manager understands it, if the Craig amendment is passed, the Bumpers amendment is then identical to the Craig amendment, and one would presume that that would be able to pass by a voice vote. But then in order to have the Craig language be the language of the bill, I ask the Chair, I believe the Craig amendment would then have to be further changed or turned into a different form in order to be the judgment of the Senate with respect to mining patents? May I make that parliamentary inquiry of the Chair.

The PRESIDING OFFICER. If the Senate wants to go to conference on the Craig amendment, a subsequent amendment would have to be offered because the Craig amendment would fall with a motion to strike.

Mr. GORTON. But the subsequent amendment would be identical to the present Craig amendment in its language?

The PRESIDING OFFICER. That is correct.

Mr. GORTON. It is the hope of the manager of the bill that a single vote

on the Craig amendment will settle this issue and that by voice votes we could, if it were to succeed, move to have it as a part of the bill. So under those circumstances, I would hope that the unanimous consent request for 30 minutes equally divided on the Craig amendment will settle this issue.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I am agreeable to that, and I think that is almost automatic anyway, because if the Craig amendment prevails, then that becomes my amendment and so we could voice vote it.

I wonder if the Senator from Nevada is now willing to enter into a time agreement on the Craig amendment.

Mr. REID. Mr. President, I would be willing to enter into an agreement on the Craig amendment. I have been here all evening listening to the remarks of the Senator from Arkansas and the Senator from Alaska.

Mr. BUMPERS. Why on Earth did the Senator vote no if he listened?

Mr. REID. I would ask, of the 15 minutes, I be allotted 5 minutes.

Mr. GORTON. There has been an objection, so I will ask unanimous consent that there be 30 minutes equally divided on the Craig amendment, with 5 minutes of the proponents' time to be allocated the Senator from Nevada [Mr. REID].

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Who yields time?

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I would ask that the Senator from Idaho yield the Senator from Nevada 5 minutes.

Mr. CRAIG. Mr. President, I yield the Senator from Nevada 5 minutes of our time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, first of all, let us talk about patents. We have argued this issue before time and time again.

This matter has been debated numerous times. For example, in 1992, I, along with Senators DOMENICI, BRYAN, and DECONCINI, offered an amendment which passed this body that would have established fair market value on this land that is seeking to be patented; a reversionary clause, meaning that if it was used for some purpose other than mining, it would revert back to the Government; there was also a reclamation clause in the bill that passed the Senate, and a holding fee that passed the Senate.

We have tried to work this out on numerous occasions. This was killed in conference because they wanted to keep the issue.

Mr. President, let me also make sure this body understands that patenting is hard to obtain. It is not easy to get to the point where you obtain a patent.

The \$2.50 is blown out of proportion, and that is a gross understatement.

For example, a mining company in Nevada just announced that it was giving up the land it had patented after having spent \$33 million in attempting to arrive at a point where they could obtain that patent—\$33 million.

Sometimes, Mr. President, these explorations are successful. Near the town where I was raised, Searchlight, NV, Viceroy Gold, after 8 years, was able to start a patent mining operation. To arrive at that point, where they could take the first shovel full of dirt out of the ground, cost them \$80 million. I repeat, \$80 million.

This, Mr. President, is why the Senator from Arkansas is wrong in saying that patents are giveaways. If you are talking about finding out how much money is under the ground in the way of minerals, you would have to be some kind of a genius—which does not exist in the world. No one knows what is under the ground, as exemplified by the company in Nevada which just last week gave up after having spent \$33 million. And the company near the town of Searchlight, NV, which, before they could take a single shovel full of dirt out of the ground in their operation, spent \$80 million.

Mr. President, we need to keep the mining operations going throughout the country. It is one of the few industries that has a favorable balance of trade. We now have a favorable balance of trade in gold. But what we are doing here is we are driving them offshore like we are driving many companies offshore because they are afraid of the efforts of people like Senator BUMPERS and others that they are not going to be able to do business in the United States.

This amendment of Senator CRAIG is fair; it is reasonable, and it also establishes that the patents now in the pipeline will have to be processed.

Secretary Babbitt has purposely refused to go forward with the work on these patents. He has one person in Nevada working part time issuing these patents. Therefore, none of them are issued. Judges throughout the United States have said it is shameful what Secretary Babbitt is doing with these patents. It is shameful. That is the word from a Federal judge.

We need to move forward with this amendment. No. 1, it would process the patents that are in the chain. It would also establish a fair method on the patents that are issued. There would be a reversionary clause, and you would pay fair market value.

The Members of this Senate should vote to support a viable, strong mining industry to make sure it stays that way.

The PRESIDING OFFICER. Who yields time?

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, my second-degree amendment sets forth a va-

riety of solutions to a problem that has plagued this Senate and this Congress for several years as we have debated changing the 1872 mining law.

If we have heard it once, we have heard it many times from the Senator from Arkansas saying, "Isn't it a crime that we are giving Federal land away for \$2.50 an acre under this old law?"

Mr. President, I think we all recognize that there was, on the surface of that issue and that argument, a problem. That was a fair market value for the surface of the land in 1872. It is not today. My second-degree amendment is very clear. It says that that \$2.50 an acre now changes to a charge of fair market value.

And what is that? That is a value established by the Federal agency in charge, the BLM in this instance, by a general appraisal method that they now use to establish land values. According to a recent study conducted by the University of Nevada Natural Resource Industry Institute, a fair market value in Nevada would range—we are talking surface value now—anywhere from \$100 to \$250 an acre, instead of the \$2.50 an acre.

The fair market value for the surface estate is not a solution to the total problem of reform that all of us have tried to achieve over the course of the last good number of years. But I would like to suggest to the Senators this evening, and encourage their support for this second degree, that it is a major step forward, that we are beginning to solve the problem of the 1872 mining law by offering this.

Now, those who would argue that we ought not allow Federal land to continue to be owned in private ownership, we have provided a reverter clause in here that says when that property is used up, when it is no longer being mined, when there is no longer a mining value or a mining practice going on, that land reverts back to the Government. That is a strange idea. We are giving title. We are making the private individual pay for the title. But we are doing that only for the purpose of mining. No more of the arguments of condominiums and no more the arguments over development outside of the intent of the public policy to mine.

So, we have addressed that. And we have said that land would revert back. And that is, I think, a great achievement if this Senate can pass that through to the conference and cause the Congress to deal with that important issue.

And then in the end we assist the Secretary, as the Senator from Nevada spoke, in resolving his problems by giving him the extra resources to solve the patenting stalemate that he has currently got going on in the Department of the Interior. The Secretary today at breakfast agreed that first-part patents were a property right, and he had to proceed. But he was handicapped by no staff or the inability to

deal with that issue. And the third portion of this amendment would offer him that opportunity.

With that, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. With the utmost respect to my friend—he is my friend; we have an excellent relationship on and off the floor—but, honestly, I do not know how anybody could make a statement about fair market value, this kind of fair market value, and keep a straight face.

You know what we are talking about here? We are talking about fair market value of the surface. We are talking about fair market value of that 1,850 acres that Barrick paid about \$9,000 for. Barrick paid \$9,000 for 1,850 acres. That was \$5 an acre, I guess. And the Senator from Idaho says he wants them to pay fair market value. Fair market value in that case would have been probably somewhere between \$100,000 and \$200,000. Big deal. There is still 11 billion dollars' worth of gold under the 1,850 acres.

A Senator came up to me a while ago and said, "How about this Craig amendment? He says they ought to pay fair market value." The only scam I can think of that is worse than what has been going on is to try to make the Senators believe that they are paying fair market value. If they were paying fair market value, they would be paying about \$2 billion, not \$100,000—\$100 an acre. Most of it is probably worth \$100 an acre, \$200 at the most.

You know what the western land looks like when you have grazing? They tell you it is not worth anything. But now they say, fair market value, and never bother to tell you that is just the surface. They are not talking about the 11 billion dollars' worth of gold underneath that surface. That is free. You do not pay for that.

Then they say, "We have got a reverter clause in this amendment. We will give you the mine back when we are finished with it." Please, for Pete's sakes. You have already given us 59 Superfund sites back, as well as thousands of other mines that are not on the Superfund list. Do not, for Pete's sake, give us any more. We are liable for up to \$40 billion to clean up the ones we have got. And the Senator from Idaho said, "We are going to give them all back to you when we get through with them." Please, do not give them back to us. We cannot afford any more gifts like that.

Unhappily, there are very few people in this body that know the issue. I do not know that we would do much better if they all knew it. We all know what is going on here. There are people who are voting against this moratorium because they have a mining industry in their State. I can almost understand that. But there are a lot of

Senators over there who do not have any mines in their State.

I cannot understand it. The National Taxpayers Union, the Citizens Against Government Waste—they all say this is the biggest scam going on in America. They are all opposed to continuing this outrageous giveaway of the public domain.

The mining industry argues that we are going to put somebody out of work. Really? Why is it that Montana can charge at least 5 percent of the fair market value for raw metallic minerals on State lands, but if we tried to charge 1 percent on Federal lands, they are all going to shut down and put everybody out of work?

How is it that Arizona can charge 2 percent of gross value on State lands, but if you charge them 0.5 percent on Federal lands, they are going to shut down and put everybody out of work?

How is it that Utah can charge 4 percent of gross value on nonfissionable metalliferous minerals on Utah State lands and a 2.6 percent taxable value severance tax, but if you charge 1 percent for mining on Federal lands, they are going to shut down and put everybody out of work?

Wyoming, 5 percent of gross sales value on gold, silver and trona on State lands, plus a 2 percent of the minemouth value severance tax. If you charge them one red cent on Federal lands, they are going to take their marbles and go home.

Oh, my, such cynicism, such hypocrisy while the American taxpayers plead for relief. We do not mind cutting Medicare \$270 billion to provide a tax cut. But 16 of the biggest 25 mining companies in America are even foreign owned. I would like to go to England and start putting claims down on British-owned land and say, "I think I will mine all the minerals off this land." You would be in the slammer in about 3 minutes.

But here, simply because they have the political clout—everybody knows precisely what this debate is about. And I do not mind people voting up or down and just saying, "I don't care. I'm not going to vote to stop it." But for Pete's sakes, do not put this sham out there about fair market value.

There is a lot of natural gas production in my State. Do you think that they get a break when they mine on Federal, State, or private land? Of course not. They pay royalties to the landowner.

Look at this chart one more time: Coal, natural gas, oil, they all pay 12.5 percent, except for underground coal, which is 8 percent. The mining companies, because they have the clout and control over Senators where they have operations, continue to pay nothing.

For 7 long, agonizing years, I have listened to that argument about how we are going to work this out, we need mining law reform, but if you adopt the Bumpers amendment, it is just going to thwart our efforts. I looked at a colleague letter that went out to

every Senator here, saying, "Senator BUMPERS is going to offer that old amendment again and you are going to oppose it. If you adopt that old terrible Bumpers amendment, we will never get mining law reform."

I have heard that argument for 7 long, agonizing years. And we will hear it again next year and the next year and the next year and the next year—anything to put it off. They will also continue to use ploys, such as charging for the fair market value for the surface, to avoid the issue. Anything to give these guys something to hang their hat on and go home and say to the unsophisticated voter: "Yes, I voted to make them pay fair market value." You will never hear anything about just for the surface, which is worthless.

Few understand the issue, one of the reasons why Congress has such a high approval rating in this country. There are a few people who know what is going on. There are a few people who will know that we are cutting programs for the most vulnerable, helpless people in America and providing corporate welfare for the biggest corporations in America.

Now, if those are the kind of values you want to go home and tell your folks about, be my guest. We know the die is cast. Three Senators who voted with me in the past did not vote with me tonight or we would have won. I do not know why they changed.

All I know is, I did not lose. It is nothing personal to me. The people of this country lost a lot. I yield the floor.

Mr. CRAIG. Mr. President, I yield 3 minutes to the Senator from Nevada.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from Nevada.

Mr. BRYAN. Mr. President, I thank the distinguished Senator from Idaho.

I am proud to endorse the amendment offered by my friend and colleague, the distinguished senior Senator from Idaho. The issue of mining law has been before us each and every year since I have come to the U.S. Senate, and each and every year, the industry is subject to the usual criticism: You are not for changing the mining law of 1872. This is an act of Congress that was enacted at the time that Ulysses S. Grant was President, and you all just simply do not want to change.

Mr. President, for my colleagues who are listening, there are four issues involved in mining law reform: Fair market value for the surface estate, a reasonable royalty, reclamation provisions, and a provision that the land shall revert back to the Federal Government if it is no longer used for mineral exploration and development purposes.

We agree with those changes. In the last session of the Congress, the Senate passed out such a bill authored by the senior Senator from Idaho and which I was proud to cosponsor.

What is at issue in this debate is jobs, good jobs for us in Nevada which

produces more gold than all of the other States combined. It is 12,000 jobs. The average salary is \$43,000 a year.

What is at issue for America is the loss of an industry that last year recorded a 13-percent decline in mineral development and exploration and, correspondingly, so many of these companies are now moving to Latin America where mineral exploration has more than doubled in the past year.

So what we are seeking is reason and fairness.

Mr. President, I say to my colleagues, there are some whose unstated agenda is to prevent mineral development and exploration on the public lands, and it is with that unreasonable element we have been unable to reach an accord, even though we share a common agreement that fair market value, a reasonable royalty, reclamation and reversionary provisions ought to be part of the fundamental changes to the mining law of 1872.

Mr. President, I yield the remainder of my time to the floor manager of this issue, the distinguished Senator from Idaho.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. How much time do I have remaining?

The PRESIDING OFFICER. There are 4 minutes and 54 seconds left.

Mr. CRAIG. I yield 4 minutes to the Senator from Alaska, the chairman of the committee.

The PRESIDING OFFICER. The Senator in Alaska.

Mr. MURKOWSKI. Mr. President, I rise in support of the Craig amendment and in opposition to the Bumpers amendment. The Senate has rejected similar amendments in the past.

The amendment that we are offering, which I am proud to cosponsor, would require, make no mistake about it, patent applications to pay fair market value for the surface estate. It is not a giveaway. It requires patented land to revert back to the Federal Government if the land is used for anything but good-faith mining purposes. The balance is there; direct the Secretary of the Interior to clear all pending patent applications at the Department of the Interior within 2 years of enactment of the bill and restore the third-party mineral examination program at the Department of Interior so that the Secretary can process the pending backlog of patent applications within 2 years.

Mr. President, make no mistake about it, patents are almost impossible to get. On June 14, 1993, the BLM director, with Babbitt's approval, issued a BLM instruction memorandum which established an extremely convoluted procedure for processing patents. For example, the application must be reviewed by the local BLM staff, the BLM State director, the regional solicitor, the DOI solicitor, the BLM director, the Assistant Secretary of the Interior, the Secretary of the Interior and, after that process, the application

must then go back to the BLM director and, finally, back to the State BLM director.

A mineral examination is then conducted by a mineral examiner who prepares a mineral report.

Is this what the administration calls streamlining the Federal bureaucracy?

Our amendment will end Mr. Babbitt's de facto moratorium by requiring the Secretary to move forward with processing pending patent applications.

In short, Mr. President, I believe we need to enact comprehensive reform. Unfortunately, Senator BUMPERS is forcing us to offer a solution to the patent issue on the Interior appropriations bill. We all know that is not where it belongs. It should be in the Energy Committee.

Currently, my committee is considering three—three—mining law reform bills: The one introduced by Senator BUMPERS, one introduced by Senators CRAIG and REID and myself and S. 639, introduced by Senator JOHNSTON.

The majority and minority have been negotiating on this issue in good faith, and I am hopeful that during the coming weeks we can reach an acceptable compromise that I can bring before this body; that we can debate fully on this floor where it belongs. Until then, as a result of Mr. BUMPERS' amendment, I believe the proper solution to the patent issue is to require miners to pay fair market value—fair market value—for the surface estates of future patented land.

Our amendment will achieve this goal, and I respectfully urge my colleagues to support the Craig amendment.

I yield the remainder of my time back to the floor manager, Senator CRAIG, and I thank the Chair.

Mr. CRAIG. Mr. President, does the Senator from Arkansas wish to complete his argument? Does he wish to yield back his time?

Mr. BUMPERS. I did not hear the Senator from Idaho.

Mr. CRAIG. I would offer the Senator from Arkansas the opportunity to complete his time before I close.

Mr. BUMPERS. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 4 minutes 48 seconds remaining.

Mr. BUMPERS. I yield back 4 minutes of that.

Mr. CRAIG. If the Senator would wish to complete his statement, I will close out the debate on my second degree. Go ahead. You have yielded all time back?

Mr. BUMPERS. You first. I yielded all but 48 seconds.

Mr. CRAIG. Do you wish to use your 48 seconds at this time?

Mr. BUMPERS. No.

Mr. President, I ask unanimous consent that this time be charged equally to both sides.

The PRESIDING OFFICER. That is the regular order.

Mr. CRAIG. Mr. President, I had hoped the Senator from Arkansas, because this is my amendment, would allow me the respect of allowing me to close debate. But I will go ahead and close out the remainder of the time that I have left.

It is interesting that the Senator from Arkansas would choose to argue royalties. Royalties are not an issue before this Senate at this moment. We have used the authorizing committee to attempt to resolve that issue so that the Government could receive some return on the value of the subsurface asset, and we are still working on that. But what this amendment does—separate from that as a step and a process along the way—is that it asks those who are asking for a patent through the process of mining law to pay fair market value for the land—not \$2.50 an acre, but whatever the appraisal process goes forward as. Once that is established, once the mine completed its work, the property reverts back to the Government.

This is not a total answer to the problem of reform of the 1872 mining law, but it is a step down the path toward arriving at that solution. I hope my colleagues will support us in this second-degree.

I yield the remainder of my time.

Mr. BUMPERS. Mr. President, if what the Senator from Idaho just said were true, I would be voting with him. He said the "fair market value." He did not say the fair market value of a surface. There are several billion dollars difference between what he is offering and what the taxpayers of this country have a right to expect.

His amendment says fair market value of the surface. Well, on \$50 billion of the gold, \$30 billion, or whatever it is underneath the land, you do not get that at fair market value. You get that free. That comes free. His amendment gives you the surface, which is worth about \$100 an acre, and with it comes the largess of anywhere from \$15 billion to \$30 billion from Uncle Sam and the taxpayers of America.

Do not be diluted by that fair market value language.

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

The PRESIDING OFFICER. Is there a sufficient second?

Mr. BUMPERS. Mr. President, I move to table the amendment of the Senator from Idaho and 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 question is on agreeing to the motion to table the Craig amendment.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Florida [Mr. MACK] is necessarily absent.

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

The result was announced—yeas 46, nays 53, as follows:

[Rollcall Vote No. 373 Leg.]

YEAS—46

Akaka	Glenn	Mikulski
Biden	Graham	Moseley-Braun
Boxer	Gregg	Moynihan
Bradley	Harkin	Murray
Breaux	Hollings	Nunn
Bumpers	Jeffords	Pell
Byrd	Johnston	Pryor
Coats	Kassebaum	Robb
Cohen	Kennedy	Rockefeller
Conrad	Kerrey	Roth
DeWine	Kerry	Sarbanes
Dodd	Kohl	Simon
Dorgan	Lautenberg	Snowe
Exon	Leahy	Wellstone
Feingold	Levin	
Feinstein	Lieberman	

NAYS—53

Abraham	Faircloth	McCain
Ashcroft	Ford	McConnell
Baucus	Frist	Murkowski
Bennett	Gorton	Nickles
Bingaman	Gramm	Packwood
Bond	Grams	Pressler
Brown	Grassley	Reid
Bryan	Hatch	Santorum
Burns	Hatfield	Shelby
Campbell	Heflin	Simpson
Chafee	Helms	Smith
Cochran	Hutchison	Specter
Coverdell	Inhofe	Stevens
Craig	Inouye	Thomas
D'Amato	Kempthorne	Thompson
Daschle	Kyl	Thurmond
Dole	Lott	Warner
Domenici	Lugar	

NOT VOTING—1

Mack

So the motion to lay on the table the amendment (No. 2294) was rejected.

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

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

The motion to lay on the table was agreed to.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 2293, AS AMENDED, AS MODIFIED

Mr. REID. Mr. President, I ask unanimous consent that the Bumpers amendment as amended be modified so that it is a substitute for the language proposed to be stricken.

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

Mr. BUMPERS. Mr. President, reserving the right to object—I have no objection.

Mr. REID. Mr. President, I urge adoption of the Bumpers amendment.

The PRESIDING OFFICER. The Senator will withhold.

The yeas and nays have been ordered on the Craig amendment.

Mr. REID. Mr. President, I move to vitiate the yeas and nays on the Craig amendment.

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

Mr. REID. I thank the Chair.

VOTE ON AMENDMENT NO. 2294

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the Craig amendment (No. 2294).

The amendment (No. 2294) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. GORTON addressed the Chair.

VOTE ON AMENDMENT NO. 2293, AS AMENDED, AS MODIFIED

The PRESIDING OFFICER. The question now occurs on the Bumpers amendment (No. 2293), as amended, as modified.

If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2293), as amended, as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

PRIVILEGE OF THE FLOOR

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I ask unanimous consent that Ted Milesnick, a Bureau of Land Management employee on detail to the Interior Subcommittee, be granted the privilege of the floor for the duration of the debate on the Interior appropriations bill.

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

Mr. GORTON. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc, with the exception of the amendment on page 95, lines 19 to 21; the amendment on page 9, line 23; the amendment on page 10, line 12; the amendment on page 16, line 4 through page 17, line 14; the amendment on page 21, line 24 through page 22, line 2; and the amendment on page 22, line 5 through page 23, line 19; and that the bill as thus amended be regarded for the purpose of amendment as original text, provided that no point of order shall have been considered to have been waived by agreeing to this request.

The PRESIDING OFFICER. Is there objection?

Mr. JEFFORDS. Reserving the right to object, I presume the amendment did not include the amendment relative to the National Endowment?

Mr. GORTON. That is correct. The Senator's ability to amend the National Endowment will remain intact.

Mr. JEFFORDS. And the museum?

Mr. GORTON. Yes.

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

AMENDMENT NO. 2295

(Purpose: To delay implementation of the Administration's rangeland reform program)

Mr. GORTON. Mr. President, I send an amendment to the desk on behalf of Senator Thomas and Senators CAMPBELL, BURNS, KEMPTHORNE, BENNETT, SIMPSON, MURKOWSKI, CRAIG, DOLE, PRESSLER, HATCH, BROWN, KYL, and

BAUCUS. I ask for its immediate consideration.

The PRESIDING OFFICER. If there is no objection, the pending committee amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. THOMAS, for himself, Mr. CAMPBELL, Mr. BURNS, Mr. KEMPTHORNE, Mr. BENNETT, Mr. SIMPSON, Mr. MURKOWSKI, Mr. CRAIG, Mr. DOLE, Mr. PRESSLER, Mr. HATCH, Mr. BROWN, Mr. KYL and Mr. BAUCUS, proposes an amendment numbered 2295.

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 end of the bill, add the following:

SEC. . DELAY IN IMPLEMENTATION OF THE ADMINISTRATION'S RANGELAND REFORM PROGRAM.

None of the funds made available under this or any other Act may be used to implement or enforce the final rule published by the Secretary of the Interior on February 22, 1995 (60 Fed. Reg. 9894), making amendments to parts 4, 1780, and 4100 of title 43, Code of Federal Regulations, to take effect August 21, 1995, until December 21, 1995. None of the funds made available under this or any other Act may be used to publish proposed or enforce final regulations governing the management of livestock grazing on lands administered by the Forest Service until November 21, 1995.

Mr. SIMPSON. Mr. President, here we go again. On the 21st of this month our country's western agricultural way of life will face an assault unlike anything that it has faced before. On that date the Department of the Interior's rangeland reform regulations are scheduled to become the "law of the land."

Originally, those regulations were to go into effect on February 21. However, at that time a 6-month moratorium on their effectiveness was granted. Then my good friends, Senators PETE DOMENICI and LARRY CRAIG began working on balanced legislation both to codify existing regulations and to incorporate parts of Interior's "Rangeland Reform" regulations into a more workable plan.

The sponsors have made a gallant effort to enact this legislation by the August deadline. However, the slow pace of Congress—we have such a heavy volume of legislation to consider this year—has prevented us from finishing this legislation in a timely manner.

In short, Mr. President, Congress needs more time—90 more days at least—to do the people's work on this vitally important issue. At a meeting this morning, Secretary Babbitt told me and a number of my colleagues that, in effect, regardless of the fact that we are trying to work on definitive legislation that addresses this issue, he will not grant another moratorium. So, we have no alternative but to acquire additional time through legislation.

During this debate we may hear the opponents of this pending legislation argue that additional time is not needed—that the Interior's regulations are

fair, and will adequately address all the problems so that we need worry about. All I suggest that any Senators who believe this should ask the majority of the people in my State—or virtually any other affected western State—who are familiar with these regulations whether they are fair. If you do, you will hear a resounding and unanimous “no.”

If these regulations are indeed “fair,” then why has the Interior Department felt the need to embark on a mission to override public opinion, and to stall or even kill the Domenici legislation? As my fine colleague, Senator THOMAS, has pointed out, this seems to surely skirt the edge of the statutory prohibition on lobbying with appropriated funds. Perhaps this desperation arises out of the knowledge that they will not be able to run roughshod over yet another aspect of American life. Or perhaps they are concerned that their subtle but fully deliberate plan to totally drive the western rancher and his or her livestock off of public range lands is threatened by the Domenici bill.

Mr. President, I would urge my colleagues to give Congress a chance to at least debate this issue on a stage that is free from the outside pressures of an agency hell bent on the reckless enactment of unsound rules and regulations just to spite the Republican Congress. If, in the end, the legislation fails and the regulations go into effect, so be it. At least and we can then say that we have had a debate that was spirited, fair, and impartial and free from an agency attempting to further its own agenda.

Mr. President, I urge my colleagues to vote in favor of the Thomas amendment.

Mr. KEMPTHORNE. Mr. President, I do not know if I am the only one here with a sense of *deja vu*, but I for one am frustrated to find myself here with my western colleagues, fighting yet again to maintain the western way of life.

Two years ago we faced an amendment to the Interior Appropriations bill that would have raised grazing fees arbitrarily to a point that small ranchers would have been forced off the land. Today, we face regulations which will have that same effect. If unchecked, those regulations will go into effect in less than two weeks.

The Senate voted two years ago to stop those regulations. I urge my colleagues to do so again. A moratorium will give Congress an additional 90 days in which to assert its right to set the guidelines of federal policy.

Opponents will tell you that these regulations have had ample public input and participation. It is true that the Secretary has held hearings across the country in the time since he first made this proposal, and I commend him for dedicating so much effort and time.

But do the final regulations reflect the input he received? I am concerned that there are a few key points on

which these regulations do not. The public called for flexible management with a local focus. These regulations allow States to choose, but from among federally dictated management plans.

The public called for clear and direct management processes, but instead the regulations propose a process weighted down with increased review and scrutiny. The final proposed regulations would have the effect of making the day to day operation on Federal land so cumbersome and costly that we might as well be talking about the arbitrary grazing fee from 2 years ago when you talk about the potential effects.

I asked the Secretary of the Interior just this morning whether or not he wanted to see grazing on Federal lands 20 years from now * * * or whether he even thought that grazing belonged on Federal lands.

He told me that he views grazing as an integral part of the biology of the range. The Secretary specifically pointed out that wild, open spaces evolved under the hand of wildfire and wildlife, roles which grazing now fills. But these regulations would stifle the individual initiative which gives the west its character, and smother the efforts of the stewards of those Federal lands. If we let our Federal lands become wastelands, not only will 27,000 ranching families, and hundreds of rural communities pay the price. We will all be the poorer. This must not happen.

Mr. GORTON. Mr. President, this amendment is on another issue which has from time to time been controversial with respect to grazing and grazing fees.

The amendment is a simple 90-day moratorium on the regulations of the Secretary of the Interior, designed to permit the committees to come up with an authorizing bill.

It has been agreed to and cleared on both sides.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2295) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. PRYOR. Mr. President, I rise to express to my colleagues in the Senate my concerns about a provision in this legislation that pertains to funding of our national system of fish hatcheries.

First, let me say that I am grateful for the actions of our distinguished Chairman, Senator GORTON, in the committee mark-up of this bill. The report calls for a moratorium on any possible closures of fish hatcheries until March of next year pending the report of a study group that will be convened by the U.S. Fish and Wildlife Service for the purpose of making recommendations on the future of the hatchery program.

Mr. President, recreational fishing is an incredible industry in our country, and in my home State of Arkansas in particular. The number of jobs created, the amount of State and Federal taxes collected from the sale of lures, boats, gasoline, hotel accommodations, food, etc., are enormous. It is absolutely perplexing to me that an agency of our Federal Government would ever propose to close hatcheries without an economic analysis of the impact, both to local economies and to the Federal treasury.

It is troublesome to me that an agency of our Government would consider eliminating hatcheries that mitigate for damages to fishery resources that Federal water projects caused.

This legislation contains a provision to either transfer ownership or close 11 Federal fish hatcheries. The Department of the Interior has intentions of closing additional hatcheries in fiscal year 1997. It is their intention of using the study group to define the criteria by which hatcheries would be chosen to be transferred or closed. I believe this premise is wrong.

I understand and support our President when he attempts to reduce Federal spending by eliminating unnecessary and wasteful programs. Federal fish hatcheries are neither. It is a burden to try to understand that on the one hand we have Federal agencies, such as the Economic Development Agency and the Department of Commerce, whose roles involve the creation of jobs and strengthening our economy. On the other hand, we have the Fish and Wildlife Service, which can take actions which harm or destroy jobs under the guise of budget reduction and mission redefinition.

Mr. President, I want my colleagues to know that I am going to stay involved in this issue. I do not accept the premise that some hatcheries have to be closed, that it is inevitable. If a hatchery is mitigating for damages to a fishery, if the tax revenues that result from economic activity generated by recreational fishing exceed the cost of operating and maintaining that hatchery, then I am going to take the attitude that the Federal Government has an interest in that hatchery. Our taxpayers paid for its construction and operation, and we should not be arbitrarily closing or giving it away. We have an obligation to those taxpayers.

Mr. KENNEDY. Mr. President, in conjunction with this bill, I note that the New England Holocaust Memorial Committee is building a memorial to the Holocaust adjacent to the Boston National Historical Park. The Memorial Committee will be entering an agreement with the Superintendent of the Park for maintenance of the Memorial and will be making a contribution to the Boston National Historical Park Donation Fund. This type of cooperation is contemplated by the Historic Sites Act of 1935. It is a good example of the Government working with

others on behalf of an important remembrance, and I welcome this opportunity to commend all those involved in this worthwhile project.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I have an amendment that I want to send to the desk. I am offering it in behalf of myself, Senator INOUE, Senator MCCAIN, Senator CAMPBELL, Senator KYL, Senator SIMON, Senator DORGAN, and Senator CONRAD.

Mr. SARBANES addressed the Chair. The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Will the manager of the bill yield for a question?

Mr. DOMENICI. Mr. President, I will yield in just a moment.

Mr. President, I understand that the amendment may hit the bill in more than one place. I ask unanimous consent that it nonetheless be in order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SARBANES. I inquire of the manager of the bill what he foresees the work program as we proceed into the evening. It would be helpful to know.

Mr. GORTON. That question could not possibly be more in order. I, in turn, was going to ask the sponsor of the amendment whether or not he and his cosponsors would agree to come to a time agreement on this amendment. The majority leader does want this amendment to be completed and disposed of, and it will require a rollcall vote before the evening is over.

So if we can find out how long it will take to debate the amendment, we can answer the question of the Senator from Maryland.

Mr. DOMENICI. Mr. President, let me say to Senators who are interested in the timing that we have a number of Senators on our side. And essentially we have three principal sponsors—not just this Senator, but Senator INOUE, who used to be chairman of the Indian Affairs Committee, and Senator MCCAIN, who is now chairman of the Indian Affairs Committee, and myself.

We have talked about this, and we believe that we need 1 hour on this amendment.

Mr. GORTON. Mr. President, I then state that I doubt that the opponents will take an hour, but for the purpose of the amendment, I ask unanimous consent that there be 2 hours equally divided.

The PRESIDING OFFICER. Is there objection?

Mr. PRYOR. Mr. President, reserving the right to object, I am not going to, of course, argue with the majority leader. He stated he wants to dispose of this matter. But I wonder if he would consider reconsidering that in view of the fact that we are looking at something around 11 o'clock before our vote on this amendment. I wonder if the manager can speak for the majority leader in this area where we might have a vote actually in the morning.

Mr. DOMENICI. We will cut it down to 45 minutes, if that helps anyone.

Mr. President, if we are going over to the morning, I want some time in the morning.

Mr. GORTON. I do not believe we are going to go over to the morning. An hour and a half equally divided is appropriate. I would recommend it, and I gather the majority leader would agree that after we have disposed of this amendment, we may debate the next amendment, but we would not vote on that until the morning.

Mr. PRYOR. Is there any disadvantage to just debating the amendment tonight and voting in the morning?

Mr. GORTON. The disadvantage would be that no one would be here to hear the debate.

Mr. PRYOR. I promise I will go home and watch it on the monitor, Mr. President. [Laughter.]

AMENDMENT NO. 2296

(Purpose: To restore funding for programs within the Bureau of Indian Affairs)

The PRESIDING OFFICER. Will the Senator allow the clerk to report the amendment?

Mr. DOMENICI. I think we should do that.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico (Mr. DOMENICI), for himself, Mr. INOUE, Mr. MCCAIN, Mr. CAMPBELL, Mr. SIMON, Mr. DORGAN, Mr. CONRAD, and Mr. KYL, proposes an amendment numbered 2296.

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

The OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, line 11, strike "\$565,936,000" and insert "\$519,436,000".

On page 3, line 5, strike "\$565,936,000" and insert "\$519,436,000".

On page 9, line 23, strike "\$496,978,000" and insert "\$466,978,000".

On page 16, line 13, strike "\$145,965,000, of which \$145,915,000" and insert "\$100,965,000, of which \$100,915,000".

On page 21, line 22, strike "\$577,503,000" and insert "\$531,003,000".

On page 24, line 23, strike "\$182,169,000" and insert "\$157,169,000".

On page 31, line 15, before ", of", insert the following: "(plus \$200,000,000)".

On page 32, line 17, before ":", insert the following: "and of which not to exceed \$5,000,000 shall remain available until expended for the implementation of the Indian Tribal Justice Act (25 U.S.C. 3601 et seq.); and of which not to exceed \$2,500,000 shall remain available until expended for the implementation of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3201 et seq.)."

On page 43, line 1, strike "\$58,109,000" and insert "\$51,109,000".

Mr. GORTON. Mr. President, the majority leader is willing to accede to the evident desire of most of the Members, and I would state that under these circumstances, I guess we will ask for 1½ hours equally divided this evening on the amendment, and 30 minutes equally divided tomorrow morning before

9:30 and a vote to occur at 9:30 in the morning.

Mr. PRYOR. Thank you. In behalf of many of my colleagues, we want to thank the distinguished majority leader.

Mr. DOMENICI. Before you leave, I have not agreed to that yet. I just wanted everybody to understand this is a very important amendment. This has to do with the future of the Indian people in the United States and whether we are going to take care of them in an ordinary, reasonable way or whether we are going to give them an inordinate amount of budget cuts. So everybody knows, it is extremely important to many of us.

I will not object.

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

Mr. GORTON. Let me, Mr. President, make my announcement in the form of a unanimous-consent agreement and add to that that no other amendments be in order.

Mr. MCCAIN. What is that request?

The PRESIDING OFFICER. It is the understanding of the Chair that there is a unanimous-consent request that there is 1½ hours of debate this evening equally divided between each side and that there will be 30 minutes of debate in the morning equally divided prior to the time of 9:30 a.m. and that no other amendments are in order during the pending of the amendment.

Is there objection? Without objection, it is so ordered.

Mr. GORTON. Mr. President, I am authorized by the majority leader to say there will be no further votes this evening and the first vote tomorrow will be at 9:30 in the morning.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, fellow Senators, I have been told more than one time as we move through a budget, as we move through appropriations, that we have a very important function as Senators, and that is to set priorities. When you are cutting budgets and restraining Government, it does not mean that you treat everything alike and that you say everything gets cut an equal amount. The purpose for our being here is to establish some kind of priority based upon either our commitments or what we think is most important.

Mr. President, I happen to come from a State—it is not a large one in terms of population. But 10 percent of the people in the State of New Mexico are native American Indians. We have 18 of the small groupings called Pueblo Indians. We have 19 Pueblos, two Apaches, and one-third of the Navajo Nation. So we have 10 percent of our population that are and have been directly related to and to a great extent dependent upon the Federal Government.

There are many who will say they should not be so dependent. But, Mr.

President, it is our law that says they are entitled to their tribal ways. We have treaties with them with reference to their ownership and what we are entrusted to do for them. And we have over a long period of time helped them with their government, the ordinary functions of Indian government. They do not levy any taxes. That is the way it has been for a long, long time.

We have decided only one time in modern history to try to change this relationship, one of trust and treaties. We tried for a little tiny piece of history—2 years—to say we do not want to have this kind of treaty relationship. Let us go ahead and assimilate the Indian people. After 2 years, we decided we had made a mistake, and we went back to treaties and the trust relationship between the National Government and the Indian people.

Now, I am not here saying that works perfectly well and that everything is great in Indian country. What I am suggesting is that my State is a perfect example of what is wrong with this bill that is before us. I will be the first to say Senator SLADE GORTON, as chairman of this subcommittee, with Senator BYRD as the ranking member, has done an excellent job with the resources they have. But I think they make one glaring mistake. Frankly, there may be some who will say the budget did not give us enough money. Well, that may be the case, but we did not assume in the budget resolution which passed this Senate that we were going to cut Indian programs. We said they are of the highest priority, and we assumed they would be funded at the 1995 level for many reasons. This Senate voted for that.

In my State, there are all those Indian governments that are entitled to a direct relationship as tribal governments to the U.S. Government. The State of New Mexico does not run the government in the Isleta Pueblo or Navajo country. The Indian people run it. We have a Bureau of Indian Affairs, and if ever we could find a way to make it more responsive, we ought to do that.

What happened in this bill—and I know my distinguished friend and colleague, the chairman of the subcommittee, will talk about Indian programs being reduced by 8 percent, and that is treating them as well as any other programs within the Interior Department of the United States.

The truth of the matter is that the only way you can get to that 8 percent is if you put the Indian Health Service and other Indian programs that are not within the Department of Interior into that mix.

Behind me is a chart, and it simply shows the Department of Interior—forget about Indian health which is another part of appropriations—which has the Bureau of Land Management, U.S. Fish and Wildlife, Natural Resources Science Agency, National Park Service, and so on. Just look at that, and what it will tell you very plain and

simple is that the Bureau of Indian Affairs is 26.6 percent of the Department of Interior.

Mr. President, 26.6 percent of the Department of Interior is Indian affairs—27 percent. Now, just follow that line over a little bit and at what percent did they take of a cut in the Department of Interior? It is 45.6.

Let me repeat that. That is plain and simple. This is a colored pie chart. It is the Department of Interior—not Indian health, the entire Department of Interior, and the white is 27 percent Bureau of Indian Affairs. However, when it comes to cutting the Department of Interior, in this chart, it has been cut 45.6 percent.

Now, Mr. President, this part of Indian assistance and Indian programs that is being cut is all of Indian governance. It is how they govern their people on a daily basis. It is how they provide policemen and jails, how they provide juvenile courts, and all the things that an Indian government, like ours, should provide for its people.

We just cannot say, well, let them go raise taxes or do something else. It just does not happen that way. They will not have any money for these things. That is not an 8-percent cut. In the Department of Interior the Bureau of Indian Affairs is getting cut 45.6 percent when they only make up 27 percent of the Department of Interior budget. That is not right.

Now, there are only two ways to fix it. One is to say, well, let us have a lot more money for the Department of Interior, and then we will say “and give some of that to the Indian people.”

But that is not going to happen, and I am not here asking that it happen. There is not going to be more money dropped in from Heaven, nor will the Appropriations Committee find it and send it over to this subcommittee.

So the only other thing we can do is say what are we going to put first. You prioritize. What are we going to put first? The Indian people and their daily lives and the ability to live a reasonably normal life with law enforcement, with some juvenile courts, with some of the things that you just have to have to stay alive. Or are we going to say to them you are just going to have to do without for the rest of this Department, made up of the Bureau of Land Management, U.S. Geological Survey, U.S. Fish and Wildlife Service, National Biological Service, Minerals Management Service, and the Office of the Secretary, to be funded. We must decide that we will put the Indian people on a higher priority than those Interior Department line agencies of the Federal Government.

You choose, Senators. Do you want to fund Fish and Wildlife at what we would suggest, \$30 million less out of a \$511 million budget, or do you want to cut the Indian programs 45.6 percent? Which do you want? Which is fair?

I submit what is fair is to put some money back into the Indian programs that I have described and take it out

of ment, which I believe under any stretch of the imagination should be second position to a primary responsibility to the Indian people and the trusts that we have with them.

So we have suggested plain and simple that we not put all the money back that was taken out because we cannot afford it. So we are suggesting that we put back \$200 million and the budget authority that goes with that.

These programs that I am referring to here have actually been cut \$270 million. We are going to put \$200 million back, and we are taking it out of the agencies that I have just described.

We are going to hear that we just cannot do that to Fish and Wildlife; we cannot do that to the U.S. Geological Survey; and we are going to be told they have already been cut.

Mr. President, they have not been cut the amount that the Bureau of Indian Affairs programs for our Indian people have been cut.

So we are suggesting that when we are finished we take \$46 million out of the Bureau of Land Management, leaving a total of \$519 million; that we take \$30 million out of the U.S. Fish and Wildlife, leaving \$467 million; that we take \$45 million out of the National Biological Service, leaving \$100 million; Mineral Management Service, \$55 million, leaving \$157 million, and the Office of the Secretary, \$7 million out of a total fund for his office, leaving \$51 million.

What do we choose? Do we choose to cut those departments, those parts of the Department of Interior, or do we say to the Indian people you take the cuts; you take a 45.6-percent cut in these programs that affect the daily lives of the poorest people in America.

I am sure Senator MCCAIN will offer us a glimpse of the kind of people we are talking about, their status in life, what they are up against, what they cannot afford, what they do not have. I believe the Senate, in its ultimate wisdom and fairness, will say we had better take care of the treaty relationships, the trust relationships that we have with the Indian people across this land and the Indian people in my State. The Indian programs represent 27 percent of total Department of Interior funding. If the committee bill is adopted, BIA will suffer 45 percent of all of the Interior reductions in this bill. I do not think that is fair when many others are getting cut 8 percent, 9 percent, 7 percent, and even a couple are not getting cut at all.

I yield—how much time does Senator MCCAIN want?

Mr. MCCAIN. Fifteen minutes.

Mr. DOMENICI. I yield to Senator MCCAIN 15 minutes, then Senator INOUE.

Mr. MCCAIN. I want to thank my friend from New Mexico for this amendment. It is a very important one. And I suggest to my colleagues that this amendment has more impact than any that I know of that we will address

this year or perhaps for years to come. Because if the Domenici amendment is rejected, it will reflect the words of the great Indian legal scholar, Felix S. Cohen, who wrote in 1953:

Like the miner's canary, the Indian marks the shift from fresh air to poison gas in our political atmosphere; and our treatment of Indians, even more than our treatment of other minorities, reflects the rise and fall in our democratic faith.

I suggest to you, Mr. President, that if we reject the Domenici amendment, it will reflect a fall in our democratic faith and an abrogation of our obligations, solemnly undertaken and solemnly violated throughout the history of this country.

Mr. President, Senator DOMENICI covered, I think, the appropriations situation. I have been doing a little research on our relations with the Indians. And I would like to quote from the CONGRESSIONAL RECORD of February 14, 1854, the remarks of Mr. Sam Houston, who represented the State of Texas. He talks about a visit of Cherokee Indians to our Nation's Capital. He says:

They presented themselves in Washington city under the auspices of the superintendent, and I was directed by the President of the United States, or by the Secretary of War, to attend at the Executive mansion upon a certain day—in 1818—I think, in March.

Upon the Indians presenting themselves to the President of the United States, he made a few remarks to them; told them he was desirous to hear what they had to say to him; that they had come a great distance to see their Great Father; that he had understood from the agent they had important communications to make and favors to ask, and that he was prepared to hear them with the greatest consideration. They represented in detail pretty much what I have given as the history of their tribes, and the circumstances under which they had become located in the far West. The President, after hearing all they had to say upon the subject, gave a reply, in which he assured them of the constancy, friendship, and protection of the Government of the United States; the consideration to which they were entitled from the fact of their having emigrated west of Arkansas at the suggestion of the President, and assured them that it entitled them to the most favorable consideration of this Government. He told them, you are now in a country where you can be happy; no white man shall ever again disturb you; the Arkansas will protect your southern boundary when you get there. You will be protected on either side; the white man shall never again encroach upon you, and you will have a great outlet to the West. As long as water flows, or glass grows upon the earth, or the sun rises to show your pathway, or you kindle your camp fires, so long shall you be protected by this Government, and never again removed from your present habitations.

Mr. President, Sam Houston went on to say:

I need not rehearse to gentlemen who are familiar with the past, the tragedies that followed, the sanguinary murders and massacres, the midnight conflagrations—these attest the inharmonious action which arose from this faithless conduct on the part of the Government or its agents. I know this may appear a very harsh assertion to make here, that our Government acts in bad faith with the Indians. I could ask one question that

would excite reflection and reminiscences among gentlemen. When have they performed an honest act, or redeemed in good faith a pledge made to the Indians? Let but a single instance be shown, and I will be prepared to retract. I am not making a charge against the Government of the United States which is not applicable to all civilized Governments in relation to their aboriginal inhabitants. It is not with the intention to derogate from the purity of our national character or from the integrity of our institutions that I make the accusation; but it is because it is verified by history.

Mr. President, we made a treaty with the Apache in 1852.

Article 10:

Foreign consideration of the faithful performance over all the stipulations herein contained by the said Apache Indians, the government of the United States shall grant such Indians the donations, presents and implement and adopt such other liberal and human governors as said government may deem and meet proper. Apache Indians shall not be held responsible for the conduct of others and that the government of the United States shall so legislate an act to secure the permanent prosperity and happiness of said Indians.

That was an 1852 treaty.

Mr. President, there are lots of other treaties that I have read. So why do we not look for a minute at the condition of native Americans?

The chart, please, on tuberculosis, diabetes and alcoholism. American Indian families live below the poverty line at rates nearly three times the national average. Nearly one of every three native Americans lives below the poverty line. One-half of all Indian children on reservations under the age of 6 are living in poverty.

On average, Indian families earn less than two-thirds the incomes of non-Indian families. As these statistics indicate, poverty in Indian country is an everyday reality that pervades every aspect of Indian life. In this country we pride ourselves on our ability to provide homes for our loved ones. But in Indian country a good, safe home is a rare commodity.

There are approximately 90,000 Indian families in Indian country who are homeless or underhoused. Nearly one in five Indian homes on the reservation are classified as severely overcrowded. One-third are overcrowded. One out of every five Indian homes lacks adequate plumbing facilities. Simple conveniences that the rest of us take for granted remain out of the grasp of many Indian families.

Indians suffer from diabetes at 2½ times the national rate. Indian children suffer the awful effects of fetal alcohol syndrome at rates far exceeding the national average. Perhaps most shocking of all, Indian youth between the age of 5 and 14 years of age commit suicide at twice the national rate. The suicide rate for Indians between the ages of 15 and 24 is nearly three times the national rate.

Mr. President, I cannot justify those numbers. I cannot account for a lot of it. I would like to look at just this chart here that shows the percent of

related children under 6 with income below the poverty line in 1989. In the United States it is about 20 percent; at the Pine Ridge Oglala Reservation, 73 percent. At the Quileute Reservation in the State of Washington, it was 81 percent. At San Carlos Apache—they were the best off—they were 69 percent.

Mr. President, these cuts are harsh. They are disproportionately deep, as the Senator from New Mexico has pointed out. Forty-seven percent of the cuts proposed are applied to Indian programs, Indian programs. Yet in fiscal year 1995, Indians account for 27 percent of the total Interior Department budget.

Mr. President, I want to point out another aspect here. The Senator from New Mexico, my dear friend from Hawaii, and I have worked on these issues of native Americans for many years. It does not get a lot of attention. I have never seen a headline about an Indian issue unless it was the tragedy at Wounded Knee. I have never seen people write or call particularly about native American issues, although since Indian gaming has been on the rise, it certainly has gotten a lot of attention.

But I have to say in all candor, Mr. President, I have not seen a lot of Americans who are concerned about the fact that 80 percent of the children at the Quileute Reservation are below the poverty line. And what the Senator from Hawaii, as chairman of the Indian Affairs Committee, and I and the Senator from New Mexico, the chairman of the Budget Committee, have tried to do, with help from others, is we have tried to emphasize that we believe the answer is Indian self-determination and Indian self-governance. Ten cents out of every dollar from the Bureau of Indian Affairs actually ends up in the pocket of an Indian.

Our entire effort literally has been to respect these treaties, these treaties that I just read that treat native Americans in a government-to-government relationship and give the money to the tribes to dispose of as they see best for the members of these tribes.

Where do the majority of these cuts come from? Exactly those programs. Exactly those programs that we have been trying to push all these years.

Mr. President, I do not know what is going to happen to native Americans if we implement these cuts. I guess they will survive. I guess there will be the kind of situations that we have seen throughout the last 200-some years of our Nation's history. I guess there will be higher fetal alcohol syndrome rates, higher suicide rates, more homelessness. There are places on reservations in my State where Indian people already live in holes in the ground. I am not sure that those holes could be much worse.

But I do know that over the last approximately 10 years, we have seen improvements in the Indian country. We

have seen it for a broad variety of reasons, including educated native Americans assuming positions in their government, including a better and perhaps more understanding treatment on the part of the Federal Government and the Congress.

But if these cuts are enacted, I have no doubt—and I speak from 12 years of dealing with native American issues—I have no doubt that conditions will rapidly become far more appalling and disgraceful than they are today.

Felix Cohen, I think, said it far better than I could: The gauge of how we view our society is directly related to our treatment of native Americans.

There is not a powerful lobby of native Americans in Washington. There is not a lot of impact of even the native American gaming tribes. People who come to Washington from time to time and visit Senator INOUE, me, Senator DOMENICI, they cannot understand why it is that, when their forefathers signed a solemn treaty with our Government, that we find it impossible to find it in us to provide them with what we promised them.

Relations between the aboriginal tribes, as was stated by Sam Houston—although I would not use those words—but no doubt the relations between native Americans and non-Indians have been complex, and the reasons why some of the things have happened are not entirely the fault of the non-Indians.

But I suggest to you, Mr. President, that somewhere in our zeal to cut the budget, to reduce this \$5 trillion debt that we have laid on future generations of Americans, I think we have forgotten our obligations. Should there be reductions in Indian programs? Yes, should it be to the tune of 28 percent of their programs? I do not think so.

I believe that what we do in our vote tomorrow around 9:30 will determine to a significant degree how history judges this Congress.

Mr. President, I hope that we will look at this amendment in that fashion and that we will support the amendment of the Senator from New Mexico.

I reserve the remainder of my time for the Senator from New Mexico.

The PRESIDING OFFICER (Mr. FRIST). Who yields time?

Mr. DOMENICI. Senator INOUE wants 15 minutes.

Mr. INOUE. Yes.

Mr. DOMENICI. I yield 15 minutes to Senator INOUE.

The PRESIDING OFFICER. The Senator has 18 minutes remaining. The Senator from Hawaii.

Mr. INOUE. Mr. President, 200 years ago when our Founding Fathers were engaged in the formation of this great Nation of ours, they gave much thought to the relationship of the new country and Indian Nations. And if one should read the debates of the Continental Congress and look at the Constitution, you will note that our Founding Fathers recognized the sovereignty of the Indian tribes and re-

served for the Congress of the United States plenary authority over the conduct of relations with Indians.

Sometime later, following the so-called Indian wars, this Nation of ours entered into treaties with Indian Nations. We, Members of the U.S. Senate, are responsible for ratification of these treaties. History shows that there were 800 treaties entered into between the Presidents of the United States, representing our country, and the heads of the Nations of Indians.

Of the 800 treaties, Mr. President, history tells us that 430 were ignored by this body—they are still in the files—370 were ratified, and of those 370, every one was violated. We have a perfect score.

These treaties, as my colleagues from New Mexico and Arizona have stated, were eloquent documents. They spoke of the sun rising in the east and setting in the west, and when the waters flow from the mountains to the rivers, for as long as this happens, this land is yours. And these treaties promised the Indians 550 million acres. The circumstances of history now cause the remainder of 15. What happened to the 500 million acres?

But for these treaties, these Indians made a downpayment to our country. They paid for their health, education and their survival.

One would think that after such treatment that they would hate this country. To the contrary, Mr. President. In 25 days, the people of this Nation will pause briefly to observe the end of World War II. On September 2, 50 years ago, the Japanese surrendered. I think we should recall that in all the wars of this century, on a per capita basis, more native American Indians put on the uniform of the United States Government than any other ethnic group. More of them stood forward and said, "We are willing to shed our blood and give up our lives for the people of the United States."

So these people have paid their dues. The ceding to this Nation of their lands, this whole Nation, represents an unprecedented and still unequalled consideration for the obligations that this Government of ours assumed for the protection of lands and resources, provision of health care, education and the guarantee of permanent homelands.

It is this prepayment in the form of lands which present-day value far exceeds the national debt and the commitments that were made in exchange for these lands that are so easily either forgotten or discounted in contemporary times when there are competing priorities for diminishing resources.

But as my colleagues from New Mexico and Arizona have stated, ours is much more than a moral obligation, as the U.S. Supreme Court has repeatedly and consistently underscored over the years. Ours is no less than a legal obligation of the highest order, for there is no other group of American citizens for whom the United States has assumed a trust responsibility or legal relation-

ship of this special nature. There is also no other group of Americans that have been forcibly removed from their aboriginal homelands and placed on reservations on some of the most desolate lands in the country. And there is probably no other group of Americans whose lives are more directly affected by the actions and inactions of our Government.

We are not here to undo the history of misery and deception. But we are hoping that, by the action of this Senate, we will not compound this history. I just hope that my colleagues will join my distinguished friends from Arizona and New Mexico to, in some small manner, undo some of the wrongs that we have committed.

Mr. President, my colleague from Arizona cited important statistics. The managers of this bill will undoubtedly tell the Senate that, overall, Indian programs were cut by only 8 percent. There are two major accounts. One is the Bureau of Indian Affairs, the other the Indian Health Service. In the Indian Health Service, for very good reason, they increase the amount not to the amount the administration recommended, which was much more, but nevertheless increased it, because the health statistics are such that even a Third World country would be embarrassed to repeat them.

As a U.S. Senator, I stand before you, Mr. President, embarrassed to recite these numbers. The mortality rate from tuberculosis among Indians is 400 times the national average; the mortality rate from alcoholism is 332 times the national average; the diabetes-associated mortality rates among the Indians are 139 times the national average; the mortality rate from pneumonia and influenza is 44 times the national average; and as my friend from Arizona indicated, the mortality rate from suicide exceeded the national average by 28 percent.

I had the opportunity to visit Alaska on three occasions. On two of these occasions, I went beyond the Arctic circle. There was one village that I was not able to visit because I was told by the authorities that this village was quarantined because 92 percent of the citizens of that village had hepatitis. This is in the United States, Mr. President. I was also told that, in Alaska, for young men between the ages of 20 and 23, the suicide rate was 14 times the national average.

Something is wrong. We must do something to bring down these statistics. Quite recently, as chairman of the Indian Affairs Committee, I visited Indian land, and I was horrified to see the health conditions. In a clinic, I saw an x ray machine. I looked at the machine, and this was a World War II vintage x ray machine. I called upon the U.S. Army to look around their inventory to see if they had any spare ones and, yes, they had a few spare ones, so they took it to this clinic. But then they called me back and said, "We cannot install this because the room there

is not appropriately guarded by lead walls." In this clinic, an x ray machine was operating next to the dental clinic with just a one-inch wall separating the two rooms. I am just wondering how many children who got dental treatment there are now suffering from x ray radiation.

Mr. President, there are many more statistics, but I find it very difficult to go through them because it is painful. But I hope that in our vote we will try to undo some of this pain and misery. We owe the Indians. They paid for this.

My final thought: Anthropologists tell us that at the time of the coming of Columbus, there were approximately 50 million Indians living in what we now call the 48 States. At the end of the Indian wars, just prior to the treaty period, there remained in the 48 States approximately 250,000. We nearly succeeded in wiping out the Indians. If we do not amend this measure, we may succeed.

So, Mr. President, let us not compound the misery we have thrown upon the Indians. Let us, for once, do what is right and support this amendment.

Thank you very much.

Mr. KYL. Mr. President, as a cosponsor of this amendment, which was offered by the Senator from New Mexico, PETE DOMENICI, I rise in strong support of the effort to restore funding to critical tribal government accounts.

Mr. President, I want to refer for a moment to the Budget Committee's report on the budget resolution because I believe it goes directly to the heart of the issue at hand:

The Committee recognizes the unique trust relationship between the U.S. government and the nation's Indian tribes and pueblos. That trust relationship is based upon a government-to-government principle embodied in treaties and subsequent actions by both the Executive and Legislative Branches of Government, and the courts. The Committee acknowledges this trust relationship, and assumes that programs serving Native Americans through the Bureau of Indian Affairs will be given priority consideration for ongoing federal support.

I want to emphasize a few points made by our Budget Committee, because we are not talking just about shifting priorities within an appropriations bill—although the Appropriations Committee has every right to do that. We are talking about something more fundamental: A trust relationship which finds its roots in treaties, and in actions taken by the President, the Congress, and the courts. It is a trust relationship that the Senate acknowledged when it passed the budget resolution back in May, and that did not go unnoticed among Indian people. Indian people looked to the budget resolution as an indication of Congress' commitment to their needs and concerns. We ought to affirm what we said just 3 months ago in the budget resolution and pass the Domenici amendment today.

Mr. President, the reductions the committee has proposed affect one of

the most vulnerable populations in the country. The committee bill would cut funding for basic governmental and social service programs on Indian reservations, including child abuse prevention and tribal court enhancement programs. These are programs that should be funded first, not cut first.

The poverty rate on the Pascua Yaqui Reservation in Arizona is in excess of 62 percent. More than 33 percent are unemployed. The poverty rate on the Gila River Indian community is more than 64 percent. More than 30 percent are unemployed. On the Navajo Reservation, unemployment is more than 30 percent and 56 percent live in poverty. The figures are staggering and they go on and on.

These are communities that need more help, not less. At the very least, funding for essential services should not be reduced.

This amendment changes priorities; it does not add to the deficit or impede progress toward a balanced budget. The additional spending on Indian programs would be fully offset by cuts in our Interior Department accounts. All we are saying here is that Indian programs are of higher priority.

Mr. President, I urge my colleagues to support the Domenici amendment.

Mr. GORTON. Mr. President, how much time remains?

The PRESIDING OFFICER. There are 6 minutes, 42 seconds.

Mr. GORTON. And for the proponents of the bill?

The PRESIDING OFFICER. There are 45 minutes.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I will take 1 minute. I would be remiss if I did not thank Senator GORTON and Senator BYRD for the Indian health portion of this bill because, essentially, there is no other health care for the Indian people if it is not Indian health. They have at least seen to it that the Indian Health Service is not being cut. I thank them personally for that. We have had very serious problems with this administration about Indian health.

One final comment. If you look just at the Department of the Interior, not Indian health, just the Department of the Interior, you will find that the Indian programs therein were cut 45.6 percent, and that is the issue we are talking about. BIA represents 27 percent of the total funding within the Department of the Interior, but it was cut 45.6 percent in this bill. Overall, Indian programs were not cut that much when you include the Indian Health Service and other Indian programs in this bill. We are not even restoring all of that funding in this amendment.

I do not believe the Indian people are going to make it through the next winter and the next summer if they are cut this much in their daily programs for justice, juvenile homes, the day-to-day government that each of the tribes

and pueblos have. For that reason, I am very worried, and that is why I brought the amendment to the Senate.

I yield the floor at this point.

The PRESIDING OFFICER. Who yields time?

Mr. GORTON. Mr. President?

The PRESIDING OFFICER. Does the Senator from Washington wish to use his time in opposition?

Mr. GORTON. Yes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. GORTON. Mr. President, I find much not only to commend but to agree with in the eloquent statements of my three colleagues from New Mexico, Arizona, and Hawaii. I most particularly want to agree with the opening statements of the Senator from New Mexico with respect to the fact that this bill, as is the case with every other bill, must set priorities, and that it would be entirely inappropriate simply to take every program funded in 1995 and reduce it by an identical percentage.

This is particularly difficult in connection with the appropriations for the Department of the Interior, because more, perhaps, than most others, we, the Congress, are the sole source of moneys—or almost the sole source of moneys for many of the programs which are included within the Department.

Because this Department, together with the Forest Service, owns and must manage for all practical purposes, all of the real property of the United States. We are not dealing with a responsibility that we can lightly brush off or abandon.

However, I part company with my friend from New Mexico and my other opponents on this side when they paint the type of picture that they presented about reductions in the appropriations for the Bureau of Indian Affairs.

The appropriations for that Bureau amount, Mr. President, to only one-third of all of the moneys devoted to Indian programs in this country. It is almost as if during the debate earlier today on welfare one of these Senators had said, "You are reducing aid to those most needy in our society by cutting AFDC by a given percent," and ignoring Medicaid, other forms of health care, food stamps, and all of the other panoply of social programs.

It is almost like saying if we cut the appropriations for the U.S. Army by one-third we would be reducing the defense budget by one-third. That simply, Mr. President, is not the picture.

The Senator from New Mexico has pointed out that we did not only not reduce or cut the Indian Health Service, in fact, it is, I believe, the only program of significant size in this entire budget bill that has an increase as modest as it is, and that the education programs which fall within the jurisdiction of this committee are kept almost dead even.

When we deal with the Indian programs that are within the jurisdiction

of this committee, the reduction is 8 percent from what was appropriated after the rescissions bill for Indian programs, a smaller reduction, Mr. President, than the overall loss in the bill, which is 11 percent. With few exceptions, every other program in this bill already has a greater reduction than the Indian programs covered by this bill.

Mr. President, even that does not approach the amount of money appropriated for Indian or for Native American affairs, because this bill itself accounts for only two-thirds of those moneys.

If we look at the President's budget, because these other appropriations bills have not yet passed, the President's budget includes \$356 million in the Department of Agriculture, \$20 million in the Army Corps of Engineers, \$5 million in the Department of Commerce, \$470 million in the Department of Education, \$214 million in the Department of Health and Human Services, \$485 million in the Department of Housing and Urban Development, \$4 million in the Department of Justice, \$200 million in the Department of Transportation, and \$85 million in the Environmental Protection Agency, for a total of \$1.842 billion.

Now, if you were to add that figure, even discounted to the total in the Department of Interior, we would end up with an overall reduction for Indian programs of approximately 5 percent.

Mr. President, there are going to be few, if any, other proposals on the domestic side of this budget this year which are not hit harder than this one hits.

Mr. President, we can deal with this question as a matter of internal priorities or I suppose we can deal with this question from a deeper philosophical level of the impact of all of these programs.

The Senator from Arizona spoke of the goals of Indian policy as being self-determination and self-governance.

Now, nothing in this bill undercuts the right of self-determination or of self-governance.

The third phrase that the Senator from Arizona missed was independence—an ending of a dependency more than a century long on programs of this nature.

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

Mr. GORTON. I am happy to yield to the Senator.

Mr. DOMENICI. Senator, I heard you say nothing in this bill in any way infringes upon Indian self-determination and governance; do you remember your exact words?

Mr. GORTON. Yes.

Mr. DOMENICI. Senator, would it not strike you if you take 27 percent of the money that is used to run the Indian governments day by day, that whether you have substantively or policywise changed the relationship or not you have made it so they cannot function?

Mr. GORTON. My answer to that question is a very simple answer.

The Senator from New Mexico as the chairman of the Budget Committee does not feel that by reducing the President's budget for all of the activities of the Federal Government by many billions of dollars, he reduces the ability of the American people to self-government or self-determination.

The ability of these tribes to govern themselves is not affected by the amount of money they are given by us.

Continuing, the third self which the Senator from Arizona omitted and the Senator from New Mexico omitted, is self-sufficiency. Other local governments in the United States are primarily responsible for financing the activities in which they engage.

As the Senator from New Mexico so eloquently said, Indian tribes do not levy taxes on their Members. This is not a function of poverty. They do not levy taxes on those who are doing well. These programs, the other programs which I have outlined, provide housing—not provided to most other Americans—provide health care without any contribution—not provided to most other Americans. This entire panoply of activities. I know because I have heard these debates before, and a major goal of these policies is to create a degree of self-sufficiency.

Yet, earlier in the debate over this bill when we asked that there be some kind of means testing for the distribution of money from the Bureau of Indian Affairs to tribes that would reflect the fact that some have incomes from natural resources and some have income from gambling, that proposition was anathema to those on the Committee on Indian Affairs. Because that was a substantive decision, we abandoned it.

Mr. President, if there is one thing on which we all agree, it can certainly be the proposition that the policies so eloquently defended here by my three colleagues have clearly not even begun us on the road to self-sufficiency.

It is strange how many different hats we can wear and not relate those subjects to one another. Until 4 o'clock this afternoon we were debating welfare reform. While there are profound differences among Members on both sides of the aisle, I think within the membership on each side of the aisle, one of the areas on which I heard no differences between the two parties even was the proposition that welfare should be temporary; that for many or most people there should not be more than 5 years, with certain exceptions during which individuals were entitled to welfare programs. And yet these programs, these programs are all forever. They are all forever. The psychology that people should be encouraged to engage in individual self-determination and self-sufficiency is absolutely absent.

While it really is not an appropriate part of this debate, which is only on an appropriations bill and not on sub-

stance, it would seem to me that, as we are required to examine what a national welfare system has done to the people who are its supposed beneficiaries, it is long past time that we should examine whether or not a system of permanent dependency on the Federal Government—what kind of effect it has had on its so-called beneficiaries and whether or not many of these pathologies are not contributed to by the very programs that are being defended here.

But, as I say, that is not necessarily appropriate for this debate. What is appropriate for this debate are really two factors. One, Indian programs taken as a whole have not only not been singled out for discriminatory treatment, they have been treated considerably more generously than other programs within this appropriations bill. And when we add to them appropriations which will inevitably come through other appropriations bills not dealt with so far, they will end up overall being fairly close to even.

So, to concentrate on one line in this proposal, for one significant but not overwhelming part of the way in which this Government subsidizes Indian individuals and Indian tribes, is to be disingenuous if we are to look at the degree of support which is being provided to this group of citizens in the United States. It is, in comparison with the budget which has been provided for us by the Senator from New Mexico, extremely generous.

Now, where does the money come from? This is a big amendment in this bill. This is \$200 million to be placed back in the Bureau of Indian Affairs so that, overall, Indian activities within this bill are almost held even while everything else goes down very, very significantly.

Mr. President, if we ended up with a bill that went to the President and was signed by the President with these reductions in it, what would happen to the responsibilities we have for the property that is held, effectively, in trust for all of the people of the United States, in our National Park System and our wildlife refuges, by our Bureau of Land Management?

Mr. President, I do not have to guess as to that. These organizations have told us what will take place. I can simply read with respect to the Fish and Wildlife Service. Our bill includes \$41 million less for the Fish and Wildlife Service than the President's requested level. This \$30 million reduction, according to the Service itself, would shut down or dramatically scale back major operating programs that benefit all Americans.

With a cut of this magnitude, Fish and Wildlife would have to close as many as 50 heavily visited national wildlife refuges: two in the State of Alaska, Kenai and Tetlin; one in Arizona, White River in Felsenthal, AR; Sacramento and San Francisco Bay, California; four in the State of Florida; Okefenokee in Georgia; Crab Orchard

in Illinois; Desoto on Walnut Creek in Iowa; Quivera and Kirwin in Kansas; Sabine and Cameron Prairie and Tensas, in Louisiana; Minnesota Valley in Minnesota; two in Mississippi; two in Missouri; two in Montana, two in Nevada; three in New Jersey; three in New Mexico, three in North Carolina; one in Oklahoma; three in Oregon; three in South Carolina; Hatchee in Tennessee; Mr. President, five in Texas; one in Utah, one in Virginia; four in Washington; one in Wyoming; and waterfowl production areas in five other upper Midwest States.

Recreation programs at other refuges, including hunting, fishing and outdoor education, would be reduced or eliminated to preserve funds for habitat protection or improvement. Closure of 20 hatcheries would impact the Fish and Wildlife ability to restore populations of sport and commercial fisheries in both the Atlantic and Pacific Northwest.

And so on. The total economic benefits generated from shipments of wildlife imported and exported from the United States are \$800 million a year. The Bureau of Land Management has already been reduced by \$50 million from the President's proposal. This, according to BLM, would force it to shut down services to a wide array of public land users, including mineral extraction—on which we had a long debate and votes earlier this evening—livestock, timber, recreational users, hunters and fishermen.

Mr. President, the list of closures of enterprises of the Geological Survey fall into the same category. There are more than a dozen such closures which would result. And in every case, these are responsibilities which are undertaken by the Federal Government on behalf of, not one group of Americans, but all Americans. And in the case of the two land management agencies, they are, in fact, areas in which we own and must manage the lands of the United States. And, very bluntly, they would be devastated by this amendment.

In fact, I am certain, if this amendment were agreed to, the Senator from West Virginia and I would not be able, in a conference committee—would not wish, in a conference committee—to keep these reductions. What we would have to do would be to spread them out over all of the other responsibilities through the National Park Service and the National Forest Service. Bluntly, it would include almost all of the construction and land acquisition projects which Members have asked and have received from the Senator from West Virginia and myself, most of which are not included in the House bill.

Mr. President, we do have a very real responsibility. We have a responsibility for all of the agencies of the Department of the Interior, for the Forest Service, part responsibility for the Department of Energy, and for the cultural institutions of the United States. It has been neither an easy nor a pleas-

ant task to determine where and how we can reduce those appropriations by \$1.5 billion.

I started my remarks this afternoon with the point that we have \$1.5 billion less to spend in the next year than we do in this year. About 20 percent of that money, \$300 million or so of that \$1.5 billion, has been taken from Indian programs within this field of responsibility. That is a smaller share of what they are receiving this year than it is for the entire balance of this appropriations bill. This is not only not a discriminatory reduction, it is a less-than-average reduction.

It is a less than average reduction in an area in which we have protected the most important functions of health care and of education, and not impacted the rights of Indian tribes to make decisions for themselves but in effect has said what is absolutely inevitable. Again I find it curious in the debate with my friend—perhaps my closest friend in the U.S. Senate, the Senator from New Mexico, who chairs the Budget Committee, on which the Presiding Officer and I serve—who has told us, and caused us to pass a budget resolution which will call for reducing expenditures in all of these areas, not just for one year but for 7, which will inevitably result in reductions like this, and many feel that somehow or another we can protect this field, and only this field, from such reduction and not ask for even a quite proportional contribution from Indian groups and a beginning of a movement on their part from the dependency to independence, to self-support for at least the governmental functions which they carry out themselves.

This is a fair proposal, Mr. President, in its present form. It saves the most important Indian programs. It reflects the fact that Indian programs and other appropriations bills are likely to save even perhaps the increase. It reduces other elements in this bill by more than it does in Indian programs themselves. But it protects those functions from any cuts at all over which we have full 100 percent responsibility, such as the operations of the National Park Service and the cultural institutions of this city which are a part of the responsibility of this Congress. And those are the only areas other than Indian health which are not reduced in this bill.

Mr. President, to adopt this amendment is to breach a trust. It is to breach the trust which we have imposed on the Government of the United States properly to manage its millions of acres of public domain for all of the people to provide recreational activities, to provide scientific research, to provide for the use of our natural resources. And these reductions in this bill will gut our natural science through the biological service; through the geological service; will gut our ability to manage our wildlife refuges and our land management lands, and will severely impact on the ability of

the American people to enjoy those lands and to use them for recreational purposes.

Mr. President, the amendment should be rejected.

Mr. BYRD. Mr. President, will the Senator yield 10 minutes?

Mr. GORTON. The Senator will yield whatever amount of time my colleague wishes.

The PRESIDING OFFICER. There are 19 minutes remaining in opposition.

The Senator from West Virginia.

Mr. BYRD. I thank my friend. I thank the Chair.

Mr. President, I fully support the case that has been so ably expressed against the amendment by the distinguished Senator from Washington [Mr. GORTON]. I cannot improve upon it. As a matter of fact, I could not equal it.

The amendment proposes to reduce over \$200 million from various accounts in the Interior appropriations bill as reported by the Senate Appropriations Committee in order to put money into the Bureau of Indian Affairs.

The effect of this amendment is to impose greater reductions on programs in the bill which have already been introduced in order to restore funding to the Bureau of Indian Affairs. The intention of the amendment is to insulate the Bureau of Indian Affairs from the reductions necessitated by the budget resolution and the drive for a balanced budget.

I appreciate the concerns of the sponsors of this amendment about the effects of this Interior bill on the BIA programs. However, I must remind all Senators that the Indian programs consumed about 30 percent of the total resources of the Interior bill.

In the recommendations pending before the Senate today, the committee has protected the critical functions of education for Indian children, health care for Indian people, fulfillment of legislative payments due to settlement of land and water claims of Indian tribes, and protection of the core trust responsibilities for Native Americans.

The reductions in Indian programs are directed at tribal government. Just as we are expecting the Federal Government to downsize and do more with less, so too must tribal governments. This is not to suggest that what the tribes use their funds for is not important. Rather, it is yet another example of what gets affected when discretionary spending is reduced. And we have not seen anything yet. Just wait until next year.

As indicated when we began debate on this measure, this appropriations bill is funded \$1.1 billion below the fiscal year 1995 enacted level. I will repeat—\$1.1 billion below last year.

The only way to comply with the allocation assigned to this subcommittee was to engage in spending cuts. The subcommittee sought to be responsive to the variety of demands for the programs in this bill. There were well over 1,000 requests submitted by Senators for items to be funded in this bill. The

vast majority of these were for items in the natural resource accounts, particularly land acquisition and construction. It was not possible to protect any account fully and still advance many important projects brought to the subcommittee for consideration.

Mr. President, the types of reductions imposed by this bill are the consequence of the bottom line of the budget resolution. While the assumptions of the budget resolution are not binding on the Appropriations Committee, the bottom line for discretionary spending is very binding—very binding—unless 60 Senators wish to waive the Budget Act and allow an appropriations bill to exceed its 602(b) allocation.

In considering the allocation of the domestic discretionary spending category amongst the various appropriations subcommittees, the Interior subcommittee was fortunate in that the allocations from the full committee did not track the budget resolution dollar for dollar. Had that occurred the cuts in this bill would have been even greater. The budget resolution would have assigned an allocation to this subcommittee that would have been \$443 million less than that currently in place for the Interior bill.

Mr. President, the sponsors of the amendment may contend that the budget resolution would not have imposed these types of reductions in the Bureau of Indian Affairs, and that may be true. But let me describe for Senators just some of the things that the budget resolution would have done that this subcommittee chose to handle differently.

The budget resolution assumptions rejected every single land acquisition project—not just for this year but for the outyears as well; not a reduced land acquisition program, but an outright termination of the program.

In response to Senators, Senator GORTON and I chose to fund a limited yet responsible land acquisition program. In order to do this we had to take cuts in other areas.

The budget resolution assumptions would have reduced energy programs in this bill in half, and this would mean even greater cuts than those recommended in areas such as grants for home energy weatherization for the low income and the elderly, energy efficiency improvements in buildings, natural gas research and development programs, including those for high-efficiency turbine systems and fuel cells, and development into alternative fuel systems for vehicles and other applications.

The committee opted to put all of these programs on a declining path but to do so in an orderly fashion so that investments would not be wasted, investments today.

For those who think that the bill has not done enough to stabilize the timber supply program and the natural forest system lands, the budget resolution

would have imposed greater cuts on the Forest Service accounts than the 22 percent cut already taken in the committee's recommendation. The budget resolution assumptions would have imposed a reduction of \$68 million on the National Biological Service, as compared to the \$27 million cut recommended by the committee. The committee's action, however, preserves ongoing operations at longstanding facilities in Ann Arbor, MI; La Crosse, WI; Jamestown, ND; Lafayette, LA; Gainesville, FL; Columbia, Missouri; Anchorage, AK; and, yes, Leetown, WV; and Seattle, WA. At the funding level for NBS in the House bill, all of these facilities would be affected by closure.

So, Mr. President, the subcommittee opted to distribute the cuts mandated by the budget resolution in a different fashion. Had we exempted 30 percent of the bill from any consideration of spending cuts, the ramifications would have been even greater elsewhere.

The committee recommendations include an 8 percent reduction in Indian program funding. By comparison, natural resource programs for the land managing agencies are reduced by 14 percent. The Department of Energy, which makes up a far smaller portion of the bill than the Indian programs, was reduced by 10 percent. The cultural programs that make up just 6 percent of the bill are reduced by 15 percent. Thus, the 8 percent reduction for Indian programs is not disproportionate in the context of a declining budget.

Senators should remember that the committee's recommendations protect Indian health care services, education, and trust responsibilities. This bill funds recently authorized negotiated settlements at a time when many other authorizations for other programs are unable to be funded. Reductions are imposed on the Indian programs just as they are imposed on nearly every program in this bill.

Mr. President, I have listened to the words of my distinguished friends who are sponsors of this amendment. They make a good case. And I sympathize very much with what they have said. This is one of the disagreeable responsibilities that we have to fulfill in this body, opposing the Senators who are our friends, who make a good case for the cause which they are presenting.

It is a situation that we are going to find more and more disagreeable as we go along by virtue of the fact to a considerable degree we are being asked to increase military funding by \$7 billion over and above the President's request. But it is going to come out of the hide of domestic discretionary spending. There is no way to divide this child between those, on the one hand, who make a justifiable plea for this or that or the other cause and, on the other hand, be fair, intemperate and respond favorably to those on the other side in a given situation.

I share 32 years with my friend, the Senator from Hawaii—32 years. Never have we had a disagreement, never

have we had an angry or heated exchange on this floor or in any committee or subcommittee. I have many friends in this body on both sides of the aisle, and he is one of my very, very best and one whom I greatly admire. If there is a friend in this body of the American Indian—and there are many friends—the distinguished and able Senator from Hawaii [Mr. INOUE] is that true friend. So I find it very disagreeable to myself to have to oppose his position on this amendment.

My friend, the Senator from New Mexico, is one of the brightest Senators in this body. His intellect I admire greatly. His effectiveness is unexcelled. He, too, is my friend, and I find it difficult to take a stand against the position he has proposed.

The distinguished Senator from Arizona is a true patriot, and his demonstration of patriotism is repeated many times and it is unassailable. He is a dedicated Senator. He does his homework well, and I have great admiration for him. But in closing, I must say that we do have to make a choice. I think the distinguished manager of this bill has been fair. He has been reasonable. He has done the best that he could do with what he has with which to do. I support him fully in taking the position in opposition to the amendment, and I do so, as I say, apologetically to my dear friends who have made their case, but I think we can only do so much with what we have.

The Senator from Washington has weighed the pros and cons in the balance, and when Senators consider what is in the bill and also what the committee has had with which to spread the funds among the various agencies—and there are 40 agencies involved in this bill—plus the fact that, as the distinguished Senator from Washington has said, when we add a little here for this amendment, we have to take a little away from somebody else, from some other Americans—I hope Senators will take a look at how their States will be affected if this amendment is adopted. I believe we will find that 12 States will gain in BIA funds while 38 States will lose to one degree or another. That is just the way we have to face up to this situation. And this is not the only time we are going to have to make this kind of choice. It is going to be thrust upon us repeatedly in the days ahead. We might as well kind of get used to it.

So I salute my friends for doing what they think is right. Senator GORTON and I, I am sure, would like nothing better than to be able to accede to this request, but we also have a responsibility toward other programs, toward other Americans as well as the Native Americans, and we have tried to discharge that responsibility to the best of our ability.

I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. What is the time situation?

The PRESIDING OFFICER. The Senator from New Mexico has 5 minutes and 13 seconds. And the Senator from Washington has 3 minutes, 9 seconds.

Mr. DOMENICI. Would Senator INOUE like half the time?

Mr. President, we get 5 minutes each tomorrow. I am hopeful in this case that even though there are not so many Senators in the Chamber, that between this evening and tomorrow Senators will have had a chance to listen. I very much appreciate the arguments of those who are opposed to us and without using a lot of time, let me just suggest that they are both held in high esteem by this Senator.

But, Mr. President, it is too bad that the Indian people of the United States do not reside in cities like Seattle, WA, Albuquerque, NM, Milwaukee, WI and others. They really live in tiny places like Taos, Zia, Mescalero, San Juan, and hundreds of little places.

I say to Senators, if this is a case where you are going to look in your own back yard and say, "If I'm going to lose a little bit of the fish and wildlife activities in my State, I am not going to help the Indian people." Or I regret to say, if the Senators choose to say, "The Indian people are only in 12 States, therefore, if we give them anymore money, 38 States lose something."

I know my friend did not mean that we ought to approach the Indian problems of America that way. I must say, however, that I cannot create demographics. All I do is represent the Indian people of my State and wherever they may be across the Nation. Native Americans just do not happen to be in every State.

I submit we are not going to spend anymore time on this. From this list the Fish and Wildlife Service gave you, I only wrote down one note, Senator GORTON. Given that one long list of wildlife refuges that they are going to close, do they do anything else? What does the rest of the money go for? Maybe they ought to leave the refuges open and cut something else. We get this every time we talk to the Department of Interior. Last time we talked about parks we had park rangers having press conferences, talking about how many parks were going to be closed. They could not know how many parks were going to be closed until this bill passes. They do not know if any parks are going to close at all. It happens there are not going to be any because of the way the bill was handled. Two months ago the national monument syndrome had spread to every national park with Federal officials holding meetings, calling people. I do not know how many hundreds of these parks were going to be closed according to the administration.

I admit, Mr. President, that when you take 46 percent out of the total Department of Interior reductions that will come out of local tribal programs, I cannot stand up here and tell you that it is a fish and wildlife refuge. I

cannot even tell you that it is a fish hatchery. I can tell you that it is a small group of people and their local government. If somebody says here today, "Well, government is getting cut everywhere." I do not know about that, but I can tell you in my State, the Indian Pueblos, and their government's money will get cut. Now for those who say America's narrowing down its government, making it smaller. Are we making it significantly smaller in one fell swoop? I cannot even tell you as eloquently as my friend, Senator GORTON did, what precisely will be affected.

But let me tell you, the programs are the government operations of Indian tribes and Indian reservations across America, general assistance to individuals and families whose incomes are below current State standards, child welfare programs run by the tribes that provide assistance to abandoned or neglected children, programs to prevent the separation of families, again run by the tribes, law enforcement run by the tribes to have some law and civility in these villages where so much crime is coming and so much drunkenness, and, yes, even suicide going rampant across Indian country, fire protection for the Indian villages, maintenance of 20 million miles of roads, most of which are not even good enough to travel on.

For each one of those governments across this land that is a pretty healthy cut.

Now, somebody might say, "Would you cut some other Indian program and pay for these?" Well, let me suggest tonight the issue is, do we send this bill out of this Chamber significantly reducing the Indian government money, the local tribal programs or do we not? That is the issue.

I submit we should not. And I submit—

I ask that I have one additional minute, Mr. President.

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

Mr. DOMENICI. I submit that if the line agencies of our Government have to be restrained in order to help the Indian people, who are in a state of crisis, so be it. I am ready to go home and say, "Yes. We had to save Indian programs. Fish and Wildlife Service, you get less money." We had to say to the USGS, "Yes. You get less money," and the others that I mentioned, the 6 agencies or so that we have to reduce.

Now, if they go to conference and want to reduce everything in this budget rather than just those five or six agencies, that is up to the conferees. Then it is up to the Senate and the House if they want to vote for that later on. The issue now is very, very simple. Return \$200 million to the tribal programs to do what I have just described, and take it out of the line agencies of Federal Government that I have described here tonight. I, frankly, believe it is the right thing to do. What will come of it after that? We will just have to wait and see.

I yield the floor.

The PRESIDING OFFICER. The time is expired. The Senator from Washington has remaining 3 minutes, 9 seconds.

Mr. GORTON. Mr. President, the fact remains that Indian programs are reduced less by this budget than almost every other program within this appropriations bill. That is a fact. The fact is that one-third of all Indian programs are not even included in this bill and do include child care, violence prevention, and the like, and remained in bills yet undecided on this floor. The Senator from New Mexico asked but did not answer the question, are the programs which are reduced in this appropriations bill so important that restoration should come from other Indian programs?

This Senator, at least, would defer to the authorizing committee, to those who represent large groups of Indians, in a reallocation of priorities within Indian programs. What this Senator feels to be totally unfair, however, is to devastate the other land management activities of the Government of the United States, land management activities which are dedicated to the benefit of all Americans, including of course, Indians, in the preservation of wildlife, the provision of recreation, the restoration of our fisheries and of our forests.

These are programs that we cannot possibly abandon to anyone else. They are the sole function of the Government of the United States. Indians, who are self-governing, and at least partly self-sufficient, as inadequate as they may be, do have other sources. We discussed very briefly gaming activities which will be discussed more and more which have taken place only in the last handful of years. And yet no contributions, zero contributions is asked of the beneficiaries of those activities toward these vitally important questions.

This is an appropriations bill dealing with extremely difficult questions and the requirement of overall cuts of 11 percent, which has reduced Indian programs by markedly less than that amount and has reduced other programs already by considerably more than that amount. It is neither fair, Mr. President, nor good policy, nor appropriate stewardship, nor a discharge of our trust for the lands we all own as citizens in common to make these reductions, none of which affects any of the myriad of other Indian programs, simply in order to preserve the full dependency of these Indian governmental activities on funding not of their members but of the Federal Government itself.

The PRESIDING OFFICER. Time has expired.

AMENDMENT NOS. 2297 THROUGH 2301, EN BLOC

Mr. GORTON. Mr. President, I have five agreed-upon amendments. I ask unanimous consent that the pending amendment be set aside and that these five amendments be considered en bloc.

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

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON] proposes amendments numbered 2297 through 2301, en bloc.

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

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

The amendments are as follows:

AMENDMENT NO. 2297

(Purpose: To allow the National Park Service's American Battlefield Protection Program to enter into cooperative agreements)

At the appropriate place, insert: "Notwithstanding other provisions of law, the National Park Service's American Battlefield Protection Program may enter into cooperative agreements, grants, contracts, or other generally accepted means of financial assistance with federal, state, local, and tribal governments; other public entities; educational institutions; and private, non-profit organizations for the purpose of identifying, evaluating, and protecting historic battlefields and associated sites."

AMENDMENT NO. 2298

On page 55, line 13 strike "." and insert "or".

On page 55, line 14 insert the following:

"(3) fail to reach a mutual agreement that addresses the concerns of affected parties within 90 days after the date of enactment of this Act."

AMENDMENT NO. 2299

On page 114, line 9, strike \$1,600,000 and insert \$4,000,000.

On page 115, line 1, after "funds" insert the word "generally".

AMENDMENT NO. 2300

On page 103, on line 25 strike "." and insert the following: ", unless the relevant agencies of the Department of Interior and/or Agriculture follow appropriate reprogramming guidelines. Provided further: if no funds are provided for the AmeriCorps program by the VA-HUD and Independent Agencies fiscal year 1996 appropriations bill, then none of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps program."

AMENDMENT NO. 2301

(Purpose: To require certain Federal agencies to prepare and submit to Congress rankings of the proposals of such agencies for land acquisition)

On page 136, between lines 12 and 13, insert the following:

SEC. 330. (a)(1) The head of each agency referred to in paragraph (2) shall submit to the President each year, through the head of the department having jurisdiction over the agency, a land acquisition ranking for the agency concerned for the fiscal year beginning after the date of the submittal of the report.

(2) The heads of agencies referred to in paragraph (1) are the following:

(A) The Director of the National Park Service in the case of the National Park Service.

(B) The Director of the Fish and Wildlife Service in the case of the Fish and Wildlife Service.

(C) The Director of the Bureau of Land Management in the case of the Bureau of Land Management.

(D) The Chief of the Forest Service in the case of the Forest Service.

(3) In this section, the term "land acquisition ranking", in the case of a Federal agency, means a statement of the order of precedence of the land acquisition proposals of the agency, including a statement of the order of precedence of such proposals for each organizational unit of the agency.

(b) The President shall include the land acquisition rankings for a fiscal year that are submitted to the President under subsection (a)(1) in the supporting information submitted to Congress with the budget for that fiscal year under section 1105 of title 31, United States Code.

(c)(1) The head of the agency concerned shall determine the order of precedence of land acquisitions proposals under subsection (a)(1) in accordance with criteria that the Secretary of the Department having jurisdiction over the agency shall prescribe.

(2) The criteria prescribed under paragraph (1) shall provide for a determination of the order of precedence of land acquisition proposals through consideration of—

(A) the natural resources located on the land covered by the acquisition proposals;

(B) the degree to which such resources are threatened;

(C) the length of time required for the acquisition of the land;

(D) the extent, if any, to which an increase in the cost of the land covered by the proposals makes timely completion of the acquisition advisable;

(E) the extent of public support for the acquisition of the land; and

(F) such other matters as the Secretary concerned shall prescribe.

Mr. GORTON. Mr. President, the first amendment, No. 2297, is presented on behalf of Senator JEFFORDS from Vermont. It has to do with the National Park Service, American Battlefield Protection Program, the use of cooperative agreements.

The next three amendments are offered on behalf of the other Senator from the State of Washington [Mrs. MURRAY], and myself: One, No. 2298, modifying Lummi Indian language; the second, No. 2299, modifying Columbia Basin Ecosystem Project language; the third, No. 2300, modifying AmeriCorps language modification; and the fifth amendment, No. 2301, is from the Senator from Arizona [Mr. MCCAIN], on land acquisition priority list requirement.

None of these amendments changes the total amounts of appropriations within the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendments, en bloc.

The amendments (Nos. 2297 through 2301) were agreed to, en bloc.

Mr. GORTON. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

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

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. GORTON. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 5 minutes each.

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

TRIBUTE TO BILLY J. WILLIAMS

Mr. HEFLIN. Mr. President, former Alabama State Representative Billy J. Williams passed away in Bridgeport, AL, on July 20.

He served as a representative in the State legislature from 1967 to 1974. He was also a former Jackson County Commissioner, chairman of the Jackson Economic Development Authority, chairman of the Bridgeport Utilities Board, a member of the Democratic Executive Committee, and a member of the board of directors of Colonial Bank. He was a member of the Rocky Springs Church of Christ, Bridgeport Lodge F and AM, the Scottish Rite, and Alhambra Shrine Temple.

Billy Williams was an outstanding public servant who made many contributions to his community and State over the years. He will be sorely missed by those fortunate enough to have known him. I extend my sincerest condolences to his wife Maurin and their entire family in the wake of this loss.

WELFARE REFORM: COMMON SENSE SOLUTIONS TO THE WELFARE CRISIS

Mr. KYL. Mr. President, when the Senate returns from recess, it will begin the process of fundamentally changing our Nation's welfare system. While this is one of the most important things we should do this year, I believe we must acknowledge, as Bill Bennett has said, that most of our problems are cultural, and "cultural problems demand cultural solutions." In other words, the problems that we seek to influence at the margins with governmental programs can only be permanently and effectively dealt with by changing our culture.

After trillions of dollars spent on welfare, it is obvious that Federal dollars alone will not solve the problems. All over this country, people need to be involved on a personal level to make the kinds of changes that will reverse the devastating social trends that have taken hold of so much of our land. We desperately need to overhaul our Nation's welfare system, yes. But, change in Federal policy alone will not resolve the underlying causes of this crisis. It cannot be solved without individual commitment and personal responsibility. Everyone has to be willing to answer to his or her own behavior and decisions.

The challenge is to help those people with no hope to a new life of responsibility, productivity and happiness.

THE INEFFECTIVE, COSTLY FEDERAL WELFARE BUREAUCRACY MUST END

As we work toward effective welfare reform, I believe it would benefit the Senate to first recognize publicly the failure of the current system. We cannot expect different results if we continue to do the same things.