and misinformation our hard won, sacred freedoms appear to be in grave, grave peril indeed.

Madam President, I ask unanimous consent that the dismal results of the National Constitution Center's poll be placed in the RECORD at this point.

I thank Senators for listening and I yield the floor.

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

How People Answered the Constitution Poll

How do Americans feel about the Constitution?	Responses:
The U.S. Constitution is important to me	91% agree.
I am proud of the U.S. Constitution	89% agree.
The U.S. Constitution is used as a model by many countries	67% agree.
To work as intended, the U.S. Constitutional system depends on active and informed citizens	84% agree.
The U.S. Constitution doesn't impact events today	72% disagree.
The Constitution doesn't matter much in my daily life	77% disagree.
To understand the Constitution, you have to be a lawyer	77% disagree.
The question asked:	**Percent of correct responses:**
When was the Constitution written?	19%—1787.
Where was the Constitution written?	61%—Philadelphia, PA.
What are the first ten amendments to the Constitution called?	66%—the Bill of Rights.
Do you recall what the introduction of the Constitution is called?	55%—the Preamble.
How many branches of the Federal Government are there?	58%—three.
How many Senators are there in the U.S. Congress?	48%—100.
How many years are there in a Senate term?	43%—6 years.
How many voting members are there in the House of Representatives?	23%—435.
How many years are there in a Representative's term?	45%—2 years.
Who nominates the justices of the Supreme Court?	70%—the president.
According to the Constitution, a person must meet certain requirements in order to be eligible to be elected President. Can you name any of these requirements?	69%—born in the US. 51%—35 years of age. 8%—lived in the US 14 years.

How People Answered the Constitution Poll—Continued

Can you recall any of the rights guaranteed by the first amendment?	64%—speech. 41%—religion. 33%—press. 17%—assembly.
Whose rights are guaranteed by the Constitution?	88%—US Citizens.
Approximately how long is the U.S. Constitution?	29%—1–5 pages.
Who is Commander-in Chief of the U.S. Armed Services?	74%—the President.
Can you name the group or any of the individuals who were responsible for drafting the U.S. Constitution?	7%—the Constitutional Convention.
How many amendments are there to the Constitution?	19%—27 amendments.
What are the names of the three branches of the Federal government?	51%—legislative. 50%—executive. 56%—judicial.
True or False: The Constitution states that all men are created equal	15%—false.
True or False: The U.S. Constitution can be modified	76%—true.
True or False: The Constitution is the supreme law of the land	86%—true.
True or False: The people can vote directly for President	42%—false.
True or False: When it was first written, the Constitution outlawed slavery	69%—false.
True or False: There are 10 Supreme Court Justices	48%—false.
True or False: Congressional Representatives are elected by the people	72%—true.
True or False: The Constitution states that Christianity is the official religion of the U.S	75%—false.
True or False: The Constitution states that the first language of the U.S. is English.	58%—false.
True or False: The text of the Constitution specifically protects a woman's right to have an abortion	74% false.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

COMMITTEE AMENDMENT ON PAGE 96, LINE 12 THROUGH PAGE 97, LINE 8

The PRESIDING OFFICER. Under a previous order, the Senate will now resume consideration of the committee amendment on page 96, line 12.

The Senator from Michigan is recognized to offer a second-degree amendment, on which there shall be 30 minutes of debate equally divided.

The Senator from Michigan is recognized.

AMENDMENT NO. 1206 TO EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 96, LINE 12

(Purpose: To decrease funding for NEA)

Mr. ABRAHAM. Madam President, I would like to call up my amendment at this time, amendment No. 1206.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. ABRAHAM] proposes an amendment numbered 1206 to excepted committee amendment beginning on page 96, line 12.

Mr. ABRAHAM. Madam 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:

On page 96, line 16, strike ''$83,300,000'' and insert ''$55,533,000''.

On page 96, line 25, strike ''$16,760,000'' and insert ''$11,173,000''.

At the end of the amendment add the following:

SEC. . Notwithstanding any other provision of law, not more than $10,044,000 of the funds appropriated for the National Endowment for the Arts under this Act may be available for private fundraising activities for the endowment.

SEC. . Notwithstanding any other provision of this Act, an additional $32,000,000 is appropriated to remain available until expended for construction under the National Park Service, of which $8,000,000 shall be transferred to the Smithsonian Institution and made available for restoration of the Star Spangled Banner, $8,000,000 shall be transferred to the National Endowment for the Humanities and made available for the preservation of papers of former Presidents of the United States, of which $9,000,000 shall be available for the replacement of the wastewater treatment system at Mount Rushmore National Memorial, of which $2,000,000 shall be available for the stabilization of the hospital wards, crematorium, and immigrant housing on islands 2 and 3 of Ellis Island, and of which $5,000,000 shall be transferred to the Smithsonian Institution and made available for the preservation of manuscripts and original works of great American composers''.

Mr. ABRAHAM. Madam President, I just would state at the outset it is not my intention, given the lateness of the day and the other amendments still to come, to necessarily use all of the time on this issue. In fact, I intend to make a brief statement. I will stay here to discuss it at greater length if opponents of this amendment want to engage in more discussion, although I know today most people have expressed themselves already on these issues pertaining to the National Endowment for the Arts. So I am going to make a brief statement and I will then wait to see whether others wish to speak. If not, I am prepared at a certain point to yield back the remainder of the time.

This amendment seeks to accomplish several key objectives.

First and foremost, it has been my goal since arriving in the Senate to move the NEA in a direction of being a private national entity supporting the arts. I believe that is in the long-term best interests of the taxpayers and of the arts. Since arriving here and well before my arrival, it has been obvious to me that these discussions about the NEA too often turn on questions of accusations from one side that we are spending tax dollars to basically promote things that are unacceptable or even obscene, and on the other side arguments from those who are part of the arts community that we in the Congress are trying to somehow censor the creative activities of people in our country. This will continue, Madam President, as long as taxpayer money is involved.

What I worry about as a supporter of the arts is that we will continue to see the NEA reduced in size and scope, both in terms of its budget, as well as in terms of its flexibility, because each time a new issue arises, Congress' response has been to reduce funding and to add more strings and more handcuffs to the Endowment.

The best way to address it, I think, is to move in the direction of privatization, move this out of the Government, and allow it to be as large as support for it can be. That is what my amendment seeks to set in motion by reducing for the upcoming year by approximately one-third the size of the Endowment but allowing the Endowment to spend a percentage of its revenues for the beginning of a fundraising program designed to ultimately produce adequate funds to sustain itself as an independently chartered entity.

I believe that will be a long-term approach. As I laid out in previous debates, I think there are a variety of indicators that suggest support for the Endowment would be existent, that there would be the kind of private support, given the magnitude of national support already for arts activities in our country of $9 billion per year, given the fact that numerous private institutions are larger than the National Endowment for the Arts, even today. I believe such support would be existent. And so this would be the first step in that direction toward privatization.

If my amendment is adopted, I will have sense-of-the-Senate and other amendments that I will bring at appropriate times to buttress this plan of action.

The other goal of this amendment is to direct additional Federal dollars in support of other national treasures, some of them arch-related, that I think deserve our commitment: the Star-Spangled Banner, Ellis Island, the papers of our Presidents and Founders, the works of our great composers, Mount Rushmore. All five of these entities or institutions or documents, or in the case of the Star-Spangled Banner, the flag itself, are in various states of deterioration and lack of support.

My amendment would divert $30 million from the NEA to the support of these entities at the amounts that have been requested by the people involved with them in order to facilitate restoration where that is appropriate, in order to facilitate maintenance where that is appropriate, in order to supply additional dollars to ongoing restoration projects, and so on.

I believe all of us should be able to agree that these five national treasures that I have outlined in this amendment deserve the support of the Congress. By moving in this direction, we can accomplish two very noble objectives, I think: On the one hand, the privatization and liberation of the National Endowment for the Arts, and on the other hand the preservation, restoration, and protection of great national treasures.

For those reasons, I call upon my colleagues to support this amendment. I think it is perfectly consistent with those who have argued for a national entity to support the arts. I think it is consistent with those who have argued that we shouldn't have taxpayer dollars engaged in that entity. I believe that it is the right way to strike a balance between the rival positions on this and at the same time do great good in preservation of very important national treasures.

At this point, Madam President, I yield the floor and see if anyone else wishes to speak on this amendment.

Mr. HUTCHINSON. Will the Senator yield?

Mr. ABRAHAM. I yield—how much time does the Senator from Arkansas desire?

Mr. HUTCHINSON. Madam President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator has 10 minutes remaining on his time.

Mr. HUTCHINSON. I inquire, do you have other Senators wishing to speak on behalf of your amendment?

Mr. ABRAHAM. What I was hoping for, if I can just indicate, was to determine if there was any further discussion or interest on the opposing side of this amendment. If there is, then I would want to speak about my amendment more. If not, I will be prepared to yield the remainder of my time to the Senator from Arkansas to speak on whatever matter he wants.

Mr. HUTCHINSON. I only anticipate perhaps 5 minutes.

Mr. ABRAHAM. That will be great. I yield 5 minutes to the Senator from Arkansas to speak on whatever issue he might wish, with respect to this amendment or upcoming amendments.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 5 minutes.

Mr. HUTCHINSON. Thank you, and I thank the Senator from Michigan for yielding.

Madam President, I commend the Senator from Michigan for his outstanding leadership on the issue of the National Endowment for the Arts, for his very constructive role that he has played over recent years since his entry in the Senate. I know this is an issue he has felt very strongly about, that he has looked for creative and innovative ways in which we can continue to fund arts in this country, in which we can continue to emphasize that arts are a priority and, at the same time, address many of the concerns that the American people have addressed concerning the National Endowment for the Arts, its administration and its elitist attitude.

I would just like to say in reference to that attitude, which has caused such consternation among those who sincerely believe that arts are important in America but are greatly troubled by what they see in the National Endowment for the Arts, a statement that was made by Jane Alexander, the Chairwoman of the National Endowment for the Arts, when she testified before the Labor and Human Resources Committee this past April.

In a dialog with myself and in response to the questions I posed to her, Ms. Alexander said:

> Let me suggest an analogy here with regard to the arts.

Her response was in direct answer to my question concerning the situation in Arkansas in which, out of 12 grant applications, only one was granted. A little over $400,000 went to the whole State of Arkansas, while single exhibits around this country received more. In response to that she said:

> Let me suggest an analogy here with regard to the arts . . . There are apples grown in practically every State of the United States, but there are few States that have the right conditions for nurturing and developing apple trees; and then, they are distributed all throughout the Nation.

The implication being that arts are like apples, that there are only a few places they are really going to flourish, and that Arkansas was not one of them. I hope my constituents understand and I hope that my colleagues understand why that was so offensive to me. She went on:

> The same is true of the arts. The talent pools, the areas of nurturing and development of artists tend to be located in a few States.

Perhaps that explains why one-third of all of the direct grants of the National Endowment go to six cities. Perhaps this attitude, revealed in an unguarded moment, explains why one-third of the congressional districts in this country receive nothing from the National Endowment for the Arts. This is an agency whose original mission was to broaden access to the arts. Broaden access to the arts—I ask, is that going to be the result of the attitude that development of artists tend to be located in a few States, that the talent pool is only located in a few States? I take great, great exception to that, and that is why I believe the Senator from Michigan—I have my own amendment I will be talking on later—but I commend the Senator from

Michigan for the good job he has done in addressing these kind of abuses and this kind of attitude.

I have pointed out that the administrative costs for the National Endowment are well above most other Federal agencies—almost 20 percent. Almost a penny out of every nickel that the NEA has is spent on administration overhead.

So I believe the votes that we are going to cast this evening on the Abraham amendment, on the Hutchinson-Sessions amendment, and on the Hutchison of Texas amendment will be, to a great extent, a vote on whether we want the Washington bureaucracy or whether we want more local control on funding for the arts.

So I ask support for the Abraham amendment. I also ask support for other amendments that will be offered concerning the National Endowment. We must not obfuscate, we must not confuse what this issue is. It is not are you proarts or against arts. So often I have heard proponents of the NEA come down and say, ''Well, arts are good.'' Of course, arts are good. They are beneficial, uplifting and they are inspiring and ennobling. They are all of those things, but you cannot equate the NEA with arts. In fact, the NEA funds less than 5 percent of the Federal contribution to arts in this country. So it is time that we reform. It is time we made a change in the status quo.

I commend the Senator from Michigan. I thank him for yielding.

Mr. ABRAHAM. Madam President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged to anyone.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. ABRAHAM. Madam President, it is my intention to offer a unanimous consent request which I think has now been cleared on both sides. I ask unanimous consent that the votes ordered with respect to the NEA issue be stacked to occur at 7:30 p.m., with 4 minutes of debate equally divided prior to the votes on those issues.

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

Mr. ABRAHAM. I now ask unanimous consent to have the time remaining on both sides of the debate on the Abraham amendment be yielded back.

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

Under the previous order, the Abraham amendment No. 1206 is set aside, and the Senator from Arkansas is recognized to offer a second-degree amendment to the committee amendment on page 96, line 12 through page 97, line 8. There will be 30 minutes of debate on the amendment equally divided in the usual form.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Was the unanimous consent request agreed to?

The PRESIDING OFFICER. The unanimous consent request has been agreed to.

Mr. GORTON. So there will be votes at 7:30?

The PRESIDING OFFICER. The Senator is correct.

Mr. GORTON. Madam President, we will try to find some other business to occupy the Senate until that time.

Does the Senator from Arkansas wish to speak?

The PRESIDING OFFICER. Under the previous order, the Senator from Arkansas is recognized to offer his amendment.

AMENDMENT NO. 1187 TO EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 96, LINE 12

(Purpose: To provide financial assistance to States to support the arts)

Mr. HUTCHINSON. Madam President, I call up amendment No. 1187.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. HUTCHINSON] for himself, Mr. SESSIONS, Mr. ABRAHAM and Mr. ENZI, proposes an amendment numbered 1187 to excepted committee amendment beginning on page 96, line 12.

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

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. HUTCHINSON. Madam President, we have 30 minutes equally divided; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HUTCHINSON. Madam President, over and over during the debate on the National Endowment for the Arts we have heard the proponents come to the floor and say how good and beneficial the arts are. Who can argue with that? The argument they seem to make is, we ought to automatically reauthorize, that we ought to automatically appropriate $100 million for the National Endowment for the Arts because art is good, without any scrutiny, without any close examination of how the National Endowment is operating, how they are working today.

The debate has in fact deteriorated into kind of a syllogism. The syllogism goes like this: Art is good. The National Endowment for the Arts is art; and, therefore, the NEA is good.

Obviously, art is good. It is inspiring. It is uplifting. We have heard anecdote after anecdote of the benefits of art in our lives. But the NEA is not the equivalent of art.

In fact, as we see on this chart, the NEA is less than 5 percent of the total Federal support for the arts and the humanities. You can look at the Smithsonian, the military bands, the Fulbright International Exchange, the National Endowment of the Humanities, the National Gallery of Art, the Holocaust Memorial Council. On and on we find the Federal role in arts is not limited to the National Endowment at all.

Only 5 percent, in fact, of all of the Federal involvement, involves the NEA. That 5 percent though, as we have seen, has been eroded by extravagant overhead, over 18 percent administrative costs that are immediately taken off because of the bureaucracy here in Washington. And that small 5 percent is absorbed by six cities—six cities. And one-third of all of the congressional districts in the United States receive nothing from the National Endowment of the Arts.

So in all of this debate, the problems in the NEA have gone unanswered. I heard the proponents of the NEA come to the floor, and over and over again they laud how wonderful art is—Who can object to that?—how great literature is. Who can complain about that? But they never respond to the objections that have been raised concerning the National Endowment for the Arts.

Their mission is broader public access to the arts. Yet, as we saw just a few moments ago in a statement by Chairwoman Jane Alexander, she says that there are only a few States that have the proper nurturing and development to produce artists. That, to me, will never fulfill their mission of broadening public access to the arts.

Fully 85 percent of the 1997 grantees were past recipients of NEA largess—85 percent. That is not going out and fostering new artists, new writers, new sculptors.

Here are the issues before the Senate. No. 1, accountability. As the proponents of the NEA come down, they have not responded to the NEA's own IG report which listed the abuses, things like 63 percent of the grantees that had project costs that were not reconcilable to accounting records, 79 percent with inadequate documentation of personal costs charged to the grant, 53 percent failed to engage independent auditors to conduct grant audits as required by the OMB.

No one responded to that. I listened and listened. No one would respond to the inspector general's report or the General Accounting Office's evaluation of the NEA and how it operates. So accountability is an issue.

Local control is an issue. Do we want to continue to say yes to Washington bureaucrats, or do we want to say yes to local control of how these dollars are spent?

Third, the issue is fairness and funding. Under the proposal of Senator SESSIONS and myself we have offered an amendment that will allow 45 States to receive more for arts. I hope that all of my colleagues in the U.S. Senate will

pick up the ''Dear Colleague'' on their desk that we so often overlook. If Members look up your State, you will see exactly how much more will be available for arts education or available for the local artists under our amendment as opposed to the status quo.

Say no to Washington. Say yes to local control. Say yes to the Hutchinson-Sessions amendment.

If there are no opponents here to speak I yield to the cosponsor of this amendment, Senator SESSIONS.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Madam President, I am honored to have the opportunity to join Senator HUTCHINSON from Arkansas in support of this bill which I believe certainly answers all the objections of those who are concerned that somehow we would be cutting support for arts in America.

It answers the concerns of those who believe that the National Endowment for the Arts, as shown by its own inspector general's office, has mismanaged itself, has not managed the taxpayers' money—money taken from working citizens all over America—who have entrusted it to their Government in hopes that Members of this body will appropriate it wisely and effectively to further national goals.

Our bill says, all right, we can fund arts, but we want to do it a different way. We are tired of trusting that inside group, the elite corps, that has been distributing moneys, in my opinion, unfairly, for quite a number of years.

It is quite an interesting fact that six cities in this Nation receive one-third of the moneys from the entire National Endowment for the Arts. This chart will reflect that and give some appreciation for this fact. The big cities, the wealthiest cities in the world, really, are the ones receiving the most money. That is because the distribution of that money is being decided by a group in Washington that is not connected to the arts communities in places all over America—whether it is Indiana, Kansas, Ohio, Alabama or Arkansas. They are not connected with those communities. So they tend to further the people they are dealing with. It has been going in drastically unfair proportions to cities that are wealthier than any cities in the world. We think that is a major factor that we ought to think about today.

New York City itself received more money than 29 different States, including my State of Alabama. Madam President, 75 percent of the money, as Senator HUTCHINSON has pointed out, 75 percent of these moneys have gone in what may be considered a political direction. Seventy-five percent has gone to the districts of Democratic Congressmen. That, I think, should concern people, because a majority of the citizens of this country have elected their representatives to be Republicans. It is not fair that the money be distributed just to the Democrats.

They made very, very poor funding decisions. They funded programs that are arcane, bureaucratic, bizarre, and often just plain silly, and not supporting funding for programs that are worthy and needy.

In my hometown of Mobile, AL, we have an opera that celebrated its fiftieth anniversary a few years ago. A group of citizens who love the music and fine arts came together and formed that organization. It received a paltry $4,000 from the National Endowment for the Arts, whereas, as Senator ASHCROFT so eloquently talked about yesterday, this organization gave $1,500 to a poem consisting of one word—L-I-G-H-G-H-T. I don't know what it says or what language it is but they spent that much, and we only got $4,000 for an opera that does outstanding work in our community.

The opera in Mobile performs works that I think anyone can support, ''La Boheme,'' and ''Pirates of Penzance,'' one of my favorites, just last year. In ''Pirates'' I recall the great phrase, he is the very model of a modern major general, he knows all things, agricultural, chemical and mineral, but he didn't know how to fight a war. That was a good lesson. Arts do teach us. We learn from those kind of things.

I am not against art. I think we can do a better job of supporting. I am willing to support arts funding. This bill represents a huge infusion of money into the arts community all over America in virtually every State.

Look at this: Alabama goes from $750,000 to $1.6 million, a $900,000 increase; Alaska shows a $50,000 increase; Arizona, a $600,000 increase; Arkansas, a $770,000 increase; California, a $1 million increase; Colorado, a $97,000 increase; Connecticut, a $127,000 increase; Delaware, a $152,000 increase; Washington, DC, $1.8 million reduction. Washington, DC, has money already funded for the National Gallery of Art, the Kennedy Center, and many other activities in this community by this body.

Madam President, I say that art is valuable. Good art does uplift. All of us who care about a greater America should support the arts. We should support fine arts. But just as good art uplifts, poor art can demean and undermine the qualities of a great Nation.

Too often, this organization has supported art that is not healthy, ''art from the gutter,'' as has been said. Just this past year, as was demonstrated on ''Dateline'' with Jane Pauley this summer, a special on the National Endowment for the Arts showed explicit homosexual activities on the screen using a $31,000 grant by the National Endowment for the Arts.

One of the reasons they say they want to remain in existence is because they helped set the standard, they are the Good Housekeeping Seal of Approval. What kind of approval is that, for this Government to fund obscene and pornographic material with taxpayers' money, against and contrary to the basic and deepest decent views of the average citizen in our Nation?

Madam President, 45 States will get more. Our orchestras in virtually every State will get more. Our museums will get more. Our theaters will get more. Our folk art will have more opportunities for additional funding.

I submit this proposal answers all of the objections of the critics who say that we should continue to fund arts. It continues to fund arts at a greater degree than we have done before and eliminates the mismanagement that we have seen in Washington.

This is a good bill. I urge all my colleagues to support it. It is time to bring to an end an agency that has abused its power, who for year after year after year has come before this body and promised to do better but does not do so. It is time to bring that agency to an end and take the taxpayers' money and spend it wisely in real support of real art all over America.

Madam President, that concludes my remarks. I note that Senator JESSE HELMS, who voted to end all funding for the National Endowment for the Arts, also has expressed a wish to join in as a cosponsor to this amendment. I think that should be noted for the RECORD.

I yield the floor.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Madam President, how much time remains?

The PRESIDING OFFICER. There are 15 minutes remaining in opposition to the amendment. Senator HUTCHINSON has 3 minutes 33 seconds remaining on his side.

Mr. DODD. Madam President, I yield myself 7 minutes. If I need an additional minute or so, I may ask unanimous consent for that. Will the Chair notify me when 7 minutes have expired and maybe we can work something out here.

The PRESIDING OFFICER. The Chair will so advise the Senator.

Mr. DODD. Madam President, let me begin by expressing my appreciation to our colleagues who rejected the proposal to eliminate the National Endowment for the Arts in its entirety by a vote of 23 to 77. I think it was a good vote and a strong vote, one in which the Senate can take legitimate pride. I think that vote expresses the feelings of most of us here that the National Endowment for the Arts has been a very successful agency that has made a significant contribution, and continues to do so, to the vitality, health, well-being, and cultural heritage of our country.

I know it has been said that there have been examples cited of where NEA grants or subgrants or subcontracts over the years, from time to time have been given that have supported or produced or been involved with some productions of art that have been distasteful to many people in this country. I

am not here to argue the merits or demerits of those particular cases. In fact, in several instances, I, too, was sort of stunned that certain productions were provided with that kind of financing and backing.

But I think it is important for everybody to understand and to put this into context, if we can. As I understand it now, since the creation of the National Endowment for the Arts, going back more than a quarter of a century ago, there have been over 100,000 grants that have been extended by the NEA. Of that 100,000, I am told, if you take all the controversial grants that have been given, the number is around 40 or 45 maybe. That, many would argue, goes beyond the ones that were the most controversial, which number in the single digits. I wanted to put that into perspective.

Mr. HUTCHINSON. Will the Senator yield for a question?

Mr. DODD. If I can just finish my remarks, I will be glad to yield at that time.

The reason I cite those statistics is I think it is important, as we look at these agencies, that we keep this in context. No agency is perfect. There have been questionable grants given by the Housing Administration, by the Defense Department, and by the Commerce Department. In fact, I would match up the total amount of grants given by the NEA, those that are controversial or distasteful, and compare that with almost any other agency of the Federal Government and compare their track record in terms of cases where there has been fraud, abuse, or waste of millions of dollars.

So nobody is standing here suggesting perfection at all. What we are arguing about is whether or not there is a legitimate purpose in having a National Endowment for the Arts, a federally chartered agency that tries to express the importance of the cultural contribution of the arts. I have often said to students in my State, or elsewhere, when this issue comes up—I think almost every grade school student can tell you the name of the artist who painted the roof of the Sistine Chapel. But I defy anybody to tell you who the Pope was at that time, or to name the Emperor of Rome. We don't remember the political figures throughout history, but artists have given us a definition, a signature, in many cases, of a generation or a time. Certainly, we have seen that in our country.

We define our own heritage by literature, art, and music. To have our Government, in a sense, speak to that and try to provide guidance, assistance, and support for areas of the country that would not otherwise get that assistance, I think is something we ought to build upon and perpetuate. We build stadiums for sports with taxpayers' money. These stadiums today can cost $100 or $115 million to house 30,000 or 40,000 people to watch a sporting event. The entire budget we are talking about here for the National Endowment for the Arts is $100 million for all 50 States, to support our cultural activities.

There has been a tremendous burst and blossoming of activities in the last 30 years in this country in the arts area. The number of nonprofit theaters has grown from fifty-six 30 years ago to over 400 in the country today. Orchestras have quadrupled in number, to over 200 in our Nation. Public arts agencies in small towns and cities have climbed to over 3,000 in the last 30 years.

Yet, today, we see another attempt here to try, in one way or another, to get rid of the agency, to either vote it out of existence or, with all due respect, to block grant the money to eliminate it. We also know that this very agency has been the one which has served as the impetus, the spark, if you will, that has aided in the flourishing of the arts we have seen over these past three decades.

With a deep commitment and a meager beget, the NEA has provided vital support to States, local communities, schools, artistic and cultural institutions, artists, and others for over 30 years.

While always limited, these dollars do make a difference. It is hard to leverage out of a block grant, if you will, the kind of private contributions NEA has been able to generate. So by removing the kind of programs that we have seen here and leaving things up to sort of the political vagaries, we leave this commitment that we have made over the years in great, great jeopardy.

Currently, 35 percent of the NEA's budget flows directly to the States—in effect, a block grant, if you will. I understand that the States deserve a role, but it needs to be a partnership with the Federal Government. The success of the NEA is rooted, obviously, in its national presence—once that is lost, I think we all lose in this country.

Why is the Federal leadership role important? First, I happen to believe that Federal leadership allows better access to the arts for all Americans. It assures all Americans, regardless of income or geography, that they will have access to the arts. Grants allow quality orchestras and theater groups to travel throughout the country. The NEA helps communities with few resources to develop local talent through exposure to operas, theaters, and orchestra groups.

Second, the NEA develops public-private partnerships that work. NEA grants, as I said a moment ago, help raise and leverage private dollars. Also, it is the prestige of an NEA grant that, on average, attracts money from other public and private funding sources. There is no guarantee that these same sources will risk supporting a festival or exhibit sponsored by an unknown State art council with no track record and without the stature of the NEA. In essence, NEA grants raise money; block grants do not.

Third, support for programs with a national impact is a goal and commitment of the NEA and can only be forwarded by an organization with resources and the kind of clout and prestige of a Federal agency. It puts us on record, as a nation, that we stand and support these efforts.

The NEA supports such nationally important work as the Vietnam Veterans Memorial, or public television shows; these are national in scope not State by State, or community by community. We lose that if we don't have a national focus and direction.

National studies into the importance of arts education can be lost. Supporting American artists that represent the United States as a nation in cultural festivals overseas are supported by the NEA. Who is going to do this if we, in fact, distribute the resources around the country and lose the national presence of the National Endowment for the Arts?

The National Endowment for the Arts dollars go to regional projects—not just State and local ones—such as exhibiting the traditional folk arts of the Delaware Valley. Only the NEA, as a fully funded Federal agency, can garner the resources and provide the leadership for such nationally important work.

Fourth, NEA dollars receive economic returns. These dollars create $37 billion in national economic activity, and $1 billion alone in my home State of Connecticut. Grants spur economic activity throughout the country. NEA grants generate tourism, stimulate business development, drive urban renewal and contribute to our Nation's economic vitality. Over 1.3 million jobs are supported by the arts.

Finally, the NEA is a leader. The NEA provides cultural leadership for the Nation in such areas as education, crime prevention initiatives, city design, public arts, and preservation of the Nation's cultural heritage.

By giving the majority of funds to the States, by cutting out the so-called middleman here in Washington, you are not helping, necessarily, the local artist, the local orchestra, or the local theater. In many cases, I suggest that you are actually hurting them.

The NEA is the keystone here. Once removed, I think we all lose.

Mr. President, the arts adds to our culture, to our Nation and our economy. I believe it is time that we look for a source of funding, in addition to Federal funds, to maintain the NEA's vital role.

Our colleague from Alaska, Senator STEVENS, has a proposal—a sense-of-the-Senate resolution—that we conduct some extensive hearings in the coming Congress to look at ways in which we might supplement the Federal funding for the NEA. It is time we do more to ensure the future viability of the NEA and the NEH.

I am looking at a way in which we might get beyond the debate, and create a true endowment to supplement

federal funds. I suggest looking into an innovative way to create this true endowment. I propose tapping revenue from a copyright extension to fund this true endowment. My idea is to extend, or rather to terminate the copyright period—whatever it may be, 50 70, or 90 years—that there be a period of say 20 years after that period in which the Government would auction off these copyrights. Individuals would bid on the copyrights. And the resources that came in from the bids would support a national arts endowment, a true endowment. But this would allow one generation of artists supporting future generations; in a sense, a true endowment.

This is no endowment. I don't know why we call this a National Endowment for the Arts. It is not an endowment. It is an appropriations that we have year in and year out. The idea of a true endowment is not a perfect one at all. But it would be a way of us getting away, if you will, from the constant battle of appropriations to a way of having the arts in effect generate revenues.

You may not get much immediately. But I suspect with all the technology that is being developed—the preservation, the ability to preserve works of art and many art forms emerging—that in the 21st century, long after all of us are gone, there might be a substantial amount of revenues that would be generated to support arts activities in the country.

I raise the idea of a true endowment as a mere suggestion and I hope the Senate will look into the suggestion. It is time to endow the NEA and the NEH with a future and secure a national cultural endowment for generations to come.

With that, I thank my colleagues for their patience in listening. But I know my colleague from Arkansas wanted to raise a question. I would be glad to at least try to respond.

Mr. HUTCHINSON. First, I commend the Senator from Connecticut for his creative and innovative ideas on how we might truly have endowment of the arts. I hope that everyone understands on both sides of this debate that there is support for funding for the arts. The issue is the National Endowment—the so-called National Endowment for the Arts.

As I have listened to the proponents of the NEA, I have heard glowing commendations and glowing reports about arts in America. But what I have failed to hear anyone respond to—and the question I would pose to the Senator from Connecticut—is the very I think deplorable record that the NEA has established, both in its administrative costs and over 18 cents on the dollar, by a nickel more per dollar, than the National Endowment for the Humanities, or other Federal agencies.

The inspector general, who, in conducting his grantee audits from 1991 to 1996, found that absolutely deplorable record of audits, a lack of accountability without knowledge of where the money was going, who was spending it, who was receiving it. It is that kind of slipshod management that has put a question mark over I think the future of the NEA. And when we talk about funding for the arts, only 5 percent of the Federal involvement in the arts at the Federal level is the NEA. There are literally hundreds of billions of dollars being spent at the Federal level in support of various arts programs and other agencies and departments. It is not a matter of pulling out the Federal role in arts.

I would welcome the response.

Mr. DODD. If my colleague would give me a chance to respond to the question, he raises the issue in the committees. He is not just raising it here on the floor.

First, let me—I should have mentioned these in my remarks—comment here. I happen to believe that Jane Alexander has done a brilliant job at NEA—a remarkable individual, truly a national treasure. I recall the specific questions being raised about these issues. Certainly legitimate questions should be raised about how well an agency functions, whether or not we are getting much for the dollar for the purposes intended, or how much gets consumed by administrative costs. I think that is a legitimate question raised in ways in which we make an agency function better. Certainly we have seen this administration focus a great deal of its attention on so-called ''reinvention of Government''—trying to streamline 180,000 fewer jobs at the Federal level, and fewer pages of Federal regulations. I think we all applaud that.

I think it is a legitimate issue to look to see how we can make this agency perform better so that the American people will be the greater beneficiary, if you will, of the role of and the purpose of the NEA. But I would respectfully say to my colleague from Arkansas, as legitimate as those questions are, it seems to me that we ought not to try to eliminate in effect, through either block grant or total elimination, a Federal agency that has played such a critical role in giving national voice, as I said earlier, to the arts efforts, not to mention regional aspects, and the like. My fear is that, of course, by doing this through a block grant we would achieve just that—rather than an appropriate examination of how we can make the NEA work better, respond better, reduce its overhead costs so that more of those dollars will actually reach the artists, the communities, and the artistic efforts that we all would like to see happen. That is my concern here. We seem to be saying that no matter what you try to do, there is nothing that could be done here—that there is no way whatsoever to make this agency work better. I believe there are ways. I think Jane Alexander has certainly demonstrated that over the last several years under her leadership.

So, I urge that, rather than discarding in a sense de facto—that would be the result here—with all due respect the NEA, we ought to look at ways in which the Senator might suggest how we can improve the NEA's performance rather than certainly suggesting its elimination.

My colleague I see may have another question.

Mr. HUTCHINSON. No. I was going to inquire of the Chair the amount of time left in this debate.

The PRESIDING OFFICER. The Senator from Arkansas controls 2 minutes. The Senator from Connecticut controls 15 seconds.

Mr. DODD. Madam President, if I may, I still have the floor.

Mr. GORTON. Will the Senator yield? I would like for Members to have more time, if I may.

Mr. DODD. I yield for the purposes of making a request.

Mr. GORTON. Madam President, we have until 7:30 before the vote. I think it would be appropriate to ask unanimous consent that the time between now and 7:30 be evenly divided between the two sides with the last 4 minutes devoted to the opponents and proponents using 2 minutes.

Mr. DODD. Reserving the right to object, I want to inquire of the leadership.

I have no objection.

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

Mr. DODD. Madam President, I ask unanimous consent that an article by Lewis Hyde that appeared in the Los Angeles Times, a MacArthur Fellow and Professor of Art and Politics at Kenyon College, that talks about concept and idea, that I mentioned in terms of establishing a true endowment, be printed in the RECORD.

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

USE COPYRIGHT EXTENSION TO ENDOW CREATIVITY

(By Lewis Hyde)

The mother lode of creative work from the early days of film and sound recording will soon begin to enter the public domain. This potentially enormous wealth could be used to support the community of artists and scholars from which it ultimately derives. But Congress is considering a bill that would essentially transfer the wealth from the public domain to the pockets of private corporations and individuals. It would be a serious loss if the decision to give the money away were not joined to the debate about how we support creativity.

A 1994 proposal from Sen. Christopher J. Dodd (D-Conn.) lays out an ingenious way to use the value of past intellectual property to support artists and scholars working today. The ''Arts Endowing the Arts Act'' would add 20 years to the term of copyright protection and use the income from those extra years to underwrite current creative work.

At present, U.S. copyright protects an individual's work for his or her lifetime, plus 50 years; corporations with works ''made for hire'' hold rights for 75 years. Under Dodd's proposal, at the end of each of these terms, the rights to an additional 20 years would be publicly auctioned, the proceeds going to

build an endowment dedicated to the arts and humanities.

Sen. Orrin Hatch (R-Utah) is sponsoring a bill that would similarly extend the term of copyright for 10 years, but the proceeds of this windfall would go to current rights holders. Supporters of Hatch's bill point out that the European Union has directed its member states to unify their terms of copyright at ''life plus 70 years,'' and they contend that many benefits would follow if we did the same, chief among them an increase in the U.S. balance of trade. They also contend that many countries follow ''the rule of the shorter term'' when foreign and local laws differ; thus, if the U.S. term is shorter, Americans would forfeit income they might otherwise have earned abroad.

None of these arguments holds up under scrutiny. The arithmetic doesn't make sense, for one thing. Corporations owning made-for-hire works currently hold copyrights for 75 years; under Hatch's bill, the term would run 95 years, a welcome change for ASCAP and the Motion Picture Assn, but not one that brings U.S. law into harmony with European law. To do that would mean reducing the work-for-hire term by five years, not adding 20 to it.

As for gains in the balance of payments or losses under the ''rule of the shorter term,'' we should remember that Europeans are not the only consumers who would pay for this change. The bulk of the cost of this corporate handout would be borne by U.S. citizens, who would be obliged to continue paying royalties for works that would have otherwise become common property.

Since its beginnings in the 18th century, U.S. copyright law has sought to balance private gain and public good. If Congress now wants to change the terms of copyright, the crucial question to ask is not whether it would be harmonious with Europe's, but whether the constitutional mandate to balance private and public good would be upheld. The beauty of the Dodd proposal is that it not only addresses issues set in motion by Europe's longer term, but it does so without any theft from the public side of the scale. It adds a middle term between public and private, a transition period during which we designate as ''the public'' that community of artists and scholars whose calling already makes them the initial heirs of our cultural patrimony.

It would be best if the income from such a plan went to build endowments for the National Endowment for the Arts and the National Endowment for the Humanities so they might eventually be free of their reliance on congressional funding. For many years, supporters of the arts have sought some way in which the arts and humanities might benefit from their own streams of wealth, rather than having to go begging for tax dollars. The American creative community already has riches and income. It needs only institutions designed to translate some of that wealth into support for those who labor today to create the cultural riches that will be passed on tomorrow.

By extending copyright to help build the endowments, Congress can create such an institution. If, on the other hand, it extends copyright with no regard for the public domain, it will have done little more than sponsor a remarkable theft.

Mr. DODD. Second, I will conclude my remarks so others may have a chance to speak on this issue. In the reauthorization bill, which passed 14 to 4 by the Labor and Human Resources Committee, we adopted an amendment by our colleague that codifies the inspector general's recommendations that the Senator from Arkansas has identified before the committee today.

So that the suggestions that are being made are ones that we think ought to be made a part of making NEA perform better. That is a legitimate function of a congressional committee—to examine all of our agencies to determine how they can function better. We did that pretty overwhelmingly in the committee.

I commend my colleague for the amendment and the suggestion that codified those ideas.

Second, Mr. President, administrative costs were lower at the agency when, frankly, the appropriations were higher. You shrink a budget down and, of course, if you are trying to maintain a programmatic level, what can happen is you find your percentage costs rise with the shrinkage of dollars, so that more and more of it gets eaten up in administration. When we actually appropriated more for the NEA, those administrative costs were a lower percentage of the overall budget. Audit findings were from a group of grants recommended by the staff of the NEA for audit because of concerns about the grant administration, and they were not randomly selected, I might point out as well.

At any rate, Mr. President, just to make the final point on this from my perspective here, I think we ought to be celebrating the success of the agency. To have had 100,000 grants in 30 years with 40 controversial ones, I defy any other Federal agency to have a track record even remotely close to that record. Any other agency that provides grants to anyone, where they have had only 40 that fall into the category of controversial, that is a remarkable record and one I think we ought to applaud. We ought to be celebrating the National Endowment for the Arts and its contribution to our country and what it has stimulated, what it has brought to enrich our heritage, our culture, our time.

Someone was pointing out to me earlier today there was a great debate in the Congress over whether or not we ought to accept the library of Thomas Jefferson when he offered it to the United States. Of course, the successor of that it is the Library of Congress, but it was the Jefferson library that was offered. The debate was a raging debate, and some suggested we only ought to accept the Jefferson library if we extracted from it any books which spoke about atheism or other questions which were not mainstream or popular or certainly rejected the values of our society as a whole. It was a relatively close vote, but that idea was rejected and we bought the entire Jefferson library. Today, I think our Library of Congress and the contribution that Thomas Jefferson made is something all of us applaud.

We might find it even somewhat amusing today to have heard there was that kind of debate. I would suggest today that even with these highly controversial performances that people do not like, that offend them, we can focus on that if we want, but why not focus as well on the over 100,000 grants that have enriched our society, have brought a great wealth to this Nation, opportunities to people in areas of this Nation that never would have had that benefit.

My hope is that when our colleagues vote on this particular amendment, they will be mindful of that contribution, of this great success and of the great fortune we have as a Nation to have someone of Jane Alexander's abilities and background and qualities to help lead this agency, as sensitive as she is, listening to the concerns of any Member who cares to have her time in how to make this agency work better. I hope we would keep that in mind as we cast our votes, so future generations look back on this time and say that in this Congress at the close of the 20th century the Senate insisted, a majority of us here, to keep the National Endowment for the Arts, to prepare for the 21st century and to leave a legacy of riches, of cultural riches. We lose that, Mr. President, if we abandon this agency and turn this into a block grant.

Mr. President, I yield the floor.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER (Mr. BROWNBACK). Who yields time to the Senator from Alabama?

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. I yield such time as he might consume to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized. The Senator from Arkansas controls 8 minutes 20 seconds.

Mr. SESSIONS. I say to the eloquent Senator from Connecticut, to talk about retreating from the arts, this is not the appropriate argument here. We are talking about spending more money directly for the arts.

As he was talking, I did a quick look at how the State of Connecticut would fair under a block grant program, and they would go from $1,265,000 to $1,392,000, actually increase $128,000 in real moneys they can use for arts in the State of Connecticut. But I would also add, Connecticut is one of the wealthiest States, I think perhaps the wealthiest State in America. It is a State with a great tradition of arts, but I notice they received 28 grants last year totaling $1,059,000—28 grants, $1,059,000. Under our plan they would receive more money than that.

But let me tell you, I represent the people of the State of Alabama, and I have had three groups representing orchestras in my State in my office. I know of the great Shakespeare theater in Montgomery. I am aware of the opera and museums in Mobile. We have a great history of arts, too, but we received only 11—not 28. We received 11

grants at only $540,000, even though we have more people in the State of Alabama paying taxes to this country than they do in the State of Connecticut.

One of the real problems with this program is it has not allocated the money fairly. How can I support a program that takes money from taxpayers in Alabama to support the wealthiest States in art endeavors when we have art endeavors we are striving every day to enhance and improve?

Bureaucracies have never created art. Nothing of beauty has come out of a committee. It takes the intelligence and genius of individual citizens to do it. So I say it is the wrong approach to think that we can send money to Washington, DC, and that they can somehow decide how to nourish art. That is not the way it is going to happen. Let us put that money out into the States, to the arts councils of the States, and let them look at how they can contribute the money to those budding artists who need money, to those orchestras that need just that extra amount to keep their doors open, to assist those communities that are working hard to raise money to preserve folk art.

That is what we ought to be doing. I do not think there is any doubt about it. This is as clear a vote as I have ever seen in this Senate. The choice is clear. Do we send money to Washington to allow them to mismanage it and a bureaucracy to use almost 20 percent or do we send this money out to the arts councils around this Nation so they can use it to improve the operas and orchestras and museums of our States throughout our Nation? That is what we ought to do.

Mr. President, I yield the floor.

Mr. KENNEDY. Mr. President, the National Endowment for the Arts has been accused of elistism. But the true record of the Endowment is far different. It is a record of diversity, excellence, and outreach.

The Endowment has been supportive of national efforts of the Country Music Foundation. The Endowment supported their commission of the Thomas Hart Benton famous last painting ''Sources of Country Music'' through its Art in Public Places Program. The painting is on display, it has traveled the Southeast, and has been exhibited in a vast array of venues from the Hirshhorn Museum to the cafeteria of the Nissan Plant in Nashville, TN.

Another grant in the late 1970's catalyzed fundraising for a major country music discography of the early 78 rpm recordings from 1922 through the 1940's. The project is just being completed today.

Again, in the 1980's, the NEA supported an educational kit entitled ''Tennessee Traditions'' distributed to every public school in Tennessee. One of the components of the kit was a folk music tape.

Each year the Arts Endowment honors National Heritage Fellows. The fellows are from a wide variety of disciplines of the folk and traditional arts. Among the honorees this year are bluegrass musicians Jim and Jesse McReynolds of Tennessee; Gladys LeBlanc Clark who is a Cajun weaver from Louisiana; blacksmith Francis Whitaker from Carbondale, CO; Hystercine Rankin, a quilter from Lorman, MS; and Ramon Jose Lopex, a metalsmith from Santa Fe, NM.

These honorees will be honored next week at a White House ceremony and will perform and celebrate their work. The National Heritage Fellowships are the Nation's most prestigious recognition of accomplishment in the folk and traditional arts. And it is an NEA program.

Another traditional program that owes early and critical support to the NEA is the Cowboy Poets Festival. In the early 1980's Elko, NV, was chosen as the site for the Western Folklife Center. It was established in the center of the ranching community to celebrate its culture and folk traditions.

They approached the NEA for support when corporate sponsors and other funders were hard to come by. With NEA support in 1985, the first cowboys festival got underway, with about 60 poets and approximately 1,000 audience members.

Today, corporate supporters join the NEA to support the festival and the center and this year's festival welcomed 8,000 attendees.

Support for the folk and traditional arts continues at the Arts Endowment. This year the Endowment has funded the Southern Arts Federation's ''Southern Connections,'' which is a 2-year training and touring program to support indigenous southern artists.

The Endowment also supported the West Virginia Folk Arts Apprenticeship program; the Creative Arts Guild of Dalton, GA; and the Alabama Folklife Association. The grant to Alabama will support the publication of documentation of primitive Baptist hymn singing through a publication, cassette recordings, and compact discs.

The Endowment also funded Appalshop, Inc., Roadside Theater in Whitesburg, KY. This grant will work with the theater and a consortium of the Performing Arts League/Prairie Mountain Players of Choteau, MT, and Community Connection of Austin, TX, to develop, test, and document a nationally applicable model for the creation of rural drama.

I hope that, as we debate the appropriate funding level for the National Endowment for the Arts, we can be fair about its record, and responsive to the overwhelming need across America for the programs that the Endowment supports.

In many ways, in so many communities, the NEA is a lifeline of financial stability.

I urge my colleagues to oppose the seemingly relentless attacks of the critics and support the record of the Endowment. Let's support full funding for this small, but worthy, Federal program.

Mrs. MURRAY. Mr. President, the following is an article written by Metropolitan King County Councilman Larry Philips of the fourth district and Metropolitan King County Councilwoman Louise Miller of the third district. I ask unanimous consent that the article be printed in the RECORD.

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

CONGRESS SHOULD EMBRACE INVESTMENT IN ARTS, CULTURE

(By Louise Miller and Larry Phillips)

''Democracy demands wisdom and vision in its citizens and * * * must therefore foster and support a form of education, and access to the arts and the humanities, designed to make people of all backgrounds * * * masters of their technology and not its unthinking servant.''—The Declaration of Purpose for the National Foundation of the Arts and Humanities Act of 1965.

With the establishment of the National Endowment for the Arts (NEA) in 1965, our country has come a long way in achieving the ideal of access to and participation in the arts for all Americans. Today, that ideal is under attack.

There has been a movement in Congress to eliminate all public investment in the cultural activities of our nation, specifically, by targeting the NEA. Although funding for the NEA was recently restored by a Senate subcommittee after it had been eliminated by the House, the agency's future remains uncertain. In September, a joint committee of House and Senate members will negotiate the fate of the NEA and the investment we make in our arts and cultural heritage. Is the U.S. to be the only Western nation on earth not to fund its cultural legacy?

As elected leaders in King County, we firmly believe that the NEA is a critical investment that helps keep the arts alive and accessible for all residents in our nation and, closer to home, in King County. Why is the NEA so important? With the NEA's support, the King County Arts Commission (KCAC) was created in 1967—the nation's first county arts commission. Since then, an entire ''cultural sector'' has burgeoned in our region, stimulating a stronger economy, enriching our quality of life and enhancing education in the arts.

Vital arts organizations and active participation in the arts are increasingly essential to our regional economy. Not only do the arts contribute to our quality of life in the Northwest, but they also generate over $180 million annually to our economy, according to a Corporate Council on the Arts 1992 economic impact study. In addition, cultural tourism means big business to our area. When the Seattle Opera presents Wagner's Ring Cycle, it attracts an audience from all 50 states and 18 countries.

Opponents of the NEA state that the arts should be funded exclusively through private contributions. This demonstrates a lack of understanding about arts funding. Many private organizations will not make a financial donation to an artist or arts organization unless they have also received grant funding from the NEA or their state or local arts agency. Donations by private corporations, foundations and individuals cannot fill the financial gap that would be created if the NEA were eliminated. In other words, the small percentage of funds contributed by the NEA and public agencies is essential in order for nonprofit arts organizations to leverage donations from private sources.

Critics of the NEA have questioned the value of the artwork that has received NEA funds. Let's look at the real picture. In the last three years, over 40 local and regional arts organizations have received $3.1 million in direct NEA grants (equal to about 1 percent of their combined operating budgets). Who are these organizations? They range from major ones like the Seattle Symphony, the Seattle Opera and the Seattle Repertory Theater, so suburban groups like the Village Theater in Issaquah and the Vashon Allied Arts, to youth-centered organizations including the Seattle Youth Symphony Orchestra, the Northwest Girlchoir and Seattle Children's Theater.

These organizations reflect the rich diversity of our community and the best work of our finest artists. More importantly, the grant funding helps ensure that the arts—and all the enrichment and joy that they bring—are affordable for the families and young people of our region. A requirement for an arts organization that receives grant funding is to broaden public access to the arts. That may be in the form of reduced ticket prices or special performances for school groups.

Another good example of local NEA support is this year's inaugural season of the King County Performance Network, a collaboration between the KCAC and 14 suburban arts agencies. A $60,000 grant from the NEA to the KCAC will help bring outstanding dance ensembles to under-served suburban communities from Redmond to Federal Way beginning Sept. 6. The Performance Network is a good example of the vast majority of projects supported by the NEA: It brings art into the lives of those who may not otherwise have the opportunity.

The success of the arts in our region is the result of a strong partnership among the NEA, more than two dozen local governments and nonprofit arts agencies, hundreds of businesses and foundations, and thousands of private citizens. Thanks to this partnership, King County residents enjoy one of the highest cultural participation rates per capita in the nation. With the full participation of the NEA, that partnership is threatened, and the rich cultural environment of our nation and King County will be severely undermined.

As we celebrate 30 years of public support of the arts, we strongly believe that public investment for culture and the arts should be strengthened and valued. The partnership we have enjoyed for nearly a generation should be preserved so that today's and tomorrow's citizens may enjoy the cultural heritage and traditions of our region and our nation. As we look toward the future, the county pledges to continue its mission to raise the standard of artistic accomplishment in King County and to broaden cultural opportunities for all our citizens, not merely those who can afford it. Congress should do the same.

Mr. REED addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. REED. Mr. President, I will yield myself such time as is controlled by the opponents of the amendment.

The PRESIDING OFFICER. There is 3 minutes and 40 seconds controlled by those in opposition. The Senator from Rhode Island is recognized for such time.

Mr. REED. I thank the Chair.

I rise in strong support of the arts. Earlier this afternoon, we were able to fend off a frontal asault on the National Endowment by the Ashcroft amendment. Today we are debating two amendments that would also do great damage to the National Endowment for the Arts.

I come to this position with I think a very special standing because I have succeeded Senator Claiborne Pell, who was one of the architects of the National Endowment for the Arts. Senator Pell recognized that centuries from now this Nation would be recognized far more for its contribution to the human spirit than perhaps anything else. And through his efforts, the National Endowment was created and through the efforts of the National Endowment theater, ballet, and opera has spread throughout this country.

One of the fallacies I think that is found in the argument of my colleagues is that the States are quite capable of doing this, they are ready to do this. But the reality is that before the National Endowment for the Arts there was not much art throughout many parts of this country, that there were not as there is today opera companies throughout America and theater companies. In fact, if the National Endowment for the Arts is eliminated, if this is put into a block grant, I fear, and I think I fear with very, very good evidence, that what will happen is a shriveling of the arts in America.

Many of us have been in State government. We know that there is no monopoly on great wisdom or aesthetic sensibility at the State level, no more so than at the Federal level. We know that this money might be ill used. But we also know that it will be subject to a much more narrower and parochial focus. We have within the National Endowment a national vision, a national vision, though, that acts through local individuals, and that is what is critical also.

The National Endowment is not running a great national theater here in Washington exclusively. But what it is doing is reaching into every corner of America and giving people an opportunity to appreciate and participate in the arts. In my home State of Rhode Island, we have theater companies that are supported by the NEA. We have educational programs that allow young children to witness the arts. Indeed, the first time I ever saw a play was as a grammar school student in Cranston, RI, when I went to see the Trinity Repertory Company, supported by the National Endowment, by Federal support, put on ''Saint Joan'' by George Bernard Shaw. That was a moving experience. And that experience is replicated every day throughout this country because of the National Endowment.

In addition to contributing to the artistic quality of America, this agency has generated tremendous economic development and progress throughout the country. In my own State, its contribution to the arts has been multiplied in terms of the economic effect. Providence, particularly, has become a city that is proud of our arts, that has thriving companies that need the National Endowment, not just for aesthetic reasons but for good, solid economic reasons. And by eliminating the National Endowment, or by block granting its funds, we will, I think, dissipate that energy, that enthusiasm, and that achievement we have seen today.

The arts are not only a source of pleasure, but in many cases a source of great economic progress, particularly in my home State of Rhode Island. So, for many, many reasons, I believe that these amendments, while well intentioned, will undercut what is a strong national policy to support the arts.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Arkansas.

Mr. HUTCHINSON. May I inquire how much time opponents of the amendment have remaining?

The PRESIDING OFFICER. The time of the opponents has expired. The proponents control 4 minutes 45 seconds.

Mr. HUTCHINSON. Mr. President, I will take just a few minutes that we have remaining to respond to some of the statements made by the opponents of the amendment. I remind Senator REED, incidentally, the State of Rhode Island would gain $123,000 in additional funds for arts spending in Rhode Island under the block grant amendment that Senator SESSIONS and myself have offered. I remind each Senator that they can check on their desks here in the Senate Chamber exactly how much, but 45 States will receive more funds under this amendment to support the arts within their own States.

I was interested that Senator REED spoke of the shriveling of the arts. If we take this pittance, this relative pittance, in view of the Federal budget, of $100 million and we remove that National Endowment funding, that national entity, that somehow the arts in this country would begin to shrivel. I think, in all due respect, the Senator from Rhode Island underestimates the American people, underestimates the arts community in the United States, and underestimates how much the arts flourish today without a huge injection of Federal funds.

As an example, the Metropolitan Opera, which has a total income of $133 million, the Lyric Opera, which has an annual income of $37 million, the Boston Symphony, which has an annual income of $43 million, and the Art Institute of Chicago, which has an annual income of $96 million—all of them receiving NEA grants. Most of these wealthy organizations experienced significant cuts in NEA funding in the last 2 years. Yet, in spite of those cuts in NEA funding, each one reported dramatic increases in total income in 1996. The point being that even as funding cuts in the NEA have occurred, arts in this country have continued to flourish.

But I will tell you what is offensive to me. What is offensive to me is that the Metropolitan Opera is getting an NEA grant. What is offensive to me is

the Boston Symphony, with a $43 million income, is getting an NEA grant, while the Opera Theater in Wildwood, in Little Rock, AR, got $4,000. The mission of the NEA was to broadly increase access to the arts. That is not what is happening. Mr. President, 85 percent of the grantees in the last fiscal year have been previous recipients of NEA funds. That is not increasing access to the arts.

So I suggest that, if we really care about the arts, removing the Washington bureaucracy, sending the money to the States, allowing those closest to the people to make those decisions, will be far wiser and far more productive for arts in this country.

I have raised great issues as to the priorities of the National Endowment, the decisions they are making. The State of Arkansas—you know, I heard Senator DODD. I have the greatest respect for him.

Mr. REED. Will the Senator yield?

Mr. HUTCHINSON. I will be glad to yield, but let me finish my point. I have the greatest respect for Senator DODD, but he spoke of, ''Let's not concentrate on the few bad grants, let's concentrate on the 100,000 good grants.'' When he said that, I thought about Arkansas, because we got one last year. We made 12 applications and we received 1, for the Arts Council in Arkansas.

So I have great questions about the priorities. In Arkansas, the NEA spent 17 cents for every man, woman and child in Arkansas; 17 cents. In New York State the NEA spent $1 for every man, woman and child in New York State.

I'm sorry, everybody says, ''Give the NEA a chance.'' We have given them chance after chance after chance. Year after year these objections and these concerns have been raised. We see no reform. We see no change. Instead we see arrogant elitism. And I say it is time to end the NEA. Don't end support for the arts—no. But end this Washington bureaucracy, send that money back so Rhode Island will have another $123,000, so Arkansas will have another $700,000, so Alabama him have another half-million dollars, so the States all over this country can do more for those artists, for those schoolchildren who, too often, fall through the cracks.

I believe that the amendment that we have offered makes eminent common sense.

I will be glad to yield to the Senator from Rhode Island.

Mr. REED. I would say you have trotted out some impressive statistics about income as a measure of the wealth of these artistic enterprises like the Metropolitan, but the other side of the equation is their cost. Many of these institutions, even the famous ones, find it very difficult to make ends meet.

Mr. HUTCHINSON. Reclaiming my time, I will just say, if you check each one of these institutions, they are well endowed, they have good support and good sources of income and the dependence upon any kind of NEA grant, I think, is simply not justifiable. If you are looking at the Boston Symphony, the Art Institute of Chicago, with the kind of support base that they have, and compare them—

AMENDMENT NO. 1206

The PRESIDING OFFICER. All time has expired on this amendment.

We will now proceed with amendment No. 1206, the Abraham amendment. By previous agreed-upon order, there will be 2 minutes of debate equally divided between the sides. Who seeks recognition? The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I will quickly summarize. My amendment is designed to accomplish two things: To begin an effort to privatize the NEA so it can be as large as it wants to be and as liberated from the strings which Congress has attached to it as it wants to be. I believe this is feasible and I think it would take away from us, finally and once and for all, this ongoing debate between obscenity and censorship. Let the arts be free and creative and at the discretion of an independent entity. At the same time, my amendment would provide new funding to try to maintain and restore such treasures as the Star Spangled Banner, the works of our great composers, Presidential papers, Ellis Island, and Mount Rushmore.

By moving in this direction, if my amendment passes, I will be offering a sense-of-the-Senate amendment which would incorporate the privatization concept, and then begin working on a variety of mechanisms by which I believe we in Congress can legislatively assist a private entity to thrive and be successful.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, the National Endowment for the Arts has served this Nation well for many, many years. There are things that we can do to improve its performance, but the wholesale scuttling of the National Endowment would, I think, be a mistake. I believe that we can make improvements but we cannot give up the vision of a national agency which reaches into every corner of this country to encourage and inspire the artistic excellence of the American people. By supporting the NEA, we can accomplish that. I believe these amendments would disrupt that support, and, therefore, I oppose them and request that my colleagues oppose them.

I yield back my time.

The PRESIDING OFFICER. All time has expired.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment, No. 1206. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. GRAMM. I announce that the Senator from Arizona [Mr. MCCAIN], is necessarily absent.

The result was announced, yeas 26, nays 73, as follows:

[Rollcall Vote No. 244 Leg.]

YEAS—26

Abraham	Gramm	McConnell
Allard	Grams	Nickles
Ashcroft	Hagel	Roberts
Brownback	Helms	Sessions
Coats	Hutchinson	Shelby
Coverdell	Inhofe	Smith (NH)
Enzi	Kyl	Thompson
Faircloth	Lott	Thurmond
Frist	Mack	

NAYS—73

Akaka	Durbin	Lieberman
Baucus	Feingold	Lugar
Bennett	Feinstein	Mikulski
Biden	Ford	Moseley-Braun
Bingaman	Glenn	Moynihan
Bond	Gorton	Murkowski
Boxer	Graham	Murray
Breaux	Grassley	Reed
Bryan	Gregg	Reid
Bumpers	Harkin	Robb
Burns	Hatch	Rockefeller
Byrd	Hollings	Roth
Campbell	Hutchison	Santorum
Chafee	Inouye	Sarbanes
Cleland	Jeffords	Smith (OR)
Cochran	Johnson	Snowe
Collins	Kempthorne	Specter
Conrad	Kennedy	Stevens
Craig	Kerrey	Thomas
D'Amato	Kerry	Torricelli
Daschle	Kohl	Warner
DeWine	Landrieu	Wellstone
Dodd	Lautenberg	Wyden
Domenici	Leahy	
Dorgan	Levin	

NOT VOTING—1

McCain

The amendment (No. 1206) was rejected.

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

Mr. CHAFEE. I move to lay it on the table.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call.

Mr. LOTT. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LOTT. In just a few minutes I will propound a unanimous-consent request. I had hoped we would be able to finish the interior appropriations bill by tonight. We have not been able to do so because of a number of conflicts and amendments that have been offered.

Senator DASCHLE and I have tried to move it along and we have not been able to do so yet. I understand that Senators still have some amendments they would like to offer. We have one more vote pending tonight which has already been called for.

I believe the next amendment then would be the Hutchinson amendment. I will ask unanimous consent that we have a time limit of about 20 minutes,

and that we do that vote at 9:30 in the morning. I will also ask that we get a list of amendments tonight to see what we are dealing with, to begin to close this out. I don't think we have that many problems, but because of the length of time that we have put into the amendments we have already voted on, a number of Senators would like to see this list and work through it in the morning.

Again, I hope we can work together to get it done. We could have as many as five votes tonight—could have. You know, one of these days we may have to do that. But in view of the circumstances, since we seem to be contributing to some of the problems, and everybody has tried to work in good faith, I think the better part of valor tonight would be to have this one last vote and get the UC, and we would begin votes again in the morning. Is there any comment on that from the minority leader?

Mr. DASCHLE. Mr. President, I appreciate the majority leader's consideration of schedules. I do hope that all Senators will cooperate. We have had good debate on the NEA and I hope we can get it behind us. We have a lot of other issues and they all deserve some consideration.

I hope we can create a finite list tonight and reach some agreement about what that list is so that we can complete our work, hopefully, tomorrow. So I ask for the cooperation of all of our colleagues on my side of the aisle in an effort to get that finite list so we can continue our work and, hopefully, complete it by the end of the day tomorrow.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that, following the amendment remaining to be voted on, the next amendment in order to the Interior appropriations bill be the Hutchinson amendment, and that the vote on that would occur at—we would begin debate at 9:30 in the morning with 20 minutes, equally divided, before the vote.

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

Mr. LOTT. I further ask unanimous consent that, following the amendments, we have a list that would be the only remaining amendments in order to the Interior appropriations bill, and that they be offered in the first or second degree on this list.

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

Mr. LOTT. Mr. President, in light of that somewhat haphazard unanimous consent request, there will be no further votes tonight. Members are urged to get their amendments offered. We will begin voting at 9:30 a.m.

I yield the floor.

AMENDMENT NO. 1187

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate, equally divided, on amendment No. 1187, the Hutchinson amendment, which had been previously agreed to.

Who yields time?

Mr. HUTCHINSON. Mr. President, I thank Senator SESSIONS, Senator ASHCROFT, and Senator ABRAHAM for their work on behalf of this amendment. It does not change the appropriations for the arts; it is $100 million, block granted to the States. There is a chart down in the well. Everybody has seen what their State will do. Forty-five States will have more resources for arts funding under this amendment.

The National Endowment has simply failed on their mission to broaden public access to the arts. One-third of the congressional districts in this country get zero from the National Endowment for the Arts. One-third of the funding of the NEA goes to six cities. This is unfair.

The issue is simply local control. The issue is more resources for art. I ask my fellow Senators to say ''yes'' to more resources for art and to say ''no'' to Washington bureaucrats and support this amendment. It means more money for your States to help on those local arts projects.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second?

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time in opposition? Is all time yielded back?

All time is yielded back.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. GRAMM. I announce that the Senator from Arizona [Mr. MCCAIN] is necessarily absent.

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

The result was announced—yeas 37, nays 62, as follows:

[Rollcall Vote No. 245 Leg.]

YEAS—37

Abraham	Frist	Mack
Allard	Gramm	Murkowski
Ashcroft	Grassley	Nickles
Breaux	Hagel	Robb
Brownback	Helms	Roberts
Burns	Hutchinson	Santorum
Coats	Hutchison	Sessions
Coverdell	Inhofe	Shelby
Craig	Kempthorne	Smith (NH)
DeWine	Kyl	Thomas
Enzi	Lott	Thompson
Faircloth	Lugar	Thurmond

NAYS—62

Akaka	Dodd	Kennedy
Baucus	Domenici	Kerrey
Bennett	Dorgan	Kerry
Biden	Durbin	Kohl
Bingaman	Feingold	Landrieu
Bond	Feinstein	Lautenberg
Boxer	Ford	Leahy
Bryan	Glenn	Levin
Bumpers	Gorton	Lieberman
Byrd	Graham	Mikulski
Campbell	Grams	Moseley-Braun
Chafee	Gregg	Moynihan
Cleland	Harkin	Murray
Cochran	Hatch	Reed
Collins	Hollings	Reid
Conrad	Inouye	Rockefeller
D'Amato	Jeffords	Roth
Daschle	Johnson	Sarbanes
Smith (OR)	Stevens	Wellstone
Snowe	Torricelli	Wyden
Specter	Warner	

NOT VOTING—1

McCain

The amendment (No. 1187) was rejected.

AMENDMENT NO. 1204

Mr. BROWNBACK. Mr. President, I call up amendment No. 1204.

The PRESIDING OFFICER. Amendment No. 1204 is before the Senate.

Mr. BROWNBACK. Mr. President, this is an amendment that basically seeks to preserve tribal Indian land as a cemetery and burial ground in Kansas City, KA. It is a very contentious issue there. But this is and has been an Indian burial ground since 1855. There are plans to put a casino on it now. This is being contested. But clearly the land should remain a tribal ancestral land. We put forth this amendment to do that.

I believe we have consent from all sides and all parties for this amendment to be agreed to.

I would like to yield to the Senator from Colorado for a brief statement in that regard.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Mr. President, thank you.

Mr. President, I appreciate the time, and my colleague from Kansas allowing me to speak to this a little bit today.

Yesterday, we had a very extended debate here on the floor of the Senate, and several of us took the opportunity to address this Nation's shameful history in its dealings with American Indians. One of the areas that is the most shameful is the history of failing to abide by its treaties and agreements with native tribes.

This country, as you know, Mr. President, coming from a State that has so many Indian tribes, has had very little respect for the lands and rights of aboriginal people, including the rights of the Wyandotte Tribe in question today.

For example, in 1966 the Congress enacted a law requiring the Wyandotte cemetery be transferred and sold. That law is still on the books, fortunately. The tribe, however, opposed the action and the cemetery was not sold. In this respect, the tribe was seeking to preserve its burial site, culture, and history at a time when the United States was ignoring the tribe's rights.

Frankly, Mr. President, being the chairman of the Committee on Indian Affairs, I find nothing more distasteful to me than to referee intertribal fights. Those disagreements often pit family against family, brother against brother, sister against sister. But I feel compelled to speak out in support of the Brownback amendment today.

Let me try and ferret through this as I understand it. We have two tribes linked by culture, linked by history, linked genetically, probably linguistically, too. The Oklahoma Wyandottes have trust title, although this is being

contested as I understand in Federal court and also being dealt with in the Department of the Interior.

The focal point is a cemetery. The Indians that have control of the cemetery, i.e., they have kept it up and taken care of it, are the Kansas Wyandottes. This cemetery, as Senator BROWNBACK has said, has been a burial place for predominantly Indians ever since 1855, 140 years.

Now, the Oklahoma Wyandottes want to build a casino on this cemetery. That in itself is very interesting to me, Mr. President, because those of us who live on reservations, who come from Indian country, we have known literally since childhood the reverence, the feeling that Indians have about burial places. Most of the time, regardless of years, they don't call them cemeteries. They call them holy places or burial places. They consider them places that should be undisturbed, treated with reverence, and very seriously. I pity the construction company that would ever try to build a high rise or a roadway or something of that nature through an Indian burial ground because they do have laws on the books, we have laws on the books right now dealing with Indian burial places that prevent construction in those areas.

Well, very simply, Mr. President, just because they are Indian, they can't have it both ways, and it would seem to me there are many questions that are left unanswered if we try to make a policy change on an appropriations bill. For instance, we have not, to my knowledge, heard from the State of Kansas. Under the 1988 IGRA any tribe that wants to build a casino or open a casino within a State has to reach some kind of understanding with the State, not to exceed the State law in non-Indian owned casinos. To my knowledge, they have not done this. We have not heard, to my knowledge, from anybody at Huron who would be affected. We have haven't heard from people in the local communities, the citizens who are going to be affected or the mayor of Kansas City. We simply do not know, if we do pass this into law, how it would affect the ongoing litigation. I simply think it is the wrong vehicle.

Now, I am not familiar beyond that with the circumstances of this case, but I think that we could be doing ourselves a disservice by not having the supporters of this, that is, the opponents of the Brownback amendment, bring it forward as a legislative piece of paper where we can deal with it in legislative committees. I am not aware of any bill being introduced to that effect either.

So I would go on record, Mr. President, as saying that my feeling from a historical and cultural standpoint is this should continue to be used what it was originally used for, and that's basically what the Brownback amendment does. But no Congress is bound by the action of a previous Congress. We all know that. So if at later date a future Congress, whether it is the 106th, the 108th or whatever, feels it should reverse that because of something we don't know and do it by legislative action, then that's the way it should be done.

Now, they tell me that the Wyandottes of Oklahoma were only informed as late as last week of the Brownback amendment, but by the same token many supporters of the Brownback amendment didn't know of the original language in this bill until the last couple of days. So I think they are on a level playing field from that standpoint.

With that, Mr. President, I simply say I hope my colleagues would support the Brownback amendment. I yield the floor. I thank you.

Mr. INOUYE. Mr. President, as the vice chairman of the Committee on Indian Affairs, I feel that I must object to this amendment.

However meritorious its intent may be, it seems to me that there are serious legal ramifications to the proposal that we have not had an opportunity to evaluate.

As Americans, we have come to rely on the constitutional protections that are accorded to property rights under the law.

One of those rights is to be free in the use and enjoyment of our property—provided of course that our uses of property do not present any danger to the health or safety of the public.

Even when land is held in trust by the United States for an Indian tribe, the principal restriction on the use of trust property is a restriction against alienation.

In the modern era of self-governance and self-determination, this Government has long since abandoned the paternalistic stance of dictating to the tribes the details of everyday life on reservations.

The principle which informs the fifth amendment to our Constitution—that there will be no taking of property without just compensation—is precisely why we have spent so much time debating the issue of federally imposed land restrictions in the Congress.

The Wyandotte Tribe of Oklahoma has owned the Huron Cemetery—held beneficial title to the Huron cemetery as a function of an 1867 treaty—for 130 years.

And yet today, without the benefit of a hearing or any public consideration—and importantly—without the benefit of any consultation with the Wyandotte Tribe of Oklahoma, we are being asked to impose a restriction on the tribe's use of its own land.

Mr. President, I am not aware that there is any emergency at stake here.

I know of no reason why we must take this precipitous action on an appropriations bill.

I believe if the good gentleman from Kansas were to introduce his amendment as authorizing legislation, we could all have the benefit of the kind of information that can be gathered in a formal hearing.

We could be apprised of what legal liabilities may flow from the proposed amendment.

The Wyandotte Tribe of Oklahoma can be afforded the due process of law which our Constitution guarantees to all Americans, before the Senate of the United States decides to dictate to this tribe, the manner in which it can use its property.

Mr. President, I would be remiss if I were to fail to seize this opportunity to suggest that were we to adopt this amendment without the benefit of any hearings or any assessment of its impact—both as a legal matter and as a matter of policy—we will be establishing a precedent that we ought to think very carefully about.

Are we going to vest ourselves with the responsibility of micro-managing the use of tribal lands across this Nation—50 million acres of land?

Are we going to return to the days when this Government told the Indians that we were the ''Great White Father''—and we would decide what was best for them?

I, for one, will not go down that road, and I hope that my colleagues will not do so either, until and unless, there is some overwhelming and compelling reason for doing do.

Personally, I don't believe that the use of the Huron cemetery by the Wyandotte Tribe of Oklahoma presents that compelling a case—nor do I know why we would or should address this matter today.

Mr. President, let us proceed cautiously and deliberately, as the American public desires us to do—let us examine carefully what is at issue, and take action, only after we have done so, and only after we are informed of all of the facts.

The PRESIDING OFFICER (Mr. COATS). Is there further debate on the amendment?

Mr. BROWNBACK. I urge adoption of the amendment, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kansas.

The amendment (No. 1204) was agreed to.

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

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

The motion to lay on the table was agreed to.

INDIAN PROVISIONS

Mrs. BOXER. I am delighted that a compromise was reached yesterday on Sections 118 and 120 to the Interior Appropriations bill. As a Senator for California and as a citizen, I am greatly relieved that these two provisions will no longer endanger the rights of our Nation's Indian tribes.

Sections 118 and 120 would have directly violated the bargain struck between the United States and Indian tribes over a century ago. In hundreds of treaties, the United States agreed to make payments to Indian tribes in exchange for nearly 100 million acres of

tribal lands. Section 118, which would have imposed a means test on these payments, violates both the letter and the spirit of these contracts. The result would have been to impose a penalty against tribal governments for improving services for their citizens and trying to achieve self-sufficiency.

Section 120 would have gone even further in violating the promises the United States made to the tribes. It would have required tribes to choose between the payments promised to them and their inherent right to sovereign immunity, a right acknowledged in the United States Constitution.

The United States has a long history of recognizing tribes as sovereign entities. As early as 1895, the United States Court of Appeals for the 8th Circuit ruled that tribal sovereign immunity from lawsuit is analogous to state sovereign immunity, which is protected by the 11th Amendment to the Constitution. Section 120 would have ignored this history and stripped tribes of their Constitutional right to sovereign immunity without due process.

Sections 118 and 120 would have also significantly undermined the efforts of our Indian tribes to improve the quality of life for their people. Tribal Priority Allocations are funds targeted at addressing the most critical areas of need among our Nation's Native Americans. Without these funds, many tribes would be unable to pay for essential services, such as public schools, health care, social services, law enforcement, and road maintenance.

Ironically, Section 120 would not have affected the few tribes that are economically able to forgo federal funding. Only the most dependent tribes, those suffering most from poverty, would have been forced to trade their sovereign status for Federal support they desperately need to survive. The effect would have been the creation of two disparate classes of tribes, those who could afford to be sovereign and those who could not.

Sections 118 and 120 would have had a particularly harmful effect in my State. In California, there are 104 federally recognized tribes, and over 250,000 Native Americans, who would be financially and emotionally devastated had this provision become law. The vast majority of tribes desperately need Federal funds for daily survival. One third of all Native Americans live below the poverty level. Nearly half of all Native Americans living on reservations are unemployed. Of those who do work, almost a third earn less than $7,000 per year. Those Indian businesses that are experiencing any measure of success are just now beginning to create jobs and economic opportunity. To take away funding now for essential services like public schools and health care would have destroyed any chance for self-sufficiency for many tribes.

We must also keep in mind the potentially devastating effect Section 120 would have had on our Federal courts. Our Federal court system is already severely overburdened, a situation magnified by the 97 vacancies that plague our Federal judiciary. Chief Judge Proctor Hug of the Ninth Circuit Court of Appeals recently reported that he was forced to cancel more than 600 civil cases due to the shortage of judges. This already overburdened system could not absorb the thousands of cases that would have potentially flooded our Federal courts had tribes been stripped of their sovereign immunity. At a minimum, such a far-reaching proposal should be subject to the careful, deliberative process of the proper authorizing committees.

For all of these reasons, I was, and continue to be, strongly opposed to Sections 118 and 120 and I am happy to see them removed from the bill.

Mrs. MURRAY. Mr. President, I rise in support of the Interior appropriations bill. I commend the chairman and ranking member for developing a bill that provides a number of benefits to the people of the Nation and, particularly, the people of the Pacific Northwest. I want to highlight some of the bill's strengths and weaknesses.

FOREST ROAD POLICY

I voted in favor of the amendment offered by my colleague, Senator BRYAN, on forest road funding and purchaser road credits. I did so in response to the enormous outpouring of public opposition to the current road-building policies of the Forest Service. Everyplace I've gone in recent months, I have been approached by average citizens—not just environmental activists—and urged to slow new road construction and stop subsidies to timber companies. Editorial boards across my State and the Nation have said now is the time for a change in the road building policies of the Forest Service. I agree.

However, this has been a difficult decision for me. My top forest priority is full implementation of the President's forest plan, including meeting timber production goals. A severe cut in road construction and reconstruction might have impacted the Forest Service's ability to meet all of the plan's objectives. However, I have been assured by the administration that the Northwest forest plan remains a top priority and it will not be affected by the $10 million cut in road construction proposed by the Bryan amendment. The administration believes it can minimize the impact of these cuts on the timber program throughout the country, but will make the scientifically validated Northwest forest plan a priority.

Despite my strong and continuing support for the Northwest forest plan, I am concerned about the Forest Service's policies on roadless areas. The scientific assessment recently completed for the Interior Columbia Basin ecosystem management project demonstrates the importance of roadless areas for fish, wildlife, water quality, and ecosystem health. Thus, I believe we should only build news roads into large roadless areas infrequently and with great care and full environmental analysis.

That said, I continue to be a strong supporter of multiple use, including timber harvest, on our Nation's national forests. I cannot fathom why some want to prohibit harvest of second growth timber of Forest Service land. Timber harvest not only provides needed jobs and wood products, but in some cases it can improve the health of timber stands and reduce the risk of devastating wildfire.

I intend to work with the administration to improve our road-building policies, reduce subsidies, protect vital watersheds, and ensure ecologically healthy systems remain strong. I do not support elimination of all new roads, because roads are necessary for timber harvest. But we must stop subsidies and/or the appearance of subsidies by revamping the agency's accounting systems and ensuring our Nation's public lands are managed as economically viably as possible.

LOG EXPORTS

I want to explain why I believe the provisions in this bill regarding log export restrictions make good environmental and economic policy. As many of my colleagues know, the issue of log exports is very contentious. The battle over log export policy has raged in the Pacific Northwest for years. We first passed a comprehensive log export bill in 1990. Since then Congress has revisited that law in 1992, briefly in 1996, and again this year. The USDA Forest Service issued regulations in 1995 that would have seriously impacted the entire timber economy of the Northwest. Those regulations precipitated a demand by Senator GORTON for those Washington State entities impacted by log export policy to develop legislation they could all support. That was a tall order, but this legislation embodies the best compromise that could be developed. Let met explain what these provisions do.

First, this bill imposes a permanent ban on the export of all logs cut from State lands. My home State of Washington has been the biggest exporter of public timber in the Nation. However, under the compromise law Congress passed in 1990, no timber from State land could be exported for the first 5 years of the law. Those 5 years have passed, so the State ban on log export will—on October 1—be lifted and the existing law will prohibit the export of only 400 million board feet, of a total sale program of 650 million board feet. That means without this bill, 250 million board feet will go overseas without domestic processing. That means jobs would be lost in rural America and our region's forests would be cut without gaining their highest economic value.

Second, this bill also protects the private property rights and values of both industrial and family tree farmers. Without these provisions, a timber grower whose land was located next to a sawmill that uses Federal timber could not sell his or her trees to that sawmill if that sawmill also used Federal timber. That limitation does not

encourage domestic processing of timber—one of the original goals of the 1990, and this, legislation. In addition, the proposed agency regulations that this legislation will correct would have required all private timber owners to brand each and every tree cut on his or her land. It is simply bad policy and does not encourage landowners to keep their lands in timber production instead of selling them off for development.

Third, some have objected to the so-called buyer-broker provision saying its guts existing log export law. This provision allows a third party sawmill owner that uses Federal timber also to purchase private timber from another company or individual and export a portion and process a portion of that timber. This allows a timber purchaser both to supply an American sawmill and pay the landowner the highest price for the trees. Currently, the State of Washington has very similar policy instituted in its log export regulations—and the ban on State log export has worked, by all accounts, very well. This provision provides necessary flexibility and will likely lead to more private timber being processed domestically than would otherwise occur. And, let me be clear, under this bill, a private company that grows timber on its own land still cannot export that timber from the same area in which it purchases Federal timber.

Finally, this provision will hopefully bring closure to log export policy. I—and the vast majority of the public—support a permanent ban on the export of unprocessed timber from public lands. Most of us would also like to encourage greater processing of private timber. This provision provides the tools to accomplish these goals. It is the right economic and the right environmental policy.

EXPORT OF FOREST SERVICE ALASKA RED CEDAR

I have offered an amendment that I hope will be accepted under unanimous consent regarding the domestic processing of Alaska red cedar from National Forests in Alaska. Alaska is a unique place. When most of us think of exporting a product, we think of exporting it out of the United States. In Alaska, a product is exported if it leaves Alaska—even if that product goes to the lower 48 States.

Thus, on the Tongass National Forest, Western red cedar is first offered to Alaska timber purchasers. However, there is no market or no capacity to manufacture this species in Alaska, so it has been declared a ''surplus species.'' As a surplus species, these fine, scarce logs can be sold on the long export market to Asian buyers. While American companies are certainly free to purchase these public logs, they must pay the significantly higher prices offered on the export market. In the lower 48 States, Western red cedar is very much in demand.

Under my amendment, these national logs must be offered at domestic prices to mills in the lower 48 States. My amendment requires the Forest Service to establish a three-tiered policy giving Alaskans first priority, other American companies next priority, and only if no one wants these logs—which is highly unlikely—may they be exported.

The current policy must be remedied. I hope my amendment will be accepted.

LAND AND WATER CONSERVATION FUND

This bill provides critical funding for important land acquisition within the Pacific Northwest. The Columbia Gorge National Scenic Area will receive $8 million to purchase land to protect the ecological and scenic values in the gorge. It includes funds to acquire land and develop a trail along Cape Horn, one of the most beautiful areas on the Washington side of the gorge. Outside of the gorge, we appropriated $1.5 million for vital wetlands along the Black River in Thurston County. This unique, spring-fed river contains lands threatened by the growing population around Olympia and Tacoma.

I am very excited by the commitment Chairman GORTON has made to help secure funding to purchase the Elwha and Glines Canyon dams with land and water conservation funds. The acquisition and removal of the Glines Canyon and Elwha dams have been a priority of mine since I was elected in 1992. So far, we have $8 million authorized to purchase both dams from Diashowa Co. for a total of $29.5 million. It appears we can tap some of the $700 million allocated for LWCF purchases this year to acquire both dams and begin the process of removing one dam and restoring the outstanding salmon fisheries in this Olympic National Park River.

RECREATIONAL TRAILS FUNDING

I also support the increased funding for trails contained in this bill. Recreational use of our national forests has increased almost every year since the 1950's. This year, we added $3.5 million to the President's already high budget request for Forest Service trails maintenance in Washington and Oregon. These dollars desperately needed to keep our beautiful forests accessible, disperse forest users, and protect the forest system.

TITLE VI

Mr. CRAIG. I rise for a brief colloquy with the manager of the bill. First, I would like to commend the Senator from Washington for his hard work on title VI of this bill. Title VI, which includes the forest resources conservation and shortage relief provisions, represents a considerable amount of effort. The title is a thoughtful attempt to resolve a very complex issue in an equitable fashion. The title is necessary because of difficulties caused by the administration regulations restricting the movement of logs across different jurisdictions. However, because the provisions of the title are so complex and involve so many intensely disputed issues, I would hope we would use the next year as a time for testing the provisions in the title and securing additional comments from all interested parties. We can evaluate how successful the provisions are, and develop any necessary changes together with other interested Senators over the course of the next year. I ask my colleague from Washington whether he agrees that we should look at the following year as a test period for this measure so that we can together evaluate any needed changes.

Mr. GORTON. I fully understand the concerns that have been raised about these provisions. As is the case with any measure developed over a long process, there are parts of this title which will not please everyone. I believe my proposal represents the most comprehensive solution possible given this issue's complexity. While I sincerely hope that we do not have to revisit this issue again next year, it is certainly appropriate to look at the next year as a test period, to evaluate how well the provision works, and to assess what changes, if any, are necessary. I commit to my colleague from Idaho that I will work with him and other interested Senators and parties to this end.

Mr. SMITH of Oregon. I also would like to commend the Senator from Washington for his diligence in pursuing a solution to this issue. I would be pleased to work with the Senators from Washington and Idaho on this effort to evaluate how well this provision works, and to consider the need for any changes.

FUNDING FOR RENOVATION OF MONTEZUMA CREEK HEALTH CLINIC

Mr. HATCH. Mr. President, as the Senate considers the Interior appropriations bill, H.R. 2107, I want to comment briefly about a small but very important provision in the bill that will provide $100,000 in Federal money to renovate the Montezuma Creek Health Clinic in Montezuma Creek, Ut.

The Montezuma Creek Clinic is located in the rural community of Montezuma Creek in the southeastern part of Utah in San Juan County. This community serves as the population center for the eastern portion of the Utah Navajo region which is home to more than 6,000 Navajos who live on and around the Navajo Reservation.

This area also has one of the most critical health care shortages in Utah and, in fact, in the entire region of the western United States.

Located in the heart of this community is the Montezuma Creek Health Clinic which was initially operated by the Indian Health Service [IHS] to serve the Navajo population.

Today, the clinic principally serves the 6,000 Navajos as well as the non-Indian population who live in southeast Utah and northeast Arizona. The clinic is presently operated in a cooperative effort between the Utah Navajo trust fund as the owners of the clinic facility, the San Juan County Health Care Services as the county provider of

health services, and the IHS which provides contract support services.

It is ironic that there is only one IHS facility located in the entire State of Utah when neighboring States have as many as a dozen or more facilities each. The only IHS facility in Utah is an outpatient facility at Fort Duchesne which is located over 350 miles away.

It is obvious that the health care needs for this segment of the Utah Native American population are greatly under-served.

For over 3 years, I have worked with the IHS, the Utah Navajo trust fund, the State of Utah, the Aneth Chapter of the Navajo Nation, San Juan County and many other concerned parties in an effort to improve the delivery of health care for the residents of this community.

Unfortunately, it has not been an easy task.

The Federal budgetary pressures on facility construction projects within the IHS budget have prevented federal dollars for the construction of a new Facility at Montezuma Creek.

Moreover, the current IHS facility's priority list—which includes construction funding for projects on the priority list—has as a practical matter precluded the addition of new facilities for Utah. This is very unfortunate for the community of Montezuma Creek. It seems that Utah has always been shortchanged when it comes to IHS and IHS-related health care services in our State.

And, I would remind my colleagues that the health status of Utah Navajos living in San Juan County is lower than the Utah Native American population in general which, overall, is even lower than the Native American population as a whole.

In spite of the difficulties, the Montezuma Creek Clinic continues to operate and provide life saving health care services to the community albeit in the facility that is clearly outdated and in need of renovation.

Although the facility is functional, it is in poor condition and inadequate for the provision of needed services to the 65 to 110 patients served on a daily basis. In addition, there is a need to bring the facility into compliance with modern building codes for medical facilities.

Accordingly, I am delighted that the Interior bill contains Federal funds in the amount of $100,000 for design and construction purposes in renovating the existing facility.

Moreover, these funds will be matched dollar for dollar by the State of Utah and the Utah Navajo trust fund to collectively bring the total to $300,000. It is my hope that the Federal commitment of $100,000 will also prompt private contributions from those national corporations operating in San Juan County. I believe with the collective support and backing of all parties we will be able to set in motion much needed improvements in health care for the residents of Montezuma Creek.

I also want to thank my good friend and colleague from Utah, Senator BENNETT who, as a member of the Interior Appropriations Subcommittee, was extremely helpful in securing these funds for this project.

Moreover, let me thank the distinguished chairman of the Interior Subcommittee, Senator GORTON, for agreeing to this modest request and including it in the bill.

I must say that I am delighted we are finally able to help this clinic.

A great deal of time and effort has been devoted by many people in securing both the needed money and the cooperative arrangements for carrying-out this project.

In addition to Senator BENNETT and Senator GORTON, I want to thank Judy Edwards with the Utah Department of Health, Ed Alter who serves as Chairman of the Utah Navajo trust fund in which the combined funding will be deposited, Mark Maryboy with the Aneth Chapter of the Navajo Nation—Utah—and Donna Singer with the Montezuma Creek Clinic.

I look forward to working with these individuals and others in the months ahead on the long needed renovation of Montezuma Creek Clinic.

AMERICAN HERITAGE RIVERS INITIATIVE

Mr. KEMPTHORNE. Mr. President, the American Heritage Rivers Initiative [AHRI] was first announced by President Clinton in his State of the Union address to provide federal support to communities undertaking river restoration projects through improved access to federal resources and by encouraging private sector support for local efforts.

An interagency team led by the Council on Environmental Quality [CEQ] was established. The CEQ formally announced the program in the May 19, 1997, Federal Register. The Federal Register announcement stated that the goal of the AHRI was to address a ''need for concerted, long-term efforts in water quality improvement, river restoration, and economic revitalization within and along the river.'' Under the proposed rule, any person or community may nominate a river or entire watershed for designation by the Administration.

I, like many of my Colleagues, have concerns about this initiative. For one thing, those who could be affected by such a proposal have not had sufficient time or opportunity to comment. Second, Members of Congress have not received a detailed briefing from the administration on how this plan is to be carried out. It appears that the administration has completely circumvented the affected public and Congress in an effort to implement the AHRI.

I have concerns about where the funding and staff necessary to run this program will come from. In a time where budgets are constrained and the Federal Government is required to do more with less, it is difficult to support increased funding for a proposal initiated by the administration and where Congress has been left out of the implementation strategy.

A while back I co-signed a letter to the administration outlining our concerns with this proposal, and to request an extension of the public comment period for an additional 120 days which was granted, and expired on August 20. I signed a second letter from the Idaho delegation to Ms. Katy McGinty, CEQ Chair.

Mr. President, I ask unanimous consent that these letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
Washington, DC, June 5, 1997.

Hon. KATHLEEN A. MCGINTY,
Chair, Council on Environmental Quality, The White House, Washington, DC.

DEAR MS. MCGINTY: We are writing on behalf of numerous constituents who have an interest in the newly announced American Heritage Rivers Program, which involves thirteen executive departments and agencies. We are requesting an extension in the public comment period of 120 days.

According to the May 19, 1997 Federal Register announcement, under this program rivers across the country will be designated as ''American Heritage Rivers.'' A designation is intended to address a ''need for concerted, long-term efforts in water quality improvement, river restoration, and economic revitalization within and along the river.'' Any person can nominate a river or entire watershed for designation by the administration, which is intended to preserve the natural, historic, cultural, social, economic and ecological diversity of the nation's rivers.

This program was first announced by President Clinton on February 4, 1997. Several public hearings were apparently held during April and May, although the hearings were not noticed in the Federal Register, nor were Congressional offices uniformly notified of the hearings. On May 19, 1997 this program was announced in the Federal Register for the first time. The comment period closes June 9, 1997, allowing only three weeks for public comment.

Given the vast scope of the goals of this proposed program and the magnitude of possible designations, this program will potentially implicate a vast range of interests. We believe that three weeks is clearly an insufficient amount of time to permit all interested parties to submit meaningful comment on the proposal.

Under the circumstances, and with the large impact this may have on the citizens of our states, we urge you to extend the comment period for an additional 120 days. This would ensure the submission of thoughtful comment representative of all interested parties and organizations. Surely you agree that the success of the proposed program hinges on addressing the concerns of the widest cross-section possible of affected parties. To adequately inform all parties, we also urge you to schedule public hearings on this program, after first notifying all congressional offices and noticing the hearings in the Federal Register of the scheduled hearings.

Thank you for your most expeditious response to these concerns.

Sincerely,

Conrad Burns, Rick Santorum, Sam Brownback, Ted Stevens, Larry E. Craig, Kay Bailey Hutchison, Robert T.

Bennett, Tim Hutchinson, Craig Thomas, Richard Shelby, Slade Gorton, — — —, Trent Lott, Dirk Kempthorne, Pete Domenici, and Don Nickles.

CONGRESS OF THE UNITED STATES,
THE IDAHO DELEGATION,
Washington, DC, August 14, 1997.

Hon. KATHLEEN A. MCGINTY,
Chair, Council on Environmental Quality, Old Executive Office Building, Washington, DC.

DEAR CHAIRMAN MCGINTY: The following are comments from Idaho's united Congressional delegation on the American Heritage Rivers Initiative as described in the *Federal Register,* Volume 62, No. 96, Monday, May 19, 1997.

Let us be clear—we have serious concerns with the initiative. We are not only concerned about the initiative itself, but the manner in which it was advanced. It is a clear effort on the part of the Administration to bypass the Constitutionally directed lawmaking power of Congress and our system of checks and balances. Congress has not authorized this initiative and has not appropriated money for this program. Additionally, the Council on Environmental Quality (CEQ) is not granted the power to govern or regulate rivers or watersheds within sovereign states. As such, this initiative represents a challenge of Congress' power and the rights of states, in line with the protections guaranteed in the Fourteenth Amendment.

We have other objections beyond this fundamental concern. For example, this initiative actually works against its stated goals: to streamline the federal process dealing with river protection. There are existing federal and state authorities that are charged with the mission of regulating water resource planning and allocation. In addition, there are nearly a hundred grass roots watershed councils across the nation that are accomplishing the same objectives as the initiative, but they have local input as opposed to federal control. The initiative creates an unnecessary, additional layer of bureaucracy that will make it more difficult for private individuals to continue to develop and use water resources that have in the past been controlled by state and local government entities.

Another concern relates to the effort to obtain local input regarding the designation of rivers as an American Heritage River. While we support obtaining local input, we question whether the initiative is designed to achieve a truly representative sampler. This is because the local input is based upon what is referred to as ''river communities.'' Any small group, environmental organization or local civic club could be defined as a ''community.'' The initiative redefines communities, watersheds, and jurisdictional boundaries to create this governing entity, which will then have the power to decide the ''length of the area'' to be designated ''whether it be an entire watershed, the length of an entire river, or a short stretch of a river, and may cross jurisdictional boundaries.''

Because these communities have no set definition and because of the diverse, and often conflicting set of options, this may cause real communities to become fragmented. Worse, there is no guarantee that private property owners will be included in any decisions made by this river community. In fact, a river could be designated over the specific protests of local private property owners whose land would be most affected.

This potential threat to property rights is a serious one. There are no safeguards written into the initiative to protect the rights of property owners. On the contrary, it appears the initiative could result in rezoning properties, thereby disallowing legitimate uses or development. It's also feared that property values will decline because of the designation.

Another major concern with this initiative is that the designation of a river is essentially permanent. Wile CEQ may claim that a river can be undesignated at any time, according to the wishes of the local community, there is no defined process for undesignation. And you are aware, the needs and wishes of communities change and a community may decide it no longer wants to have that section of river designated.

The process by which this initiative was proposed is flawed, as well. It is in violation of the National Environmental Policy Act (NEPA), which requires an Environmental Impact Statement (EIS) to be filed for any federal action which would significantly impact our environment. No EIS was filed. Furthermore, NEPA requires a ninety-day public comment period for any EIS. A mere three weeks was originally provided for public comment. While we appreciate the extension of the comment period to sixty days, it was only after extensive public outcry.

Despite all of these significant problems with the initiative, there is still one more that cannot be ignored. If this initiative were to be enacted, it would conflict with the Idaho Constitution. Article XV, Section 1 of the Constitution of the State of Idaho, as approved by the U.S. Congress states: ''The use of all waters . . . [is] subject to the regulations and control of the state. . . .'' Additionally, Idaho Code 42–101 states: ''All the waters of the state, when flowing in their natural channels, including the waters of all natural springs and lakes within the boundaries of the state are declared to be the property of the state, whose duty it shall be to supervise their appropriation and allotment to those diverting the same therefrom for any beneficial purpose.'' Idaho clearly has jurisdiction, control, and sovereignty over water within her own borders and any federal attempt to usurp or interfere with that authority will be aggressively resisted.

As you can see, we have some serious reservations about your American Heritage Rivers initiative. Our concerns can be summed up into three basic areas: the lack of Congressional approval, the vague language and absence of definitions and the excess federal control over private property and state water rights.

We thank you for extending the comment period to sixty days, but we request you withdraw this initiative and allow the local stakeholders and the state to use their current laws to govern their water.

Sincerely,

HELEN CHENOWETH,
Member of Congress.
LARRY E. CRAIG,
United States Senator.
MIKE CRAPO,
Member of Congress.
DIRK KEMPTHORNE,
United States Senator.

Mr. KEMPTHORNE. Mr. President, Idahoans are quite opposed to the AHRI. They see it as a further encroachment of the Federal Government not only into their lives but onto their lands. Even though the administration insists the initiative would be locally driven and administered, the average Idahoan strongly disagrees with this notion and simply wants the Federal Government's role to decrease in every possible aspect.

Mr. President, I support the amendment to H.R. 2107 submitted by the Senator from Arkansas.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I ask unanimous consent to be able to proceed in morning business for up to 5 minutes.

The PRESIDING OFFICER (Mr. HUTCHINSON). Without objection, it is so ordered.

HELICOPTER CRASH IN BOSNIA

Mr. BIDEN. Mr. President, I rise this evening to comment on the tragic news from Bosnia. Earlier today, a U.N. helicopter carrying several international officials crashed 40 miles northwest of Sarajevo. Twelve people are reported dead and four injured. The latest reports indicate that on board were four or five Americans, still unidentified, who were working for the International Police Task Force and the Office of the High Representative for Bosnia. Among the dead was Gerd Wagner, the Senior Deputy High Representative for Bosnia. Ambassador Wagner was well known to many of us in the Congress, since before he took up his post this past summer he was the political counselor at the German Embassy in Washington.

A Balkan expert who learned Serbo-Croatian while serving in Belgrade earlier in his career, Ambassador Wagner answered the call to take up the challenging and dangerous post as Senior Deputy to High Representative Carlos Westendorp.

I had dinner with the Ambassador 3 weeks ago in Sarajevo. In the presence of a diverse group of Bosnian Muslims, Croats, and other international officials, he spoke out forcefully in favor of the difficult task of making the Federation work. Much of the credit for refugee resettlement and for fleshing out the political institutions mandated by the Dayton accords belongs to Gerd Wagner.

Mr. President, this terrible helicopter crash follows just 2 years after the accident on Mount Igman that took the lives of three dedicated American diplomats—Joe Kruzel, Bob Frasure, and Nelson Drew. In neither the Mount Igman accident in 1995 nor today's helicopter crash was any foul play suspected.

As a matter of fact, the early reports are reminiscent—Dr. Haltzel, of the Foreign Relations Committee staff, and I were talking about it today—of our own helicopter travel in Bosnia 3 weeks ago. We were in a similar situation. Reportedly the reason Ambassador Wagner's delegation crashed was heavy fog. We also took off from Sarajevo in a peasoup fog, and the pilot of our American Blackhawk helicopter expressed concern about the fog and the mountains. Obviously, in our case it turned out not to be a problem. Tragically in this case for Ambassador