

successes that we have enjoyed since the Clinton economic plan was passed.

I thank the Chair.
I yield the floor.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent to speak in morning business for 10 minutes.

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

THE FAA REAUTHORIZATION BILL

Mr. DORGAN. Madam President, the pending business before the Senate is the continuing resolution, the large appropriations bill. But there are a couple of other items—one of which we discussed earlier this morning—that must be resolved by this Congress.

I wanted to just mention again why the FAA reauthorization bill is critical. We have talked about the issue of aviation safety and security this morning. But I want to mention to my colleagues one other item that is in this bill that I think is critically important. It deals with the issue of the essential air service program, and the ability to provide airline service to even rural areas of our country.

I have said before—and I know it is repetitious but I want to say again—that, in my judgment, the issue of airline deregulation has been terribly hurtful to many rural States in our country.

Prior to airline deregulation, the State which I represent here in the Congress had numerous jet carriers serving the airline service needs of North Dakota. We had the old Western Airlines, we had Republic Airlines, the old North Central which later became Republic, Northwest Airlines, Frontier Airlines, and Continental Airlines. At various times we have had a wide range of jet carrier service in North Dakota.

But since airline deregulation we now have one carrier serving our State with jet service—Northwest Airlines. Northwest is a fine carrier. I think they provide good service. But, as all of us know, the market system works best only when you have competition. Competition means that people vie for the customers' business by better service and/or lower prices. And when you have one carrier you do not have price competition.

We put in place an essential air service program when airlines were deregulated in this country some 15 or so years ago, and the essential air service program was designed to try to provide some basic protection for rural areas recognizing that the deregulation may mean that the major airlines will go compete between Chicago and Los Angeles, Los Angeles and New York, and New York and Miami. They are not going to rush to go compete between smaller cities and smaller markets.

So the essential airline service program was developed. It was originally

developed and authorized, and expended about \$80 million a year; then down to \$70 million; then \$50 million; and, then \$30 million. Now it is down to about \$25 million a year just providing a skeleton of support for airline service in small communities in our country.

This piece of legislation creates a new and unique way to permanently resolve the essential airline service program at a healthy rate of funding—fully financed—that will be helpful to rural areas all across this country.

Madam President, if I were to leave Washington, DC, today to fly to Los Angeles, CA, and I purchased a ticket with a 2-week advance, with a Saturday night stay and with all of the requirements that the airlines have on those who purchase these tickets, it would cost probably in the neighborhood of \$250 to fly from here all the way across the country to California. The Commerce Committee framed it in terms of going to see Mickey Mouse at Disneyland in Anaheim, CA—about \$250. Then I showed the members of the Commerce Committee a picture of the world's largest cow that sits on top of a hill outside of New Salem, ND. It is called Salem Sue. A giant cow sits on a hill out there not so far from Bismarck. If I wanted to see not Mickey Mouse but Salem Sue instead, and wanted to fly from here to North Dakota half as far as flying from here to Los Angeles, and I made reservations to do that, I would pay twice as much.

In other words, we are left in a circumstance in this country with airline deregulation where—at least with respect to rural areas—if you want to fly twice as far you can pay half as much going to an urban area, but fly to a rural area and fly half as far you will double your ticket price.

Does anyone think there is any rational basis for that? I do not. If you believe that transportation is sometimes repetitious of universal need, and you believe the need for transportation service is relatively universal, it does not make sense to say, "Well, if you live in a very large area of the country you get dirt cheap prices but if you live in a small area of the country, what happens is you just pay through the nose."

What I proposed in the FAA reauthorization bill was an essential air service program that is funded by a fee that is assessed on overflights in this country by foreign carriers. Virtually every country in the world assesses a fee on airlines overflying their space by foreign carriers—virtually every country except the United States. We do not have such a fee. We were intending to promote such a fee, and I propose that when a fee is proposed we attach it, at least part of it, to the essential air service program so that it generates a sufficient amount of money each year; rather than have to go to the Appropriations Committee and seek diminished funding every year for that program, which is essential in providing airline service to rural areas, we

would have a permanent source of funding to fill in where airline deregulation is injuring rural States and smaller communities.

That is what we put in the FAA authorization bill. I authored the piece of legislation. It was supported on a bipartisan basis by Republicans and Democrats. It will permanently solve this problem in a significant way and provide opportunity through better air service in rural parts of our country that have been injured by deregulation. It is simple but effective in solving a real problem.

That is part of this bill. And if this bill dies, that goes. A lot of work over a long period of time to solve a very real problem is going to be gone.

We mentioned earlier this morning that the major issue here, however, is aviation safety and security. The responsibility to pass an FAA authorization bill is one that cannot be abrogated. We cannot end this session of Congress without passing this legislation. I know there is a controversial piece that was attached in conference. Whatever excuse one might want to find for one reason or another to say this is going to have to be delayed, it cannot be voted on now or then, the fact is this Congress cannot adjourn and cannot leave town without addressing this issue. Reauthorizing the functions of the FAA are critical in addressing the aviation safety and security issues that this Congress is obligated to address.

The Senator from Alaska, the Senator from Arizona, and others have spoken this morning, and I would add my voice to theirs, although I might make some different characterizations than I heard in a couple of instances today about what is at stake in this fight, but I would say this. There is no disagreement about the fact that this Congress cannot adjourn unless it resolves this issue. And there will be some of us standing here at the end of this week preventing this Congress from ending its session if it has not enacted an FAA authorization bill that deals with the issue of safety and security in air travel in this country.

I began simply mentioning that there are many other things in this bill which escape a lot of notice, one of which is a critically important piece dealing with improving airline service in rural States and smaller communities across this country which I think is critically needed.

Madam President, I know there are others who want to speak. I did want to add my voice to those who spoke earlier this morning on this FAA reauthorization bill.

I yield the floor.

The PRESIDING OFFICER (Mr. KYL). The Senator from California.

OMNIBUS CONSOLIDATED APPROPRIATIONS ACT, 1997

The Senate continued with the consideration of the bill.

Mrs. FEINSTEIN. Mr. President, I rise to speak on the continuing resolution and, specifically, the immigration bill, which deals with illegal immigration and which has been added as a portion of that bill.

Few issues are more clearly and unequivocally the responsibility of the Federal Government than the issue of immigration, whether it be lawful or unlawful. Legal immigration, the threads from which our Nation's rich tapestry is woven, is a matter of national policy, and, in fact, no nation on Earth has as a liberal policy and takes in more people from other countries each year than does the United States of America.

The ability to absorb newcomers becomes a question of resources, a reflection of our values, values of self-sufficiency, responsibility, respect for our laws, family unity, and the legacy of this country as a Nation of immigrants.

Illegal immigration, however, is a matter of law enforcement—whether it is enforcing our borders, enforcing our laws against working illegally or hiring someone to work illegally. It is the Federal Government's responsibility to enforce these laws.

Unfortunately, this job has not been done well over the years, and the prohibitions against illegal immigration, while on the books, have meant very little in reality. The cost of the failure to act on this responsibility has been very high.

Warning signals have been coming for years:

Communities are demanding action against: the growing crowds of illegal workers looking for day labor on street corners; lawsuits demanding Federal reimbursement for the cost of incarcerating, educating or providing health care for illegal aliens. "English only" laws are being discussed, expressing concerns about the inability of teachers to teach in schools. Many in California have dozens of different languages. As a matter of fact, there has been a report that 67 different languages are spoken in a single elementary school. It is very difficult for teachers to teach under these circumstances. There is also a rise in discrimination, and even vigilantes at airports looking for illegal immigrants.

A study just released by the Public Policy Institute of California sheds some light on the rise in animosity toward illegal immigrants. The study shows that the level of illegal immigration into California during the 1980's was substantially higher than previously thought.

Researchers estimate that as many as 2.2 million illegal immigrants settled in California during the 1980's, their migration soaring along with the California economy, comprising as much as 22 to 31 percent of all newcomers to the State during that period.

This is the point. As the State's economy stalled in the 1990's, the research indicates, interestingly enough,

that illegal immigration dropped to about 100,000 a year. So as the economy of a given area gets stronger, the job magnet attraction for illegal immigration increases. When an economy worsens, that job magnet attraction clearly decreases.

I came to this body in 1993 after having run for Governor of my State 3 years before. I knew then as I traveled through my State—and I learned it very clearly—in 1989 and in 1990 that this was going to be a growing issue, and that the need for change was becoming more urgent.

As a newcomer to this body, I stood in the Chamber on June 30, 1993, and told my colleagues that I believed we needed to take action to stem illegal immigration, that the impact on my State had become enormous, and that failure to do so would only bring about a backlash.

At that time, I introduced a bill to beef up our borders and stiffen penalties for document fraud and for employing illegal workers. I tried to get myself on the Immigration Subcommittee of the Judiciary Committee, where I have served with the distinguished Presiding Officer these past 2 years. But this body did not act. The House did not act.

Within a year, in California, organizers were circulating petitions to put proposition 187 on the ballot—by far, the most draconian and punitive anti-immigration measure seen in this country for many decades, and for the first time it targeted children. It took the approach of requiring that teachers and doctors report anyone suspected of being here illegally.

Essentially, if a youngster were in school and looked different or talked different and the teacher suspected they might be illegal, it was that teacher's law-given obligation to report that youngster to the INS. If that youngster was born in this country and therefore a citizen but the parents might have been born in another country and came here illegally, it was that teacher's obligation to report that youngster.

Most amazingly so, the same prerequisites and obligations were imposed on doctors and health care workers. Therefore making it a real risk, if a child had measles or chicken pox, to even take that child to a doctor. Believe it or not, that proposition passed with a substantial majority in the State, and it won in most minority communities. As a matter of fact, even in those communities where it did not win, it received a substantial plurality.

A poll taken by the Los Angeles Times, right after the election, asked voters why they supported proposition 187. Nearly 80 percent of the initiative's supporters said it was to send a message to Washington. More than half said they hoped this would force Washington to do something about illegal immigration. Less than 2 percent—believe it or not—cared for the specific measure that denied education to ille-

gal children in that now infamous initiative.

I did not support that measure, but the message was unmistakably clear. People should not have to force the Federal Government to live up to its responsibilities to enforce our borders and our laws. Period. We do not have the luxury of debating this issue for another 2 years or 4 years. Rather, we have the responsibility to take action now. And the bill in this continuing resolution does offer strong reform. This is not a perfect bill, but its major thrust is to stop illegal immigration. And carried out and enforced, I believe it can make a major step forward in that direction.

Let me just quickly talk for a few moments about some of the key provisions. Mr. President, both you and I strongly supported the provision to add 1,000 new border patrol agents each year for the next 5 years and allow the Attorney General to increase support personnel at the border by 300 per year, over the same period. This effectively doubles the strength of the Border Patrol.

I think this works. Since 1993, Border Patrol, along our southwest border, has increased by 50 percent in personnel. And, as a result, apprehensions of illegal immigrants rose more than 60 percent in 1 month at the beginning of this year. Clearly, the presence of added Border Patrol makes a difference in controlling illegal immigration.

This bill improves border infrastructure, authorizing \$12 million for new equipment and technologies for border control, including building a triple fence in appropriate areas, and new roads. This would be in one of the most highly traveled and difficult to patrol areas along the southwest border.

The bill adds 600 new INS investigators in 1997 alone to enforce our laws. I have heard critics criticize this bill, saying it does not do enough in that direction. However, there will be 150 more investigators to investigate employer violations, 150 to investigate criminal aliens, and 300 designated to investigate visa overstays in 1997.

You and I know that one-half of the people who come into our country illegally have visas and they just simply overstay that visa. And the visa, up to this point, has had no teeth. If they disappear into the fabric of the society, it is very difficult to find them to enforce that visa. This bill dedicates 300 new INS investigators to visa overstays. It is the first real effort this Congress has made to control one of the biggest problem areas in illegal immigration.

And the bill allows the Attorney General to establish an automated entry and exit control system, to match arriving and departing aliens and identify those who overstay their visas.

It precludes a person who overstays his or her visa from returning to this country for up to 10 years. This gives meaning to a visa. In a sense, in a

great sense, I am sorry we have reached this day and age in our very free society. But, you know, there is one thing I deeply believe and that is, we are a country of laws. We do not have the liberty to pick and choose which laws we enforce or do not enforce. But the departments of our Government should be bound to enforce the laws that are on the books.

We, if we do not like those laws, have the ability and the opportunity to change those laws. I am very disappointed this bill does not increase penalties for employers who violate the law as the Senate bill did, but penalties do exist. I have just taken a look at those penalties. As I mentioned earlier, there are also 150 INS agents, investigators specifically designated to investigate employers. The penalties essentially go from \$250 to \$10,000 in civil penalties for each alien, increasing with the number of offenses. And, on top of these fines, if the employer has a pattern of violations, he or she can also be subject to a maximum of \$3,000 per alien and 6 months in prison for each transaction. And the Attorney General may also issue an injunction against the employer for repeated offenses.

If you think about it, these are strong penalties. But what is the problem? The problem is they have not been enforced. So this bill, once again, must be enforced if it is to have teeth.

Let me speak of worker verification. This is another disappointment because the heart of any effective system to prevent the job magnet from working is verification of documents that show legal authority to work. Any employer who can have their prospective employee, while being interviewed, present up to 29 documents, really cannot tell which is real and which is false. I know that. I have been in that position. I know how difficult it is to tell. This bill establishes three pilot programs for employment verification in five of the highest-impact States. So this is a step forward.

I want to speak for just a moment about document fraud, because probably there is no more greater problem in the United States in this area than document fraud. It is wholesale. It is rife.

It is just all over the place. Just recently, INS shut down a major document fraud ring in Santa Ana, CA. They confiscated 22,000 fake green cards, Social Security cards and driver's licenses. These were all first-rate forgeries, and they were meant to be sold in California and throughout three other States. It is a major underground industry in my State, and this bill does begin to deal with this problem.

It reduces the number of documents that can be used to establish an individual's employment eligibility, and it increases the maximum penalties for document fraud from 5 to 15 years in prison. That is the maximum, and it sets security standards for key identification documents, such as birth cer-

tificates and driver's licenses, to prevent fraud and counterfeiting.

If I had my way, we would cut the number of documents down to a basic number and make every green card, every Social Security card and every birth certificate counterfeit-resistant.

So the compromise in this bill is not all I wanted or think we need, but, again, it will be light years better than the situation we now have with employers having to struggle to recognize up to 29 different documents.

The bill also stiffens penalties for aliens illegally entering or attempting to enter the United States, and makes high-speed flight from an INS checkpoint a felony punishable by up to 5 years in prison. I think most Members of this Senate have seen the results of high-speed chases, certainly in my State, where people can die by the dozens in car crashes, in overcrowded vans, as innocent victims of high-speed-pursuit chases by law enforcement. And, of course, one very notorious incident resulted in law enforcement officers in a county taking out their frustrations physically upon some of the people who were being carried in the van.

Let me just for a moment speak about title V. This was a controversial title. It included some provisions for illegal immigrants and several provisions for legal immigrants. It was meant to tighten up income requirements and do some other things. Basically, I very much agree with the changes made to title V—with some exceptions, and I am prepared to support it. There is one area which was not changed and with which I have a major problem, and that is the section that deals with refugee assistance. A provision was deleted from the conference report that would have corrected a glaring inequity in the allocation of refugee assistance funds.

Under the funding formulas in the current law, funds for refugee assistance are not allocated on the basis of need or numbers or where the refugees are. My State, California, has 60 percent of all of the refugees in the United States of America. We receive \$31 per refugee under this bill, while other States receive as much as \$497 per refugee. That is just plain wrong. It is not the way this Government should exist, with cushy deals for some States and other States really ending up down and out.

This provision costs California \$7 million in Federal funds. The withdrawal of the language that I submitted, to see to it that refugee dollars went based on where the refugees are, is not included in the immigration bill. It went with some kind of a political plum. I certainly intend to readdress this issue at the first available opportunity in the next Congress.

In conclusion, Mr. President, I must say, I am very pleased that the Gallegly amendment is out of this bill. I also think that fair changes have been made to the immigration bill, and

I particularly thank the members of the Immigration Subcommittee. I think both you and I would agree that the markup of this bill on the Senate side was something very unusual. Members listened to each other, and it went on hour after hour, day after day. I think we produced a very good bill on the Senate side.

This bill has been changed somewhat. I think it still remains a very strong Federal tool giving the Departments of the Federal Government both the license they need, as well as the tools they need, to see that we do what we should do: guarantee that the borders of our country are enforced against illegal immigration.

I, for one, being the product of legal immigrants, really believe that it is important that the richness of our tapestry continue to be woven through people who come to this country from many other places. The fact that the legal immigration quotas remain as they are, extraordinarily broad, and I think liberal, is important, and that we say to the people of this Nation, "We are a nation of laws, and we will abide by them."

I thank the committee. I particularly thank the chairman of the Immigration Subcommittee, Senator SIMPSON, who worked very hard and very diligently, who has studied this issue and which legislation bears his name. I think he has been a person of great integrity and credibility on the issue for a long, long time. When he retires from this body, I guess at the end of this year, he will leave a legacy of fairness and a striving for laws in this area which are sustained by that credibility and integrity.

Finally, I want to address sponsor income requirements. In addition to being enforceable, sponsor contracts must also be realistic. I support raising the income requirement for sponsors of immigrants.

The purpose of the sponsor income requirement is to ensure that people who sponsor immigrants into this country have the ability to provide for them. Tell me how someone supports a family of two on \$10,360 per year—which is the current poverty-level requirement.

A person can barely support himself or herself on \$10,360 per year—that's why it's called the poverty level.

This bill makes what I think is a modest change in the income requirement: If you have an income of \$12,950 per year for a family of two, you can bring your spouse and minor children into this country.

California—and all States who bear the burden of illegal immigration—need this bill. I strongly urge my colleagues to support this legislation by voting yes.

I thank the Chair and yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, the omnibus appropriations bill that is now

before the U.S. Senate includes 6 of the regular appropriations bills out of 13, but includes, by far, the largest amount of money directly appropriated by the Congress for discretionary purposes during the course of the year, as 2 of those 6 bills are the appropriations bills for our national defense and for all myriad activities coming under the rubric of labor, health, and human services.

These appropriations, nevertheless, represent only a modest proportion of the money the people of the United States spend through their taxes and through their borrowing because, of course, it does not involve major changes in any of the entitlement programs which continue to grow almost without any significant control.

Nevertheless, this is a responsible appropriations bill. It is the work of a bipartisan compromise, actually a tripartite compromise, involving the Republican leadership in both Houses of Congress, with input from the Democratic minority, all subject to the will of the President of the United States who has said he will sign the bill.

By and large, it is a commonsense solution, it is a reasonable appropriations bill, and it is one that I will certainly vote to pass.

This set of appropriations does dramatically reduce the spending for discretionary purposes by the Government of the United States. It does at least begin to move in the direction of reducing the burdens that we impose on the people of the United States and reducing at least the growth in the debt that we load on the backs of our children and grandchildren. It changes the direction that 40 years of a Congress dominated by the Democratic Party led this country in. To that extent, it represents a very important change.

Even so, Mr. President, last-minute negotiations have included in this proposal, in my opinion, \$3 billion or \$4 billion of the \$6.5 billion demanded by the President over and above the earlier plans of the budget that is unnecessary spending. It is, in essence, the price that we pay for ending this debate on the last day of the fiscal year and not threatening a closedown of the Government. That is a relatively high price, \$3 billion or \$4 billion, but it pales to relative insignificance when compared with the more than \$50 billion that we have saved from the normal growth of previous programs over the course of the last several decades.

We are heading in the right direction, in other words, but we have not achieved our ultimate goals.

We on this side of the aisle have as a priority to make the Federal Government live within its own means, to cut wasteful Government spending, to end, to terminate the time at which we continually add to the burdens of those who will come after us. We have made it a priority to return power to the people and to their local and State governments.

But in spite of these gains, Mr. President, do most people really think that we have clipped the wings of the bureaucrats here in Washington, DC, and returned power to them? I think not, Mr. President. And I believe that that perception, that reality, shows not only what we have gained in the last 2 years, but how far we still have to go.

It is time and it is our purpose to return common sense to Government, to give individuals a greater degree of influence over their own daily lives, to change the direction of the last decades, to examine programs which have gone unexamined for a decade, two decades, three decades, four. When programs are not working, Mr. President, they should be changed or terminated.

But overall, as I said, as I began these remarks, this is a good appropriations bill. It does move us in the right direction. It is one that it is appropriate for us to pass. And I am convinced that before the evening is out, we will have passed it.

At this point in my remarks, Mr. President, I have the details of that portion of this bill that comes under the influence of the Subcommittee on Appropriations for the Department of the Interior and related agencies. In that connection, Mr. President, the bill is almost identical to the bill that we were considering here on the floor of the Senate at the time at which non-germane amendments, by the legion, were offered, and the bill was taken down.

That proposal was worked out in a totally bipartisan fashion, with the help and the assistance and the approval of my most distinguished colleague, the senior Senator from West Virginia, ROBERT BYRD. It is a very responsible answer to questions in connection to our national parks, our national forests, our energy resources, our cultural institutions and the like.

As you will recall, the Interior bill was brought up and debated briefly on September 6, 9, and 10, before being put aside. With little possibility of passing a separate bill in time for the start of the fiscal year, the Interior bill has been combined into the omnibus appropriations bill. Following the Senate floor action, Senator BYRD and his staff and my staff and I worked with our House counterparts to iron out the differences between the House-passed and Senate-reported bills. The bill before you reflects the product of those discussions as well as negotiations with the White House to ensure that a final product would be signed by the President.

This bill represents compromises. No one received everything he or she wanted. However, I believe it is in the interest of the Nation to move forward so vital operations of the Government can continue uninterrupted as the new fiscal year begins. It includes \$12,504,798,000 in discretionary budget authority and approximately \$13,176,000,000 in outlays. The President's budget request is \$377 million

above the level included in the omnibus bill in budget authority and \$494 million above it in outlays. As a starting point, the discrepancy in House and Senate 602(b) allocations was resolved by splitting the difference between the two allocations.

The Interior bill includes an additional \$150 million for programs that the Congress and the administration agree are priorities, and for which additional funding should be provided. These programs include areas such as Indian education, energy conservation, Indian health services and facilities, the National Endowment for the Humanities. Amendments were expected to be considered on the Senate floor that would have added funding to these same programs. The administration has expressed concern regarding specific legislative provisions within the bill and many of these provisions have been dropped or modified.

Emergency funding is included to address the devastating wildfires in the West and hurricane, flood-related and other disaster damages in the East and West. Only \$88.2 million for Forest Service fire suppression is proposed in the President's fiscal year 1997 request. The agency's 10-year annual average expenditure for fire suppression is \$296.4 million, leaving a \$208.2 million shortfall if fiscal year 1997 proves to have an average fire season. In addition, the Forest Service currently owes the Knutson-Vandenberg Trust Fund (K-V) \$571 million for current-year and past-year fire suppression activities. The agency cannot borrow additional funds from the KV fund without deferring statutorily required reforestation activities. Recognizing the severity of this fire season, the unrealistic budget request, and the critical juncture of the fire and KV programs, an additional \$120.5 million above the budget request is added for fire suppression activities, bringing the total to \$210.5 million. Also, included in the Interior portion of the omnibus bill is \$550 million to repay the borrowed KV funds. Another \$100 million is included for the Department of the Interior's fire suppression activities. Funding of \$48 million for damage caused by floods, hurricanes, and other natural acts is included. Within the Interior section, \$17 million is provided for counterterrorism.

The Interior bill presents difficult choices. The needs of the various agencies funded through the Interior bill are great, from the operations and facilities requirements of the national parks, forests, refuges, public lands, and museums to the basic health care, tribal government, and education services provided to native Americans. In assembling this bill, we have attempted to strike a balance between these competing interests and between the various interests of the Congress and the administration.

Now, let us turn to the recommendations before you today. Among the items of interest are:

LAND MANAGEMENT

The omnibus bill provides additional funds above the fiscal year 1996 amounts for the operational accounts of the land management agencies.

Bureau of Land Management: plus 1 percent.

Fish and Wildlife Service: plus 5 percent.

National Park Service: plus 6 percent.

Forest Service: plus 1 percent.

The construction accounts for the land management agencies have increased \$38.5 million, or about 11 percent, above the fiscal year 1996 level. The majority of the construction projects involve the completion of ongoing projects and the restoration or rehabilitation of existing facilities. While it may seem that this is a large increase for construction, I would remind my colleagues that the facility backlogs for these land management agencies are approximately \$9 billion.

Overall funding for land acquisition for the land management agencies totals \$149.4 million, which is about \$11.2 million, or 8 percent, over the current level; \$49.4 million above the House level; and \$3.6 million below the Senate committee recommendation. The omnibus bill has identified specific projects, even though the House bill did not.

SCIENCE AGENCIES

Funding for the Office of Surface Mining is increased slightly, while the Minerals Management Service is maintained at the fiscal year 1996 level through the increased use of user fees.

CULTURAL ACTIVITIES

Within this category, the first priority was to provide adequate resources to those cultural institutions, such as our Nation's museums, for which the Federal Government has primary funding responsibility.

Among the many competing needs of our cultural agencies, the subcommittee continues to place particular emphasis on repair and renovation work that is required to keep these institutions open to the public and collections preserved safely. Budget estimates from the Kennedy Center, the National Gallery of Art and the Smithsonian Institution have been met in full to facilitate this work.

DEPARTMENT OF ENERGY

Energy conservation programs are funded at \$570 million. This number is an increase from the initial House-Senate conference agreement, reflecting the committees' response to the funding priorities identified by the administration late last week.

Within the amount provided for energy conservation, the weatherization program is increased by \$9 million over the fiscal year 1996 level and the State energy conservation program is increased by \$3 million.

Fossil research and development is down 4.5 percent from the comparable fiscal year 1996 level.

The sum of \$123 million is rescinded from the Clean Coal Technology Pro-

gram, substantially less than the \$325 million rescission proposed in the budget. The rescission included in the conference agreement reflects a careful consideration of the needs of projects remaining in the program, funds made available by the recent termination of some projects, and the \$200 million rescission that was enacted last year.

Funding for the naval petroleum and oil shale reserves is set at \$143.8 million. While this amount is above both the House and Senate passed levels, it is still \$5 million below the prior year level and does little to address the increased demands placed on the program by the potential sale of the Elk Hills field. I also note that the administration estimated that the original House and Senate funding levels would have resulted in a revenue loss of \$45 million over the next 2 years.

Operations of the strategic petroleum reserve are funded by oil sales from the reserves, \$220 million.

INDIAN PROGRAMS

In aggregate, Indian programs total \$3,765,645,000 in the Interior portion of the bill, which is an increase of about \$112 million above the fiscal year 1996 funding level and about \$16.5 million above the Senate committee recommendation.

BIA.—Funding for the Bureau of Indian Affairs increases by about \$34 million above the fiscal year 1996 funding level, and \$68 million above the House amount.

Tribal priority allocations.—Emphasis has been placed on providing additional funding to tribal priority allocations, which is \$26.7 million—plus 4 percent—above fiscal year 1996 and \$4.2 million above the Senate committee recommended level. Within the tribal priority allocations, the committee has included an increase of \$4 million for small and needy tribes and a general increase of \$19.5 million.

School Operations.—The omnibus bill also places emphasis on elementary and secondary school operations and funding has been increased by \$41.3 million—plus 10 percent—above the fiscal year 1996 level and almost \$23 million above the Senate Committee recommended level. The omnibus bill funds all BIA-funded elementary and secondary school operations at the budget request, with the exception of a small reduction—\$2 million—below the President's request for the Indian School Equalization Program [ISEP] formula.

Indian Health Service.—Total funding for the IHS is increased by \$67 million—3.4 percent. The increase is for staffing of recently completed facilities, a portion of pay costs to maintain service levels, and funding for replacement of a health care facility in Montana that recently burned to the ground.

LEGISLATIVE PROVISIONS

Several provisions have been removed that were included in either the House or Senate versions of the Interior bill, but which were opposed by the

administration. The following provisions have been removed: General Accounting Office review of the Tongass land management plan; Pennsylvania Avenue (section 115); funding distribution formula for the Bureau of Indian Affairs (section 118); Cook Inlet Region, Inc. (section 121); Mount Graham Red Squirrel (section 317); Istook amendment—tax collections (section 322).

Another provision (section 329) dealing with sovereign immunity had been removed previously during Senate committee consideration of the Interior bill. During negotiations last week on the omnibus bill, a proposed provision was dropped that would have imposed a moratorium on any rulemaking by the Secretary of the Interior for class III tribal-State Indian gaming compacts.

As I mentioned, one of the provisions removed from the Interior bill was the Mount Graham provision concerning the construction of a large binocular telescope on Mount Graham, AZ. The provision amended Public Law 100-696, the Arizona-Idaho Conservation Act of 1988 [AICA] to permit the use of the alternative site 2 on Emerald Peak of Mount Graham. This provision was contained in the fiscal year 1996 omnibus appropriations bill (Public Law 104-134) as well and brought the site fully within AICA's exemptions from otherwise applicable laws.

On June 17, 1996, the U.S. Court Appeals for the Ninth Circuit in *Mount Graham Coalition v. Thomas*, 89 F. 3d 554 (9th Cir. 1996) validated the congressional action in the fiscal year 1996 Omnibus Appropriations bill. The provision effected a permanent change in AICA to ensure the prompt construction and operation of the telescope. Since AICA has been amended and has been validated by the Ninth Circuit Court of Appeals, it is no longer necessary to include the provision in the fiscal year 1997 appropriations act.

A gaming amendment is included that would amend the Rhode Island settlement law to clarify that for the purposes of the Indian Gaming Regulatory Act (IGRA), Rhode Island settlement lands should not be treated as Indian lands. At the time that IGRA was passed, a colloquy was entered into that clearly stated the intent for the protections of the Rhode Island Indian Claims Settlement Act should remain in effect and that the Narragansett Indian Tribe should remain subject to the civil, criminal, and regulatory laws of the State of Rhode Island. These laws include the State prohibition against casino gambling. Other settlement laws exempt specific tribes or settlement lands from IGRA.

GRAND STAIRCASE-CANYONS OF THE ESCALANTE NATIONAL MONUMENT

Mr. President, I am very concerned that the administration recently created the Grand Staircase-Canyons of the Escalante as one of the largest national monuments in the continental United States without the consultation of Congress and without public comment. I expect the Secretary to fully

comply with the provisions outlined in the proclamation dated September 18, 1996. Pursuant to the proclamation, it is my understanding that the Secretary will manage through the Bureau of Land Management.

As chairman of the Interior Appropriations Subcommittee, I would remind the administration that the designation of a national monument implicitly implies significant future funding obligations. In a period when funding requirements and maintenance backlogs are at an all-time high at the Department of the Interior, the need for a public policy debate over creating new national monuments, particularly as large as the Grand Staircase-Escalante National Monument, is extremely important. Ultimately, public input into the process serves the public good and assists the committee in its challenging funding priorities. I urge the administration to use the public process outlined in numerous environmental statutes dating back to the 1970's in order to designate such a large tract of land as this.

Due to the serious impacts of the national monument designation to the people of Utah and on budget allocations, it is my view that no other national monument should be designated in Utah until the management plan and final issues regarding the Grand Staircase-Escalante National Monument are resolved.

I am concerned about the lack of details on the monument beyond the information contained in the proclamation, including estimated costs to manage the monument and provide for a potential increase in visitors to the area. As a result, I am requesting the Secretary of the Interior to submit a report by February 1, 1997 that details the costs associated with the monument, the process for developing a management plan, and a detailed description of how affected parties will be involved in the process of developing the management plan. Also, I am requesting that the Secretary submit by April 1, 1997, a plan for implementing an exchange of the school trust lands located within the monument.

Mr. President, I said in these earlier remarks that as important and as widespread as this appropriations bill is, it neither represents all of the triumphs and change of direction in this Congress or all of the areas that remain undone.

We have accomplished a great deal in this Congress. We have saved some 50-plus billions of dollars in appropriated accounts, money that will not go on the credit card to be charged to later generations.

For our citizens, for our constituents, who were angry and upset with the current welfare system because it discouraged work and encouraged dependency, we have acted, if you are able-bodied, you will not be able to receive endless Government checks in the future.

Under the plan passed by Republican Members, with Democratic assistance

in both bodies and signed by the President, if you can work, you will work or at least you will be off of the public welfare rolls. The gravy train is over. Reform that was only discussed in the abstract in past Congresses is a part of the law now.

For those of our citizens who wanted health care reform, without the massive bureaucracy that was proposed here just over 2 years ago, we have also acted. You will be able to change your jobs and take your health care with you. You will not be prohibited from getting health care insurance by reason of preexisting conditions. The changes that the people of this country actually wanted 2 years ago, but were overwhelmed by the complexity of the President's proposed system, the changes that they actually wanted are there. The overwhelming Federal control is not.

A line-item veto, talked about for years, but a reality in this Republican Congress.

A constitutional amendment to mandate a balanced budget, passed by the House of Representatives, and failed by only a single vote here in the U.S. Senate, and I think extremely likely to pass in the course of the next Congress.

Imposing on Congress the rules we have imposed on others, talked about in the past and become an accomplishment of this Congress.

A real crime bill, not the phony promise of 100,000 new police officers, a promise that was never kept, not midnight basketball, but an actual law, Megan's law, to protect children from sexual predators has passed and has become law.

Victims rights legislation, new antiterrorism bills, and most importantly, laws that will terminate or at least shorten the endless appeals in capital punishment cases, all passed.

Opening up our telecommunications system to new competition, talked about for a decade, passed under this Congress.

New safe drinking water laws for the people of the United States, important food safety measures, and the like, all accomplishments of this Congress that were only thought of or discussed in theory in Congresses in the past.

Mr. President, matched against these accomplishments, however, are those areas in which the job has not yet been completed. Some of these are the most important: A desperate attempt last year not just to reform our Medicare system, but to preserve and protect it for future generations of citizens, to postpone or to cancel the impending bankruptcy of the hospital insurance trust fund, the desire to see to it that Medicaid becomes more rational and less burdensome on our taxpayers and on our States.

All of these failed, Mr. President, in spite of being a part of the massive bill that would have balanced the Federal budget with these reforms and with tax relief, all failed because of the veto of the President of the United States.

We can look forward, Mr. President, if we have a Congress like this one, to another serious attempt to meet these most vital challenges to our future during the course of the next Congress.

Unfortunately, we have been faced by an administration, at least, and many Members of the Democratic Party who prefer the status quo. In fact, the great struggle during this Congress was between those who were in the majority for so many years who created these problems and who liked the status quo and those of us who felt that a major change in direction was important for us to reflect the views of the American people and regain their trust.

We must change these entitlement programs. We must see to it that they are available to the future without overwhelming the present and without overwhelming the generations who in fact through their work must pay for them.

But most of all, Mr. President, we need to provide tax relief for the American people. And no difference between the two parties can be greater than those who are perfectly content with the present system, with the present burdens, and those who feel that tax relief is necessary for working American families, and for those of us who beyond that feel that even significant amendments to the present Tax Code are very similar to putting Band-Aids on a corpse, and that what we really need to do, Mr. President, is to junk the present system, to repeal the present system, and to begin over again, and to create a system which is fair and which is productive, which is simple and understandable, so that literally tens of thousands of employees of the Internal Revenue Service, and of all the organizations and professions throughout the United States who make their livings by finding loopholes in the Tax Code, can become accustomed to more productive and more constructive work in a growing society.

Mr. President, we must abolish the IRS as we have known it, but this is not so much a criticism of the IRS and the hard-working people who are employed by it, as it is of us, those of us who have created a system that is so susceptible to misuse, to unfairness, and to complexity, and to create a discontent in and among the American people.

So, Mr. President, as we finish this Congress, we have this vitally important and positive appropriations bill before the Senate. I believe we must also pass a bill relating to our parks and recreation areas that is now before the Senate in two different forms from the House of Representatives and, of course, the Federal Aviation Administration authorization bill so necessary to combat terrorism, to make our airways more secure, to provide for the construction of new airport facilities and new navigation facilities.

I hope we can accomplish all of that during the remainder of this day, but if

we cannot, I hope our leadership will keep us throughout the week until each of these vitally important initiatives has become the law of the land so we can go home and tell the American people we have started to change the course in which this country is going. We are shifting it to a better and more responsible and more responsive direction, but we need more than 2 years to make up for all of the follies of the last two to four decades. With that, I recommend the passage of this bill.

I yield the floor.

Mr. SPECTER. Mr. President, I have sought recognition to comment on the pending legislation as we approach in the course of some 11 hours the end of the fiscal year at 12 o'clock midnight. We are faced with an appropriations process which I believe has severely undermined what we are supposed to be doing as legislators.

I just heard my distinguished colleague, Senator GORTON, make a comment about the price we are paying for what he considers to be extra appropriations on certain lines because we have not had an opportunity to consider the items in detail. I agree with him about that. My suggestion is we are paying even a higher price because we have not permitted the appropriations process to run its course because of the political differences and the very deterioration of our Senate process.

It was illustrated on the Interior appropriations bill where the majority leader had to take down the bill because of maneuvering—one side trying to gain an advantage on some politically popular items like education, something I have long supported in my capacity as chairman of the Appropriations Subcommittee which deals with appropriations. Then the bill which I have the chairmanship of, Labor, Health, Human Services, and Education, was never brought to the floor because of insufficient time and because of the determination that the bill could not be enacted in due course.

Instead, we have come to a situation where everything is rolled into one omnibus appropriations bill, which is a take-it-or-leave-it proposition, with the alternative being to close down the Government. The procedural posture today is that there is a second measure which can come before the Senate which is the Department of Defense conference report where the omnibus appropriations bill has been rolled in, as well as the immigration bill, which would not even allow an opportunity for amendment during consideration of any of the individual items if that is to be called up as the order of the day.

It is my hope, Mr. President, when we reconvene for the 105th Congress, we will take a look and change the rules of the Senate to prohibit bringing up extraneous, nongermane matters on appropriations bills. If that were to be the case, when we consider Interior, it is an Interior bill alone. When we consider Labor, Health, Human Services, and Education, we then direct our at-

tention to that so we do not get into a situation where at the last minute we have no alternative but to say yes or no to such a massive bill. Or, when the extraordinary procedure is used of having a conference report, either to say yes or no without any amendment there.

I have spoken on this at some great length on Saturday, the day before yesterday, Mr. President, and at that time expressed my concern about a procedure which blurred the lines of separation of powers between the Congress, which is supposed to do the appropriations, then sending a bill to the President for his consideration, and a procedure in which the Chief of Staff, representing the executive branch, was party to negotiations with Congress before the bill was passed. This was an aberration, really a corruption, of the constitutional process of separation of powers, where each House acts, there is a conference, we send a bill to the President, and he makes the decision, signing or not, and then the Congress has the power to override.

What we have really seen, as I said at great length on Saturday, is a procedure where we have had the delegation of the President's authority to the Chief of Staff, with it being impossible for the President to know what was being agreed to on his behalf, again, I think, raising serious constitutional questions as to whether the President may delegate the authority in that way.

FOREIGN AID

Mr. SPECTER. Mr. President, I now want to comment for a moment or two about one aspect of the appropriations process. That is the issue of foreign aid, which is tied into U.S. policy in the Mideast, and what is happening today in Israel and the conflict between Israel and the Palestinians, the PLO and the forthcoming summit with leaders from the Mideast, which is to be held in Washington tomorrow and the day after.

I commented on this issue on Saturday as well, Mr. President. It is my hope that the parties, Israel and the Palestinian Authority, will be able to work out their problems. They are now coming to Washington with additional leaders from the Mideast in an over-tone which may suggest pressure on the parties, pressure specifically on Prime Minister Binyamin Netanyahu.

It is my view, Mr. President, that it is intolerable to have a situation where the Palestinians are firing on Israeli soldiers. The Palestinians are firing on Israeli soldiers with rifles and ammunition provided by the Israelis, pursuant to the Oslo Accords, so that the Palestinian police can contain the areas in Gaza and the other areas in which they have been given a limited amount of local authority. There was never any intention that those Palestinian police were to be an army to engage in what is, in effect, virtual warfare against the State of Israel.

This makes us pause as we see a demonstration of what might occur if the peace process goes forward and if there is great authority for the PLO, the Palestinian Liberation Organization, now known as the Palestinian Authority, as to what they may hope or seek to accomplish with a separate Palestinian state. That certainly is not part of the agreement on the Oslo Accords.

A few months after the signing on the White House lawn of September 13, 1993, I and others from this body went to take a look at what was happening, and we had a chance to meet with Chairman Arafat, had a chance to visit Jericho and Gaza, and we saw the flags of a Palestinian state which was already being assumed when the ink was barely dry on the Oslo Accords signed a few months earlier. That was not what was intended.

Now we have a de facto Palestinian state with a police force estimated between 30,000 and 40,000, which is a veritable army. That context, I submit, Mr. President, is simply an intolerable situation.

Going back to September 13, 1993, when I saw Arafat honored on the White House Lawn, it was a very, very difficult day considering that this was the man who was implicated in the murder of the United States charge in the Sudan in 1974. This is the man who was implicated in massive killings and terrorism against Israel. This is the man who led the hijacking of the *Achille Lauro* leading to the murder of Mr. Klinghoffer, who was pushed off the deck of the *Achille Lauro* in his wheelchair. It was pretty hard to sit on the White House Lawn and watch that man honored.

It seemed to me that if Prime Minister Rabin and then Foreign Minister Peres were willing to shake Arafat's hand, considering that Israel had suffered the most at the hands of PLO atrocities, then the United States ought to try to be helpful.

But now we see that a summit is planned. And, as this morning's press quotes, Arafat is betting that Prime Minister Netanyahu will come under pressure from President Clinton. If this is the case, I think it is time to rethink precisely what we are doing.

Israel voted for the Likud-Netanyahu government this past election expressing their concerns for security. It is very easy for people thousands of miles away from the locale to say, "Well, there ought to be pressure, and there ought to be in effect a determination, if not a dictation, as to what the Israeli elected officials ought to do."

It is my sense that Prime Minister Netanyahu can hold his own and make decisions for himself. But it is also my sense that there ought to be a statement made that the situation is intolerable with the Palestinians firing on Israeli soldiers, and that the United States ought not to exert pressure as to what the Israelis are to do in terms of their own security.

I had a chance to meet with Chairman Arafat last month in Gaza. And