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Senate

The Senate met at 9:10 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by guest Chaplain Rabbi Mell Hecht, Temple Beth Am, Las Vegas, NV, a guest of Senator HARRY REID.

We are pleased to have you with us.

PRAYER

The guest Chaplain, Rabbi Mell Hecht, Temple Beth Am, Las Vegas, NV, offered the following prayer:

Let us pray.

Heavenly Lord of us all, You have taught us the necessity of governing by law, yet we have also learned that law is meant to be in the service of humanity, not humanity to law, for just as Your law helps in Tikkun Olam, in the repair of a broken world, so should our law help mend the broken spirits and broken places of our land. In the process of fulfilling such a mandate, the collective ethic which permeates this American experiment of ours has come to oppose slavery in any form, including slavery to those laws, policies, or procedures which may no longer speak to the challenges of our time and circumstance.

We are about to embark on a journey through another century, so we ask, Lord, may we approach the turn of our century in the same spirit that our Founding Fathers and mothers approached theirs, by believing in our hearts, as Thomas Paine advised, that we have it in our power to begin the world over again, to which we add: To make it infinitely better than it was before we entered it, to build toward an even greater freedom and justice in ways never dreamed of before, and to embrace those of our citizens who have yet to share in liberty's bounty, as is their inalienable right.

We pray, therefore, that our deliberations and decisions transcend the limits of political concerns to evolve statutes and ordinances, laws and commandments which serve the people and provide for the humanity. May they be laws which enhance justice and which help to establish an everlasting peace both within the hearts of as well as among the inhabitants of our land.

May future generations look back upon the work fostered and initiated by us who will be their ancestors as we have looked to and built upon the accomplishments of our Founding Fathers and mothers. May they come to praise us for expanding their freedom, their liberty, their opportunity for material and spiritual well-being, bringing ever nearer the longed-for day of Thy kingdom on Earth. In whatever name we pray, let us say Amen.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent I be allowed to speak out of order and my time not be charged against the Senator from Texas for her 20 minutes.

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

RABBI MELL HECHT

Mr. REID. Mr. President, I am very happy today to welcome to the Senate and Washington, DC, Rabbi Mell Hecht. I do this on my behalf and that of Senator BRYAN from Nevada.

I have been in the presence of Rabbi Hecht on joyous occasions, bar mitzvahs and bat mitzvahs, and also sad occasions where he has spoken at funerals. Rabbi Hecht is truly one of the spiritual leaders of the Greater Las Vegas area and the State of Nevada. That is why I was very happy to be responsible for his giving the prayer to open this session of the Senate.

Rabbi Mell Hecht is really a community builder. He is an active leader in our religious community and as a result of his being active in our religious community with his spiritual leadership this has certainly flowed over into the rest of the community. He is deeply concerned about the community of man. He is an outspoken advocate for human rights. He has worked for peace in many different aspects of our society.

Rabbi Hecht has a great academic background. He has a bachelor of arts degree from the University of Miami in Florida. He has done some of his undergraduate work at the Hebrew University in Jerusalem, Israel. He completed his bachelor of Hebrew letters and master of Hebrew letters at the Cincinnati Union College where he was ordained a rabbi. He has been an Army chaplain and race relations officer in Germany. He served as chairman of the Humana Sunrise Pastoral Care Council, the National Conference of Christians and Jews, Nevada Clergy Against Drug and Alcohol Abuse, and the Jewish Federation Community Relations Committee. He has been on the boards of numerous civic and charitable organizations. He has recently received his doctor of divinity degree from Hebrew Union College in California.

Mr. President, again, it is with a great deal of honor and pleasure that I welcome one of Nevada's spiritual leaders, Rabbi Mell Hecht, to the Senate.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order the leadership time is reserved.

The Senator from Texas is recognized.

SCHEDULE

Mrs. HUTCHISON. Mr. President, on behalf of the majority leader, this morning the Senate will resume consideration of H.R. 2107, the Interior appropriations bill, with me being recognized regarding my amendment on the NEA. Following 20 minutes of debate on that amendment, the Senate will vote on or in relation to that NEA amendment. Therefore, Senators can

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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anticipate the first rollcall at approximately 9:30 this morning. It will be probably around 9:40.

Following that vote, it is hoped that Members will cooperate with the managers of the Interior appropriations bill in offering their amendments and working on short time agreements. The majority leader has stated that we will complete action on this bill today.

With that in mind, Senators can anticipate additional rollcall votes throughout today's session of the Senate.

I thank the Members.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 2107, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2107) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Hutchinson amendment No. 1196, to authorize the President to implement the recently announced American Heritage Rivers Initiative subject to designation of qualified rivers by Act of Congress.

AMENDMENT NO. 1186 TO THE COMMITTEE AMENDMENT ON PAGE 96, LINE 12, THROUGH PAGE 97, LINE 8

(Purpose: To provide for funding of the National Endowment for the Arts)

The PRESIDING OFFICER. Under the previous order, there will now be 20 minutes debate on the Hutchison amendment No. 1186, the time to be equally divided.

Mrs. HUTCHISON. Mr. President, I call up my amendment to the NEA bill, which is the appropriate order.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 1186 to the committee reported amendment beginning on page 96, line 12, through page 97, line 8.

The amendment is as follows:

Beginning on page 96, strike line 14 and all that follows through line 8 on page 97, and insert the following:

(a) FUNDING.—For necessary expenses of the National Endowment for the Arts, $100,060,000 to be used in accordance with this section.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Of the amount appropriated under subsection (a), the Chairman of the National Endowment for the Arts shall use—

(A) not less than 75 percent of such amount to make block grants to States under subsection (c);

(B) not less than 20 percent of such amount to make grants to national groups or institutions under subsection (d); and

(C) not more than 5 percent for the administrative costs of carrying out this section, including any costs associated with the reduction in the operations of the National Endowment for the Arts.

(2) LIMITATION ON ADMINISTRATIVE COSTS.—With respect to the budget authority provided for in this section, not more than $1,525,915 shall be available for obligation with respect to the administrative costs described in paragraph (1)(C) prior to September 30, 1998.

(c) BLOCK GRANTS TO STATES OR TERRITORIES.—

(1) IN GENERAL.—The Secretary shall award block grants to States under this subsection to support the arts.

(2) ELIGIBILITY.—To be eligible to receive a grant under this subsection, a State or Territory shall prepare and submit to the Chairman an application, at such time, in such manner, and containing such information as the Chairman may require, including an assurance that no funds received under the grant will be used to fund programs that are determined to be obscene.

(3) AMOUNT OF GRANT.—

(A) IN GENERAL.—Of the amount available for grants under this subsection, the Chairman shall allot to each State (including the District of Columbia) or Territory an amount equal to—

(i) with respect to a State, the amount under subparagraph (B); and

(ii) with respect to a territory, the amount determined under subparagraph (C).

(B) FORMULA.—The amount determined under this subparagraph with respect to a State (or the District of Columbia) shall be equal to—

(i) subject to subparagraph (D), the aggregate of the amounts provided by the National Endowment for the Arts to the State (or District), and the groups and institutions in the State (or District), in fiscal year 1997; and

(ii) an amount that bears the same relationship to the amounts remaining available for allotment for the fiscal year involved after the amounts are determined under clause (i), as the percentage of the population of the State (or District) bears to the total population of all States and the District.

(C) TERRITORIES.—The amount determined under this subparagraph with respect to a territory shall be equal to the aggregate of the amounts provided by the National Endowment for the Arts to the territory, in fiscal year 1997.

(D) LIMITATION.—Notwithstanding the formula described in subparagraph (B), the allotment for a State (or the district of Columbia) under clause (i) of such subparagraph shall not exceed an amount equal to 6.6 percent of the total amount provided by the National Endowment for the Arts to States and the District of Columbia in fiscal year 1997.

(4) LIMITATION ON OBLIGATION OF FUNDS.—With respect to the budget authority provided for in this section, not more than $22,888,725 shall be available for obligation with respect to block grants under this subsection prior to September 30, 1998.

(5) USE OF FUNDS.—

(A) IN GENERAL.—A State or territory shall use funds provided under a grant under this subsection to carry out activities to support the arts in the State or territory.

(B) ENDOWMENT INCENTIVE.—A State or territory may use not to exceed 25 percent of the funds provided under a grant under this subsection to establish a permanent arts endowment in the State or territory. A State or territory that uses funds under this subparagraph to establish a State endowment shall contribute non-Federal funds to such endowment in an amount equal to not less than the amount of Federal funds provided to the endowment.

(C) LIMITATION.—A State (or territory) may not use in excess of 15 percent of the amount received under this section in any fiscal year for administrative purposes.

(d) NATIONAL GRANTS.—

(1) IN GENERAL.—The Secretary shall award grants to nationally prominent groups or institutions under this subsection to support the arts.

(2) ELIGIBILITY.—To be eligible to receive a grant under this subsection, an entity shall prepare and submit to the Chairman an application, at such time, in such manner, and containing such information as the Chairman may require, including an assurance that no funds received under this subsection will be used—

(A) to fund programs that are determined to be obscene;

(B) for seasonal grants; or

(C) for subgrants.

(3) LIMITATION ON AMOUNT OF GRANT.—The amount of a grant awarded to any group or institution to carry out a project under this section shall not exceed—

(A) with respect to a group or institution with an annual budget of not to exceed $3,000,000, an amount equal to not more than 33.5 percent of the total project cost; and

(B) with respect to a group or institution with an annual budget of not less than $3,000,000, an amount equal to not more than 20 percent of the total project cost.

(4) LIMITATION ON OBLIGATION OF FUNDS.—With respect to the budget authority provided for in this section, not more than $6,103,660 shall be available for obligation with respect to grants under this subsection prior to September 30, 1998.

(e) APPLICATION OF SECTION.—Notwithstanding any other provision of law, this section shall apply with respect to grants and contracts awarded by the National Endowment for the Arts in lieu of the provisions of sections 5 and 5A of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954 and 954a).

(f) OFFSET.—Each amount of budget authority for the fiscal year ending September 39, 1998, provided in this Act, for payments not required by law is hereby reduced by .11 percent. Such reductions shall be applied ratably to each account, program, activity, and project provided for in this Act.

Mrs. HUTCHISON. Mr. President, I would like to just briefly describe my amendment, and then it is my intention to yield 2 minutes to Senator DEWINE. And then of course I know Senator HARKIN is here to speak on the other side.

My amendment leaves the amount for the commitment to the arts at the same level as the committee bill does. It does, however, make some reforms that I think will improve the NEA and most certainly will improve the commitment to the arts and reconfirm the commitment to arts that we have. It cuts the administrative costs of the NEA to 5 percent. I think, since the large part of the bill will require block granting to the States, that the administration does not need to be $17 million. I think $5 million then would be quite adequate to administer the national part of the bill.

The Federal grants to national groups would be 20 percent of the total grant. In the Federal grants, we have a requirement for State matching funds, which I think is a healthy thing for us to require, so that any project that is funded with national dollars will also

have a State commitment. Grants may not be used for obscene works, and they will go for groups and institutions.

The rest of the money, the 75 percent, would be grants to the States so that the each State or territory is guaranteed at least what they had in 1997. And, in fact, every State, except California and New York, would get more funding for their arts commissions than they had last year. Each State except California and New York will get more money than they got in 1997, and they will be able to spend it according to the wishes of their own arts commissions. I think it is very important that this happen.

With the 20 percent Federal grants to the national groups, I think California and New York will be able to make up some of the loss that they will receive because they have had the highest number of dollars that have gone to the national arts.

In this, I think we have a good way to keep our commitment to the arts to increase the access to the arts by children and people in all the States of our great country. And I think it also will give the leeway for the national groups that deserve the support of the National Government, because we do want to keep the very top, top quality in our arts so we can be proud, as a Nation, that we do have the world class opera, the world class ballet, the world class art museums that would actually be worthy of the civilization that our country has formed in its 221 years of democracy.

Mr. President, I yield 2 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. DEWINE. Mr. President, the Hutchison amendment recognizes that there are arts programs, arts projects, that are of national significance and that they should be supported. The amendment does this while at the same time addressing the huge geographic disparity in funding that the NEA elite, the NEA bureaucracy, has consistently and arrogantly refused to address or, for that matter, even to acknowledge.

This inequality in funding is unconscionable. When you have States such as New York getting $21 million from the NEA, California, $8 million, while States such as Ohio with our 11 million citizens receiving only $1.6 million, clearly something is horribly wrong.

Ohio comes in 46th in per capita NEA funding. New York gets $1.18 per person; Wyoming, $1.24, Alaska, $1.21. Ohio gets 14 cents per person.

Again and again, the NEA has failed to address this problem. Let me say this failure on the NEA's part points to broader problems at the NEA. For years now, Congress has been trying to set priorities for the NEA but nothing really has changed. I have grown increasingly frustrated because of the seeming ease with which the NEA flouts congressionally enacted policies. It sometimes seems as if the NEA uses as much, or maybe more, creativity in skirting our guidelines as NEA-funded artists do in creating their works.

The NEA funds do support a number of worthwhile projects. However, I believe that NEA funding should really be targeted for programs for children and for underserved populations. Our scarce Federal dollars should be used to bring the arts to our children and to the poor. I congratulate my colleague, Senator GORTON, for including language in the underlying bill to indicate this priority, and also to Senator JEFFORDS for including it in the authorizing bill.

I certainly hope the NEA takes today's debate seriously. If, however, the NEA continues to remain unresponsive to legitimate concerns, concerns voiced by the people who are paying the bills, we can certainly expect even more support for moves to abolish the endowment outright. That, Mr. President, would be a great shame—for everyone who loves the arts, and indeed for all Americans. It would be a shame that the greatest country in the world, with some of the most talented and creative artists in the world, could not intelligently and responsibly run a national arts agency.

Mr. President, we can—and must—do better.

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

Mrs. HUTCHISON. Mr. President, it is now my intention to yield 2 minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. I thank my good friend, the Senator from Texas.

I rise today to support the amendment submitted by my distinguished colleague from Texas, Senator HUTCHISON. I think her amendment represents a reasonable compromise to what has become a very divisive issue.

I think every Member of this Chamber would agree that some of the works the NEA has funded in the past have been offensive. They call into question the appropriateness of the Federal Government being involved in the promotion of the arts. Several years ago we had an exhibit here—and it had to be covered. We couldn't allow the Senate pages to see it. It was absolutely unsuitable for public view—certainly for young people. I personally was offended, and I think we all learned something from that.

Art works funded by a Federal agency should be those you take your children to see and, in the case of NEA-sponsored works, this has not always been the case. But, certainly the arts, overall, have a legitimate voice in our society. I think the amendment of Senator HUTCHISON that would take 20 percent of the NEA budget and keep it here in Washington, DC to be distributed to works of national prominence is satisfactory. It also addresses the concerns of those who do not believe it is in the Federal Government's jurisdiction to fund the arts. She has an answer to that—send 75 percent of the money to the States. This amendment will allow each of our States to develop the arts locally, hopefully reflecting the true role of the arts and the role they play in each of our communities.

I think this is a good amendment and merits the overwhelming support of this Chamber.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Mr. President, I yield myself—do I have 10 minutes?

The PRESIDING OFFICER. The Senator has 10 minutes.

Mr. HARKIN. I yield myself 8 of the 10 minutes. If the chair will interrupt me, I will appreciate it.

This amendment all but eliminates the National Endowment for the Arts. In other words, it eliminates a Federal role.

I believe the Senator from Texas is well-intentioned. However, the result would be disastrous for the arts. NEA national leadership grants have supported a number of very worthy projects that would not have been supported by a State. For example, the design competition in 1981 that led to the creation of the Vietnam Veterans Memorial. What State would have funded that if it was not going to be in the State, but was going to be located in the District of Columbia?

The Senator from Ohio made mention of all the money that goes to New York. Let's look at some of that money. Through the national leadership grants, the NEA provided a grant to Chamber Music of America in New York, but this grant sponsored chamber music rural residencies, which brought professional musicians to small towns, such as Jesup and Decorah and Fayette and Mount Vernon, IA. Artists lived and worked in these small towns for up to 2 years. They taught in the schools. They performed concerts for citizens in the communities all over the State of Iowa. Thousands of Iowans benefited from this. But, if you look at the grant, it went to New York. But the artists performed in Iowa, for up to 2 years.

If we take all of this money, as the Senator from Texas wants, and give it just to the States, will, then, the State of New York fund a program that goes to Iowa? I rather doubt it. They will keep the money there. But because we have the NEA making these grants, giving them out, then they can direct and guide those to go out to States like Iowa and Nebraska and Missouri, and States where we don't get a lot of money for arts.

So, what State would fund a program like that? What State? Would Texas? Would Texas fund a program that would send artists to Iowa for 2 years? I doubt that.

The NEA has also supported dance touring programs. The Alvin Ailey dance group traveled to Atlanta, GA;

Redding, OR; Tuscon, AR; Iowa City, IA; Milwaukee, WI. Would Texas fund something like that? I doubt it. Would New York fund something like that? I doubt it. Would California fund something like that? I doubt it. But, because we have a National Endowment for the Arts, we are able to get this out.

A grant to the American Library Association sponsored the ''Writers Live At The Library.'' This program went all over America, to places like Rapid City, SD; Medina, OH; Buchanan, MI; Muncie, IN. Would Texas have sponsored that? I doubt it. Would New York alone have sponsored that? I don't think so. But the National Endowment for the Arts did.

That is my point. You could look at a lot of these grants. They may go to a State. But they seep out and go around the United States. If we adopt the amendment offered by the Senator from Texas, that will end. We will not have a National Endowment for the Arts. We will simply have a bunch of States out there. I rather doubt that States will fund programs that will go to another State.

Mr. President, this amendment has never been reviewed or discussed in any format before. Present law provides 35 percent to the States. Under the bill, under the leadership of Senator JEFFORDS, that goes to 40 percent. It was adopted by a 14-to-4 bipartisan vote in committee.

I might also point out that Federal funds are matched by the States on a 1-to-1 basis. If you increase this amount of money to the States, they will have to go to their State legislatures to get the amount of money up. Will that happen? Well, in some States it might, in some States it might not.

I also will point out that the Hutchison amendment imposes a cap on administrative costs of 5 percent. Right now the President's budget calls for a cap of 14 percent. Here is the problem. Many of the State agencies are quite small, so State support varies from State to State. If you put a cap on like that and you have low spending, that just destroys the program. Obviously, as you know, the more money you have in the program the less the amount of administrative costs there are for administering that program.

So the 5-percent cap would also not only hurt many of the State agencies, but would be disastrous for the National Endowment for the Arts.

Mr. President, the Hutchison amendment is a severe and undeserved rebuke to the arts endowment. It may be well-intentioned, but I also point out that if this is so good, why is this opposed by the very agencies that would supposedly benefit from this? The National Assembly of State Arts Agencies is opposed to this amendment. That organization believes that the current distribution between Federal and State is appropriate.

So, again, while it may sound good to give all this money to the States, the fact is, the Chamber Music of America in New York came to Iowa and lived there for 2 years in our small towns and communities. It may have looked like a grant to New York, but it was run by the National Endowment for the Arts. If you give all this money to the States, if New York got all this money, would they then of their own volition fund the chamber music program that we had in Iowa for 2 years? As I said before, I doubt it, and I don't think Texas would either.

For those reasons, this amendment should be defeated. I am told also, and I have a letter from the White House—I will just read it:

> The administration understands that an amendment may be offered to increase significantly block grants to the States, thus severely diminishing the Federal leadership role of the NEA. In addition, the administration understands that an amendment may be offered making it administratively impossible for NEA to carry out its function.

That's the 5-percent cap.

> If such amendments were adopted, the President's senior advisers would recommend that the President veto the bill.

I believe this bill is too important to be vetoed. I believe the NEA is too important to be cut up, segmented and destroyed by this amendment.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes 50 seconds remaining.

Mr. HARKIN. I reserve the remainder of my time.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I would like to reserve the last minute of the debate, so I will take my time up until the last minute and then yield to the Senator from Iowa.

Mr. President, I would like to respond to the remarks of the Senator from Iowa and say that it is most certainly not my intention to do away with our national commitment to the arts. In fact, the opposite is true. That is why I keep the funding level because I do believe that all of our children will gain from having more access to and appreciation of the arts in our country. I want the budding artists of Iowa to have equal access to the education that budding artists in New York have.

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mrs. HUTCHISON. I reserve the remainder of my time.

Mr. HARKIN. Mr. President, let me just say that we have a lot of budding artists in Iowa, a lot of them musicians. I can tell you, when the Chamber Music of America came out and spent 2 years in our small towns, it was wonderful. These wonderful artists went to these small towns. They got these kids excited about music and about chamber music. I can't tell you how many hundreds of Iowa kids, I say to the Senator from Texas, were enthused and got involved in music and are progressing now because of that.

That would not have happened without the National Endowment for the Arts. It just simply could not have been funded by the State and wouldn't have been, and I don't think the State of Texas would have funded it either.

Yes, there are a lot of budding artists out there, and that is why we need a national program to reach out to these budding artists.

Mr. President, I ask unanimous consent that a letter from Jonathan Katz, CEO of the National Assembly of State Arts Agencies, be printed in the RECORD, in which he says they are opposed to this amendment and that they are endorsing the current distribution of agency funds.

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

NATIONAL ASSEMBLY OF STATE ARTS AGENCIES,
Washington, DC, July 9, 1997.

Hon. RALPH REGULA,
Chairman, Interior Appropriations Subcommittee, House of Representatives, Washington, DC.

DEAR CHAIRMAN REGULA: As you consider the resources available to the National Endowment for the Arts, I thought it might be helpful for you to have at hand the principles advocated by the National Assembly of State Arts Agencies (NASAA) on behalf of the state and special jurisdiction arts agencies of the United States. These are attached.

Consistent with these principles, at the current funding level of $99.5 million, the state arts agencies endorse the current distribution of agency funds that enables the NEA to demonstrate appropriate national leadership and also enables it to support the leadership roles that state arts agencies play. As the principles note, the state arts agencies do support a higher level of funding for the agency overall because that would enable more Americans in more communities to enjoy the arts in more meaningful ways.

Please feel free to contact me if additional information would be helpful to your office. Your support of public funding for the arts and humanities is very much appreciated.

Sincerely,

JONATHAN KATZ,
Chief Executive Officer.

Mr. HARKIN. Mr. President, I ask unanimous consent that a letter from Americans United to Save the Arts and Humanities be printed in the RECORD. They also say they endorse the present distribution of moneys.

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

AMERICANS UNITED TO SAVE THE ARTS AND HUMANITIES,
Washington, DC, September 4, 1997.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: Americans United to Save the Arts and Humanities is a 501(c)(3) bi-partisan advocacy organization. Our mission is to preserve federal funding for the National Endowment for the Arts and the National Endowment for the Humanities. Americans United represents over 100 U.S. business leaders from across the country who strongly support federal funding for the arts and humanities Endowments.

As you know, these agencies, particularly the National Endowment for the Arts, have recently come under heavy attack. The House has proposed eliminating the NEA entirely.

Imagine how such a loss would impact the economic activity currently stimulated by the non-profit arts industry. As it is, the non-profit arts industry generates $36.8 billion annually in economic activity; supports 1.3 million jobs; and produces $790 million in local government revenue and $1.2 billion in state revenue. For every dollar the NEA invests in communities, there is a twenty-fold return in jobs, services and contracts. That is wise federal investing of taxpayer dollars.

The members of Americans United feel strongly that the NEA and NEH are agencies well worth continued federal funding. Recently, Americans United business leaders sent the attached letter to Senator Lott urging him to preserve federal funding for our nation's cultural Endowments.

We hope that when the issue of funding for the NEA and NEH comes to the Senate Floor for a vote, and subsequently goes to Conference Committee, you will support our nation's culture and heritage and ask your colleagues to preserve current levels of federal funding for the Endowments without crippling block grants.

Sincerely,

RICHARD J. FRANKE,
Chairman.

AMERICAN UNITED TO SAVE
THE ARTS AND HUMANITIES,
Washington, DC, September 4, 1997.

Hon. TRENT LOTT,
U.S. Senate,
Washington, DC.

DEAR SENATOR LOTT: As business executives, we want you to know how strongly we support continued federal funding of the NEA and the NEH. While we recognize the tight constraints of the federal budget, it is evident that there is a clear connection between the federal investment in culture and the willingness of corporations, foundations and individuals to support cultural activity. Grants from the NEA and NEH are required to be matched with private money. A ''seal of approval'' from the Endowments demonstrates that a proposal has passed a rigorous evaluation—a review that many corporations and foundations do not have the expertise to make themselves, and one which they take into serious consideration as they make their own funding decisions.

Business supports the arts and the humanities for many important reasons. A vigorous cultural life enhances our communities, improves the imaginative and creative ability of our employees, and spurs economic activity. The strength of the cultural sector of our economy, generating $36.8 billion annually in economic activity, supporting 1.3 million jobs, producing $790 million in local taxes and $1.2 billion in state taxes, is a direct result of the successful role of the Endowments in fostering a broad range of cultural initiatives over the last 30 years. As much as business values and supports the arts and the humanities, the unfortunate reality is that the corporate world can not replace the critical role of the NEA and the NEH in evaluating and fostering cultural initiatives. However, as business leaders we are very much aware that the explosion of interest in American culture worldwide is a key element of our competitive position in the new global economy.

From the beginning, it has been the role of the Endowments to encourage cultural programs of both local and national importance. The proposal to fund the arts and humanities through block grants to the states would severely limit the cultural impact of federal dollars dedicated to cultural projects. For example, performances and exhibits which travel widely across state boundaries, often to rural areas and small cities, would be that much more difficult to develop and coordinate.

As the issue of federal funding for the NEA and NEH progresses to the Senate Floor and the Conference Committee, we urge you to recognize the enormous good accomplished by relatively few, yet vital dollars by protecting federal funding and a strong federal role for the National Endowment for the Arts and the National Endowment for the Humanities.

Sincerely,

Members of Americans United to Save the Arts and Humanities.

Mr. HARKIN. I ask unanimous consent that a letter from the U.S. Conference of Mayors be printed in the RECORD. I won't read it all, but it says:

We need to maintain our federal commitment to preserve this country's rich cultural heritage and traditions and to nurture imagination and creatively to strengthen the future of this country.

Again, in support of the distribution of funds that are in the bill, from the U.S. Conference of Mayors.

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

THE UNITED STATES
CONFERENCE OF MAYORS,
Washington, DC, March 11, 1997.

President WILLIAM CLINTON,
The White House,
Washington, DC.

Hon. NEWT GINGRICH,
Speaker of the House,
Washington, DC.

Hon. TRENT LOTT,
Senate Majority Leader,
Washington, DC.

DEAR MR. PRESIDENT, MR. SPEAKER and Mr. MAJORITY LEADER: The United States Conference of Mayors joins leaders throughout this country on Arts Advocacy Day to urge you to support public funding for the arts and humanities at a level that fulfills the federal government's responsibility to help make the arts accessible to all Americans for the social, economic and cultural well-being of the American public.

As we prepare to enter the new Millennium, we see the arts and humanities serve as an essential and forceful vehicle to educate our citizens, help our struggling youth, spur economic growth in our communities, and bring us together as a nation. We need to maintain our federal commitment to preserve this country's rich cultural heritage and traditions and to nurture imagination and creativity to strengthen the future of this country. As mayors of communities of every size and in every corner of America, we can tell you first hand that the arts are critical to the quality of life and livability of our cities.

In partnership with the $99.5 million federal investment that the NEA made in our nation's cultural initiatives this year (representing a 40% cut), the mayors invested $650 million in local government funds and the governors invested $275.4 million in state government funds for the arts through our local and state arts agencies. However, this delicate balance in shared responsibility of public support for the arts is in serious jeopardy now. Congress cannot expect state and local governments or the private sector to make up for the cuts in the federal government's share.

Therefore, we call upon you to oppose the elimination or phase-out of our federal cultural agencies and to oppose any further reductions of their budgets. We further urge you to maintain your federal longterm commitment to our nation's cultural resources in communities large and small.

Sincerely yours,

Richard M. Daley, Mayor, Chicago, USCM President; Paul Helmke, Mayor, Fort Wayne, USCM Vice Pres.; Deedee Corradinl, Mayor, Salt Lake City, Chair, Advisory Bd., Marc H. Morial, Mayor, New Orleans, Chair, Arts Committee.

UNANIMOUSLY ADOPTED POLICY RESOLUTION AT THE 65TH ANNUAL CONFERENCE OF MAYORS, SAN FRANCISCO, CA, JUNE 24, 1997

FEDERAL FUNDING FOR THE ARTS, HUMANITIES, AND MUSEUMS

(1) Whereas, the arts, humanities and museums are critical to the quality of life and livability of America's cities; and

(2) Whereas, the National Endowment for the Arts' and the National Endowment for the Humanities' thirty plus years of promoting cultural heritage and vitality throughout the nation has built a cultural infrastructure in this nation of arts and humanities agencies in every state and 3,800 local arts agencies in cities throughout the country; and

(3) Whereas, the National Endowment for the Arts (NEA), National Endowment for the Humanities (NEH), and the Office of Museum Services (OMS) within the Institute of Museum and Library Services (IMLS) are the primary federal agencies that provide federal funding for the arts, humanities and museum programs, activities, and efforts in the cities and states of America; and

(4) Whereas, federal funding serves as a catalyst to leverage additional dollars for cultural activity—the annual federal investment made to these three agencies (NEA @ $99.5 million; NEH @ $110 million; and OMS @ $22 million) leverages up to 12 times that amount from state and local governments, private foundations, corporations and individuals in communities across the nation to support the highest quality cultural programs in the world; and

(5) Whereas, federal funding for cultural activities stimulates local economies and improves the quality of civic life throughout the country—the NEA, NEH and IMLS support programs that enhance community development, promote cultural planning, stimulate business development, spur urban renewal, attract new businesses, draw significant cultural tourism dollars, and improve the overall quality of life in our cities and towns; and

(6) Whereas, the nonprofit arts industry generates $36.8 billion annually in economic activity and supports 1.3 million jobs—from large urban to small rural communities, the nonprofit arts industry annually returns $3.4 billion in federal income taxes, $1.2 billion in state government revenue and $790 million in local government revenue; and

(7) Whereas, federal arts funding to cities, towns and states has helped stimulate the growth of 3,800 local arts agencies in America's cities and counties and $650 million annually in local government funding to the arts and humanities; and

(8) Whereas, federal funding for cultural activities is essential to promote full access to and participation in exhibits, performances, arts education and other cultural events regardless of geography and family income; and

(9) Whereas, the NEA is in a highly precarious position since this agency has been unduly politicized and has incurred a disproportionate 39 percent cut in federal funding in fiscal year 1996—bringing its budget down to 1977 levels—and Congress has targeted this

agency for complete elimination this year; and

(10) Whereas, last year's draconian cuts to the NEA's and NEH's budget are beginning to have a serious negative effect on the cultural infrastructure and survival of arts and humanities institutions, arts organizations, artists, and cultural programming at the national, state and local level; and

(11) Whereas, the delicate balance in shared responsibility and partnership for public funding of the arts and humanities at the federal, state and local government levels is now in serious jeopardy since local governments cannot make up for the current and future funding cuts in the federal government's share, now, therefore, be it,

(12) *Resolved*, That the United States Conference of Mayors reaffirms its support of the National Endowment for the Arts, National Endowment for the Humanities, and the Office of Museum Services within the Institute of Museum and Library Services and calls upon Congress to fund these agencies at the President's FY '98 request level in order to fulfill the federal government's responsibility to help make the arts accessible to all Americans for the social, economic and cultural well-being of the American public, as well as to help sustain this nation's cultural infrastructure for public support of the arts and humanities at the federal, state and local levels, be it further

(13) *Resolved*, That the United States Conference of Mayors calls upon the President and Congress to reauthorize the NEA and NEH and to oppose any attempts to eliminate or phase-out our federal cultural agencies; to oppose reducing their budgets; to oppose mandating that all funds be blockgranted to the states; and to allow local arts agencies to subgrant federal grants.

Mr. HARKIN. Mr. President, the Senator from Texas may say she wants to preserve and keep the National Endowment for the Arts, but this really is a stealth amendment. This is the stealth amendment that will kill the NEA. It will do great damage to a lot of our small States like Iowa, States that may not have a lot of money. We have a lot of budding artists, and we need the national commitment to the arts program to ensure that these young poets and these young writers and these young musicians and these young painters and these young artisans know that there is a national commitment and they have the kind of support and the kind of encouragement and the kind of role models that they need to encourage them in their efforts.

No, Mr. President, this stealth amendment would do drastic damage to the NEA. It would kill the NEA, and we cannot afford to do that. I urge its rejection.

The PRESIDING OFFICER. The Senator from Texas has 1 minute remaining.

Mrs. HUTCHISON. Has all time expired other than my 1 minute?

The PRESIDING OFFICER. That's correct.

Mrs. HUTCHISON. Thank you, Mr. President.

Mr. President, America's strength comes from its grassroots. It isn't Government that provides the spirit of America; it is the grassroots. Government policy should strengthen the people to establish their priorities, and that's what my amendment does. It strengthens the States to create more access and more appreciation and more education in the arts for all the children of America. I believe that our local control of education allows reading through phonics. I believe in old math so that we learn our multiplication tables in addition to how to work a computer and a calculator. I also think as basic to that is to let our children have access to the arts so that they can produce world-class art and arts appreciation. It shows that it is part of our basic education that we would have a national priority.

Mr. President, my amendment keeps the national commitment to the arts, and it keeps the control in the grassroots and the heartland of America. I think it is the best balance.

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

Mrs. HUTCHISON. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1186 offered by the Senator from Texas, Senator HUTCHISON. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

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

The result was announced—yeas 39, nays 61, as follows:

[Rollcall Vote No. 246 Leg.]

YEAS—39

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

NAYS—61

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

The amendment (No. 1186) was rejected.

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

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

The motion to lay on the table was agreed to.

LEAVE OF ABSENCE

Mr. AKAKA. Mr. President, I ask unanimous consent I may be granted leave of the Senate, pursuant to Rule 6, paragraph 2, to be absent from the Senate proceedings as of noon Thursday, September 18 through Monday, September 22nd.

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

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill

AMENDMENT NO. 1219

(Purpose: To express a Sense of the Senate that hearings should be conducted and legislation debated during this Congress that would address Federal funding for the arts)

Mr. STEVENS. Mr. President, I have at the desk amendment No. 1219 for myself and the Senator from Connecticut, Mr. DODD. I would like to present it at this time.

The PRESIDING OFFICER. The pending amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] for himself and Mr. DODD, proposes an amendment numbered 1219.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. 3 . It is the Sense of the Senate that, inasmuch as there is disagreement as to what extent, if any, Federal funding for the arts is appropriate, and what modifications to the mechanism for such funding may be necessary; and further, inasmuch as there is a role for the private sector to supplement the federal, state and local partnership in support of the arts, hearings should be conducted and legislation addressing these issues should be brought before the full Senate for debate and passage during this Congress.

Mr. STEVENS. Mr. President, I offer this as chairman of the Appropriations Committee with the hope that the Senate will agree that this matter should now go to the authorization committee, and that the extent of the problem be reviewed with appropriate hearings.

This is a commitment that the Senate will consider legislation in this Congress to deal with what future mechanism, if any, should be used to carry out the Federal role as it may be defined in support of the arts.

I am pleased my friend from Connecticut has cosponsored this. I am hopeful the Senate will agree to it.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I want to commend our colleague from Alaska. I think this is a very responsible approach to take. I urge our colleagues to support it.

There are a lot of ideas out here about how we might create a true endowment rather than going through this process year in and year out. We are politicizing this issue to an extent I don't think it deserves. We truly ought to look for ways to resolve this matter intelligently.

I think a good set of hearings, examining various ideas on how to best fund the Endowment for the future make a lot of sense. I urge our colleagues to support this suggestion and try to come together and see if we cannot get beyond this amendment process we go through each and every year which I don't think serves our interests well, regardless of one's perspective on how we ought to fund the National Endowment for the Arts.

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

The amendment (No. 1219) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, the majority leader and I, and I think most Members, do wish to complete action on this bill today.

At this point, I know of three or four rather hotly contested amendments: One by Mr. HUTCHINSON, the Senator from Arkansas, on American heritage rivers; the possibility of one on immigration reform that is, of course, not particularly germane to this bill, by the Senator from Florida, Mr. MACK; an Indian gambling amendment by Senators ENZI and BROWNBACK; and one relating to money for gang suppression on Indian reservations which would close down the Wilson Center here.

I hope we could move forward on each of these promptly. I note that the Senator from Arkansas is present. Perhaps his amendment can be put up next. We would seek a time agreement on it. I don't believe the other side is ready to agree to a time agreement yet. Perhaps the best thing to do is let the Senator from Arkansas introduce his amendment, speak to it, and as he speaks to it and others are concerned about it, we can see whether or not a time agreement can be reached.

Mr. DASCHLE. Just briefly, I have been consulting with a number of my colleagues who are concerned about the amendment. I think they are prepared to come to the floor. I know the distinguished Senator from Connecticut is here and is prepared to respond to the statements and arguments made by the Senator from Arkansas.

We are prepared to enter into a time agreement, if perhaps we can work one out in the not too distant future.

I yield the floor.

EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 96, LINE 18

Mr. GORTON. Mr. President, what is the committee amendment to which all of these National Endowment for the Arts amendments—

The PRESIDING OFFICER. The amendment begins on page 96, line 12, through page 97, line 18.

Mr. GORTON. Mr. President, I believe we are in a position to which we can adopt that committee amendment.

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

The excepted committee amendment beginning on Page 96, line 18, was agreed to.

AMENDMENT NO. 1196

Mr. HUTCHINSON. I call up amendment number 1196.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

Amendment No. 1196, previously proposed by the Senator from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. I ask unanimous consent reading of the amendment be dispensed with.

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

(The text of the amendment is printed in the RECORD of September 16, 1997.)

Mr. HUTCHINSON. Mr. President, I ask unanimous consent the following Senators be added to the amendment as cosponsors: Senator SHELBY, Senator GORDON SMITH, Senator ALLARD, and Senator KEMPTHORNE.

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

Mr. HUTCHINSON. Mr. President, I rise in support of an amendment that I think supports one of our most fundamental rights, the right of property ownership. The fundamental right, I believe, is at least eroded, threatened, by the Executive order signed by the President on September 11. I am sure it is a well-intended Executive order, designating the American heritage rivers initiative. The initiative is intended, in the words of the President in his Executive order ''to help communities protect their river resources in a way that integrates natural resource protection, economic development and the preservation of historic and cultural values, things that we all support.''

The difficulty is that we have an Executive order that, originating from the executive branch, has not gone through the committee process. It has not received any congressional authorization, has not received any appropriation, but simply is something that has been ordered by the President. The funding for this initiative comes from eight Cabinet departments including the Department of Defense, Department of Justice, the Department of Transportation, the Department of Agriculture, Department of Commerce, the Department of Housing and Urban Development, Department of Interior, and the Department of Energy. In addition to all of the Cabinet departments, there is funding from a number of agencies as well: EPA, NEA, NEH, and the Advisory Council of Historic Preservation.

The end result is funding from various departments and agencies apart from any congressional hearings, and apart from any congressional authorization or appropriation.

I support riverfront revitalization but not at the expense of trampling upon basic property rights and subverting plans and desires of local communities. I think riverfront revitalization should be community-led and a community-driven process, not something that is dictated through an Executive order in Washington.

My amendment allows for the riverfront renaissance that communities desperately need, while offering protections from further Federal encroachment. It allows the President's Executive order to go forward and it would allow the rivers initiative to go forward.

Congress has never authorized or appropriated one dime for the American heritage rivers initiative, nor has it even defined the term ''river community.'' The Executive order contains the term ''river community'' without any kind of definition. This amendment would require congressional review of the 10 rivers that have been nominated for designation. The Executive order lays out 10 rivers to be designated as American heritage rivers. We would simply say that when those 10 rivers are designated, that Congress should have the right of review and designation, confirmation of those designated rivers.

The amendment would require that all property owners holding title to lands directly abutting the riverbank shall be consulted and asked for letters of support or opposition to the designation.

Now, it has been wrongly conveyed by the opposition of this amendment that somehow every property owner along the river would have veto power and that if any property owner objected to the designation or objected to participation in the heritage rivers initiative, that suddenly the whole project would therefore be ended, or any possibility of receiving that designation would be eliminated. That is not the case at all. We simply believe that those most involved, those whose lives are going to be most affected, the property owners along the river, would have the right to say yes or no. I think that makes perfect sense and that process is not guaranteed under the Executive order.

Let's ensure that they are notified and at least that they have the right of commenting and expressing their opinion.

In the amendment, we would define the river community as those who own property, reside, or who regularly conduct business within 10 miles of the

river considered for designation. It is absolutely necessary for us to place a definition as to what a river community is, and how it should be defined.

The amendment would make the initiative subject to the existing provisions of the Clean Water and Safety Drinking Water Acts. I hope that would be supported by environmentalists. All of us are concerned about the enforcement of environmental laws, and an Executive order that will somehow be able to circumvent existing environmental law. The amendment would ensure that this process, as it goes forward, would be subject to existing provisions of the Clean Water Act and the Safe Drinking Water Act.

I agree we must revitalize our rivers and preserve their historic character. This amendment ensures that it is not at the expense of those who have chosen to be a part of the surrounding communities.

I urge my colleagues to support this amendment. We need to define river community, we need to comply with existing environmental laws, and the Clean Water Act, and the Safe Drinking Water Act. We need to ensure that property owners are notified that they have the right of comment, that they have the right to write letters of opposition or support.

We need to provide in this Executive order for congressional review. If there is one complaint I have heard from my constituents across the State of Arkansas, it is that, we as the elected representatives of the people, too often have simply given up our legislative authority. We have allowed the executive branch, through various Executive orders, to usurp what is legitimately and constitutionally our right and our responsibility. This amendment represents one small area where we can say that the President has issued an Executive order, and we now will ensure that we have the right of review. This amendment would do that.

I think that we can once again assert our proper role by ensuring that we can review the designation of the heritage rivers. Most importantly, we would protect property owners from the encroachment of an ever-growing Government and an ever more intrusive bureaucracy. We would ensure that the plans of the local communities are not subverted because of this new Executive order and that local communities, drive the entire process. I believe the amendment is reasonable, it is temperate, and it will reassure our citizens, our constituents, and those along these important American heritage rivers, that we take their rights as property owners and citizens of this country and value them greatly.

I urge my colleagues to support the amendment. I yield the floor.

Mr. ALLARD addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I rise today in support of the amendment of my colleague, Senator HUTCHINSON from Arkansas. His amendment deals with the American rivers heritage initiative. I should start off by emphasizing that his amendment does not stop the initiative, it does not end it, and it does not hurt our rivers and their protection. This amendment merely ensures that the Federal Government, based right here in Washington, DC, does not become the controlling authority of rivers that have been used, cherished and developed by local communities all around this country, which, in some cases, the decisions made here in Washington may actually go against the wishes of the local community.

I raise the question, why is our President so afraid of having local input into such an important process as the designation of our American rivers as heritage rivers?

This amendment ensures that the people who live alongside of a river continue to have a say in the future of that waterway. They are the very ones who enjoy it for recreation, and they use it for commerce, and they actually own the private property on its banks.

This initiative lists the members that will be involved in a committee responsible for implementation. Each heritage river will have a local bureaucrat that is going to sort of oversee the management of the committee. There is going to be a committee superintendent. Look at the members who serve on that committee. We have the Secretary of Defense, the Attorney General, Secretary of Energy, the Chair of the NEA, and the Secretary of HUD. These are all bright people, hardworking people, I am sure; but how can they honestly know more about a river, let's say, for example, that runs through Denver, CO—which is the South Platte River—than those people who actually live in Colorado along the South Platte, who actually know more about the seasonal impact on this particular river? If they don't know more, why are they put in charge of future development of the river above and beyond local control?

Nobody out West wants to come to Washington and try to tell people who live along the Potomac how to control that particular river. Why does anybody want the administrators of these various agencies who live right here in Washington, DC, to have that type of control? And, frankly, their knowledge of a river may be nothing more than their perception of what they see happening on the Potomac River during rush hour when they are sitting on the 14th Street Bridge.

So I do believe that the real expertise is back at the local communities, the people who live by and use the waters that we are talking about in the heritage river designation. I know of one entity in Colorado that certainly doesn't believe the control should belong in Washington. They believe it should be back at the local level. That one entity happens to be the Denver Post, which recently released an editorial against the initiative, saying that common sense argues against the possibility that a Presidential appointee would know more about the designated streams than those who live along its riverbanks. I happen to agree wholeheartedly with that editorial.

I ask unanimous consent that this editorial be printed in the RECORD.

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

[From the Denver Post, Sept. 14, 1997]

JUST SAY NO TO PLATTE PLAN

Colorado water watchers are eyeing President Clinton's proposed Heritage Rivers project suspiciously, and with good reason.

The plan would designate 10 American waterways as Heritage Rivers, each to be run by a presidential appointee who would coordinate local efforts with 13 federal agencies. Thus the feds would become the rivers' bosses advising locals on where to build parks and flood-control projects and setting riverbed-cleanup priorities.

If this project is to do grand things for 10 American rivers, then each river bosun and his crew of 13 would need to know more about these streams than the people who live along their banks, and common sense argues against the possibility.

The South Platte, principal waterway of Colorado's urbanized Front Range, is a candidate. Although once exploited and neglected, the Platte is now flowing along nicely, thank you, and that is because over the past century Coloradans have figured out where to build those local parks and flood control projects and set those cleanup priorities.

A look at the results bears this out. The Platte supplies most of the Denver metro area's water. Its system of reservoirs works well and provides flood control and environmental safeguards. Platte River Greenway riverbed rejuvenation has been a spectacular and continuing success, with new parks to be built in Denver this year. In short, the South Platte is not a river at risk.

There is, of course, plenty left to be done. Denver Mayor Wellington Webb envisions the Platte as a showpiece among urban waterfronts. He has supported the Heritage program and pushed Denver as a candidate for more federal support. But how much support the Heritage project might produce isn't clear. No funds have been allocated, and no one knows where its budget will come from.

The Colorado Water Congress, a coalition of cities, counties, conservancy districts, farmers and other water users warns that its fuzzy goals could upset the delicate balance of water regulation between states and even upstream and downstream towns, spawning a tangle of interagency conflicts.

With a little luck, the South Platte might not be one of the chosen ten. If it is, Colorado should decline on grounds that it ain't broke, so don't fix it.

Mr. ALLARD. Mr. President, along with the problem of allowing the Federal Government unchecked control of local rivers, there are several other problems with this initiative. I am worried about the lack of a requirement stating that only affected individuals and organizations can apply for designation. Senator HUTCHINSON's amendment puts limits on what designates a river community and allows for the actual interests of those who would be affected to be considered. It

requires the opinions of property owners affected to be considered—something the administration obviously does not feel concerned about.

There has been a long trend in this country of slowly cutting away the rights of private property owners. The administration's latest end-run around the Congress—the establishment of this initiative—without congressional authorization or appropriation, and the lack of a guarantee as to what constitutes a local community, and the lack of input from the affected property owners in this initiative, is merely another power grab of the Federal Government at the expense of local government, local communities, and local property owners.

A vote for this amendment will be a step in the right direction. And I, again, would like to compliment my colleague in the Senate for stepping forward and addressing this issue. I am proud to be a cosponsor of his initiative.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, the amendment proposed by the Senator from Arkansas is a most interesting one. I think it is one that I am very likely to support. There is, however, some opposition on each side of the aisle. So we have been unable to reach any kind of agreement on a time limit on it. A number of my friends on the other side of the aisle do wish to speak to it. They are not here at the present time, so I will suggest the absence of a quorum. I also suggest that there are other amendments on which time agreements may be relatively easy to reach. On this one it can't be reached. If the Senator from Arizona, [Mr. KYL], is within hearing, I would appreciate taking up his amendment as soon as possible. The same thing holds true for the senior Senator from Arkansas, who has one on which there might well be a time agreement.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DODD. Mr. President, I rise, with all due respect to my colleague from Arkansas, in opposition to his amendment. I say to my colleagues here, with all due respect, my colleague is certainly one who has advocated in the past that we ought to try to remove or eliminate as much bureaucracy as possible. I think he is joined in those sentiments by most of us here in Congress, that we ought to be trying to not overburden a process but trying to streamline it as much as possible.

I commend President Clinton for coming up with a very innovative and creative idea on how we might highlight the importance of our river system in the United States. This program of designation of 10 great rivers in the United States, I think, has great value. It is something that is community driven, rather than something coming from Washington.

Let me just share with my colleagues how this would work. First of all, there are no mandates or regulations involved in this at all. In fact, it must be supported by the congressional delegations, the communities involved, and it is very explicit as to how this process would work. The amendment being offered by our colleague from Arkansas would require communities to go through additional layers of Government approval before a river could be designated an American heritage river.

Just to give you an example, those of us in the New England area are united—in New Hampshire, Vermont, Massachusetts, and Connecticut. We have all come together in a delegation—the communities, the States—requesting that the Connecticut River be one of those designated rivers. Very explicitly, if that support in the delegation from the Governors in the communities along the river is not present then that river is not going to be selected. It has been felt very, very important that there be community-driven, community-based support for these efforts. And if it is nonexistent, the designation doesn't happen.

Some of my colleagues may not want that designation. I can tell you categorically that if the Senators in those States do not want the rivers in their States, be it Colorado, or in Arkansas, then it won't happen. You don't have to worry about that. Nothing is going to be foisted on any State here that is not supported by the communities.

What we are suggesting here is that we in the New England States would like one of these rivers. In all due respect, I don't think it would be fair for me in this kind of a situation to be suggesting as a Senator from Connecticut that the people of Arkansas or Colorado, or any other State, ought to be denied that designation if they feel they very much like to see the Arkansas River or the Colorado River designated as one of these great rivers, with no regulations, no mandates, no money involved in it. It merely takes existing resources and tries to manage them in a way that the people at the local level would like to see them designated and to enhance the cultural, the economic, and environmental issues that they feel are very important.

I can tell you categorically that in my part of the country one of the problems that has happened over the years is that too much of our development has occurred right on the river denying people access to the river. One of the wonderful things about this city—our Capital City—that I appreciate every morning as I come to the Capitol is you can actually watch people on the banks of the Potomac River enjoying the river. For too many of our cities, of course, we saw the highway systems, and so forth, be developed between a city and its river. There is a great interest now in this country to try to restore, if you will, the vitality of these rivers—to see if we can't come up with ways to recognize the importance of them.

Again, the requirement that our colleague from Arkansas adds here would delay the initiative designed to provide prompt assistance to community-led efforts. After communities submit nomination packets to the administration, the President selects rivers for designation. The Council on Environmental Quality would have to forward these nominations to Congress which must provide approval. However, the amendment, as outlined, no process, or deadline, for congressional action would be required then to get approval basically of almost every single property owner. Imagine getting approval from the Connecticut River States, from the Canadian border on down to the Long Island Sound, of every private property owner in New Hampshire, Vermont, Massachusetts, and Connecticut. It would kill it. Why not have an amendment to eliminate it altogether? That might make more sense than making people go through a process that just kills it by bureaucracy. Why not have an amendment that would say this amendment ought to be eliminated? If that were the case, I would disagree with it. I would oppose it. But at least it would be clear. The intent here, by establishing a very lengthy process that would deny these community-driven programs, I think, would be a huge mistake.

Let me also point out that there are no additional dollars involved here at all in what has been suggested, and no new regulations, or changes in existing law. The American Heritage Rivers Initiative does not change the existing prioritization process for the Clean Water Act, the Safe Drinking Water Act, or any other applicable Federal law. Given that the American heritage rivers initiative imposes no new regulations, any activity undertaken to designate rivers would naturally abide by the laws governing priorities of the Clean Water Act and the Safe Drinking Water Act, and other Federal laws.

State and local reviews: Any projects identified in a communities-nomination packet must undergo applicable State and local review processes. Property owners are key at this stage of the review. I can say categorically that they are involved now in our New England area with the Connecticut River. We pulled together the support. We have solicited opinions from our local communities to get behind this effort. Obviously, local property owners have a more than adequate way of expressing their feelings about whether or not we ought to be going forward. There is strong feeling, in our area anyway, that this is a process that we approve of. We support fully and strongly that it ought to be included.

As I said earlier, if delegations don't want rivers in their States to be included in this competition, if you will, to designate 10 rivers, then that is it. You are out. Don't worry about it. There is no way in the world that you are going to be included in this.

So, if the Colorado River wants to be excluded from the process, I can categorically tell you that it will be out—or the Arkansas River. If anyone stands up here today and votes for this amendment, I promise you that you won't be included. You are out. Don't worry about it. But for those of us who would like this designation, who feel strongly about it in a bipartisan way, who believe that there is something of value here in trying to restore our rivers, to give attention to them, to appreciate the value of them historically, environmentally, economically, we would like this designation. We think it will help us, and our local communities want it. They support it.

Frankly, to go through a long morass of bureaucracy, and going through one agency after another, coming back and getting approval, having every single property owner express their view one way or the other, this is just killing it—choking it to death.

So my hope is that our colleagues here would oppose this amendment. Again, this has broad-based and community-based support in the country, and I think has great value in terms of those of us who care deeply about seeing these rivers restored.

I can tell you. I live on the Connecticut River. I have my office on the Connecticut River. In fact, it is a better Connecticut River. I can remember the days only a few years ago when the thought of swimming in that river, or fishing out of that river, or eating any fish out of the river, was unheard of. Today it has come back because there have been great local efforts to restore the vitality of that river. The salmon are coming back. The Connecticut River shad are back.

Dartmouth, in New Hampshire, and the University of Massachusetts all understand the value of this. Our communities of Hartford and Middletown in Connecticut, and Springfield, MA, all believe that this is a very worthwhile project, and are solidly behind it.

It is not just one river. But I can tell you also that it is highly competitive. I know my colleague from New York, Senator D'AMATO, is deeply interested in the Hudson River. And great support exists in that State for the designation. I know the same case exists across the country. I think it is a healthy process that communities and States are going through.

To add to the regulatory burden here by requiring, as this amendment would, a tremendous effort to get some designation here where there is apparently opposition within those States, I would say to those people that you need not worry about it.

In fact, for those of us who would like to designate and realize that it is highly competitive, maybe we ought to realize it the way it is here. If we get a good vote, we can eliminate a lot of rivers from being designated. Because I can clearly tell you, if Members vote for this, that is going to be a pretty strong case for those of us who want the designation—that Senators who vote for this, those rivers ought to be excluded from this process; and that we will just go with the colleagues here who come from States that represent rivers that would like to have this designation.

This is no money regulation. There are no regulations, no mandates, no money. It is community-based, community-driven, and community-supported.

And, if you are opposed, if you are not included, why in the world do we go through a process here where we require Congress to come up and support or deny and elongate things? It basically kills this. This is making a huge mountain, if you will, out of a trickle, in a sense. This is not that big a deal except to the extent that it allows for these rivers to be designated as important natural resources that our States would like to protect and preserve for future generations. That is all it really is, and no more than that.

To come up here and suggest somehow that this is some great big Federal program is dictating to local communities somehow denying them the process of making decisions about their own futures along these rivers is just not the case.

So, Mr. President, I urge our colleagues here, with all due respect, to reject this amendment when the time arises.

I note my colleague from Rhode Island wanted to be heard on this. I will be glad to yield to him, or seek his own time.

Mr. CHAFEE. Mr. President, I think the Senator from Arkansas would like to say a few words. Would he? If not, I will proceed.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. HUTCHINSON. Thank you, Mr. President.

I am going to do something that I think is highly irregular. I earlier asked unanimous consent that reading of the amendment be dispensed with. But after reading the letter that came from the Sierra Club, and a number the other organizations, and after listening to the comments of my esteemed colleague, and my good friend, Senator DODD, I really think that it is essential that the amendment be read.

So I am going to proceed to do that. It is very brief. But I think the American people, whenever my colleague says there is some great morass, that we are adding some great regulatory burden—there are some I guess that would say democracy is a great regulatory burden; to ask people to have some input on whether or not as property owners they want to be part of this, that it is a terrible burden, I guess; but that it is a big process to ask Congress to use its proper role in review. I mean, when we look at wild and scenic rivers, we review that. We have the right to make a determination on that.

I would like to read the amendment. I think we can perhaps better focus our debate when we understand exactly what is in the amendment.

AMERICAN HERITAGE RIVERS INITIATIVE

During fiscal year 1998 and each fiscal year thereafter, the President and other officers of the executive branch may implement the American Heritage Rivers Initiative under Executive Order 13061 only in accordance with this section.

NOMINATIONS.—The President, acting through the Chair of the Council on Environmental Quality, shall submit to Congress nominations of the 10 rivers that are proposed for designation as American Heritage Rivers.

It doesn't exclude any rivers. The President, acting through his chair of the Council on Environmental Quality, will submit the nominations.

PRIORITIZATION.—The nominations shall be subject to the prioritization process established by the Clean Water Act, and the Safe Drinking Water Act.

The point there being that we ought to comply with existing law, and that if we were going to prioritize these rivers it should be on the basis of where the greatest need is as determined by the Clean Water Act and the Safe Drinking Water Act.

CONSULTATION WITH PROPERTY OWNERS.—

I used to wonder why the American people would object to this amendment.

To ensure the protection of private property owners along a river proposed for nomination. All property owners holding title to land directly abutting riverbank shall be consulted and asked to offer letters of support for or opposition to the nomination.

I suppose that is a great burden—to notify the property owners, and let them express themselves pro or con. But I think that is what America is about. I think that avoiding that kind of process is what the American property owners today, the landowners of this country, so object to.

Consultation of property owners; that is No. 3.

DESIGNATION.—The American Heritage Rivers Initiative may be implemented only with respect to rivers that are designated as American Heritage Rivers by act of Congress.

That goes back to our review process.

Then the definition of river communities, which was totally omitted in the Executive order.

DEFINITION OF RIVER COMMUNITY.—For the purposes of the American Heritage Rivers Initiative, as used in Executive Order 13061, the term ''river community'' shall include all persons that own property, reside, or regularly conduct business within 10 miles of the river.

Without that definition, someone in another State could nominate a river in Arkansas, or Connecticut, or Rhode Island. Or somebody in Washington State could nominate—I mean we have

to have some kind of definition as to what we mean. We are filling that void through this amendment.

That is the entire amendment. I have read it all, every word of it. So let the American people determine whether or not there is something so objectionable as has been characterized by those who are opposing the amendment.

I have much more to say. But that was the point of my seeking recognition—to simply read the amendment for the American people, and for my colleagues in the U.S. Senate.

I yield the floor.

Mr. DODD. Mr. President, to respond to my colleague from Arkansas—I know my colleague from Rhode Island wants to be heard—my colleague must be aware—I presume he is—of how the process works. The suggestion somehow that this process excludes local property owners from expressing their opinions is just not the case. In fact, it is very, very clear, as laid out by the Executive order, how the process would work. Certainly local input and people expressing their views, whether or not they are in favor or opposed to this, is very much a part of the process here.

This is complicating it by mandating through law. The implication here obviously is that Congress is going to make the decision as to whether or not these rivers in various areas are going to be designated so you have a vote of 51 to 49 picking this river or that. We are trying to avoid that, to keep the politics out of it.

If you go back and look at how it works, it requires that there be local input and approval and support at the local level. That is the whole idea. Obviously, to have Washington sit here and pick 10 rivers, we don't know whether you want to be designated. So this is entirely superfluous. The process exists right now that requires that effort. Support from local communities is all through the Executive order from the administration as to how this would work.

My point is, if that is the case, if that is what we are doing, it requires that input. To all of a sudden say we are going to have here a law that makes us go through congressional hearings and looking at all of this I think just is making more out of this than has to be the case.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, I rise today because I believe the amendment before us is simply another thinly veiled attempt to attack the President's American Heritage River Program and to prevent any American river from participating in this innovative initiative.

Rivers have always been an integral part of our Nation's history, and throughout Virginia and across the United States activities are already underway to enhance the economic, historic, cultural, recreational, and environmental value of our rivers. Local government officials, conservationists, and riverfront developers, however, have complained that they cannot figure out which Federal programs they can use to pay for their redevelopment and river restoration projects or how to make their way through the redtape. The American Heritage Rivers Program is designed to lend a hand of assistance to these community-led waterfront projects. The program will assist localities in gaining access to existing Federal resources and will help bring their plans to life.

Mr. President, the American Heritage Rivers Program is voluntary and locally driven. This is a citizens-up effort to revitalize our hometown rivers. Communities will nominate outstanding stretches of America's rivers and 10 rivers will be rewarded special recognition. Each American heritage river will have access to a river navigator, a full-time liaison who is knowledgeable about the needs of the community and the multitude of Federal agencies and programs that could help meet their needs. The river navigator will help cut redtape and match priorities identified by the community with the services of the Federal agencies. The river navigator, however, will not have any power over local decision-making.

The American Heritage Rivers Program is solely an effort to increase local access to Federal programs that affect rivers, not to increase Federal management or regulation of rivers. The Federal Government will only respond directly to community needs.

Mr. President, the Federal Government has the authority and responsibility to coordinate the use of its limited resources in the best possible manner. If Federal agencies already have programs authorized and appropriated by Congress that are relevant to preserving and revitalizing our rivers, then an initiative that will help to ensure these services are delivered more effectively and efficiently is exactly what we need.

I'm not sure when this program became so misrepresented that individuals suddenly began to fear that the implementation of the American Heritage River Program would place an unprecedented Federal stranglehold on property owners. Today I heard the American Heritage Rivers Program referred to as an aquatic assault on the American people launched by President Clinton. That 13 Federal agencies will participate in the takeover of our Nation's rivers and a Federal employee will be appointed to control all land use and management activities within the designated area.

My only guess is these fears are rooted in a general distrust of anything that mentions the involvement of the Federal Government. But, in this instance, I find this distrust and these fears unwarranted.

The American Heritage Rivers Program simply promises to make a better use of existing sources of Federal assistance and will only coordinate the delivery of those services in a manner designed by the community. And communities can terminate their participation at any time.

Mr. President, the sponsor of this amendment says his constituents want a community-led process that will make the right decisions for their particular community, not a federally dominated process that could dictate to property owners how they can use their land. If that is what the people of Arkansas want, then that is exactly what the American Heritage River Program has to offer. But, Senator HUTCHINSON's amendment does not improve the American Heritage River Program, it only interferes with the President's initiative.

This amendment would add unnecessary delays and burdensome requirements to an initiative designed to streamline Federal assistance to community-led efforts. This amendment would even allow Members of Congress to block designations in other regions of the country, where community and congressional support are strong. Additional congressional bureaucracy will only stifle these citizen-led efforts.

Right now in North Carolina, Maryland, and Virginia, our rivers are under assault and the attack is by a cell from hell, a fishing-killing microbe called pfiesteria. We should be focusing our resources on finding the source of this microorganism and ensuring our water bodies are safe for swimming and for fishing. We should not be considering amendments that attack any new or innovative approaches to river protection and revitalization. That's why Mr. President, I ask my colleagues to support the citizens and communities from around the country who continue to express resounding support for the American Heritage River Program and to vote against the Hutchinson amendment which stands in their way to protect and revitalize their rivers.

I agree entirely with my colleagues from Connecticut and Rhode Island, from whom we will hear in just a moment.

This was designed to simplify the process. As I listened to the amendment actually read, it will complicate the process. It will add additional burden to something that is entirely voluntary. There is no new money; there are no new mandates; no applicable provision of Federal law is in any way disturbed. This is simply an attempt to help communities that want to enhance both their environment and their prospects for economic development to do so with the aid of a navigator who will simply coordinate the assistance.

The Federal Government is already authorized to bring to bear on the project. That is what the National heritage river initiative is all about. I hope my colleagues will recognize that by adding a very significant regulatory burden you would very substantially undercut the prospects for the success of this particular initiative. It is entirely voluntary. Anybody who does

not want to be a part of it does not have to be a part of it.

In my own State of Virginia, there is enormous excitement by the business community, by the environmentalists, by all who want to preserve and enhance our environment and who want to take advantage of economic development that flows from it. I hope at the appropriate time, Mr. President, our colleagues will vote against this particular amendment. And with that I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, every so often we are put in a difficult situation with amendments presented by somebody we have great affection and respect for, yet we are not in a position to agree with the amendment. Such is the instance here where we are now wrestling with the amendment presented by the distinguished Senator from Arkansas, with whom I have had the privilege of working on the Environment Committee and who is a very valuable member of that committee. Just yesterday we worked closely on a very major piece of legislation which unanimously came out of the committee, and part of the reason it was so successful in the committee was because of the help from the Senator from Arkansas.

But I must say I think he is making a mountain out of a molehill here, if you would. Maybe I ought to put it in river terms in some fashion. What occurred was in the State of the Union Address the President announced a plan to create initiatives designed to assist communities in their efforts to clean up and restore rivers and riverfront areas.

Last week, he signed an Executive order creating the American heritage rivers initiative. He had previously announced that he was going to do it and had used that term, American heritage rivers.

This amendment would, in my judgment, derail that designation and add a whole series of complexities to it that I will touch on in a minute. Since the announcement of this initiative in the State of the Union Address, communities along two major rivers in my State, the Blackstone River and the Woonasquatucket River, have been invigorated by the hope of gaining this designation. They have had rallies and gatherings, and I have had the privilege of attending some of those. I could not help but think, when the President announced this initiative, that he was describing an ongoing project we have in our State. It is the so-called Blackstone River Valley National Heritage Corridor which was created by legislation that I authored some 10 years ago.

In my years as Governor and first few years in the Senate, I came to view the Blackstone River as a nearly impossible problem. Many years of pollution from toxic substances had wiped out much of the wildlife along the river, and there had been terrific economic change. What once were great mills there had moved away or been abandoned and, indeed, it was a languishing situation.

Once this designation was made, as a result of technical assistance and advice from the National Park Service, a modest investment of Federal funds, enormous commitment from the local communities, business people, and residents, this whole area is experiencing a renaissance.

Today, community leaders from the Blackstone River Valley are sharing what they have learned with individuals from the other rivers, the Woonasquatucket, for example, and they are working together on an application for designation as an American heritage river. They want this designation. Individuals from the communities are writing the President, sharing their thoughts with him what the rivers mean to them, and we know this is a competitive situation. I must say I didn't know the whole Connecticut River was seeking it, and that is a powerful aggregation. They are favored. It goes through, I guess, three or four States—starting up on the Canadian border and coming down Vermont and New Hampshire and Connecticut, Massachusetts. However, we are very anxious that our rivers, the Blackstone and the Woonasquatucket, taking the two together, would receive this designation.

The question is this Executive order. I ask unanimous consent that a copy of the President's Executive order be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered

(See exhibit 1.)

Mr. CHAFEE. Section (d) of the Executive order says the following. I think this is important:

> Agencies shall act with due regard for the protection of private property provided by the Fifth Amendment to the United States Constitution.

That is what it says. There is nothing in this Executive order that interferes with the rights of individual property owners along the rivers. Nominations for this designation must come from the communities and have to be supported by a broad range of individuals. Once the designations are made, if a community finds it no longer wants to be an American heritage river, it can opt out. They are not bound into this thing. It is a very modest program. They get a designation. They get somebody from the Federal Government, one of the agencies that will help the communities along the river, do some things that will improve the quality of life along the river, make the river a more attractive entity in their lives.

As I say, the Federal role in these areas is limited to supporting community-based efforts to protect and restore the rivers. So I support the President's plan to designate 10 rivers. I support the goals of the initiative which are to protect natural resources, encourage economic revitalization, and preserve historic and cultural treasures, and I vigorously support the efforts of the communities that I mentioned along the Blackstone River which is part in Massachusetts and part in Rhode Island, and the Woonasquatucket River to get this coveted designation.

I would like to close, Mr. President, by touching on the Senator's amendment, but I want to underscore that applications for this designation have to come from the communities. This is not some President in Washington reaching out and saying that this river is going to be an American heritage river. It can only come about through the community seeking that designation. It has to have support from local residents. As I say, if they do not want to be in it any longer, they can get out.

So for those reasons I reluctantly oppose the amendment of my distinguished colleague from Arkansas.

The Senator from Arkansas read his amendment, and there are a couple of things in there that I find troublesome and I must say I am not quite sure what they mean. In the prioritization section, he says:

> The nominations shall be subject to the prioritization process established by the Clean Water Act, the Safe Drinking Water Act and other applicable law.

Now, it may well be, I suspect, that under the Clean Water Act the prioritization is those rivers that are what we call most unclean, if you want to use that word, or the ones that are the most polluted. This is not geared solely toward a river cleanup in the sense of pollution control. That, of course, comes under the Clean Water Act. The Senator is quite right; that is an important part of prioritization of the Clean Water Act.

But this isn't the way, as I understand it, this act is to work. It isn't solely the President reaching out and saying we are going to designate the dirtiest rivers as American Heritage rivers because they need the most help. There is very little financial help from the Federal Government, totally unlike the Clean Water Act where there are massive grants, as the distinguished Senator knows, for wastewater treatment facilities, either municipal or the law, of course, forces the private companies that pollute in any fashion to clean up their act. That is not what this is designed for.

It goes on—and this is the point the Senator from Connecticut was making, that the provisions in this act really add a great layer of bureaucracy and red tape on top of what is an innocent process just getting the designation.

Example:

> CONSULTATION WITH PROPERTY OWNERS.—To ensure the protection of private property owners along the rivers proposed for nomination, all—

All, every single—

> property owners holding title to land directly abutting the river shall be consulted.

Now, this can go on forever, trying to find who is along the river. Are they a tenant? Do they own it? What proportion of ownership do we have? In my State, we have factories that have been abandoned. They are owned by families that have disappeared. It is very hard to trace the ownership and find out who exactly lives there and owns the property.

Then we get to definition of a river community, in which the Senator says, ''For the purposes of the American Heritage Rivers Initiative, as used in the Executive order, the term river community' shall include all persons that own property, reside or regularly conduct business within 10 miles of the river.''

Now, I am not sure what the Senator means by that, but that is an impossible job, to bring in every person who lives within 10 miles of the river—lives there, owns property, or regularly conducts business. I don't know what that means. Suppose I am a regular attendee at a coffee shop along the river somewhere; I don't live within 10 miles, but I have lunch every day at this coffee shop. Do I fall under the term ''river community''?

So for those reasons, Mr. President—and again, I would be open to explanation on this river community definition that the Senator includes—I hope that this amendment will not be accepted.

EXHIBIT 1

EXECUTIVE ORDER—FEDERAL SUPPORT OF COMMUNITY EFFORTS ALONG AMERICAN HERITAGE RIVERS

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the National Environmental Policy Act of 1969 (Public Law 91–190), and in order to protect and restore rivers and their adjacent communities, it is hereby ordered as follows:

Section 1. Policies.

(a) The American Heritage Rivers initiative has three objectives: natural resource and environmental protection, economic revitalization, and historic and cultural preservation.

(b) Executive agencies (''agencies''), to the extent permitted by law and consistent with their missions and resources, shall coordinate Federal plans, functions, programs, and resources to preserve, protect, and restore rivers and their associated resources important to our history, culture, and natural heritage.

(c) Agencies shall develop plans to bring increased efficiencies to existing and authorized programs with goals that are supportive of protection and restoration of communities along rivers.

(d) In accordance with Executive Order 12630, agencies shall act with due regard for the protection of private property provided for by the Fifth Amendment to the United States Constitution. No new regulatory authority is created as a result of the American Heritage Rivers initiative. This initiative will not interfere with matters of State, local, and tribal government jurisdiction.

(e) In furtherance of these policies, the President will designate rivers that meet certain criteria as ''American Heritage Rivers.''

(f) It is the policy of the Federal Government that communities shall nominate rivers as American Heritage Rivers and the Federal role will be solely to support community-based efforts to preserve, protect, and restore these rivers and their communities.

(g) Agencies should, to the extent practicable, help identify resources in the private and nonprofit sectors to aid revitalization efforts.

(h) Agencies are encouraged, to the extent permitted by law, to develop partnerships with State, local, and tribal governments and community and nongovernmental organizations. Agencies will be responsive to the diverse needs of different kinds of communities from the core of our cities to remote rural areas and shall seek to ensure that the role played by the Federal Government is complementary to the plans and work being carried out by State, local, and tribal governments. To the extent possible, Federal resources will be strategically directed to complement resources being spent by these governments.

(i) Agencies shall establish a method for field offices to assess the success of the American Heritage River initiative and provide a means to recommend changes that will improve the delivery and accessibility of Federal services and programs. Agencies are directed, where appropriate, to reduce and make more flexible procedural requirements and paperwork related to providing assistance to communities along designated rivers.

(j) Agencies shall commit to a policy under which they will seek to ensure that their actions have a positive effect on the natural, historic, economic, and cultural resources of American Heritage River communities. The policy will require agencies to consult with American Heritage River communities early in the planning stages of Federal actions, take into account the communities' goals and objectives and ensure that actions are compatible with the overall character of these communities. Agencies shall seek to ensure that their help for one community does not adversely affect neighboring communities. Additionally, agencies are encouraged to develop formal and informal partnerships to assist communities. Local Federal facilities, to the extent permitted by law and consistent with the agencies' missions and resources, should provide public access, physical space, technical assistance, and other support for American Heritage River communities.

(k) In addition to providing support to designated rivers, agencies will work together to provide information and services to all communities seeking support.

Sec. 2. Process for Nominating an American Heritage River.

(a) *Nomination.* Communities, in coordination with their State, local, or tribal governments, can nominate their river, river stretch, or river confluence for designation as an American Heritage River. When several communities are involved in the nomination of the same river, nominations will detail the coordination among the interested communities and the role each will play in the process. Individuals living outside the community may not nominate a river.

(b) *Selection Criteria.* Nominations will be judged based on the following:

(1) the characteristics of the natural, economic, agricultural, scenic, historic, cultural, or recreational resources of the river that render it distinctive or unique;

(2) the effectiveness with which the community has defined its plan of action and the extent to which the plan addresses, either through planned actions or past accomplishments, all three American Heritage Rivers objectives, which are set forth in section 1(a) of this order;

(3) the strength and diversity of community support for the nomination as evidenced by letters from elected officials; landowners; private citizens; businesses; and especially State, local, and tribal governments. Broad community support is essential to receiving the American Heritage River designation; and

(4) willingness and capability of the community to forge partnerships and agreements to implement their plan to meet their goals and objectives.

(c) *Recommendation Process.*

The Chair of the Council on Environmental Quality (''CEQ'') shall develop a fair and objective procedure to obtain the views of a diverse group of experts for the purpose of making recommendations to the President as to which rivers shall be designated. These experts shall reflect a variety of viewpoints, such as those representing natural, cultural, and historic resources; scenic, environmental, and recreation interests; tourism, transportation, and economic development interests; and industries such as agriculture, hydropower, manufacturing, mining, and forest management. The Chair of the CEQ will ensure that the rivers recommended represent a variety of stream sizes, diverse geographical locations, and a wide range of settings from urban to rural and ensure that relatively pristine, successful revitalization efforts are considered as well as degraded rivers in need of restoration.

(d) DESIGNATION.

(1) The President will designate certain rivers as American Heritage Rivers. Based on the receipt of a sufficient number of qualified nominations, ten rivers will be designated in the first phase of the initiative.

(2) The Interagency Committee provided for in section 3 of this order shall develop a process by which any community that nominates and has its river designated may have this designation terminated at its request.

(3) Upon a determination by the Chair of the CEQ that a community has failed to implement its plan, the Chair may recommend to the President that a designation be revoked. The Chair shall notify the community at least 30 days prior to making such a recommendation to the President. Based on that recommendation, the President may revoke the designation.

Sec. 3. Establishment of an Interagency Committee. There is hereby established the American Heritage Rivers Interagency Committee (''Committee''). The Committee shall have two co-chairs. The Chair of the CEQ shall be a permanent co-chair. The other co-chair will rotate among the heads of the agencies listed below.

(a) The Committee shall be composed of the following members or their designees at the Assistant Secretary level or equivalent:

(1) The Secretary of Defense;

(2) The Attorney General;

(3) The Secretary of the Interior;

(4) The Secretary of Agriculture;

(5) The Secretary of Commerce;

(6) The Secretary of Housing and Urban Development;

(7) The Secretary of Transportation;

(8) The Secretary of Energy;

(9) The Administrator of the Environmental Protection Agency;

(10) The Chair of the Advisory Council on Historic Preservation;

(11) The Chairperson of the National Endowment for the Arts; and;

(12) The Chairperson of the National Endowment for the Humanities.

The Chair of the CEQ may invite to participate in meetings of the Committee, representatives of other agencies, as appropriate.

(b) The Committee Shall:

(1) establish formal guidelines for designation as an American Heritage River;

(2) periodically review the actions of agencies in support of the American Heritage Rivers;

(3) report to the President on the progress, accomplishments, and effectiveness of the American Heritage Rivers initiative; and

(4) perform other duties as directed by the Chair of the CEQ.

Sec. 4. Responsibilities of the Federal Agencies. Consistent with Title I of the National Environmental Policy Act of 1969, agencies shall:

(a) identify their existing programs and plans that give them the authority to offer assistance to communities involved in river conservation and community health and revitalization;

(b) to the extent practicable and permitted by law and regulation, refocus programs, grants, and technical assistance to provide support for communities adjacent to American Heritage Rivers;

(c) identify all technical tools, including those developed for purposes other than river conservation, that can be applied to river protection, restoration, and community revitalization;

(d) provide access to existing scientific data and information to the extent permitted by law and consistent with the agencies mission and resources;

(e) cooperate with State, local, and tribal governments and communities with respect to their activities that take place in, or affect the area around, an American Heritage River;

(f) commit to a policy, as set forth in section 1(j) of this order, in making decisions affecting the quality of an American Heritage River;

(g) select from among all the agencies a single individual called the ''River Navigator,'' for each river that is designated an American Heritage River, with whom the communities can communicate goals and needs and who will facilitate community-agency interchange;

(h) allow public access to the river, for agencies with facilities along American Heritage Rivers, to the extent practicable and consistent with their mission; and

(i) cooperate, as appropriate, with communities on projects that protect or preserve stretches of the river that are on Federal property or adjacent to a Federal facility.

Sec. 5. Responsibilities of the Committee and the Council on Environmental Quality. The CEQ shall serve as Executive agent for the Committee, and the CEQ and the Committee shall ensure the implementation of the policies and purposes of this initiative.

Sec. 6. Definition. For the purposes of this order, Executive agency means any agency on the Committee and such other agency as may be designated by the President.

Sec. 7. Judicial Review. This order does not create any right or benefit, substantive or procedural, enforceable by any party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 11, 1997.*

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. I find myself in the uncomfortable position of offering an amendment that is opposed by a chairman for whom I have the greatest respect and greatest esteem and the highest regard. So it is with that recognition that were I not so convinced of the merits of this amendment, I would have to rethink its value and its submission.

When we talk about making a mountain out of a molehill, I think the opponents of this amendment are making a mountain out of a molehill. This amendment has the simple purpose of protecting the rights of property owners and ensuring the input and participation of those most affected by these designations. It is not too much to think that Congress ought to ratify this designation, that Congress ought to have a say or view in the designation of these rivers in what could be a very, very broad program—eight cabinet departments, and four Federal agencies We have a process for the Wild and Scenic Rivers. Why not have a say in the American heritage rivers initiative as well.

Now, my esteemed colleague said there is very little money involved. We do not know. It has not been authorized, nor has it been appropriated. How much money is involved in this? Who can really give me an answer to that? There is no answer because we have eight cabinet departments and we have four Federal agencies, each one taking a little bit out of their pot. How much is involved? I would pose that question to those who are opposing this amendment. This has been presented as just a small initiative; that really we are making too much out of it and this is just a voluntary program. If it is a small program, we have eight cabinet-level departments involved and four Federal agencies participating in it. That sounds like a rather major initiative to me.

If you will compare the simplicity of my three-page amendment to the length of the Executive order, which has been submitted for the RECORD, I think one will see who is making a mountain out of what molehill.

Now, my esteemed colleague gave us some historical background as to how this initiative came forward. Let me just amplify a little bit more. The President officially announced this in his State of the Union Address. It was published during the month of February in the Federal Register, although it was not noticed to a great extent. Several public hearings apparently were held in the spring but congressional offices were not uniformly notified of hearing dates. Equally troubling was the short 3-week public comment period that was posted in the May 19 Federal Register. Because of the scope and the goals of the initiative and the magnitude of possible designations, I along with 15 of my colleagues signed a letter to Kathleen McGinty, chair of the Council on Environmental Quality, asking for a 120-day extension.

That is all we asked for, extend the comment period. They gave 3 weeks for the public. This is being presented as, Well, we would welcome all of those who are concerned about this to have adequate input. The fact is, the administration gave 3 weeks for public comment, and we as the elected representatives of the people said, Please extend that to 120 days. The administration only agreed to a mere 3 weeks. I think that was a very inadequate response to a program that has never been authorized and never been appropriated.

As I read the letter that has been sent out to all of my colleagues from the American Rivers, from the National Audubon Society, National Trust for Historic Preservation, the River Network, and the Sierra Club, I hardly recognized the amendment of which they were speaking. They outlined their objections to the Hutchinson amendment. They say the Hutchinson amendment imposes ''unprecedented, onerous and unnecessary requirements.''

I read the amendment. So let the American people make their judgment as to whether that is an appropriate characterization of the amendment and whether asking Congress to approve, asking the property owners be notified and given the opportunity to say yes or no to it, whether they like it or not, if that is an onerous and unprecedented requirement.

Then they have four bullets in which they express their objections. Listen to these objections. These are the objections of the American Rivers, National Trust for Historic Preservation, Sierra Club, the National Audubon Society, and the River Network. Objection No. 1, ''All designations would require congressional approval.'' Boy, that is something to object to, that Congress would actually approve it. They object, ''The amendment would require all property owners along rivers to be identified and asked to support or oppose the nomination.'' Boy, that is something to object to, to actually notify the property owners and give them an opportunity to say whether they support it or oppose it. This is the objection of these groups to this amendment. That is an onerous requirement, to notify property owners about this new designation that is going to impact their lives, impact their property, the use of their property. They object, they say, ''The amendment would prohibit the initiative to assist nondesignated rivers.'' I don't see that in the amendment.

Then they say, ''The amendment would create and impose on river communities a 20-mile-wide Federal corridor including all persons who own property, reside or regularly conduct business in the corridor.'' I say to my distinguished colleague who questioned the definition, if you don't like definition, give us a different definition. But at least there is a definition of what a river community is. Because in the Executive order there is no definition of what we are talking about when we say a river community. We thought there ought to be some kind of definition as to what a river community is, and the best way to define it is to designate those who are most impacted by it.

So, once again, I would never present any legislative offering that I am authoring as being a perfect legislative remedy. But I am suggesting that there

is nothing intemperate or unreasonable about what we are seeking. We are seeking to ensure that private property rights are protected, that property owners have an opportunity for input, and that congressional review and approval be preserved. That is our prerogative as those elected by our citizens.

Once again, if there is a mountain being made out of a molehill, it is those who would oppose a very commonsense amendment that would ensure that those most impacted by another Federal initiative will have input and have some protection for their rights and that those they elected to represent them up here would have a final say on whether those rivers are so designated or not. I ask my colleagues to look beyond the rhetoric and look at the reality of what this amendment does, the purpose of the amendment, and then grant their support for the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I will be relatively brief here. I gather there are a couple of our colleagues who want to come over and be heard on the amendment itself.

Let me suggest, first of all, to my colleagues here who have been following this, there were more than 90 days of comment on the initiative. In fact, as a result of that period of comment, there were a number of important changes and clarifications to address some of the concerns expressed regarding the initiative's implementation. I ask unanimous consent those changes be printed in the RECORD at this point.

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

IMPORTANT CHANGES TO THE AMERICAN HERITAGE RIVERS INITIATIVE AS A RESULT OF PUBLIC COMMENT

The goal of the American Heritage River initiative is to support community-led efforts to spur economic revitalization, protect natural resources and the environment, and preserve historic and cultural heritage. After more than 90 days of comment on the initiative, the Administration made a number of important changes and clarifications to address some of the concerns expressed regarding the initiative's implementation.

The Administration is committed to ensuring that private property rights, water rights, and other rights are fully respected and protected under the American Heritage Rivers initiative.

The American Heritage Rivers initiative will work in coordination with laws and regulations that seek to reduce pollution, improve water quality, protect drinking water, manage floodplains, promote economic development, facilitate interstate commerce, promote agriculture, protect wetlands and endangered species, preserve important historic and archaeological sites, and address other concerns.

The American Heritage Rivers initiative will not conflict with matters of state and local government jurisdiction, such as water rights, land use planning and water quality standards, nor will it change interstate water compacts, Indian tribal treaty rights, flood damage reduction, or other existing rights. By achieving greater coordination between programs and local needs, American Heritage Rivers will work to build mutual understanding and better solutions to existing and future problems. It will provide a forum in which federal officials, community organizations, and other stakeholders can examine how the range of regulations are implemented locally.

Employees of the federal government, including the River Navigator, may not as a result of the American Heritage Rivers initiative infringe on the existing authority of local governments to plan or control land use, or provide or transfer authority over such land use; nor may the initiative affect any existing limitations on or create any new authorities for the participation of federal employees, including River Navigators, in local zoning or land management decisions involving private property.

The initiative will not supersede, abrogate, or otherwise impair the authority of each state to allocate quantities of water within its jurisdiction; and any proposal relating to water rights in a community's plan must comport with all applicable laws and interstate compacts. Nothing in this initiative is meant to preclude any holder of a state water right from exercising that right in a manner consistent with state law.

In implementing the American Heritage Rivers initiative, federal departments and agencies shall act with due regard for the protections of private property provided by the Fifth Amendment to the United States Constitution.

The American Heritage Rivers initiative is voluntary and locally driven; communities choose to participate and can terminate their participation at any time. Nominations must come from the people who live and work along a river. Those who rely on the resources but live outside the area may be included in discussions about the plan of action, but may not submit a nomination.

Mr. DODD. Furthermore, let me lay out how this works. This is not just sort of throwing this out. We are going to have some sort of political determination made regarding these 10 heritage rivers.

First of all, the administration stated that if a Senator or a Member of Congress opposes a designation in his or her State or district, the designation will not occur. That at least gives people an opportunity here to express the wishes of their communities. So, today we will have a vote on this. I presume that is the way people want to express how they feel about this. If colleagues want to vote for the Hutchinson amendment, the amendment of my colleague from Arkansas, that's a good indication of where you stand on this, and that can certainly narrow down the process, I suppose, here. That would be, I presume, an expression of how your constituency felt on this.

Second, the administration has proposed a panel of experts representing economic development, including agriculture, natural resources, environmental protection, historic and cultural preservation, to review all the nominations and make recommendations to the President. This would not only, I think, ensure a fair and objective process, but guarantee the designations are made in a timely manner. So it is not going to be made by one individual. You bring together people to determine what are the qualifications that ought to be looked at. Certainly, some of the already existing Federal laws regarding clean water are very, very important. There are other considerations, and that ought to be a part of it.

Third, there must be broad-based support for this. In the nomination package submitted, communities must show a broad base of support, including property owners, State, tribal, local governments, before this package is going to be accepted.

Let me suggest here, by the way, that it spells it out. ''The administration recommends that supporters should reflect''—I am reading here, now, ''the diversity of the community, including but not limited to property owners, as appropriate, and as stated in the Federal Register notice they should include farmers, ranchers, landowners, businesses and industries, education, arts organizations, youth groups, community leaders, developers, community development organizations, historical societies, environmental groups and other nonprofit organizations, elected officials, State, tribal and local governments.'' You can't get much broader than that. You have to demonstrate that kind of support.

Private property owners are an important element here. It is not limited to that. If we are going to ask people to give comment out here, certainly we are suggesting that ought to come from those people, but there are other entities as well that are affected by it. Businesses are affected by it. Universities are affected by it. Communities are affected by it.

What the Register says here is get the comments from everybody here including private property owners. Does it say to get every single private property owner? No; that would be a nightmare. On the Connecticut River, 500 miles of river through four States and congested urban areas, are you going to get a comment from every private property owner? Why not kill the whole thing? That's the idea. Get rid of it. Have an amendment that says there should be no designation of 10 heritage rivers. That's a lot cleaner. But the idea somehow in four States where we are applying—no guarantee we are going to be accepted; we are for this in four States—the delegations are for it, the communities are for it, we have to go back now and go through 510 miles on both sides of the Connecticut River, 10 miles on either side, and get comments from every single property owner, with all due respect, kills this.

There is a cleaner way of killing it; a cleaner way of killing it than maiming this process and adding a huge bureaucracy where we go out now, because we like this, and go through the next year or two where local communities, at some expense, are going out and getting comment from every single property owner. Talk about adding to the burden of a process. There is no

mandate here, no regulations, no money. Just a designated 10 rivers in the country as being heritage rivers. Talk about adding to the cost of local taxpayers and communities—this amendment does that.

Here we require, the administration requires, broad-based comment. Nominations may only be made—they may only be made by members of the community. That is the only way this can occur. It doesn't occur because some Senator nominates it. It has to come from the community. That is exactly the purpose and the intent here. So, the idea of going across and saying we are going to exclude everyone else in the process—there are no new regulations or changes in existing law. The American heritage rivers does not change the existing prioritization process for the Clean Water Act, the Safe Drinking Water Act, or any other preexisting law. Given that the American heritage river initiative imposes no new regulations on any activities undertaken or designated on designated rivers, people would naturally abide by the law, obviously, in areas that are covered under those provisions of law. Any project identified in a community's nomination package must undergo applicable State, and local review processes. Property owners are key at this stage of the review. The administration believes such review should remain a local issue and Federal agencies should assume no additional roles in what is a local decision.

In the nomination package, communities must demonstrate that members of the community have had an opportunity to comment and discuss the nominations and plan of action. That is required. When you submit your package from a local community, you have to demonstrate you have gone out to the community and solicited the views of the people of your community.

It even goes further, so it is not just a mayor or select person in town, but it is actually that you have to demonstrate in the local community you have solicited the comments and the views of people in that community, including your private property owners.

In implementing the American heritage river initiative, Federal departments and agencies are required to act with due regard for the protection of private property owners, provided by the fifth amendment to the U.S. Constitution, and as directed by Ronald Reagan, President Reagan's 1988 Executive Order No. 12360.

I must say here, this has been pretty well thought out here, requiring applications must come from the community. The community leaders must solicit the opinion of people in their communities. It also solicits the views of others in addition to the private property owners along those rivers, but doesn't require every single one of them, as does this amendment, as it insists. I read it to you. It says here:

''To ensure the protection of private property owners along a river proposed for nomination, all property owners''—I am reading now line 17, 16 and 17—''all property owners holding title to land directly abutting river bank shall be consulted and asked to offer letters of support for or opposition to the nomination.''

All 510 miles of the Connecticut River? Along the Mississippi River, all property owners? Colorado River, all properties owners are required here? It would be a nightmare. Why not just a simple amendment, ''There shall be no designation of American heritage rivers''? It is cleaner; up or down, yes or no.

What if in the process we go through this process by communities, by towns all across the country going through this process, at great cost, and at the end we don't get designated, someone else does? I understand that. But why make us go through all of this? Why not just say, ''We don't like the program; get rid of it.''

As I said earlier, if people don't want this, if Members of Congress, the delegation does not want it, believe me, you won't be included. It is simple, straightforward, guaranteed, no problem. If any Senators here decide they don't want their States to be included, the rivers that run through them, vote that way today and, believe me, the process gets thinner. Believe me, it gets thinner. Those of us in the New England States certainly feel that.

Senator CHAFEE of Rhode Island pointed out, on page 3, the definition of a river community:

> For the purposes of the American Heritage Rivers Initiative . . ., the term ''river community'' shall include all persons that own property, reside or regularly conduct business within 10 miles of the river.

I have almost 500 miles of Connecticut River, add 10 miles on either side of it and go up and down there, you add to my nightmare of everyone who abuts the river. Now I have to go 10 miles to either side. This gets unbelievably cumbersome to try to do something as simple as designation of 10 heritage rivers—no mandates, no regulations, no money to try to manage it here and nothing can be done by a Federal agency that runs into opposition of local agencies and governments.

This has been well thought out, Mr. President, well thought out by a panel of people who will designate it. It is not going to be made by someone in the White House who picks out a river, but to try to see if we can't come up with a group of people here who will make intelligent choices about this.

This is really pretty straightforward. Again, I can tell you, and it may differ from place to place in the country, but I gather it is pretty competitive. We have people all across the country excited about this.

We have had about six different meetings in my State. We invited the head, the chief administrator, for the Environmental Protection Agency. We had a huge crowd turn out expressing their support—the communities, the business leaders—saying this is something we really want here.

Now to go back and say we have to get every single property owner for 10 miles on either side on this thing to designate river communities, this would be a great blow, I think, to millions of people in this country who would like to see their rivers restored, who like the fact that there is a President in this country who has said we ought to pay attention to this.

Hopefully, this is just the beginning of a process where more rivers can be designated in the future. I suspect we are going to have a lot of hurt feelings at the end of this process. We only have 10 that are going to be designated out of the entire country. But the fact that 10 will be and maybe others can be to highlight the importance of these rivers, the communities and all the activities associated with it, I think ought to be applauded. The fact that the administration has put in place a very deliberate, thoughtful process of where this should begin, how it ought to be conducted, who makes the decisions, who is going to be consulted, I think is something that deserves applause, rather than coming up, as I say with all due respect, with an amendment that would basically gut this process entirely and make it impossible for millions of people across this country to celebrate their rivers and to try to restore them to the cultural, historic, economic, and environmental importance that they ought to have in this country.

For those reasons, at the appropriate time, I will offer a motion to table this amendment and hope my colleagues will support it. I say that with all due respect for my colleague from Arkansas. We have worked together on a number of different issues. I have great respect for him. I enjoy his company and service. I just have a fundamental disagreement with what this amendment would do. I think it would be dangerous to what has otherwise been a very ennobling effort and one that ought to enjoy broad-based support here.

Mr. President, I yield the floor.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, with mutual respect for Senator DODD's opposition to this amendment, three times my distinguished colleague has suggested that a vote for the Hutchinson amendment will be a vote not to participate in the American heritage rivers initiative. I assure my colleagues, and I hope that Senator DODD will join me in assuring my colleagues, that this process is not so political that casting a vote for an amendment designed to protect the private property owners would somehow jeopardize later approval or selection as an American heritage river. It is simply not the case.

Mr. DODD. If my colleague will yield on that point, I will clarify it for him.

Mr. HUTCHINSON. Yes, I will yield.

Mr. DODD. Any Member of Congress who wants to can object to their State being included and it will exclude that nomination. Obviously, one can interpret a vote here.

Mr. HUTCHINSON. Reclaiming my time, that, of course, is the case, but a vote for the Hutchinson amendment is not, as it has been suggested, a vote against this initiative or a vote against having a river in your State participate in this program.

I think it gives the wrong appearance and the wrong suggestion for Members of the Senate that somehow their vote on this amendment might influence whether or not rivers in their States would be selected and be so designated.

There are many who came and asked me to sponsor an amendment similar to what was passed in the House in which funds were simply cut off for this program. I resisted the desire to do that, because I didn't think that the goals, as stated for the initiative, were bad, but I did believe that there needed to be some protections, and some assurances.

Senator DODD says that this is somehow some backdoor way of killing the program. Well, the House in effect did that. I resisted that because I didn't want to indicate I wasn't supportive of the goals of the initiative. But I did believe that we needed to have a process that ensured that it would guarantee the rights of private property owners along these precious historic rivers would be protected.

It has been asserted that we have such a process in place. My confidence in that process is somewhat shaken because of my experience with the administration over this issue.

Fifteen U.S. Senators signed a letter asking for the comment period to be extended for 120 days, but we could not get the administration to honor that request. Because our simple request was denied, I have a hard time accepting that the requests of average citizens would be honored.

The process may look good on paper, but that is not the process in reality. If, in fact, there is such confidence that property owners are going to have input and those most affected are going to have adequate input, then there shouldn't be any problem in accepting an amendment that puts that assurance into statutory language.

The fact is, the process has been short-circuited. Those most impacted and those most affected are not being given an opportunity to express themselves.

It has been suggested that this is a small program, voluntary program, no money involved. How can that be asserted? We don't know how much money is going to be spent. Nobody can tell me how much is going to be spent on this initiative because no one knows. There has been no authorization. There has been no appropriation. We have eight Cabinet-level departments involved and four Federal agencies involved. Let's put that in the amendment, ''No money will be spent. We are going to designate these rivers and no money will be spent.'' No. We are not going to get that assurance because that is not the case.

How broad are the implications of this initiative? No one knows, because Congress has been cut out of the process, until this moment. An Executive order, a short comment period, the process moves forward, and when one Senator dares to stand along with some colleagues who have had some courage to cosponsor the amendment, suddenly we are imposing some terrible, onerous burden upon this program. Who objects to that? I believe this is why we were elected: to look at the executive branch, to rein in agencies that may go off without adequate public input and without a proper process. All we are doing in this amendment is assuring there is going to be such a process.

They say, ''Well, this is terrible to have to notify all the property owners.'' There are a lot of ways of notifying, and we have, both on the State and Federal level. There are many different kinds of public notification. You can do that through newspapers. You can do that through radio. You can do that through public service announcements. As a former radio station owner, it was something we did that all the time. It is common knowledge that newspapers give public notice all the time.

It is important to ensure in statute that we are going to have public notice to all property owners and that their input is desired. We want to know if you are for the initiative or against it, give us your ideas. Give us your suggestions—that is not some kind of onerous burden. It is a fundamental part of freedom. It is part of liberty. It is part of the essence of a democratic republic. It is an asssurance to the citizens of our country that they will have adequate input. It is not to stand here on the floor of the U.S. Senate and say, ''Well, we can't possibly notify everybody.'' We can and we should. The Amerian public should know, and they have the right to give their thoughts and their suggestions on whether they are for it or they are against it.

If one is convinced that the property owners' input is going to be guaranteed under the current process, there surely should be no objection to supporting this amendment and guaranteeing that they are going to have proper input. The fact is, we need to reassure the citizens of this country that we in the U.S. Senate do take the rights of property owners seriously and that when we are going to designate their property, we are going to give it a title—we don't know what all the implications of the American Heritage Rivers Initiative may be—it is incumbent upon us to guarantee that they are going to have the right to be involved in that process. That is what this amendment is about. Let's let them know. Let's let them have input. Let's let their elected officials be able to make the final decision.

It is argued that for Congress to review and to approve the designations of these rivers is somehow to politicize the process. Anybody who has watched the executive branch operate over the last 4 years—for that matter, I suspect you go could go back much further; I have been in Congress since 1993—if you look back over those years, I think it is very difficult to argue that designations and decisions being made in the executive branch are somehow nonpolitical.

If you wanted to depoliticize the process, bring it before the U.S. Senate, bring it before the House, bring it before the appropriate committees and let us ratify it. We do it all the time. We do it for the wild and scenic rivers. This will allow Congress to have the same kind of input and the same kind of ratification process that we have on other programs.

No, that is not a bad thing; it is a good thing. It is a good thing to notify property owners, to ensure public input, to allow the elected representatives of the people to have a say-so in these kinds of programs. For many of us who have looked at the use of the Executive order over the last few years, we understand, we understand well, that a nation that was built upon three equal branches of Government and a system of checks and balances. Too often the legislative branch has allowed our prerogatives to be usurped by an executive branch that would just as soon govern by Executive order. Whether it is totally meritorious or whether it may not be totally meritorious, we should have a say in those kinds of decisions. Here is an area in which we, as the legislative branch, can reassert our rightful constitutional authority to review these decisions.

So I ask my colleagues to, once again, look at the actual language of the amendment, look at the intent of the amendment, look beyond the rhetoric and support this very responsible, moderate, temperate provision to ensure that the rights of our citizens are protected. I yield the floor.

Mr. KENNEDY. Mr. President, I join my colleagues in strong opposition to this amendment, which would severely undermine the American heritage rivers initiative proposed by President Clinton in his State of the Union Address this year.

Since the President's announcement, many communities across the Nation, including impressive coalitions along the Connecticut River, Blackstone River, and Merrimack River in Massachusetts and New England, have expressed their strong support for this new program. They recognize it as an excellent opportunity to work in partnership with the Federal Government to protect the environment and cultural resources that make each of these rivers a unique part of our history and heritage.

The initiative is designed to join the National Park Service's technical expertise with local decisionmaking, so

that cities and towns across the country can decide how best to revitalize their rivers and communities.

This amendment would impose a host of unnecessary Federal mandates that would make it difficult for communities to nominate their rivers for designation as American heritage rivers. It would be impossible to carry out the program as President Clinton intended. The amendment would dictate the size of each river corridor—requiring uniform boundaries with a 20-mile-wide span along each river—rather than allowing flexibility for local circumstances. It would require mandatory participation of each and every property owner within the 20-mile-wide boundary of the corridor, and upset the ongoing application process that many communities are pursuing in good faith to meet a December 10 deadline. It would also require congressional approval of the President's selection of rivers, injecting politics into a nomination process that is currently based on merit.

This amendment is a frontal assault on the American heritage rivers initiative. It would strip citizens of their ability to protect and revitalize their rivers on their own terms, and give Congress the authority to micromanage these important local efforts.

The American heritage rivers initiative has great potential, and has won high praise from communities across the country. It makes no sense to change the ground rules of the game at this late stage, and I urge the Senate to reject this amendment.

Mr. LEAHY. Mr. President, for the last 2 weeks, we have seen firsthand the threats facing our rivers. In Maryland and Virginia, rivers have been plagued with fish washing up along the banks with lesions. Although the State and Federal fish and wildlife agencies have not been able to pinpoint the cause, I think we all can assume it is linked to the health of these rivers. The President's American heritage rivers initiative was launched to identify those rivers which are facing the greatest threats and assist communities revitalize the health of their backyard resources.

In Vermont, many of our rivers have already suffered such environmental harm that they can no longer sustain healthy fish populations. Even in Vermont's first nationally designated wilderness area, the 16,000 acre Lye Brook wilderness of the Green Mountain National Forest, streams are too toxic for fish. While the streams are remote from Vermont's population centers and industries, it stands square in the path of storms from the midwest, which carry pollutants that puff out of coal-fired power plants and cause acid rain.

Although I would argue that Vermonters are the most environmentally aware and involved citizens in the country, they cannot take on these environmental threats alone. The American heritage rivers initiative will empower these communities to access Federal resources to help them protect, preserve and develop their river resources. This is assistance Vermonters have been asking for—assistance where the community identifies the need, where the community controls the projects and where the community decides the outcome. This program is voluntary. This program is grassroots.

Since the President announced this initiative, I have heard from Vermonters up and down the Connecticut River asking me to nominate their river for this initiative. Although I whole-heartedly support the nomination of the Connecticut River, I told those communities that the nomination had to come from home, not from Washington. And this is as it should be. The nomination of the Connecticut has created a new enthusiasm for the Connecticut River in Vermont. Mr. President, I ask unanimous consent to have printed in the RECORD a letter I received that demonstrates the widespread interest in nominating the Connecticut as part of this initiative.

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

CONNECTICUT RIVER
WATERSHED COUNCIL, INC.,
Easthamption, MA, February 18, 1997.

Re "Heritage River" designation for the Connecticut River.

Hon. PATRICK LEAHY,
U.S. Senator, Russell Senate Office Building, Washington, DC.

DEAR SENATOR LEAHY: In his "State of the Union" address, President Clinton announced a national conservation initiative of singular relevance to the Connecticut River. He stated his intention to designate ten of the Nation's most significant rivers as "American Heritage Rivers."

The Connecticut not only merits national recognition, but it is the symbol of what a heritage river should be—an array of extraordinary local conservation and economic development actions that are bolstered and reinforced by government resources and expertise. We ask for your support and active efforts in Washington to see that the Connecticut is selected as one of the Nation's ten Heritage Rivers.

Designation is intended to create a partnership between the federal government and those who work at the local level to protect and responsibly use river resources. It will *not* bring federal regulation and mandates. Instead, it will redirect federal resources and expertise to help Valley residents safeguard our river environment, sustain and renew our river communities, and preserve the historic and cultural fabric of our river Valley. Individuals, communities, and organizations already working in the watershed will define the partnership and determine the support they want from the federal government to aid us in conserving our river resources and building the watershed economy.

The Watershed Council has put together a "Connecticut River Fact Sheet" for you, detailing the many resources that make the River special and worthy of heritage designation (a copy is enclosed). Summarized, the top three reasons are:

1. The Connecticut is New England's longest river and largest river system. The 410-mile river has a 11,260 square-mile watershed that encompasses parts of four states—Connecticut, Massachusetts, New Hampshire and Vermont. Besides its rich diversity of plants, animals, birds, fish and other wildlife, the Connecticut supports recreation, power generation, agriculture, and urban revitalization. It provides 70% of Long Island Sound's freshwater. Its "special places" include the Northern Forest at its headwaters, the Connecticut River Macrosite below Hanover, NH, an internationally recognized estuary wetland area below Middletown, CT, and a host of significant historic, geologic and cultural sites in the Valley.

2. The Connecticut River faces challenges that local and state governments alone cannot resolve. The New England Interstate Water Pollution Control Commission is about to issue a report entitled "The Health of the Watershed" detailing the water quality threats facing the River. Problems that need attention include nonpoint source pollution, toxins in fish, erosion, flow fluctuation, combined sewer overflows (CSOs) and upgrading existing sewage treatment plants.

3. There are willing local partners up and down the River ready to work in partnership with the federal government. There is a diverse network of nonprofit groups and local agencies ready to take advantage of the opportunities and resources that designation would bring to the Connecticut River. These include nonprofit land trusts and local conservation and historic preservation groups in each of the four states; hydropower dam operators; the Great Falls Discovery Center partnership in Turners Falls; the 13 regional planning commissions in the Valley such as the North Country Council, the Joint River Commissions, the Franklin County and Pioneer Valley Planning Commissions, the Connecticut River Assembly and the Gateway Commission; urban revitalization efforts like Riverfront Recapture in Hartford or the Springfield Economic Development Council; Hartford's Metropolitan District Commission; and statewide and regional conservation organizations like the Connecticut Chapter of The Nature Conservancy, the Society for the Protection of New Hampshire Forests, the Vermont Natural Resources Council, and the Connecticut River Watershed Council.

For the Connecticut to shine in the company of rivers that are already part of our national consciousness—the Mississippi, the Columbia, the Rio Grande—we must all champion its heritage nomination. Competition for this national recognition and the allocation of scarce federal resources it will mean will surely be fierce.

The decision on which rivers will be designated is expected within the next 90 days, so time is of the essence. We urge you to write to Interior Secretary Bruce Babbit this month to express your support for selecting the Connecticut as a heritage river. Secretary Babbit has visited the Valley several times in the recent years and has spoken eloquently about the Connecticut's natural and cultural values, so he personally knows our River.

If you have further questions about the President's American Heritage Rivers Initiative or need more information about the Connecticut, please do not hesitate to have your staff contact me. Meanwhile, the Council is already working with a network of individuals, communities, and organizations to gather the local nominations that will win the designation for our River.

Sincerely,

WHITTY SANFORD,
Associate Executive Director.

Mr. LEAHY. This widespread interest in the Connecticut River would not be recognized by Senator HUTCHINSON's amendment. His amendment would only define the "river community" as persons who live within 10 miles of the river. The Connecticut River connects

four States and supports a watershed of over 11,000 square miles. I would argue that the river community stretches throughout this watershed.

This amendment would also give priority to those rivers based on the Clean Water Act and the Safe Drinking Water Act. Although I certainly agree that these laws should be key parts of the criteria, it overlooks the other half of the President's initiative—economic revitalization. Many of our great American rivers were once the focus of our national economy as the primary means of transportation and commerce. Much of this role has been lost, but the economic link between communities and rivers has not. The Connecticut supports a rich agriculture community, a recreation network and a renewed sportfishing industry. The economic importance should also be recognized.

I support the President's interest in highlighting 10 rivers for revitalization and hope that the program moves along quickly to bring our communities together around their rivers. I urge my colleagues to defeat the Hutchinson amendment so that the program will not be bogged down with unnecessary delay.

Mr. LIEBERMAN. Mr. President, I rise in strong opposition to the amendment offered by Senator HUTCHINSON that would have severe consequences for President Clinton's American heritage rivers initiative.

The American heritage rivers initiative is designed to support community efforts on behalf of their own river resources and will help these communities tell the rest of the Nation just how special their river is. The Federal Government has a lot of expertise to offer to local communities on how to accomplish that goal, and we ought to be looking for ways to share that wealth with communities who want it. I wanted to take a moment to explain why I think the initiative is the right way to accomplish these goals.

The initiative involves no new regulatory requirements for individuals or State, tribal, and local governments. It is a voluntary, community-defined effort that gives riverbank communities the option to work in partnership with the Government to help cut redtape and match community priorities with services provided by Federal agencies. The initiative will allow communities to partner voluntarily with the Federal Government so that existing resources can be used more effectively. In this time of increasingly scarce funding, this is certainly worth encouraging.

Individuals, communities, and organizations already working in the watershed will define the partnership and determine the support they want from the Federal Government to conserve river resources and build the watershed economy. This initiative isn't a land grab by the Federal Government, or even a potential one. It is simply an effort to help sustain and renew river communities, and recognize the rich history and tremendous contributions of rivers to the Nation.

Second, safeguards are in place to ensure that the initiative will protect the interests of river communities. Most importantly, nominations for designation as an American heritage river must come from the communities themselves. Unless a community wants an American heritage river, they don't have to have one. And there are opportunities to designate only stretches of river in case the local communities feel that designation of the entire river would be appropriate.

The nominations themselves must meet several criteria that demonstrate designation is not going to interfere with anyone's interests. For example, the nomination must have broad support from individuals and organizations along the river. This means that a river won't be designated unless it makes sense to the community—the people who are closest to the resource and understand it best—that this action will be beneficial. Also, the nomination must show that the different interests who live in the community—public, private, and local government groups—are willing to cooperate to protect the river.

Now what happens if a river receives an American heritage designation? The Federal Government simply makes a commitment to use existing staff, resources and programs to assist river communities in their river restoration and community revitalization efforts. These are relatively simple services but can be essential for local communities struggling to gain the attention of the Federal Government. For example, an Internet Home Page will be set up to provide communities with information on river conditions and where to access other kinds of information important to the interests of the community such as available grants, and where to get aerial photographs and advice from experts. This kind of nonintrusive assistance will help to streamline the bureaucracy that can be encountered when communities plan initiatives to revitalize their surroundings. A commitment to a better-functioning government is in everyone's interests. In addition, this isn't a perpetual designation—any community may have this designation terminated at its request at any point in the future.

If a river receives the American heritage designation, the Federal Government agrees to act as a ''good neighbor'' to those communities involved. This means that the Federal Government will ensure that its actions have a positive effect on the natural, historical, economic, and cultural resources of the river communities. Agencies will be required to identify ways to inform local groups regarding Federal actions and must consult with American heritage river communities early in the planning stages of those actions to take into account the communities' goals and objectives. Communities also will be granted greater flexibility to try out new and innovative approaches that support their needs. Reducing the bureaucratic obstacles communities face and committing the Government to plan around the communities' objectives means that the Federal Government will be more responsive to the needs of local areas—something we all want. The initiative will allow riverbank communities to build their watershed economy and conserve their river resources in better, smarter ways than might be possible currently.

In New England, communities along the Northeast's longest river and largest river system—the Connecticut River—are sold on the American heritage rivers Initiative. The Connecticut traverses four States from its headwaters in New Hampshire to Long Island Sound and affects millions of lives and livelihoods in the States through which it flows. Unfortunately, the Connecticut faces problems that State and local governments cannot resolve alone—run-off from lawn care and agricultural fertilizers and discharges from sewage treatment plants pour into the river. Some fish contain unhealthful levels of toxins. Sewers overflow into the river when it rains. A network of ready-and-willing groups up and down the river want to work in partnership with the Federal Government to help the Connecticut. These include State and local conservation and historic preservation groups, local businesses, hydropower dam operators, regional planning commissions, and urban revitalization efforts. Designation of the river as an American heritage river would benefit every regional, state, and local effort to promote the Connecticut River Valley as a place of unmatched quality, where there is an opportunity to raise a family, expand a business, or spend a vacation.

Rivers are a cornerstone of this Nation's great history and define the distinctive character of riverfront communities. Rivers are lifelines that rank among our greatest environmental, economic, and human resources. What we say and do in caring for all our rivers will say to future generations not what we think about ourselves here in 1997, but what we want the world to be for our grandchildren, and their grandchildren. The American heritage rivers Initiative will help ensure that our legacy to future generations reflects our commitment to work together to conserve and restore the environment, to protect cultural and historical resources, and to promote responsible economic development and tourism on our Nation's most important assets. The initiative deserves out support. I urge opposition to Senator HUTCHINSON's amendment.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have sought recognition because I would like to speak briefly on the introduction of legislation on campaign finance reform and to submit my bill today

since the bill is going to, apparently, be considered in some form by the Senate next week.

I have consulted with the distinguished manager, Senator GORTON, who stated that it would be acceptable to him for me to take 10 minutes, and I consulted with Senator ENZI, who has been waiting to speak on another matter, and I consulted with Senator DODD, who may not be officially in charge of the bill.

Mr. DODD. Will my colleague yield for a point of information, Mr. President? Is this just to introduce some legislation? He is not asking for any votes on any matter?

Mr. SPECTER. I am just about to ask unanimous consent to proceed as if in morning business for the purpose of introducing legislation, but I wanted to state my purpose as to why I was seeking that time at this moment.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. Reserving the right to object, and I will not object if it is for the purpose of introducing legislation, as long as my colleagues are satisfied with this, I am as well.

Mr. SPECTER. I thank my colleague from Connecticut.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 10 minutes.

Mr. SPECTER. I thank the Chair.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 1191 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. SPECTER. I thank the Chair and thank my colleagues. I yield the floor.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Arkansas.

AMENDMENT NO. 1196, AS MODIFIED

Mr. HUTCHINSON. Mr. President, in participating in this debate on the Hutchinson amendment on the American heritage rivers initiative, and listening to I think some very valid points that have been made by my esteemed colleague, I ask unanimous consent to modify my amendment, and would modify the amendment to read, on page 2, section (b), No. 3, ''CONSULTATION WITH PROPERTY OWNERS.—To ensure the protection of private property owners along a river proposed for nomination, the comments of all property owners holding title to land directly abutting river bank who wish to comment shall be considered.''

The PRESIDING OFFICER. Is there objection to the modification?

Mr. DODD. Reserving the right to object, and I will not object, I appreciate my colleague's efforts to modify this. I point out that it appears to me you have still got to go out and try to get the comments. But, nonetheless, I appreciate the purpose behind his effort here, so I have no objection.

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

Will the Senator send the modification to the desk?

Mr. DODD. I would like to see a written version of this so we could have it.

Mr. HUTCHINSON. I will be glad to provide a written version.

The amendment (No. 1196), as modified, is as follows:

On page 152, between lines 13 and 14, insert the following:

TITLE VII—AMERICAN HERITAGE RIVERS INITIATIVE

SEC. 701. AMERICAN HERITAGE RIVERS INITIATIVE.

(a) IN GENERAL.—During fiscal year 1998 and each fiscal year thereafter, the President and other officers of the executive branch may implement the American Heritage Rivers Initiative under Executive Order 13061 (62 Fed. Reg. 48445) only in accordance with this section.

(b) DESIGNATION BY CONGRESS.—

(1) NOMINATIONS.—The President, acting through the Chair of the Council on Environmental Quality shall submit to Congress nominations of the 10 rivers that are proposed for designation as American Heritage Rivers.

(2) PRIORITIZATION.—The nominations shall be subject to the prioritization process established by the Clear Water ACt (42 U.S.C. 7401 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), and other applicable Federal law.

(3) CONSULTATION WITH PROPERTY OWNERS.—To ensure the protection of private property owners along a river proposed for nomination, the comments of all property owners holding title to land directly abutting river bank who with to comments shall be considered.

(3) DESIGNATION.—The American Heritage Rivers Initiative may be implemented only with respect to rivers that are designated as American Heritage Rivers by Act of Congress.

(c) DEFINITION OF RIVER COMMUNITY.—For the purposes of the American Heritage Rivers Initiative, as used in Executive Order 13061, the term ''river community'' shall include all persons that own property, reside, or regularly conduct business within 10 miles of the river.

Mr. HUTCHINSON. My point in the amendment of course is to make Congress a partner in this process. And to the extent that this would be difficult to implement, this change I hope will be helpful. I appreciate the Senator's indulgence.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I believe that most of the debate on this amendment has been concluded. The Senator from New York [Mr. D'AMATO], has wanted to speak on it, on the same side as the Senator from Connecticut. He tells us that he can be available in about 10 minutes.

So on my own behalf, and on behalf of the majority leader, if, at the conclusion of Senator D'AMATO's comments, debate seems to have been concluded, it will be appropriate either to vote on the amendment directly or for the Senator from Connecticut to make a motion to table.

Mr. DODD. If my colleague would yield, I will inquire here and make calls and see whether or not anyone else would like to be heard on the amendment. If no one does want to be heard, I certainly have no objection to going to a vote on this.

I would like to be able to comment myself at some point here on the modification to the amendment that has been made by the author of the amendment at some point here. That is why I want to see the writing, to make sure I understand exactly.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BUMPERS. Mr. President, let me first of all say my opposition to my colleague's amendment is difficult for me. I have the utmost respect for him. We have a fine working relationship. Occasionally we have a disagreement, as on this amendment. I know he feels very strongly about it.

My interests in the wilderness areas and the rivers of this country go back to the time when I was Governor of the State of Arkansas. Long before Congress considered wilderness legislation, Arkansas was considering it. I must confess before God and everybody that my wilderness proposal was the only substantive legislation I lost or was unable to pass in my first term as Governor. It was considered a little bit of a radical concept.

Now, of course, we have millions and millions of acres in the national forests and State forests set aside for wilderness areas. It was a concept whose time had not come in 1971. I remember one legislator said, ''Who wants a wilderness? If you want one, go grow one.'' That is how shallow the thinking was about wilderness back then.

Fortunately, I was able to designate a few rivers as scenic rivers. I am pleased we were able to do that. I am a strong believer in preserving everything that has any aesthetic or cultural value.

Now, as I see this proposal, not my colleague's proposal, but as I see what the President is proposing, I just do not understand, frankly, the opposition. We have had some calls in our office suggesting that this is a United Nations plot to take over private property. Well, I wouldn't be standing here saying that the President's idea is a good one if I thought for a minute it was going to take people's property away from them, that there was some kind of cabal or conspiracy to do such a thing as that.

I guess that you could compare this to a scenic highway. In Arkansas we designate scenic highways in our State. You know why we do that? To entice tourists to drive on those scenic highways. You drive a few miles west of Washington, DC, and all you can see are signs saying ''Scenic Highways.'' I have never heard any outcry from anybody in my State opposing scenic highways. We love them. They do wonders for the Arkansas tourist industry.

If I understand the proposal on the heritage rivers, it is designed so that the President would have to be told or he would have to be requested by the people in the local community that they want to declare their river an American heritage river. If he did it, it would be an honorary designation more than anything else. The only time any Federal resources would be committed to it would be if the local community decided that they wanted to start a new project along the river, as we have done in Little Rock, AR, with a beautiful new park.

In 1972, I attended a Southern Governors' Conference in Austin, TX. We always have a big dinner at the close of those things. Lady Bird Johnson was my seatmate at dinner. I had never met her before. She is a very gracious, charming woman. The Lady Bird Johnson Park out here is a real tribute to her. She told me, ''Governor BUMPERS, I was in Little Rock about 2 weeks ago and I was staying in a brandnew hotel. I looked out my window toward the river and there was the county jail and a sand and gravel operation.'' She said, ''I believe that Little Rock is the only city in the world on a major river that doesn't have a riverfront park that utilizes the beauty of the river and builds on the beauty of that river.''

I came back and reported that to the city fathers in Little Rock. It was rather embarrassing when she brought it to my attention. To make a long story short, we now have one of the most magnificent riverfront parks in Little Rock, AR, today, of any State in the Nation. We have a week-long Riverfest festival which everybody in Arkansas takes great pride in.

There is nothing underhanded or sinister in this proposal. The President is not asking for legislative authority. He is simply saying, if the community of Little Rock came to him and said, ''We want this river in our State declared an American heritage river,'' he could proclaim it, like giving them a plaque. Everybody in this body has 1,000 plaques. What is wrong with that, providing recognition to aesthetic values in this rather meager way?

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Very briefly, my colleague from New York is here and I will yield to him, but I want to make a quick comment on the modification offered by our colleague from Arkansas to his amendment.

Certainly, while I appreciate the attempt here to lessen the burden of contacting every single person and property owner of this amendment, still I respectfully suggest that it has some major flaws.

No. 1, it still suggests that Congress knows better about the wishes of local communities. We have a fundamental disagreement about that. As my colleague, Senator BUMPERS, said—and I am confident my colleague from New York will agree—this is community originated. The idea that we would have the say over what our local communities want is contrary to the steps we have taken in the last few years. We have tried to strengthen our local communities in almost every process.

No. 2, the consultation process suggests here that only private property owners be consulted for comment here. Obviously there are a lot of other interests here that would want to comment, beyond private property owners. What is suggested by the Executive order, you get broad-based comments, including private property owners. And if we adopt this language, the argument is you exclude in the process these other people.

No. 3, the amendment says that we ought to define ''river communities'' as those that are 10 miles on either side; yet to make a case, if we exclude them from commenting here, as the amendment does by implication here, that, in my view, would be a mistake.

Last, this amendment, underlying it all, presumes that the program is intended to be some large, costly bureaucratic effort. Nothing could be further from the truth. It is anything but that. It is designed to be just the opposite of that, to be a community-based effort here to recognize and designate the importance of the great rivers of this country.

Certainly I appreciate that there are those who get concerned when they hear about Washington wanting to help, their abundance of good humor about Washington wanting to help. In this case, that is exactly what it is. It has been a wonderful inspiration, Mr. President, to see the communities come together all along these rivers and, in multi-States, sort of competing in a healthy way to be designated one of the 10 heritage rivers.

As I said at the conclusion of my earlier remarks, we ought to be applauding this. This is a worthwhile effort here. There is nothing sinister about it. There is nothing underhanded, no secret agenda, no mandates, regulations, or dollars associated with this in any way. Yet I suggest here, by this amendment, when you start reading it, I can see someone saying, ''Look, I wish to comment on this, but I didn't get a chance to comment,'' and you are in a lawsuit before you know it because we have adopted laws here that say that anyone who wishes to comment ought to be able to comment.

Once you start doing that, you are inviting people to suggest otherwise—''I wasn't heard,'' ''I should have heard,'' ''I wish to comment, you didn't give me a chance.'' I don't think we want to go down that road.

With all due respect to my colleague from Arkansas, I know my colleague from New York, when he completes his remarks, will move to table this amendment. I will join him in that motion and urge my colleagues to support us in that effort.

I thank Senator D'AMATO and Senator BUMPERS for their leadership and hope we can reject this amendment and by doing so recognize the important effort that the President has undertaken as he did in mentioning this effort in the State of the Union Message.

I yield the floor.

Mr. D'AMATO. Mr. President, first of all, let me say, as well-intentioned as the legislation of the Senator from Arkansas is, I believe it presents a number of obstacles. I think while there are those of us who are concerned with respect to undue Federal intrusion, that is not so in the American Heritage Rivers Program because it is a program that by its very implementation must take place through the initiatives of the local communities.

This is not a question where the President or Washington or Big Brother designates a river and says, ''I want this river to be in the program.'' This program comes about as a result of the initiatives of the State and local governments.

For example, in New York, Governor Pataki has recommended that the Hudson River be one of those rivers that applies for designation. Indeed, they have. Not only has the request come from the State, but it really has come as a result of dozens and dozens of communities and community groups along the Hudson River petitioning to be part of this process, that will help ongoing initiatives including the Hudson River Estuary Management Program, the Hudson River Greenway Program, local waterfront revitalization programs. Again, dozens of communities and cities want to be part of this process.

The fact is that the State is ready to spend, along with this and local initiatives, some $75 million on the Hudson River.

What we are talking about is enhanced services to deliver the kind of upgrading that will bring an improvement of services to the people on the river. If this amendment were enacted, we might well see an entire program that is ready for implementation and that involves local initiatives thwarted, only because the initiative is a voluntary program that is locally driven and community based.

Now, some of the requirements that this legislation would bring about would have the effect of denying access to and tying up the process. To notify property owners in a 10-mile area and take comment—and I see my colleague says that is not necessary; maybe he would like to address that—but the burdens placed upon implementation, and the fact we get into this process of having to designate raises concerns. Would Congress have to designate 10 rivers annually? And should that really be the province of Congress, to say which of these rivers should be part of this program? Now, I believe in the separation of powers. I think it is absolutely essential. But I am wondering how we would go about that. Really, shouldn't it be the State and local governments petitioning the executive branch and having various requirements that they must meet? And, of

course, we may or may not agree with the selection modality. I am not suggesting that we just sign off. Obviously, we as representatives of our States and communities want to be in a position to see that there is fairness. That is why we are here, to keep some balance in the allocation of resources. I don't know whether or not we should be the people who, on an annual basis, authorize the selection process of 10 rivers. I think that really should lie within the province of the executive branch having to meet some kind of competitive standard.

We are very excited by this Presidential initiative. Let's be very candid here. The Governor of New York and the President of the United States, in terms of political philosophy, have not always lined up on the same side. Indeed, I say, on many occasions, they take opposite points of view. So I think it is important when the Governor points out that this is an opportunity for a State-Federal partnership on a basis that makes sense without there being undue intrusion—because we reject undue intrusion. There is a process that is underway. Now, I can just imagine, if the Hudson River isn't designated, we will probably launch a hue and cry as to why not. Of course, that is part of the process. If it is not designated and we think it should be, we would be prepared to ask those questions. That is part of democracy; that is part of the process.

No one has the absolute, and no one's decisions and actions can go without the risk of being challenged in the court of public opinion, and that is what we would be doing. But I have every reason to believe, notwithstanding the political differences and philosophical differences, for the most part, we will get reasonable decisions. I think some of these issues are going to be very easy. There are some bodies of water where the local governments and State officials are anxious and can put forth a good case to be designated. Then they will get down to areas where it gets competitive and where reasonable people might disagree. Are we going to say there won't be some politics entering into it? Of course, there will be. But it will be right here on this floor within this body, I note, to the chagrin of many. The Presiding Officer would not believe that. But I can attest to the fact that I believe that would be the case, in my limited experience in observing these matters in the course of the past 17 years. And so it would be in the House of Representatives.

Taking the political jockeying that would take place in terms of designating these rivers between the House and the Senate, that would really be a lulu. You know, there is something called the rights of the minority, which this body in particular ensures, and I like that. I think it is important. Even though we may have legislation and the majority supports it, oftentimes, I think it is a necessary and important right. I think if we were to reflect on the history of this body, we would find that sometimes those who are not in the majority have held up legislative initiatives and, in the fullness of time, it has come out that they were correct. So it is not bad. But I want to say that it could be used in the manner which would make it difficult to get designations of the kinds of rivers that should be qualified.

So I will be, of course, forced to move to table this amendment on behalf of myself and Senator DODD at the appropriate time. I don't intend to do that until my colleagues have an opportunity to express themselves.

Mr. GORTON. If the Senator from New York will yield, the Senator from Minnesota is here wishing to speak. I think it is appropriate that the Senator from Arkansas get to terminate the debate. If the Senator from New York doesn't wish to stay, perhaps it would be appropriate for me to ask unanimous consent that the Senator from New York, together with the Senator from Connecticut, be allowed to move to table at this point, but ask unanimous consent that after the motion to table is put, but before it is voted on, that the Senator from Minnesota have 5 minutes and the Senator from Arkansas have 5 minutes, after which a vote would take place on the motion to table. Would that be acceptable? I put that request to the Chair.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Without objection, it is so ordered.

Mr. D'AMATO. Mr. President, I make a motion to table on behalf of myself and Senator DODD, and 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. There are 10 minutes of debate remaining. The Senator from Minnesota has 5 minutes. The Senator from Arkansas has 5 minutes.

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I really am in strong opposition to the amendment of my friend—and he is a friend—from Arkansas. I find it hard to understand why we would be creating additional hurdles, as this amendment does, for communities to work together to restore and protect rivers and riverfronts. I think that is what this debate is all about. We have a President who has initiated a program that will help local communities restore and protect rivers without any additional regulation, and Mr. President, for the life of me, I don't know why we would want to support an amendment that would delay the start of this program, and which I think really would have no obvious benefit for our country.

Mr. President, while the Congress does have an oversight role—and I acknowledge that—this amendment, I believe, is a misplaced effort to involve all property owners in the designation process, that would really create a whole new cumbersome process and give some form of veto power to a single property owner who might decide to object, for whatever reason. So I think the amendment, however good-intentioned, is mistaken.

Mr. President, it seems to me that this amendment is about stopping the American Heritage Rivers Program, not protecting property owners from some imagined Federal takeover of their property. The Senate is supposed to be a voice of reason. I think by perpetuating the myth that the Federal Government is somehow engaged in a land grab or a power grab through this program is a dangerous game, and I think it is one we should be very cautious about entering into.

Let me speak, in the last couple of minutes, about Minnesota. We have some fine rivers in the State of Minnesota and many communities who want to see this program go forward. One of those rivers, I think most of my colleagues are acquainted with, is called the Mississippi River. It flows right past the State of my friend. I don't need to tell my colleagues how important this river is to the Nation, how important it is to our Nation's culture, our history, and our economy. I will tell you that in Minnesota we have mayors from communities such as Bemidji, at the headwaters of the Mississippi and from Minneapolis, St. Paul, South St. Paul, St. Cloud, Anoka, Wabasha, Winona, and others, working with mayors in other States along the Mississippi to develop their nomination for this program.

So we have a lot of communities seeking designation of the Upper Mississippi River to improve access to Federal riverfront revitalization programs, and who are fully respectful of property rights, like other local governments across America who want to compete in this program. I think that if this amendment was passed, it would place an insurmountable roadblock in front of the aspirations of local communities in the State of Minnesota and across America who are trying to make improvements and make the most of their river resources. Let me repeat that. I think if the amendment passed, the biggest problem is that it will create an insurmountable roadblock for a lot of our local communities who are doing their level best to make improvements and make the most of their river resources. That is the problem.

I applaud the President's work. I applaud this initiative, this program, and I hope my colleagues will vote against the Hutchinson amendment. I will certainly strongly support the Dodd-D'Amato motion to table.

I yield the floor.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. HUTCHINSON. Mr. President, I think it has been a good debate. I think

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

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

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

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

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

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

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

I yield the floor.

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

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

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

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

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

[Rollcall Vote No. 247 Leg.]

YEAS—57

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

NAYS—42

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

NOT VOTING—1

Stevens

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

YIELDING OF TIME—S. 830

Mr. AKAKA addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

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

The PRESIDING OFFICER. The Senator has that right.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with consideration of the bill.

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

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

NEW WORLD MINE

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

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

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

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

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

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

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

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

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

Objectives of the parties.

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

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

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

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

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

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

I yield the floor.

CROWN BUTTE MINE

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

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

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

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

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

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

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

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

AMENDMENT NO. 1221

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

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

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

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

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

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

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

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

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . LIMITATIONS ON CERTAIN INDIAN GAMING OPERATIONS.

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

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

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

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

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

(b) CLASS III GAMING COMPACTS.—

(1) IN GENERAL.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I thank the Chair and yield the floor.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

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

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

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

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

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

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

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

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

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

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

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

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

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

Mr. President, I yield the floor.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

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

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

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

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

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

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

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

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

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

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

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

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

It says:

The Department—

The Department of the Interior—

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

The Indian Gaming Regulatory Act.

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

The amendment—Of the Senator from Wyoming—

would deny similar economic opportunities for additional tribes and communities.

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

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

I thank the Chair.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

PRIVILEGE OF THE FLOOR

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

THE SECRETARY OF THE INTERIOR,
Washington.

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

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

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

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

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

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

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

Sincerely,

BRUCE BABBITT.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

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

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

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

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

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

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

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

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

AMENDMENT NO. 1221, AS MODIFIED

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

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

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

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

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

The amendment, as modified, is as follows:

At the appropriate place insert the following new section:

SEC. . LIMITATIONS ON CERTAIN INDIAN GAMING OPERATIONS.

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

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

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

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

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

(b) CLASS III GAMING COMPACTS.—

(1) IN GENERAL.—

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

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

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

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

The PRESIDING OFFICER. That is correct.

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

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

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

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

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

The amendment is as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

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

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

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

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

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

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

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

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

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

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

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

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

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

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

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

The amendment (No. 1222) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

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

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

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

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

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

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

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

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

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

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

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, it may very well be this amendment can be dealt with by voice vote, but there also may be one more speaker who wishes to speak on it. We are checking that out, and so for the moment, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

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

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

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

Mr. GORTON. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 1223

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

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

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

The bill clerk read as follows:

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

The amendment is as follows:

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

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

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

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

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

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

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

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

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

Here are some of what we found.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[From the Washington Post, July 18, 1997]

HOUSE CUT WOULD KILL WOODROW WILSON'S LIVING MEMORIAL

(By Stephen Barr)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The House committee concluded:

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

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

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

Thank you, Mr. President.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

It goes on in that spirit.

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. CAMPBELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

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

gang activity growing throughout the country.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

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

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

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

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

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

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

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

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

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

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

Thank you, Mr. President.

I thank the Senator from Washington for his generosity.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. GORTON. Will the Senator yield?

Mr. KYL. Of course.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I thank the Chair.

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

I yield the floor and I thank the Chair.

I ask unanimous consent it be printed in RECORD.

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

THE LIBRARIAN OF CONGRESS,
June 30, 1997.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

JAMES H. BILLINGTON,
Librarian of Congress.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Utah is recognized.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

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

The clerk will call the roll.

The legislative clerk called the roll.

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

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

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

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

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

[Rollcall Vote No. 248 Leg.]

YEAS—34

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

NAYS—64

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

NOT VOTING—2

Akaka	Wellstone

The amendment (No. 1223) was rejected.

Mr. MOYNIHAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. ROBB addressed the Chair.

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

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. I thank my colleague from Washington.

CHANGE OF VOTE

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

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

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

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

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

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

Mr. BUMPERS. Will the Senator yield?

Mr. GORTON. I will.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

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

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

The PRESIDING OFFICER. Objection is heard.

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

AMENDMENT NO. 1225

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

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

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

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

The legislative clerk read as follows:

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

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

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

The amendment is as follows:

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

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

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

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

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

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

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

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

The amendment (No. 1225) was agreed to.

Mr. GORTON. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1226

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

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

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

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

The legislative clerk read as follows:

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

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

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

The amendment is as follows:

At the end of title III, insert the following:

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

(b) In this section:

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

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

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

The amendment (No. 1226) was agreed to.

Mr. GORTON. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1227

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

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

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

The legislative clerk read as follows:

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

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

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

The amendment is as follows:

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

SEC. . YOUTH ENVIRONMENTAL SERVICE PROGRAM.

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

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

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

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

The amendment (No. 1227) was agreed to.

Mr. GORTON. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. If the Senator will withhold.

AMENDMENT NO. 1228

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

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

The legislative clerk read as follows:

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

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

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

The amendment is as follows:

At the appropriate place insert the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The amendment (No. 1228) was agreed to.

Mr. REID. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

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

TRIBUTE TO RED SKELTON

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

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

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

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

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

again. I heard from one of his prior performances. In that broadcast he talked about why he felt being a clown was something that he always wanted to be remembered as—being a clown. He proceeded to tell everyone there how important it was that we remain, in many respects, in our childlike status—lots of energy, trusting other people.

So today I rise to ask politicians all over America and especially in this body to pay tribute to America's favorite clown, Richard Bernard Skelton, better known to us as Red Skelton. He passed away yesterday at age 84.

He was the son of a grocer, who later became a circus clown. Mr. Skelton died 2 months before his son Red was born. His widowed mother worked as a cleaning woman and elevator operator to support her four sons.

Red Skelton started being a professional clown at age 10. So for almost 75 years—three-quarters of a century—he has been making people laugh.

He did not ask people to laugh. You had to laugh at Red Skelton. He became part of a traveling medicine show where he picked up vaudeville skills which served him so well for the rest of his life. His debut on radio was in 1937, and Broadway the same year. His first movie was in 1938 entitled ''Having a Wonderful Time.'' He became a Hollywood star appearing in almost 50 films over the course of his life.

Skeleton often said that he was a ''man whose destiny caught up with him at an early age.''

His destiny, Mr. President, was to make America laugh.

''I don't want to be called 'the greatest' or 'one of the greatest.' Let other guys claim to be the best. I just want to be known as a clown,'' Red said, ''because to me, that's the height of my profession. It means you can do everything—sing, dance, and above all, make people laugh.''

Mr. President, last March I went to Palm Springs to present Red Skelton a Presidential commendation. We had a date set that the President of the United States was going to give that to him in the White House. But his ill-health prevented him from flying, so I proceeded to Palm Springs on behalf of the President to give Red Skelton this commendation from the President.

It was a wonderful luncheon that we had. He was very weak of body but alert of mind. For example, at that time even though he was confined to a wheelchair, he wrote seven stories every week, and he would pick the best out of the seven and put it in a book, and every year he produced 52 short stories. That was Red Skelton up to the time he died.

We had a wonderful time that day in March. I will never forget it. We were able to videotape that. He cracked jokes, and we had a great time. He is somebody that I will remember, the people of Nevada will remember, and this country will remember.

Let me repeat the words of President Clinton, who honored Red Skleton with a Presidential certificate commendation, signed on April 1, 1996, in fitting tribute to America's favorite clown.

A natural-born comic who got his first laugh from an audience at the age of 10, Red Skelton has devoted a long and productive life to entertaining people of all ages. Moving from the vaudeville stage to radio, the movies and television, he became America's favorite clown, creating characters like Clem Kadiddlehopper and Freddie the Freeloader, whom generations of Americans looked forward to seeing every week. Red Skelton served his country well. From his days in World War II and Korea as a soldier and an entertainer for the troops, to his many years on the large screen and small, he has given to all those lucky enough to see him perform the gift of laughter and joy.

When I walked into the room to present Red with this certificate, he still remembered me from our days attending rodeos together in southern Nevada. He was deeply touched by this honor because more than anything, Red Skelton loved his country.

Red Skelton could have never been America's favorite clown if he wasn't already one of America's greatest patriots. Red fought for his country in World War II and Korea.

His definition of the true meaning of the Pledge of Allegiance will always remain with me. I would like to repeat it for you today:

I, me, an individual, a committee of one.

Pledge, dedicate all my worldly goods to give without self pity.

Allegiance—my love and devotion.

To the Flag—our standard, Old Glory, a symbol of freedom. Wherever she waves, there is respect because your loyalty has given her a dignity that shouts freedom is everybody's job.

of the United—that means that we have all come together.

States—individual communities that have unites into 50 great states. 50 individual communities with pride and dignity and purpose, all divided with imaginary boundaries, yet united to a common purpose, and that's love for country.

of America

and to the Republic—A state in which sovereign power is invested in representatives chosen by the people to govern. And a government is the people and it's from the people to the leaders, not from the leaders to the people.

for Which It Stands.

One Nation—Meaning, so blessed by God.

Indivisible—Incapable of being divided.

With Liberty—Which is freedom and the right of power to live one's own life without threats or fear or some sort of retaliation.

and Justice—The principle or quality of dealing fairly with others.

for All—Which means it's as much your country as it is mine.

Red Skelton always signed off every shown ''Goodnight and God Bless,'' Yesterday Milton Berle, Red's closest friend told his old friend ''Farewell and God Bless.''

Mr. President, on behalf of the citizens of Nevada, Red's wife, Lothian, Red's family and friends, I say farewell, Red, and God bless.

I am grateful that the Senate of the United States is paying tribute to America's favorite clown.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

Mr. BUMPERS. Mr. President, I ask unanimous consent that my distinguished colleague and friend from Montana, Senator BAUCUS, be recognized for 10 minutes, without my losing the right to the floor, and that I immediately be recognized following the conclusion of his remarks.

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

Mr. BAUCUS. Mr. President, first I want to thank my very good friend and colleague, Senator BUMPERS, for yielding the time. It is very gracious of him. He has waited a good period of time to offer his amendment.

Mr. President, I rise today to call on Congress to complete the New World Mine acquisition and protect Yellowstone National Park. Now that the administration and congressional leadership have reached a budget agreement that allows for the acquisition of the New World lands, we need to move decisively. We have belabored this matter much too long and now is the time to finish the job.

Yellowstone National Park was created 125 years ago. ''For the Benefit and Enjoyment of the People.'' Indeed, this is the entrance at mammoth Yellowstone Park. You probably cannot read the inscription over the arch but it says ''For the Benefit and Enjoyment of the People.'' And of course, immediately to my right is the Old Faithful geyser.

Every year, Mr. President, 3 million people visit the park, bringing their children and grandchildren to enjoy the unspoiled beauty that is Yellowstone—from the Roosevelt arch, which I am pointing to here on my right, at the original entrance, to the breathtaking grandeur of Old Faithful, to the spectacular wildlife which calls this unique place home.

During the month of August, I was fortunate to be present to celebrate Yellowstone's 125th anniversary with Vice President AL GORE. As I entered the park, I remembered my first trip to Yellowstone many years ago. The noble and majestic geysers, the boiling paint pots, and the vast scenery were the stuff of magic to a small child—and remain so today.

These wonders cannot be seen anywhere else in the United States or, for that matter, in the world. I guarantee you there is not one Montanan, young or old, that does not fondly remember his or her first visit to the park, or anybody in our country for that matter. Finishing the New World acquisition is critical so our children may witness the wonders of nature, much as we have over the past 125 years.

For the past 8 years, America has lived with the threat that a large gold mine could harm Yellowstone, our Nation's first national park. This mine,

on the park boundary, could irreparably damage the park by polluting rivers and devastating wildlife habitat.

In 1996, local citizens, the mining company itself, and the administration, reached a consensus agreement that would stop the proposed mine—they all agreed; the administration, the local community, and the company—and it would protect Yellowstone and surrounding communities.

This agreement provides for the Federal Government to acquire the mine property from Battle Mountain Gold in exchange for $65 million. The balanced budget agreement calls for this money to be appropriated from the Land and Water Conservation Fund.

The New World agreement, I think, is very important for two reasons. First, it protects Yellowstone National Park for future generations. What could be more important?

Second, it protects my State of Montana. It protects Montana's natural heritage, but it also protects Montana's economy.

Many of the local communities surrounding Yellowstone depend on the park for their economic well-being. If the mine had been built, Yellowstone would have been harmed, and with it the communities and the families that depend on Yellowstone for their livelihood. It is for this reason that a majority of local citizens and businesses oppose the mine and support the agreement.

In addition, the agreement obligates the mining company to spend $22.5 million to clean up historic mine pollution at the headwaters of the Yellowstone River. This will create jobs and clean up the environment, thereby benefiting the regional economy and improving locally fisheries.

As a Senator representing Montana, I will fight to ensure that Montana receives these benefits.

The bipartisan budget agreement provides an increase of $700 million in land and water conservation funding. Of this increase, $315 million has been designated as funding for priority land acquisitions.

It is my understanding in speaking with the administration and with others that the New World and Headwaters acquisition were specifically discussed as the projects that would be funded by the $315 million designation. It would be unconscionable for Congress to violate the spirit and the intent of the budget agreement by failing to appropriate the funding necessary to complete the New World acquisition.

In addition, placing further restrictions such as requiring authorization is both unnecessary and unwise. We need no additional authorization. The agreement has been agreed to already. New legal procedures, on the other hand, would just stall an already reached agreement, one that is widely supported and one that protects the park.

Every year, numerous land acquisitions that are not individually authorized take place utilizing Land and Water Conservation Funds. By attaching strings to this acquisition—it is an authorization—Congress will have done nothing but endanger Yellowstone National Park. Indeed, the President's senior advisers strongly object to attaching any strings to this funding, and if Congress insists on stalling and delaying this agreement, the President may well veto the Interior appropriations bill upon the recommendation of OMB and other agencies. Because Yellowstone is at stake, he would be right to do so.

I pledge here today to help lead the charge to uphold that veto if necessary. When Yellowstone and Montana's heritage is threatened, I will not sit idly by. We can and we must protect Yellowstone National Park.

I thank my good friend, the Senator from Arkansas, and I yield the floor.

EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 123, LINE 9

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

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

AMENDMENT NO. 1224 TO EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 123, LINE 9 THROUGH PAGE 124, LINE 20

(Purpose: To ensure that Federal taxpayers receive a fair return for the extraction of locatable minerals on public domain land and that abandoned mines are reclaimed)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for himself and Mr. GREGG, proposes an amendment numbered 1224 to excepted committee amendment beginning on page 123, line 9.

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

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

The amendment is as follows:

Add the following at the end of the pending Committee amendment as amended:

''(c)(1) Each person producing locatable minerals (including associated minerals) from any mining claim located under the general mining laws, or mineral concentrates derived from locatable minerals produced from any mining claim located under the general mining laws, as the case may be, shall pay a royalty of 5 percent of the net smelter return from the production of such locatable minerals or concentrates, as the case may be.

''(2) Each person responsible for making royalty payments under this section shall make such payments to the Secretary of the Interior not later than 30 days after the end of the calendar month in which the mineral or mineral concentrates are produced and first place in marketable condition, consistent with prevailing practices in the industry.

''(3) All persons holding mining claims located under the general mining laws shall provide to the Secretary such information as determined necessary by the Secretary to ensure compliance with this section, including, but not limited to, quarterly reports, records, documents, and other data. Such reports may also include, but not be limited to, pertinent technical and financial data relating to the quantity, quality, and amount of all minerals extracted from the mining claim.

''(4) The Secretary is authorized to conduct such audits of all persons holding mining claims located under the general mining laws as he deems necessary for the purposes of ensuring compliance with the requirements of this subsection.

''(5) Any person holding mining claims located under the general mining laws who knowingly or willfully prepares, maintains, or submits false, inaccurate, or misleading information required by this section, or fails or refuses to submit such information, shall be subject to a penalty imposed by the Secretary.

''(6) This subsection shall take effect with respect to minerals produced from a mining claim in calendar months beginning after enactment of this Act.

''(d)(1) Any person producing hardrock minerals from a mine that was within a mining claim that has subsequently been patented under the general mining laws shall pay a reclamation fee to the Secretary under this subsection. The amount of such fee shall be equal to a percentage of the net proceeds from such mine. The percentage shall be based upon the ratio of the net proceeds to the gross proceeds related to such production in accordance with the following table:

Net proceeds as percentage of gross proceeds:	*Rate*[1]
Less than 10	2.00
10 or more but less than 18	2.50
18 or more but less than 26	3.00
26 or more but less than 34	3.50
34 or more but less than 42	4.00
42 or more but less than 50	4.50
50 or more	5.00

[1] Rate of fee as percentage of net proceeds.

''(2) Gross proceeds of less than $500,000 from minerals produced in any calendar year shall be exempt from the reclamation fee under this subsection for that year if such proceeds are from one or more mines located in a single patented claim or on two or more contiguous patented claims.

''(3) The amount of all fees payable under this subsection for any calendar year shall be paid to the Secretary within 60 days after the end of such year.

''(e) Receipts from the fees collected under subsections and (d) shall be paid into an Abandoned Minerals Mine Reclamation Fund.

''(f)(1) There is established on the books of the Treasury of the United States an interest-bearing fund to be known as the Abandoned Minerals Mine Reclamation Fund (hereinafter referred to in this section as the ''Fund''). The Fund shall be administered by the Secretary.

''(2) The Secretary shall notify the Secretary of the Treasury as to what portion of the Fund is not, in his judgement, required to meet current withdrawals. The Secretary of the Treasury shall invest such portion of the Fund in public debt securities with maturities suitable for the needs of such Fund and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketplace obligations of the United States of comparable maturities. The income on such investments shall be credited to, and form a part of, the Fund.

''(3) The Secretary is, subject to appropriations, authorized to use moneys in the Fund

for the reclamation and restoration of land and water resources adversely affected by past mineral (other than coal and fluid minerals) and mineral material mining, including but not limited to, any of the following:

''(A) Reclamation and restoration of abandoned surface mined areas.

''(B) Reclamation and restoration of abandoned milling and processing areas.

''(C) Sealing, filling, and grading abandoned deep mine entries.

''(D) Planting of land adversely affected by past mining to prevent erosion and sedimentation.

''(E) Prevention, abatement, treatment and control of water pollution created by abandoned mine drainage.

''(F) Control of surface subsidence due to abandoned deep mines.

''(G) Such expenses as may be necessary to accomplish the purposes of this section.

''(4) Land and waters eligible for reclamation expenditures under this section shall be those within the boundaries of States that have lands subject to the general mining laws—

''(A) which were mined or processed for minerals and mineral materials or which were affected by such mining or processing, and abandoned or left in an inadequate reclamation status prior to the date of enactment of this title;

''(B) for which the Secretary makes a determination that there is no continuing reclamation responsibility under State or Federal laws; and

''(C) for which it can be established that such lands do not contain minerals which could economically be extracted through the reprocessing or remining of such lands.

''(5) Sites and areas designated for remedial action pursuant to the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7901 and following) or which have been listed for remedial action pursuant to the Comprehensive Environmental Response Compensation and Liability Act of 1980 (42 U.S.C. 9601 and following) shall not be eligible for expenditures from the Fund under this section.

''(g) As used in this Section:

''(1) The term ''gross proceeds'' means the value of any extracted hardrock mineral which was:

(A) sold;

(B) exchanged for any thing or service;

(C) removed from the country in a form ready for use or sale; or

(D) initially used in a manufacturing process or in providing a service.

''(2) The term ''net proceeds'' means gross proceeds less the sum of the following deductions:

(A) The actual cost of extracting the mineral.

(B) The actual cost of transporting the mineral to the place or places of reduction, refining and sale.

(C) The actual cost of reduction, refining and sale.

(D) The actual cost of marketing and delivering the mineral and the conversion of the mineral into money.

(E) The actual cost of maintenance and repairs of:

(i) All machinery, equipment, apparatus and facilities used in the mine.

(ii) All milling, refining, smelting and reduction works, plants and facilities.

(iii) All facilities and equipment for transportation.

(F) The actual cost of fire insurance on the machinery, equipment, apparatus, works, plants and facilities mentioned in subsection (E).

(G) Depreciation of the original capitalized cost of the machinery, equipment, apparatus, works, plants and facilities mentioned in subsection (E).

(H) All money expended for premiums for industrial insurance, and the actual cost of hospital and medical attention and accident benefits and group insurance for all employees.

(I) The actual cost of developmental work in or about the mine or upon a group of mines when operated as a unit.

(J) All royalties and severance taxes paid to the Federal government or State governments.

''(3) The term ''hardrock minerals'' means any mineral other than a mineral that would be subject to disposition under any of the following if located on land subject to the general mining laws:

(A) the Mineral Leasing Act (30 U.S.C. 181 and following);

(B) the Geothermal Steam Act of 1970 (30 U.S.C. 100 and following);

(C) the Act of July 31, 1947, commonly known as the Materials Act of 1947 (30 U.S.C. 601 and following); or

(D) the Mineral Leasing for Acquired Lands Act (30 U.S.C. 351 and following).

''(4) The term ''Secretary'' means the Secretary of the Interior.

''(5) The term ''patented mining claim'' means an interest in land which has been obtained pursuant to sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36 and 37) for placer claims, or section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims.

''(6) The term ''general mining laws'' means those Acts which generally comprise Chapters 2, 12A, and 16, and sections 161 and 162 of title 30 of the United States Code.''

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I have come here today for the eighth consecutive year to debate what I feel very strongly about and have always felt strongly about. I have never succeeded. Since I am going to be leaving next year, I know all my friends from the West are going to be saddened by my departure, and so far I don't have an heir apparent to take on this issue.

First of all, I want to make an announcement to the 262 million American people who know very little or nothing about this issue. The first announcement I want to make today is that they are now saddled with a cleanup cost of all the abandoned mining sites in the United States of somewhere between $32.7 and $71.5 billion. Now, let me say to the American people while I am making that announcement, you didn't do it, you had nothing to do with it, but you are going to have to pick up the tab of between $32 to $71 billion.

The Mineral Policy Center says there are 557,000 abandoned mines in the United States. Think of that—557,000 abandoned mines, and 59 of those are on the Superfund National Priority List. Mining has also produced 12,000 miles of polluted streams. The American people didn't cause it; the mining industry did it, and 2,000 of those 557,000 sites are in our national parks.

Now, Mr. President, my amendment would establish a reclamation fund in the Treasury and it would be funded by a 5-percent net smelter return for mining operations on taxpayer-owned land. Royalties based on gross income or a net smelter return are traditionally charged for mining on private land and for mining on State-owned land.

Much of the hardrock mining going on in this country is being done on the lands that you have heard me talk a great deal about—that is, lands that have been sold by the Federal Government for $2.50 an acre. However, a significant amount of mining goes on on lands where people have a mining claim on Federal lands and they get a permit to start mining. The Federal Government continues to own the land. We don't get anything for it. We don't even get $2.50 an acre for that land. So my net smelter royalty only applies to those lands which we still own.

Now, isn't that normal and natural? If you own land that has gold under it and somebody comes by and wants to mine the gold under your land, the first thing you do is say, how much royalty are you willing to pay? Nationwide, that figure is about 5 percent. But I can tell you one thing, and this is a major point, if somebody came to you and said, I want to mine the gold, the silver, platinum, or palladium under your land, the first thing you would demand is, How much are you going to pay me for it?

The U.S. Government cannot because Congress won't let them charge a royalty for mining on public land. We say, ''Here are some of the terms under which you can mine. ''Sic 'em, Tiger.'' Have a good time. Make a lot of money. And be sure you don't send the Federal Government, namely, the taxpayer of America, any money, and if you possibly can, leave an unmitigated environmental disaster on our hands for the taxpayers to clean up.''

You know, Mr. President, I still can't believe it goes on. I have been at this for 8 years and I still cannot believe what I just said, but it is true.

The other part of my bill establishes a net-income based reclamation fee based on the profits of the mining company on lands that were Federal lands but that have been patented by the mining companies; that is, lands which we have sold for $2.50 an acre. The only way in the world we can ever recover anything from these mines is through a reclamation fee. It is altogether proper that we get something in return for the lands that we sold for $2.50 an acre and it is altogether proper that that money be used to reclaim these 557,000 abandoned mine sites.

Mr. President, here is a closer look at what I just got through saying. The royalty rate in the Bumpers/Gregg amendment is 5 percent net smelter return, which is typically what is charged for mining operations on private land. The royalty will produce $175 million over the next 5 years. The reclamation fee ranges from 2 to 5 percent of net income for operations on patented lands, the lands that we sold for $2.50 an acre. That produces $750 million. And altogether, those two provisions would, over the next 5 years,

produce $925 million—not a very big beginning on the roughly $32 to $70 billion we are going to have to cough up to clean those places up.

Mr. President, look at this chart right here. The thing that is a real enigma to me, is that we make the coal operators in this country pay us 12.5 percent of their gross income for every ton of coal they take off of Federal lands. That is for surface coal. If it's an underground mine the coal companies pay a royalty of 8 percent of their gross income to the Federal Government.

Natural gas. If you want to bid on Federal lands and produce natural gas, it is incumbent upon you to pay a minimum of 12.5 percent of your gross income. When it comes to oil, if you want to drill in the Gulf of Mexico, you must also pay a 12.5 percent gross royalty.

There are oil and gas wells all over the Western part of the United States. And for every dollar of gas or oil they produce, they send Uncle Sam 12.5 cents.

But look here. For gold, they don't send anything. For silver, they don't send anything. For platinum, they don't send anything. And since 1872, when the old mining law was signed by Ulysses Grant, the mining companies have not paid a penny to the U.S. Treasury.

Now, Mr. President, in 1986—and I use this just as an illustration to tell you why we so desperately need this reclamation fund in the U.S. Treasury—there was a mine called Summitville in Colorado. Summitville was owned by a Canadian mining company called Galactic Resources. They got a permit to mine on private land from the State of Colorado. In June of that same year, their cyanide/plastic undercoating—and I will explain that in a moment—began to leak.

Let me stop just a moment and tell people, my colleagues, how gold mining is conducted. You have these giant shovels that take the dirt and you put it on a track and you carry it to a site and you stack it up on top of a plastic pad, which you hope is leakproof. And then you begin to drip—listen to this—you begin to drip cyanide—yes, cyanide—across the top of this giant heap of dirt. The cyanide filters down through this big load of dirt and it gathers up the gold and it filters out to a trench on the side.

Now, you have to bear in mind that if that plastic pad, which I just described for you a moment ago, is not leakproof, if it springs a leak, you have cyanide dripping right into the ground, right into the water table, or going right into the nearest stream, and so it was with Summitville. The plastic coating on the ground, which was supposed to keep the cyanide controlled, began to leak. And the cyanide began to escape. And the cyanide began to run into the streams headed right for the Rio Grande River. Galactic could not do anything. They weren't close to capable of doing anything. And so the Federal Government goes to Galactic and says, ''We want you to stop this and we want you to pay us damages.'' Do you know what they did? They took bankruptcy. Smart move. They took bankruptcy. So what does that leave the U.S. Government, which is going to ultimately have the responsibility for controlling this leakage of cyanide poison? It leaves us with a $4.7 million bond. That is the bond they had put up to the State of Colorado in order to mine.

Here you have a minimum of $60 million disaster on your hands with a $4.7 million bond. And so it is today, Mr. President—35 people employed since 1986, controlling the cyanide runoff from the mine in Colorado, and the ultimate cost to the taxpayers of this country will be $60 million, minimum.

Here is one that is even better, Mr. President. This came out of the New York Times 2 days ago. It is a shame that every American citizen can't read this. It's called ''The Blame Slag Heap.''

In northern Idaho's Silver Valley, the abstractions of the Superfund program—''remediation,'' ''restoration,'' ''liability''—meet real life. For over a century, the region's silver mines provided bullets for our soldiers and fortunes for some of our richest corporations. The mines also created a toxic legacy: wastes and tailings, hundreds of billions of pounds of contaminated sediment * * *.

In 1996—13 years after the area was declared the nation's second-largest Superfund site, the Justice Department filed a $600 million lawsuit against the surviving mining companies. The estimated cost of cleanup ranges up to a billion dollars. The Government sued after rejecting the companies' laughably low settlement offer of $1 million.

A $1 billion cleanup, and the company that caused the damage offers $1 million to settle.

The companies, however, have countersued.

They are countersuing the Federal Government, and do you know what they allege? They say it happened because the U.S. Government failed to regulate the disposal of mining waters.

Can you imagine that? The company is suing the Government because the Government didn't supervise more closely. The story closes out by saying, ''Stop me before I kill again.''

Mr. President, I ask unanimous consent the article from the New York Times be printed in the RECORD.

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

THE BLAME SLAG HEAP

(By Mark Solomon)

SPOKANE, WASH.—In northern Idaho's Silver Valley, the abstractions of the Superfund program—''remediation,'' ''restoration,'' ''liability''—meet real life.

For over a century, the region's silver mines provided bullets for our soldiers and fortunes for some of our richest corporations. The mines also created a toxic legacy: wastes and tailings, hundreds of billions of pounds of contaminated sediment, leaching into a watershed that is now home to more than half a million people.

In 1996, 13 years after the area was declared the nation's second-largest Superfund site, the Justice Department filed a $600 million lawsuit against the surviving mining companies. The estimated cost of the clean-up ranges up to a billion dollars. The Government sued after rejecting the companies' laughably low settlement offer of $1 million. If the companies don't pay, the Federal taxpayers will have to pick up the tab.

The companies, however, have countersued, alleging, among other things, that the Government itself should be held responsible. Why? Because it failed to regulate the disposal of mining wastes.

Do I believe my ears? In this era of deregulation, when industry seeks to replace environmental laws with a voluntary system, are the companies really saying that if only they had been regulated more they would have stopped polluting? I've heard the Government blamed for a lot of things, but regulatory laxity was never one of them—until now.

In fact, Idaho's mining industry has long fought every attempt at reform. In 1932, for example, a Federal study called for the building of holding ponds to capture the mines' wastes. The companies fought that plan for 36 years, until the Clean Water Act forced them to comply.

Now Congress is debating the reauthorization of the Superfund, and industry wants to weaken the provision on damage to natural resources. If the effort succeeds, what will happen in 50 years? Will the polluters sue the Government, blaming it for failing to prevent environmental damage?

Quick, stop them before they kill again.

Mr. CRAIG. Will the Senator yield specifically to his last comment?

Mr. BUMPERS. I yield for a question.

Mr. CRAIG. Does the Senator know about the new science that comes out of the study of the Superfund site in Silver Valley, ID? Does he understand also that mediation on the Superfund is now tied up in the courts—conducted by the State of Idaho—that has really produced more cleanup and prevented more heavy metals from going into the water system, and the value of that? Does he also recognize that the suit filed by the Attorney General was more politics and less substance?

Mr. BUMPERS. That is a subjective judgment, is it not?

Mr. CRAIG. I believe that is a fact.

Thank you.

Mr. BUMPERS. Is it not true that the company has countersued the Federal Government saying, ''You should have stopped us long ago''? Isn't that what the countersuit says—''You should have regulated us more closely''?

Mr. CRAIG. But the countersuit says that based on today's science, if we had known it then, which we didn't—you didn't, I didn't, and no scientist understood it—then we could have done something different. But as of now this is not an issue for mining law; this is an issue of a Superfund law that doesn't work, that promotes litigation. That is why the arguments you make are really not against mining law reform, which you and I support in some form. What you are really taking is a Superfund law that is tied up in the committees of this Senate, is nonfunctional, and produces lawsuits.

Mr. BUMPERS. Can you tell me where the Superfund law says if you

were ignorant of what you were doing and caused the damage, you are excused? Do you know of any place in the Superfund where there is such language as that?

Mr. CRAIG. What I understand is we have a 100-year-old mine where we are trying to take today's science and, looking at it based on your argument, move it back 100 years. We should be intent on solving today's problems and not arguing 100 years later.

Mr. BUMPERS. Is the State of Idaho willing to take over this cleanup site and absolve the U.S. Government of any further liability?

Mr. CRAIG. My guess is that the State of Idaho with some limited assistance would champion that cause.

I have introduced legislation that would create a base of authority. We believe it would cost the Federal Government less than $100 million. The State would work with some matching moneys. They would bring in the mining companies and force them to the table to establish the liability. Guess what would happen, Senator. We would be out of the courts. Lawyers would lose hundreds of thousands of dollars in legal fees. And we would be cleaning up Superfund sites that have been in litigation for a decade, by your own admission and argument.

Mr. BUMPERS. Senator, the U.S. Government has sued this company for $600 million. The Government estimates that the cleanup cost is going to be $1 billion. The Senator comes from the great State of Idaho, and I am sure they don't enjoy ingesting cyanide any more than anybody else in any other State would.

But the Senator would have to admit that Idaho couldn't, if it wanted to, clean up this site. It doesn't have the resources. It is the taxpayers of this country that are stuck with that $1 billion debt out there with a company which brashly says, ''If you would have regulated us closer, we wouldn't have done it.'' That is like saying, ''If you had taken my pistol away from me, I wouldn't have committed that murder.''

Mr. CRAIG. If you would yield only briefly again—I do appreciate your courtesy—there is not a $1 billion price tag. That is a figment of the imagination of some of our environmental friends. There is no basis for that argument. There isn't a reasonable scientist who doesn't recognize that for a couple hundred million dollars of well-placed money, that problem goes away. But, as you know, when you involve the Federal Government, you multiply it by at least five. That is exactly what has gone on here.

I will tell you that for literally tens of millions of dollars, the State of Idaho, managing a trust fund, has shut down more abandoned mines, closed off the mouths of those mines, and stopped the leaking of heavy metal waters into the Kootenay River, and into the Coeur d'Alene, and done so much more productively, and it has not cost $1 billion. Nobody in Idaho, including our State government, puts a $1 billion price tag on this.

This is great rhetoric, but it is phony economics.

Mr. BUMPERS. Mr. President, let me just say to the Senator from Idaho that my legislation for 8 long years has been an anathema to him. I am not saying if I were a Senator from Alaska, Idaho, or Nevada I wouldn't be making the same arguments.

But I want to make this offer. It is a standing offer. If the State of Idaho will commit and put up a bond that they will clean up all those abandoned mine sites in that State, that they will take on the responsibility, and do it in good order, and as speedily as possible, I will withdraw my amendment. I don't have the slightest fear. We all know that this is a Federal problem. It is a Federal responsibility to clean up these mine sites. The only way we can do it is to get some money out of the people who got the land virtually free and who have left us with this $30 billion to $70 billion price tag.

Let me go back, Mr. President, and just state that since 1872 the U.S. Government in all of its generosity has given away 3.244 million acres of land. We have given it away for $2.50 an acre. Sometimes we got as much as $5 an acre. There are 330,000 claims still pending in this country. And the Mineral Policy Center estimates that since 1872 we have patented land containing $243 billion worth of minerals—land that used to belong to the taxpayers of this country.

We now have a moratorium on all but 235 patent applications. But the 235 applications, when they are granted, will represent the continued taxpayer giveaway of billions of dollars worth of minerals and land.

Stillwater Mining Company in Montana has a first half certificate for 2,000 acres of land in the State of Montana. What does that mean? That means they are virtually assured of getting a deed to 2,000 acres of land. It means that they are virtually assured of paying the princely sum of $10,180. Guess what is what is lying underneath the 2,000 acres: $38 billion worth of palladium and platinum. My figure? No. Stillwater's figure. Look at their prospectus. Look at their annual report. They are saying to the people who own stock, ''Have we pulled off a coup.'' We are going to get 2,000 acres of Federal land for $10,180, and it has $38 billion worth of hardrock minerals under it—palladium and platinum.

You know, one of the things that I think causes me to fail every year is that it is so gross, so egregious, that people can't believe it is factual, that it is actually happening. But it is true.

Look at what happened to Asarco. They paid the U.S. Government $1,745. What did they get? $2.9 billion worth of copper and silver.

You never heard of a company called Faxe Kalk. Do you know the reason you never heard of it? It is a foreign mining company. You don't usually hear of them. The other reason you don't hear of them is because they are a Danish company. One of the things that makes this issue so unpalatable is that many of the biggest 25 mining companies in the United States are foreign companies.

We ought to go today to Denmark and say, ''We would like some of your North Sea oil.'' What do you think they would say if we said, ''Look, we are going to start drilling here off the coast of Denmark. We will give you a dollar now and then for the privilege.'' They would say, ''You need to be submitted for a saliva test.''

But the Faxe Kalk Corporation comes here, and they say, ''You have 110 acres out here in Idaho, Uncle Sam. We would like to have it. We will pay $275 for it.''

So they go to Bruce Babbitt and they say, ''We will give you $275 for this 110 acres.''

Do you know what is underneath it? One billion dollars worth of a mineral called travertine. It is a mineral used to whiten paper. That is $275 the taxpayers get and $1 billion a Danish corporation gets.

In 1995 the Secretary of the Interior was forced to deed 1,800 acres of public land in Nevada to Barrick Gold Co., a Canadian company, for its Gold Strike Mine. Barrick paid $9,000 for that 1,800 acres.

Mr. President, there isn't a place in the Ozark Mountains of my State where you could buy land for one-tenth that price.

The law required Secretary Babbitt to give Barrick, which is the most profitable gold company in the world, land containing $11 billion worth of gold for $9,000.

I could go on. There are other cases just as egregious as that. For 8 long years, I have stood at this very desk, and I have made these arguments, as I say, which are so outrageous I can hardly believe I am saying them, let alone believing them.

Newmont Mining Co. is one of the biggest gold companies in the world. They have a large mine in Nevada which is partially on private land.

When people say that somebody is mining on private lands, if you will check, Mr. President, you will find that in most cases that land was Federal land that somebody else patented, and then somebody like Newmont comes along, and they say, ''You hold a patent on this land that you got from the Federal Government for $2.50 an acre and we want to mine on it.'' Do you know what Newmont pays to the land owner on its mine in Nevada? An 18 percent royalty.

Mr. President, as I just mentioned, most of the land being mined on, so-called private lands, are private because somebody bought it from the Federal Government years ago for $2.50 or $5 an acre.

True, it is private. They own it. They paid for it. The mining companies are willing to pay the States—they are willing to pay the States a royalty. They are willing to pay the States a severance tax. They are willing to pay the private owners of this country an average of 5 percent. But when it

comes to paying the Federal Government, it is absolutely anathema to them. There is no telling how much the National Mining Association spends every year on lobbying, on publicity, on mailers, you name it, to keep this sweetheart deal alive.

Since I started on this debate 8 years ago, the mining companies of this country have taken out billions of dollars worth of minerals from taxpayer-owned land. And do you know what the Federal Government and the taxpayers of this country got in exchange for that? One environmental disaster after another to clean up. And so that is the reason my bill, which contains a royalty and a reclamation fee, goes into a reclamation fund to at least start undoing the environmental damage these people have done because it is too late to get a royalty out of them. The gold is gone. We got the shaft. They got the gold. And it is too late to do anything about it. But you can start making them pay now to clean up those 555,000 sites.

Arizona has a 2 percent gross value royalty for mines located on State lands and a 2.5 percent net income severance tax for all mines in the State. Montana, 5 percent; fair market for raw metallic minerals; 1.6 percent of the gross value in excess of $250,000 for gold, silver, platinum group metals.

All of these States charge royalties for mining operations on State-owned land. Most of them also charge a severance tax for mining operations on all land in the State. Mr. President, what do they know that we don't? A lot. The States are collecting the money, but not Uncle Sam.

Do you know why I have lost this fight for the last 8 years? Those States that have mining on Federal lands have great representation in the U.S. Senate. I know that every single Western Senator is going to start flocking onto this floor as soon as I start talking about this amendment.

Do you see anybody else on this floor who is not from the West? Do you know why? My mother used to say, ''Everybody's business is nobody's business.'' This is everybody's business, except it just doesn't affect their States. There are no mining jobs in their States. For 8 years I have heard all these sayings, as to how many jobs you are going to lose, despite the fact the Congressional Budget Office says, ''None.''

''You are going to lose all these jobs. It is going to discommode the economies of our respective States.'' And yet the States don't hesitate. We have people in this body who are Senators from the West who have served in State legislatures, who helped pass these laws, who helped impose royalties and severance taxes against the mining companies. But somehow or other they go into gridlock when they get here. At the State level they don't mind assessing these kinds of taxes. The States need the money. We do, too. We are the ones who are tagged with this gigantic bill for reclamation.

Mr. President, I could go through a list of things I have here. Amax, for example, pays 6-percent royalty on the Fort Knox Mine in Alaska. The chairman of the Energy Committee 2 years ago passed legislation providing for a land exchange on Forest Service land in Alaska. The Kennecott Mining Co. was willing to pay the Forest Service a $1.1 million fee up front, and then a 3-percent net smelter return on the rest of it. We agreed on it, ratified it. I voted for it.

But, now, isn't it strange that here is a mine in Alaska that we had to legislatively approve—because of the ownership of the land, it involved a land exchange—and I was happy to do it because it was a fair deal and these people demonstrated an interest in paying a fair royalty for what they took.

Mr. President, I will yield the floor. I will not belabor this any further.

Mr. MURKOWSKI. I wonder if the Senator will yield for a question, because it affects my particular State?

Mr. BUMPERS. I was getting ready to yield the floor. I want to say in closing, I know a lot of people would like to get out of here as early as they can tonight. I don't intend to belabor this. I said mostly what I want to say. I may respond to a few things that are said, so I am going to turn it over to my friends from the West and let them respond for a while, and then hopefully we can get into a time agreement after four or five speakers have spoken.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I would like to respond to my friend from Arkansas on the mining issues he brings up.

Mr. BUMPERS. Will the Senator yield for just a moment? When I introduced this amendment, I failed to state that my chief cosponsor on the bill is Senator GREGG from New Hampshire.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Again, I would like to call attention to the statement that was made by the Senator from Arkansas relative to the Green Creek Mine. The thing that made that so different is the unique characteristic of that particular discovery, where all the components were known relative to the value of the minerals. The roads were in, the infrastructure was in. It was not a matter of discovery, going out in an area and wondering whether you were going to develop a sufficiency of resources to amortize the investment necessary to put in a mine. So I remind my colleagues, there is a big difference between the rhetoric that we have heard here and the practical realities of experience in the mining industry.

We have seen both the effort by Canada and Mexico to initiate royalties. What has happened to their mining industry? It simply moved offshore. We have to maintain a competitive atmosphere on a worldwide basis; otherwise the reality for United States mining will be the same as was experienced in both Mexico and Canada.

I strongly urge my colleagues to join me in opposition to Senator BUMPERS' amendment. This is not the first attempt he has made, initiating actions through the Interior appropriations process. We seem to be subjected to this every year. I know the intentions are good. But the reality is that the amendment as offered represents a profound—and I urge my colleagues to reflect on this—a profound and wide-reaching attempt to reform the Nation's mining laws in a way that prevents any real understanding of the impacts of the legislation. Because, as written, Senator BUMPERS' amendment would not only put a royalty of all mining claims—all mining claims—but would also put a fee on all minerals produced off of lands that have ever gone to patent. Those are private lands. Let me, again, cite what this amendment does. It would not only put a royalty on all mining claims, but would also put a fee on all minerals produced off lands that have ever gone to patent. Those are private lands. So, this is nothing more than a tax. It is a tax. And it is this Senator's opinion that this makes Senator BUMPERS' amendment subject to a constitutional point of order.

Let me set this aside for a moment and address the specifics of my opposition to the amendment. This approach to revenue generation is no different than placing a tax on, say, all agricultural production from lands that were at one time, say, homesteads. It is retroactive. Even though Senator BUMPERS doesn't like it, the fact remains that patent claims are exactly the same as homestead lands. They are all private lands.

I cannot even begin to imagine the genesis of this punitive and dangerous amendment. This is an unmitigated attack on all things mining. We have absolutely no idea what impact this legislation would have on our ability to maintain a dependable supply of minerals; no idea what environmental disasters would be created when this legislation shuts down the producing mines across the country. We have no idea how many workers will be put on the unemployment line. We have no idea whatsoever on the effects of this legislation.

The issue is very complex. It is not appropriate that it be dealt with in an appropriations process. There is a right way and a wrong way to go about mining reform. You can chose the right way and offer your reform in a fair and open process, giving everyone the opportunity to participate in the formation of the legislation, which is what Senator CRAIG and I, along with the cosponsors of the legislation, have attempted to do in the legislation that has been offered. Or you can, as I observe, do what Senator BUMPERS has seen fit to do and offer your legislation in a form where not one single person

outside the Senator's office has the opportunity to either understand or contribute to the process.

I think there is too much at stake in mining reform to treat this complex subject in such a dangerous and offhand manner. Senator CRAIG, along with myself, Senator REID, Senator BRYAN, Senator BENNETT, Senator BURNS, Senator HATCH, Senator THOMAS, Senator CAMPBELL, Senator STEVENS, Senator KEMPTHORNE, among a few, have introduced S. 1102, the Mining Reform Act of 1997. As such, I encourage my colleagues to recognize the time and effort that has been put into developing a package of reforms that set the stage for a meaningful, honest, and comprehensive reform. We are going to be holding a series of hearings to explore all aspects of the legislation and the effect it will have on the Nation's environment and economy.

I know many Members have indicated their interest in the formation of this legislation and the process of the hearings as they unfold and intend to participate. This is how reforms should take place. Reform should take place in an orderly manner in the hearing process, and we have lived up, I think, to the expectations of those who have indicated, ''All right, we will stand with you, but give us a bill.'' We have met that obligation and filed a piece of comprehensive mining reform legislation.

We are going to consider the amendments as part of the process of debate, and if they make a legitimate contribution to the mining reform effort—and I emphasize reform effort—we are going to adopt them. This is the appropriate method to resolve mining reform, not as a last-minute amendment to the Interior appropriations bill, which we have seen the Senator from Arkansas propose time and time again.

The reform that Senator CRAIG, I, and others have offered lays a solid foundation upon which to build mining reform. Our mining reform bill should, I think, please reasonable voices on both sides. If you seek reform that brings a fair return to the Treasury, and it is patterned after the policies of the mining law of Nevada—and it works in Nevada—and it protects the environment and preserves our ability to produce strategic minerals, I think you will find a great deal to support in this legislation. It does work.

The legislation protects some of the smaller interests, the small miners. It maintains traditional location and discovery practices.

Yes, it is time for reform, but it has to be done right. Bad decisions will harm a $5 billion industry whose products are the muscle and sinew of the Nation's industrial output. The future of as many as 120,000 American miners and their families and their communities are at stake. Any action to move on amendment is absolutely irresponsible to those individuals, because it is the wrong way to do it.

I know you have heard this before, time and time again, but we do have a bill in now and it is a responsible bill. We owe Americans a balanced and open resolution to the mining reform debate. This reform mining legislation honors the past, recognizes the present, and sets the stage, I think, for a bright future.

The legislation that we offer advances reforms in four areas: royalties, patents, operations, and reclamation.

Let me be very brief in referring to the royalties. The legislation creates the first-ever hard rock royalty. It requires that 5 percent of the profit made from mining on Federal lands be paid to the Federal Government. This legislation seeks a percentage of the profit, not the value of the mineral in place. We do this for a very specific reason. Failure to do so would cause a shutdown of many operations and prevent the opening of new mines. It would also cause other operators to cast low-ore concentrates into the spoil pile as they seek out only the very highest grade of ores.

America boasts some very profitable mines, but there is an equal number that operate on a very thin margin. The Senator from Arkansas doesn't address the reality of what happens when the price of silver or the price of gold drops and their margin squeezes. We have some mines that actually operate during those periods with substantial losses.

That is why we designed our royalty to take a percentage of the profits. Under the proposal that the Senator from Arkansas has proposed, time and time again, many of these mines would actually operate at a loss because they could not deduct their production costs prior to the sale of their finished product.

If the mine makes money, the public gets a share. That is a fair way to do it. Nobody benefits from a royalty system so intrusive that it must be paid for through the loss of jobs, the health of local communities, and the abandonment of lower grade mineral resources.

Some would want to simply drive the mining industry out of the United States because they look at it as some kind of an environmental devil that somehow can't, through advanced technology, make a contribution to the Nation. I say that they can, they will and, through this legislation, they will be able to do a better job.

In 1974, British Columbia put a royalty on minerals before cost of production was factored in. Five thousand miners lost their jobs. That is a fact. Only one new mine went into operation in 1976. The industry was devastated. The royalty was removed 2 years later in 1978.

That is the reality of the world in which we live and the international competitiveness associated with this industry. Years later, the industry in British Columbia still has not completely recovered. I happen to know what I am talking about because the Senator from Alaska is very close to our neighbors in British Columbia.

So I say to those who forget history, they are doomed to repeat it.

Patents: Patenting grants the right to take title to lands containing minerals upon demonstration that the land can support a profitable operation.

Patents have been abused, no question about it. A small number of unscrupulous individuals have located mineral operations for the sole purpose of gaining title and turning the land into a lodge or ski resort. These practices are wrong. They are not allowed under the new legislation.

The reform that we have offered cures these problems without punishing the innocent. We would continue to issue patents to people engaged in legitimate mining operations, but a patent would be revoked if the land is used for purposes other than mining.

Operations: To separate legitimate miners from mere speculators and to unburden the Government from mining claims with no real potential, we require a $25 filing fee be paid at the time the claim is filed and make the annual $100 claim maintenance fee permanent.

Environmental protection: Our revisions weave a tight environmental safety net. The reform permit process requires approval for all but the most minimal activities. The bill requires reclamation, and the bill requires full bonding to deal with abandonment.

The Senator from Arkansas doesn't acknowledge the effort relative to what this bonding will mean. It will mean that mines that are abandoned will have a reclamation bond in place to make sure the public does not have to bear the cost of cleanup. The bond is going to be there; it is going to be held. It is a performance bond, that is what it means.

As we address the responsibility for a prudent mining bill, please recognize the contributions that have been made in trying to formulate something realistic that will address the abuses that we have had in the past. That is what we do in our bill.

The bill addresses mines already abandoned by establishing a reclamation fund as well. Filing fees, maintenance fees and the royalty go into that fund. So we have addressed that in a responsible manner.

For those who seek meaningful reform to the Nation's general mining laws, then our legislation does the job. It fixes past abuses without punishing the innocent. It shares profits without putting people out of work. It assures the mining operations cause the least possible disturbance. And it makes sure we don't pay for actions of a few bad operators and provide sources of funds for reclamation.

Both sides of the mining reform debate have come a long way toward a constructive compromise. I have met with Senator BUMPERS on many occasions, and at one time actually thought we were going to reach an accord. But unfortunately we didn't. But we have gone ahead and put in the bill. The bill will help carry us, I think, the last

mile and provide the balanced reform that has, so far, eluded us.

I urge my colleagues to join with me, Senator CRAIG and others in continuing to craft this open and meaningful mining reform. With equal vigor, I ask each and every Member of this body to join us in opposing Senator BUMPERS' proposal, a reform crafted in the dark of night and offered in a forum guaranteed to confuse and shroud the real impact of the legislation.

Mr. President, I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I will not at this point speak to the merits of the amendment. Both the Senator from Arkansas and the Senator from Alaska have done so, each of them repeating points that I can remember having heard almost verbatim in several previous sessions of Congress. My remarks will be much more narrow.

Section (d)(1) of this amendment states:

> Any person producing hardrock minerals from a mine that was within a mining claim that has subsequently been patented under the general mining laws shall pay a reclamation fee to the Secretary under this subsection.

The Senator from Arkansas quite properly described that fee as a severance tax, and a severance tax it is. It applies only to minerals coming out, presumably, in the future from certain classes of lands in the United States. It is not something directed at the restoration of those lands, but is to be used as a source of money for much broader purposes.

The Senator's description of it as a tax is accurate.

Article I, section 7 of the Constitution of the United States under which we operate states—and I quote—

> All Bills for raising revenue shall originate in the House of Representatives.

No such tax appears in the similar bill that the House of Representatives has passed.

It is crystal clear to me that should this tax be added on to this bill it will be blue slipped in the House of Representatives, that is, it will not be considered on the grounds that that portion of the bill, that subject of the bill could only originate in the House.

The House of Representatives is as jealous of its prerogatives to originate tax bills as the Senate is to ratifying treaties or to confirm Presidential appointments or to engage in any of the activities that are lodged by the Constitution in this body.

POINT OF ORDER

As a consequence, although there has been some time devoted to the merits of this amendment, and because I believe that it clearly violates article I, section 7 of the Constitution, I raise a constitutional point of order against the amendment.

The PRESIDING OFFICER. The question before the Senate is debatable. Is the point of order well-taken, would be the question?

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Parliamentary inquiry. Do we ask for the yeas and nays at this time?

The PRESIDING OFFICER. It is appropriate.

Mr. REID. I do so.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate?

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I hope that we can resolve this issue. It is quite clear that it does violate the Constitution of the United States. That is by taking the Senator's own statement during the time he was debating his amendment. It is clear from his own statement that it is a violation of the Constitution.

I say to my friends who are listening to this debate, Members of the Senate, that we would vote on this issue and if this issue prevails, of course, the amendment falls. But I would also say that we should look at this on the legal aspect. If this stays in this bill, the bill is gone. There is no question that it is unconstitutional and we should vote based on the constitutionality of this amendment, not on the merits of the amendment.

I say to my friends that we have voted on some aspect of an amendment like this on other occasions. My friend from Arkansas has framed it differently this time. Therefore, we have raised this point of order. I ask that we dispose of this. It is getting late into the night. I repeat, if this constitutional point of order is upheld, the amendment falls.

Ms. LANDRIEU addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I know we will probably soon be voting on this important amendment and on this important issue.

I was sitting in my office and listening to my distinguished colleague from Arkansas, my friend and neighbor, and thought that I might come down and try to give him some help and support, not that he needs any more help in articulating the issue and speaking about it and outlining it, which he does so beautifully, but to let him know that as a new member of the Energy Committee, one that just arrived here and has not spent even a year here, and with him getting ready to retire and having announced his retirement, that I want to let him know I am going to pick up this ball wherever it may land today, I say to Senator BUMPERS.

I come from a State that has obviously some mining interests, but I come from a State that has had oil and gas development and exploration for many years.

I am from a position of understanding that when it is done correctly how much of a benefit it can be in terms of jobs and economic development and helping people and enriching the corporations and businesses as well as the average working man and woman.

But I can also see from knowing about our history in Louisiana that when the laws are not fair, when they are not written with the taxpayer in mind, that the taxpayers can be shortchanged. When taxpayers are shortchanged, families are shortchanged, and when families are shortchanged, children are shortchanged. When I think of the hundreds of millions and billions of dollars that could have been allocated differently perhaps in the history of our State as we took out oil and gas, that would have been more fair to everyone.

I have to sympathize in a great way with what the Senator from Arkansas is speaking about regarding many of our Western States.

To my great colleague and chairman of the Energy Committee, from a State very far from ours, I do not want him to think that I am meddling in other States' business. I have been in the legislature for many years in my own State. But it is an issue that should concern every taxpayer in America.

As we look for dollars to send our children to the best of schools that we can provide, when we look and scrape for dollars to provide immunization shots for them so that they can live a healthy life, when we are looking for dollars every day to try to literally make decisions about life and death, to not have these laws and rules and regulations established in such a way to just give fairness to the taxpayer is why I am here.

I am going to support this amendment. I am coauthoring this amendment. I am going to work diligently with Senator BUMPERS and other Members on both sides of this aisle to learn more about the specifics, to be a strong advocate for reform and change, to make sure that this allocation is done fairly for the taxpayers, and for somebody in these rooms to start dealing the deal for the taxpayer for a change and not specifically for a particular company or a particular entity. I know that my colleagues from these other States will keep that in mind as we move along with this amendment and this bill.

So I thank my colleague from Arkansas for his great work, for 8 years of his impassioned speeches, and hope that many Members of our Senate will become more knowledgeable about this issue because I can understand by looking at this amendment, not even having read all of the details of it, what is causing the consternation.

We are not talking about $2.50 or $1 or $15. We are talking about $750 and $550 million. When you talk about serious dollars, people wake up and get exercised about it. But it is about time maybe some of this money got into the hands of our children and families that need it that could use it for other

things that would be important, not to mention the environmental concerns which are also of great concern to everyone.

So I am proud to support the amendment. I am happy for my name to be listed as a coauthor. Since I just got here, I plan to spend a lot of time working on the Energy Committee and look forward to working with members of the Energy Committee and others.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I do not think there is a Senator in this body who is not sensitive to families, is not sensitive to the working men and women of this country.

Who do you think is employed by the mines? Do we just disregard the job opportunities? Do we deny America of a resource that is used in just about everything that we pick up, from pencils to what we tie our shoes with? Doesn't that involve families, children, and schools, and roads, and public safety? It is a resource. Families and people are involved.

There is a basic fairness here. There is a human factor. All of this just doesn't jump out of the ground into the truck and then a faceless person drives a truck and a faceless person goes home to feed his family and pay his taxes, payroll taxes, insurance, workmen's comp. All of this is created out of commercial activity.

Now, if none of that is there, then you have even taken away the opportunity for upward mobility for the greatest number of people in this country.

There is not anybody here that is not sensitive to people and to the working men and women of this country or to families or even communities and all it takes to operate the communities, because to many of them, this is a commercial opportunity.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I wanted to speak briefly on the amendment that has been offered. I recognize the Senator from Washington has raised the issue of constitutionality on this amendment. I leave that to constitutional attorneys in this body—of which he happens to be a leading one—to debate and discuss.

Let me mention quickly some of my concerns to the opposition of the underlying amendment. I believe the Senator from Arkansas has brought forward an appropriate amendment. What we are talking about here is essentially corporate welfare. This is not about family, and whose families does this or that, quite honestly. As a practical matter I believe the majority of the mining companies involved here, or a large percentage, come from other countries. We are talking about families. It would be how we benefit families from different countries. It is a classic case of corporate welfare.

The Senator from Arkansas has outlined in great detail, and very appropriately, what appears to a considerable outrage being perpetrated on the taxpayers of America in that we are selling land at $2.50 an acre which generates billions of dollars worth of revenue to corporations who pay virtually nothing in relationship to that revenue as it relates to the ore brought out of that land. In fact, the irony is they get a depletion allowance, a depletion tax allowance on the basis of this $2.50 land—not using that as a basis—which shouldn't apply to them to begin with because the land isn't purchased at a fair value. Yet they are given a tax break, a depletion allowance, in order to subsidize what is already grossly subsidized.

It is appropriate as we step forward, as the Senator from Arkansas has, and say if you are going to make this type of money off lands which are publicly owned—and the land is not publicly owned by the State, it is publicly owned by the Federal Government, and the Federal Government is the people of this country, not just the people of one State—if you are going to make money off publicly owned lands, the public should get some sort of return on it. That is only reasonable. The public should have the right to expect that it would benefit from the extraction of these valuable ores from land which they own, much as anybody who was a stockholder in a company would benefit from the profits of a company. The taxpayer is essentially the stockholder. The land is owned by the taxpayer. Therefore, there is a legitimacy to the position taken by the Senator from Arkansas that the value that is being withdrawn from this land should be returned in part, at least, to the people whose land is being used.

If you own a farm and you discover there is oil under your land, as a private citizen, and you go to an oil company and say, ''Come on to my farm and pump my oil out,'' you are not going to say, ''I will sell you my land for $2.50,'' would you? Nobody would, no. You will say, ''Come on to my land, I may lease it to you for $2.50''—I find that hard to believe for the purposes of pumping oil, ''but when you pump that oil out I will want a percentage of that profit.'' It is called a royalty payment. That is what is being proposed by the Senator from Arkansas.

It is totally reasonable in light of the staggering, staggering wealth which is generated from these mining claims in exchange for the minute amount of money that is paid for these mining claims. Estimates that have been pointed out by the Senator from Arkansas: For as little as $1,500, people purchased mining claims that generated over $3 billion; for as little as $275, people purchased mining claims worth over $1 billion; for as little as $9,000 people generated mining claims worth over $11 billion; and we have pending one where people will pay about $10,000 for benefits of approximately $38 billion.

How can anybody in good conscience go back to their taxpayers and say we just sold a piece of your land that has $38 billion worth of assets on it; we just sold it for 10,000 bucks? Who would go to their neighbor, with a straight face, and say ''They just found oil on my land. I just sold it to the oil companies for $10,000. The oil is worth $38 billion. Didn't I get a good deal, neighbor?'' You would be laughed out of town.

I think people who have the responsibility, the fiduciary responsibility of protecting the taxpayer and the taxpayers' land might also be laughed out of town, or at least be voted out of town if they continue to pursue this course.

I strongly support the underlying amendment. I will leave it to the constitutional lawyers to settle the constitutional point. But the concept of giving the taxpayers a fair break on this issue, the concept of giving the taxpayers a decent return on this very valuable asset is, I think, very appropriate, and it is time we started putting an end to this kind of corporate welfare.

I yield the floor.

Mr. GORTON. Two brief points. First, the Senator from New Hampshire describes what is an entirely reasonable point, it seems to me, if we are talking about land sold by the United States in the future.

But in effect he is saying a policy we ought to adopt is one that would be analogous to something in my own State, where 20 years ago you sold shares of stock in Microsoft for $10 a share and they are now worth $100,000 a share today, and he says, ''Gee, I made a bad bargain. I ought to get some more of that back. I want a share of that profit.'' That goes to the equities of the position.

The point before the Senate now is whether or not we can constitutionally deal with this. The Senator from Louisiana made the perfect argument on our side. She said we aren't getting enough taxes, we need to get more taxes out of these lands.

That is exactly what the Senator proposes to do—tax these lands. Tax bills must originate in the House of Representatives. This does not originate in the House of Representatives. It is not something that this body constitutionally can deal with. That is the point on which we are going to vote.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Let me say, first of all, that I would have asked for a division, incidentally, before the point of order was made if I had had the chance.

Let me make a parliamentary inquiry. Division is not in order after the point of order is made, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BUMPERS. Let me say to my colleagues that I didn't get a chance to ask for a division. So, if you want to stand on ceremony, if you want to go home and tell the folks back home why

you voted to continue giving billions of dollars worth of gold and silver away every year because of this little fine, distinguished point, you go ahead and do that. Be my guest.

If you are looking for something to hang your hat on even though you would be entirely incorrect, you can do it.

Do you know something else? The Senator from Alaska, the Senator from Nevada, the Senator from Idaho, and others who introduced this bill in this Senate, they have a royalty provision in their bill. That bill, like the bills I introduced, has been referred to the Senate Energy Committee, not the Finance Committee. Obviously my amendment does not contain a tax.

So we raise this little fine diversionary point and we hope that people will forget that, since 1872, 243 billion dollars' worth of their property has been expropriated by the biggest corporations in the world—not in America, in the world. So, candidate, when you see a 30-second spot next year saying, ''He voted to continue this foul, outrageous, egregious practice, and the landowners of this country, the taxpayers who own it, you tax them for everything.'' How many times during the budget debate did I hear the cries about the ''poor, taxed American taxpayer?'' Go home and tell that taxpayer you were just kidding. If you weren't kidding, why are you voting to continue to give billions of dollars worth of their property away every year?

The Senator from Alaska says, ''If you pass the Bumpers amendment, you are going to drive all these mining companies offshore.'' Do you know what my response to that is? If all you want to do, Stillwater Mining Co., is take 38 billion dollars' worth of platinum off of 2,000 acres of land in Montana and give us $10,000 back for your $38 billion, so long, good riddance. What on Earth are we thinking about in this body?

So, Mr. President, let me make this point one more time because I promise you there is going to be a lot of 30-second spots next year on this issue. You cannot duck this one forever. You cannot campaign back home on the finely crafted point of order made by the Senator from Washington that this doesn't belong in this bill and the House of Representatives will blue slip it. Since when did that become a big item around here? If you are looking for something to hang your hat on, you go ahead; you vote for the point of order and then go home next fall, and when you are in a debate with your opponent and he says, ''He has voted time and again to give away these billions of dollars of resources that belong to you, the American people for nothing; he is willing to make the oil companies pay 12.5 percent royalty, make the gas companies pay a 12.5 percent royalty, is willing to make the coal operators pay a 12.5 percent royalty, or an 8 percent royalty for underground mining, but when it comes to gold and silver, he gets lockjaw, just can't get it out of the chute.'' You answer that when your opponent hits you with that and tells you that the Federal Government would have received $12 billion in royalties since 1872 for patented land alone.

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

Mr. BUMPERS. No, I will not yield. Then you stand on ceremony. And when your opponent charges you with that, you say, ''Well, there is a little distinction. The Constitution says * * *.'' You see how that goes over.

Let me make one other point. Even if the point of order was valid against the reclamation fee, which it clearly is not, how can anybody argue that the royalty is unconstitutional.

So I leave it to your conscience on how you want to handle this. I will yield now to the Senator from Alaska.

Mr. MURKOWSKI. I ask my learned colleague if he thinks that the constitutional matters are strictly in the realm of technical matters and are of no consequence, which is what the Senator from Arkansas inferred? This is a constitutional point of order, is it not?

Mr. BUMPERS. It is a point of order.

Mr. MURKOWSKI. It has great significance relative to the manner in which this body conducts itself.

Mr. BUMPERS. As the Senator knows, nobody in this body has shown a deeper devotion to the Constitution of the United States than the Senator from Arkansas.

Mr. MURKOWSKI. Yet, the Senator from Arkansas says it is a ''technical'' matter and of no consequence.

Mr. BUMPERS. All I'm saying to my colleagues is that you're not going to get a chance to vote on a division, you are not going to get a chance——

Mr. MURKOWSKI. That is not the fault of the Senator from Alaska.

Mr. BUMPERS. All I am saying is that the point of order was made before I could ask for a division. I am saying that could be worked out, and it could be easily worked out.

Mr. MURKOWSKI. We both follow the rules of the Senate. My question to the Senator is, does the Senator from Arkansas regard this issue as a technical matter when it is a constitutional provision?

Mr. BUMPERS. Mr. President, I still have the floor, do I not?

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

Mr. BUMPERS. Mr. President, I ask unanimous consent that I be permitted to ask for a division.

Mr. REID. Objection.

Mr. MURKOWSKI. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. BUMPERS. Somebody objected? I can't believe this.

Mr. President, like Mo Udall used to say, ''Everything that needs to be said has been said, though everybody hasn't said it.'' I have said about all I can say for the eighth year. I consider this the most egregious thing that the Senate turns its back on every year. Of all the battles I have fought, particularly on the defense budget and in the Energy Committee, none of them are of equal importance to me as this. It is an absolute enigma to me how this body continues to vote to continue this outrageous practice.

While you are telling them about that fine constitutional distinction, in answer to why you are giving the gold and silver away to the biggest mining companies in the world, also remind them that not only do we not get one farthing in return for our gold and silver, they have just left you with a $32 to $70 billion cleanup cost.

I yield the floor.

Mr. REID. Mr. President, my friend from Arkansas has stated there has been a fine distinction point raised. That fine distinction point is the Constitution of the United States. I think that is something that we should be concerned about. This country has been in existence for more than 200 years, and this body has been in existence for more than 200 years. I think if we are anything of significance, which I believe we are, we are a country that is bound by the constitutional dictates set up by our Founding Fathers. The constitutional point of order lies.

Now, I also think, prior to voting on this, that we have to understand that much of what the Senator from Arkansas says, throwing these numbers around, talking about 30-second spots, these are a figment of someone's imagination. You cannot get out of here and talk about billions of dollars in cleanup and all the problems caused by mining. The fact of the matter is that with rare, rare exception, all of the cases he has talked about are cases involving mines that have long since been depleted, old mines where we had no reclamation laws, we had no environmental laws. That is why the Superfund is attempting to go clean them up. Under modern day reclamation and mining in the Western United States, we have good laws. He talks about leach mining, where you lay down a plastic pad and what if it leaks. Well, it doesn't leak. We have stringent controls that guarantees that.

I would also say, Mr. President, that I understand the feelings of the Senator from Arkansas about mining—I believe it is a very important industry in this country—when he says—and he said this before—''If you do not like what we are doing to you in the United States, adios.'' And he waves.

Let me talk about two of the States that are small States populationwise. Let's talk about the State of North Dakota and see how important mining is to North Dakota.

The value of minerals mined in North Dakota for the year 1995 was almost $308 million; directly contribution to Federal Government revenues, $21 million is what the Federal government gains from the mining in a tiny State of North Dakota; total jobs gained directly and indirectly in North Dakota, 13,000 jobs.

Take another very small State, the State of Wyoming, the smallest State populationwise, or maybe Alaska is, but one of the smaller two States. The value of minerals in the State of Wyoming, over $2.5 billion; jobs in Wyoming, 41,000.

The point is that mining is important. We are a net exporter of gold. This has only happened during the last 10 years.

We talk about a favorable balance of trade. We have one in mining, which is very significant and important to this country. The price of gold has dropped significantly this past year. It was over $400 an ounce, and now it is barely $320 an ounce. Mining companies are having trouble making it.

So, I say also to my friend from Arkansas that every battle that he fights on the Senate floor is the most important battle that he fights. We have heard him on a number of issues that he talks strenuously and very passionately about. On every one, he tells us that it is the most important. I have great respect and admiration for his ability to debate. But the fact is, sometimes we are debating facts that are not at issue.

The issue before this body today is a constitutional issue as to whether or not the amendment of the Senator from Arkansas violates the Constitution. He has stated it does. I do not know if he wants a rollcall vote on it, or whether we should do it by voice vote.

I say through the Chair to my friend from Arkansas, I have a question for my friend from Arkansas. He has acknowledged that his amendment violates the Constitution.

Mr. BUMPERS. I didn't acknowledge that. But go ahead.

Mr. REID. My question was, do you want a rollcall vote on that, or should we do it by voice vote on a constitutional provision?

Mr. BUMPERS. The Senator does not have the option of doing that. He is going to be voting on the amendment, period. He is going to be voting on the point of order raised by the Senator from Washington.

Mr. REID. Does the Senator want a rollcall vote on that?

Mr. BUMPERS. Absolutely.

Mr. REID. I thought there was an acknowledgment here in the Senate that it did violate the Constitution.

Mr. BUMPERS. The Senator from Nevada is incorrect. My amendment does not violate the Constitution and it deserves an up or down vote. What is the Senator from Nevada and the Senator from Alaska so afraid of?

Mr. REID. So, in short, Mr. President, there has been an acknowledgment, even by the proponent of the amendment—the Record speaks for itself—that this amendment violates the Constitution.

I want everyone walking over here to vote to understand that we said—''we,'' those of us who have talked for years against the amendments offered by my friend from Arkansas; and I will not describe the amendments—we have said that we would offer mining law reform, and we have done that. We have done that. This is a good bill. It calls for a royalty, reforms the patenting process, and reclamation. It is a good bill. We have done that. We have kept faith.

I also want everyone to understand, especially on the Democratic side, this constitutional issue, or the underlying amendment, has nothing do with the regulation that we disposed of here yesterday on the Senate floor. This has nothing to do with the issue—some controversy between the Senator from Arkansas and the Senator from Nevada—within the Democratic conference. This is a separate issue dealing with a tax, a tax that has been established with not a single hearing, with no debate whatsoever prior to getting here. It was thrown upon us here, on the Senate floor, this morning.

So I say we should go forward with this constitutional point of order.

In closing, let me say that the taxpayers of this country, the hundreds of thousands of people that work in mining, do care about mining. Their jobs come from mines. They pay taxes. And they provide for one of the finest industries that we have in the Western part of the United States.

I also say that we talk about environmental laws. I invite my friend from Arkansas, and anyone else that wants to see good reclamation, come and see what mining companies do in the modern-day West. Joshua trees are not torn up in a mining process. They must be saved so that when the mining is completed they can be replanted.

The mining company not far from my hometown, Searchlight, NV—they have a mining operation that has also a farming operation. They save all of the trees that have been uprooted from the mining. When that particular part of the mine is closed, they have to replant the Joshua trees.

So mining companies have contributed a lot environmentally to this country.

I think we have to understand that the passionate arguments of my friend from Arkansas are based little on fact and much on passion.

Ms. LANDRIEU addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Thank you, Mr. President.

Mr. President, before we vote, I want to make just a couple of additional remarks for the RECORD.

Listening to my colleagues speak about the Constitution and the intricacies of whether this is appropriate or not, compels me to say that the most important thing about our Constitution in the United States is the essential component written in that document about justice and fairness. That is what our Constitution is about. That is all this issue is about. It is about fairness and justice to the taxpayers and to the families and to children in our country.

To the children who come to me now and in the future, and perhaps look a little sad, telling me they come from families that may be poor, they don't have what they need, I remind them that they are not poor, that they live in a State and in a country with bountiful resources. They actually own gold and silver that belong to them.

But for some reason that I am finding hard to understand, for over 100 years this Senate and the House of Representatives refuses to acknowledge that this is not something we own, the 100 of us sitting here; this is something that the public owns. It belongs not to us, not to a few companies, nor to many companies. It belongs to the children of America. This is their land. It is their gold. It is their silver. And it is our job to make sure they get a fair portion—not all of it—but a fair portion of it. It is clear to me that they have not for 130 years gotten their fair portion of what is theirs, what was given to them—not by us, but by God, and others.

So I want to make that point for the RECORD.

I hope we will vote soon.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, first of all, I ask unanimous consent that the Senator from Louisiana, Senator LANDRIEU, be added as a cosponsor to the amendment.

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

Mr. BUMPERS. Second, Mr. President, I want to say to my colleagues that on this point of order, if you want to vote ''no'' because of the constitutional technicality which is raised by the point of the order by the Senator from Washington, bear in mind that the point of order is clearly not valid at all against the royalty provision in this bill.

The reason I can tell you that with absolute certainty is because the bill of the Senator from Alaska, the Senator from Idaho, and the Senator from Nevada, has a royalty provision in it. The Parliamentarian of this body referred it to the Energy Committee—not the Finance Committee. There isn't any question that there is no point of order against the royalty provision in this bill.

Second, I would like to ask my distinguished friend from Nevada, if I could have the attention of the Senator from Nevada——

Mr. REID. Which one?

Mr. BUMPERS. I would like to ask the Senator from Nevada if he will tell his 99 colleagues why Newmont Mining Co.—which is the biggest mining company in Nevada—why is it that they are willing to pay 18 percent royalty for private lands they mine on, and land which is a part of the very same mine which they got a patent on from the U.S. Government for $2.50 an acre, why they are not willing to pay any royalty on that.

Mr. REID. I would be happy to respond to my friend from Arkansas.

First of all, again, with all due respect to my friend from Arkansas, it is somewhat misleading to say they get $2.50 an acre for land.

Mr. BUMPERS. They got it for $35——

Mr. REID. Let me finish my answer.

To develop that piece of land costs them tens of millions of dollars. You don't simply go out in the deserts of Nevada or any place in the West and locate a claim and start scooping out the gold. I am not saying millions of dollars. I am saying tens of millions of dollars.

In addition to that, the unique situation that the Senator has raised, they also purchased next to their mine a ranch.

And the reason they purchased the ranch originally was so their mining operations would not interfere with the ranch property. They bought that ranch so their trucks could go through the property on their roads. They found on that land some mineral value. Since they owned the ranch, and they found some gold. And the reason they were willing to do that, and pay the fee on land that they already had, is because they had an ongoing operation. They had already developed and they discovered gold there, and it was the profitable thing for them to do. They didn't do it, just to go out and then somebody said, ''You start paying us 18 percent royalty.'' They already had a huge mining operation in the immediate vicinity of the property they agreed to lease.

Mr. BUMPERS. Does the Senator realize that the land on which they are paying 18 percent royalty was formerly Federal land and was patented by a totally different person and they bought it, they bought it from somebody else who paid the Federal Government either $2.50 an acre or $5 an acre? They are paying him, not the Federal Government.

You see, if they had been smart enough to get a patent before this other fellow did, they would not have had to pay anything. Now they are paying somebody else who patented the land 18 percent, but if they had gotten the patent from the Federal Government, they wouldn't have had to pay a penny.

Indeed, Senator, I don't want to make too much light of your argument, but I don't even know what your answer is. I still do not understand why it is they are willing to pay 18 percent royalty to a guy who patented the land from the Federal Government. It is now private land because he bought it for $2.50 an acre. They are willing to pay him 18 percent royalty but the other lands—it is a part of the same lode of gold that they got a patent on from the Federal Government. They are not willing to pay one farthing, and the reason they are not willing to, I say to the Senator, you and I both know the answer, they got a bird nest on the ground.

Mr. REID. First of all, these lands started being patented a long time ago. If you look at Carson City, which was before the 1872 mining law, they had a different way of patenting claims than started in 1872. Claims in Nevada have been patented for many years as they have in the Western part of the United States. I can't give you the genealogy of the claim about which the Senator speaks, but assuming my friend from Arkansas is right, that it was originally patented by someone else and then they purchased it, I say this.

First of all, the reason that Newmont Mining Co. or any other mining company would be willing to pay extra on it is because we live in a system of free enterprise where people pay what they feel they can pay in order to make a profit. And surrounding this piece of land is land that they have spent tens of millions of dollars developing. The land that they are leasing from another individual, this company, is land that has already been patented. Newmont didn't have to spend a single penny to get the patents. That is very, very difficult. It didn't used to be very tough but now it is very difficult to patent.

Mr. BUMPERS. Does the Senator know of any mine that has ever been developed in the history of this country where a lot of money wasn't spent to develop it, on private land or Federal lands?

Mr. REID. Oh, sure.

Mr. BUMPERS. You always have to spend a lot of money developing it, don't you agree?

Mr. REID. No, I would not agree at all. For example, under the 1872 mining law, you don't have to patent land. You can go out and locate land any place you want. In the town where I was born, a guy in 1898, walking through there—the 1872 mining law was in effect—found some gold. It didn't cost anything to develop it. They started mining it.

But under modern law it is very difficult to patent a claim. That is why I talk about companies spending millions of dollars.

Around the area where I was born and raised, in Searchlight, we only have one mine, which is right over the line in the State of California, owned by the Viceroy Mining Co. That relatively small mine cost $70 million before they took an ounce of gold out of the ground, $70 million. So, I mean, we talk about $2.50 an acre and it was patented land.

Mr. BUMPERS. Were we to follow the Senator's logic to its logical conclusion, would this not be a fair summary, that it costs millions of dollars to develop land belonging to the United States but nothing to develop lands that belong to private interests?

Mr. REID. No.

Mr. BUMPERS. That's the reason they are paying royalties to private interests.

Mr. REID. Absolutely not; because as you know—maybe the Senator from Arkansas didn't understand my answer. Maybe he did not want to understand the answer. The fact is, as I have explained, the area of land where they have the lease and are paying royalties on land that was patented a long time ago. They didn't have to spend any money to develop that. It was right there. They did not have to spend money to get a patent. It was already patented.

In modern-day mining it costs a lot of money to patent a claim. It didn't use to. It does now.

Mr. BUMPERS. If that is true, why don't they just come in and say, ''Look, we bought this land that had already been developed by somebody else who patented it and it is not fair for us to take this because it originally belonged to landowners and we want to pay a royalty on it.'' Would that be fair?

Mr. REID. I say respectfully to my friend from Arkansas, I do not understand the question. The fact of the matter is the profit motive governs mining companies, ranchers, as it does those who own clothing stores, automobile dealerships, and mining companies that are trying to make money to pay the wages of people who work for them. I acknowledge that.

Mr. BUMPERS. We are prepared to vote, Mr. President.

The PRESIDING OFFICER. Is there further debate?

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, I rise today in opposition to the amendment offered by my good friend from Arkansas. I appreciate the deeply held commitment of my colleague to the issue of mining law reform. As I have told my colleague many times over the years, I agree with him that the 1872 mining law is in need of reform—our differences on this issue are one of degree.

The Bumpers amendment simply goes too far. If enacted, this amendment would severely threaten the economic viability of the hardrock mining industry in my home state of Nevada and throughout the western United States.

For the fifth year in a row, Nevada's mines have collectively topped the 6 million ounce mark in gold production. In 1996, there was a total of 7.08 million ounces of gold produced in Nevada. The state's rich landscape has made Nevada the largest gold producer in the nation with 66.5 percent of all production. In addition, it now accounts for 10 percent of all the gold in the world.

The most recent information from the State of Nevada indicates that direct mining employment in Nevada exceeds 13,000 jobs. The average annual pay for these jobs, the highest of any sector in the state, is about $46,000, compared to the average salary in Nevada of about $26,000 per year. In addition to the direct employment in mining, there are an estimated 36,000 jobs

in the state related to providing goods and services needed by the industry.

The impression left by proponents of this amendment is that the mining industry has free reign to extract mineral resources from public land. Nothing is further from the truth. In my state, Nevada mining companies must pay taxes like any other business, and they also pay an additional Nevada tax called the ''Net Proceeds of Mines Tax.'' This tax must be paid by mining companies regardless of whether they operate on private or public land. The total Net Proceeds tax paid to the state in 1995 was approximately $33 million. With the addition of sales and property tax, the industry paid approximately $141 million in state and local taxes in 1995. In addition, the Nevada mining industry paid approximately $95 million in federal taxes in 1995.

The additional taxes imposed by the Bumpers amendment would be extremely onerous for mining operators in Nevada. These new taxes would likely force many mining operations to shut down, thereby causing an overall reduction in federal and state tax revenues paid by the industry. The bottom line is that the mining industry pays taxes just like any other business, and in Nevada they pay an additional tax targeted specifically to their industry.

The issue of reclamation is also central to the mining law reform debate. The State of Nevada has one of the toughest, if not the toughest, state reclamation programs in the country. Nevada mining companies are subject to a myriad of federal and state environmental laws and regulations, including the Clean Water Act, Clean Air Act, and Endangered Species Act. Mining companies must secure literally dozens of environmental permits prior to commencing mining activities, including a reclamation permit, which must be obtained before a mineral exploration project or mining operation can be conducted. Companies must also file a surety or bond with the State or the federal land manager in an amount sufficient to ensure reclamation of the entire site prior to receiving a reclamation permit.

It is in the context of promoting the economic viability of the mining industry and of encouraging strong environmental reclamation efforts administered by the states that I view the debate over the reform of the Mining Law of 1872. As I have stated many times over the years, I feel that certain aspects of the 1872 mining law are in need of reform. Specifically, I feel strongly that the patenting provision of the current law should be changed to provide for the payment of fair market value for the surface estate. All patents should also include a reverter clause, which would ensure that patented public lands would revert to federal ownership if no longer used for mining purposes. I believe that mining law reform legislation should ensure that any land used for mining purposes must be reclaimed pursuant to applicable federal and state statues. And finally, I believe that mining law reform legislation should impose a reasonable royalty on mineral production from Federal land.

Mr. President, the Mining Law Reform Act of 1997, of which I am a cosponsor, addresses each of the concerns I have just outlined. This legislation would impose a 5% net proceeds royalty on mineral production from Federal lands. It would make permanent the $100 maintenance fee for every claim held on federal land. It calls for the payment of fair market value for patented lands and includes a reverter provision to ensure that patented lands are used only for mining purposes. Finally, the legislation directs revenues from mineral production on Federal lands to a special fund to assist state abandoned mine clean-up programs. It is my hope that this legislation will serve as the starting point for the debate over mining law reform in the 105th Congress.

I agree with the Senator from Arkansas that we have waited long enough for Congress to enact comprehensive mining law reform. The aura of uncertainty that the industry has been forced to operate under for the last decade is causing many companies to look overseas for their future operations. The number of U.S. and Canadian mining companies exploring or operating in Latin America continues to grow dramatically. I do not feel, however, that the legislation before us today provides the proper context to rewrite the general mining laws.

I hope I will have the opportunity in the near future to work with the distinguished Senator from Arkansas and other interested Members of this body to craft a piece of legislation that we can move to the floor and enact in this session of Congress.

I yield the floor.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Arkansas.

Mr. BUMPERS. First, I thank my distinguished colleague from Nevada for his very good statement. I disagree of course, but I appreciate him and consider him one of the best Senators in the Senate. He is, indeed, an honorable man, and his word is as good as his bond. I think he really would like to sit down and work out some sort of reform legislation, and I thank him for those words.

Before we vote, to my colleagues just let me say this; two things. No. 1, this point of order made, this constitutional point of order: If you are going to vote on this, you bear in mind that if we allow a point of order to be made against my amendment, what is to stop others from raising points of order against any of your amendments where the opponents want to avoid an up or down vote?

No. 2, if you are worried about what the House of Representatives is going to do, bear in mind this is a House bill we are voting on.

I yield the floor.

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

The question is, Is the point of order well taken? The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

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

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

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

The result was announced, yeas 59, nays 39, as follows:

[Rollcall Vote No. 249 Leg.]

YEAS—59

Abraham	Enzi	McCain
Allard	Frist	McConnell
Ashcroft	Gorton	Mikulski
Baucus	Gramm	Murkowski
Bennett	Grams	Nickles
Bingaman	Grassley	Reid
Bond	Hagel	Roberts
Breaux	Hatch	Roth
Brownback	Helms	Santorum
Bryan	Hollings	Sessions
Burns	Hutchinson	Shelby
Campbell	Hutchison	Smith (NH)
Chafee	Inhofe	Smith (OR)
Cochran	Inouye	Specter
Coverdell	Johnson	Stevens
Craig	Kempthorne	Thomas
D'Amato	Kyl	Thompson
Daschle	Lott	Thurmond
Domenici	Lugar	Warner
Dorgan	Mack	

NAYS—39

Biden	Feinstein	Leahy
Boxer	Ford	Levin
Bumpers	Glenn	Lieberman
Byrd	Graham	Moseley-Braun
Cleland	Gregg	Moynihan
Coats	Harkin	Murray
Collins	Jeffords	Reed
Conrad	Kennedy	Robb
DeWine	Kerrey	Rockefeller
Dodd	Kerry	Sarbanes
Durbin	Kohl	Snowe
Faircloth	Landrieu	Torricelli
Feingold	Lautenberg	Wyden

NOT VOTING—2

Akaka	Wellstone

The PRESIDING OFFICER. On this vote, the yeas are 59, the nays are 39. The point of order is well taken. The amendment falls.

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

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

The motion to lay on the table was agreed to.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I am not able at this time to propound a unanimous-consent request, but I have been talking to the manager of the bill and to the Democratic leader about this issue, and the next issue we hope to consider, or plan to consider, is the Food and Drug Administration reform package. It is absolutely essential that we complete the Interior appropriations bill, and we must do that this week, and we will do that. If we have to stay late tonight and have votes tomorrow, up until 12 o'clock, or whatever it takes to finish it, we will do it.

I believe we are close to where we will be able to see exactly what is needed. Perhaps we can get the amendments worked out. The managers are going to be working on that. We are not ready to do that right now. We will work in the next few minutes, and we will let the Members know what the prospects are. We will be working on a UC that will allow us to complete the bill and get to final passage either tonight or first thing in the morning. We will be prepared to do something on that within, I hope, a short period of time.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call roll.

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

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

AMENDMENT NO. 1229

(Purpose: To provide an alternative source of funds for operation of, or acquisition, transportation, and injection of petroleum products into, the Strategic Petroleum Reserve)

Mr. BINGAMAN. Mr. President, I ask unanimous consent the pending committee amendment be set aside, and on behalf of myself and Senator MURKOWSKI I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the committee amendment will be set aside.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] for himself and Mr. MURKOWSKI, proposes an amendment numbered 1229.

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

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

The amendment is as follows:

On page 80, strike line 14 and all that follows through page 81, line 6 and insert the following:

''STRATEGIC PETROLEUM RESERVE

''(INCLUDING TRANSFER OF FUNDS)

''For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $207,500,000, to remain available until expended, of which $207,500,000 shall be repaid from the ''SPR Operating Fund'' from amounts made available from sales under this heading: *Provided*, That, consistent with Public Law 104–106, proceeds in excess of $2,000,000,000 from the sale of the Naval Petroleum Reserve Numbered 1 shall be deposited into the ''SPR Operating Fund'', and are hereby appropriated, to remain available until expended, for repayments under this heading and for operations of, or acquisition, transportation, and injection of petroleum products into, the Strategic Petroleum Reserve: *Provided further*, That if the Secretary of Energy finds that the proceeds from the sale of the Naval Petroleum Reserve Numbered 1 will not be at least $2,207,500,000 in fiscal year 1998, the Secretary, notwithstanding section 161 of the Energy Policy and Conservation Act of 1975, shall draw down and sell oil from the Strategic Petroleum Reserve in fiscal year 1998, and deposit the proceeds into the ''SPR Operating Fund'', in amounts sufficient to make deposits into the fund total $207,500,000 in that fiscal year: *Provided further*, That the amount of $2,000,000,000 in the first proviso and the amount of $2,207,500,000 in the second proviso shall be adjusted by the Director of the Office of Management and Budget to amounts not to exceed $2,415,000,000 and $2,622,500,000, respectively, only to the extent that an adjustment is necessary to avoid a sequestration, or any increase in a sequestration due to this section, under the procedures prescribed in the Budget Enforcement Act of 1990, as amended: *Provided further*, That the Secretary of Energy, notwithstanding section 161 of the Energy Policy and Conservation Act of 1975, shall draw down and sell oil from the Strategic Petroleum Reserve in fiscal year 1998 sufficient to deposit $15,000,000 into the General Fund of the Treasury of the United States, and shall transfer such amount to the General Fund: *Provided further*, That proceeds deposited into the ''SPR Operating Fund'' under this heading shall, upon receipt, be transferred to the Strategic Petroleum Reserve account for operations and activities of the Strategic Petroleum Reserve and to satisfy the requirements specified under this heading.''

Mr. BINGAMAN. Mr. President, this amendment that we are offering would avoid further sales of petroleum from the Strategic Petroleum Reserve. It accomplishes this goal by providing alternative sources of funding for the Interior bill to replace the planned sale of $207.5 million that is now in the bill as reported by the Appropriations Committee.

The Strategic Petroleum Reserve was established under the Energy Policy Conservation Act of 1975. It is our Nation's primary insurance policy against market chaos if there is an international oil supply disruption. The Energy Policy and Conservation Act and Strategic Petroleum Reserve were authorized earlier this year in the Senate by unanimous consent.

For the past several years, the Interior Appropriations Act has included sales of the oil from the Strategic Petroleum Reserve as an offset to Federal spending in that bill. I recognize that such sales have been proposed in the past by the administration, that they have been undertaken reluctantly by the Appropriations Committee. But depleting the Strategic Petroleum Reserve, even to fund the worthy programs in this bill now before the Senate is an unwise policy.

In hearings before the Senate Energy Committee earlier this year, we had several distinguished experts on world oil markets and on the Middle East repeatedly emphasizing the fragility of the current political situation in the major oil-producing regions outside of the United States. We have no assurance that the near future might not bring unwelcome political changes that would result in a reduction in the world's energy security. While the United States itself does not import an overwhelming fraction from the Middle East, the world oil market is highly integrated, and shortages anywhere quickly translate into higher prices at the pump here in the United States.

In this context, annual sales of oil from the Strategic Petroleum Reserve amount to a piecemeal cancellation of our national energy insurance policy. Moreover, our sales from the Strategic Petroleum Reserve have been cited by other countries as justification for selling off their oil reserves to offset short-term spending needs that they themselves have. We saw this happen in Germany earlier this year when they sold oil from their strategic reserves to raise the extra revenue needed to bring their budgets within the guidelines contained in the Maastricht Treaty.

Sales of oil from the Strategic Petroleum Reserve have negative short-term impacts for ordinary Americans, in addition to these longer term threats to our Nation as a whole. Whenever the Federal Government dumps $200 million of oil on the market, it delivers a sucker punch to the independent oil and gas producers who are operating on the margin of profitability. Our independent producing sector is an important part of the oil supply equation in the United States. The oil and gas industry is the second largest industry in my State of New Mexico. If there is a way to avoid inflicting these economic losses on these mom-and-pop operations that characterize a good deal of our domestic industry, we need to do that. In this context, I will note that my efforts and those of my cosponsor have been strongly endorsed by the Independent Petroleum Association of America, by the National Stripper Well Association and by the American Petroleum Institute.

Fortunately, we found a way to avoid sales of the Strategic Petroleum Reserve in this bill without cutting $200 million of funding for programs that affect Indian tribes, energy conservation, national parks, research and development, the arts, and the other vital subjects covered by the bill. Pursuant to the Defense Authorization Act of 1996, the Secretary of Energy is required to sell the Elk Hills Naval Petroleum Reserve. It now appears that the Secretary will receive more for Elk Hills than is accounted for in the balanced budget agreement.

The amendment I am offering today takes these excess proceeds, uses them as a funding source in place of oil sales from the Strategic Petroleum Reserve. We will not know the exact amount of the excess proceeds until January of 1998 when the administration sends the Congress a final proposal to sell Elk Hills under the 31-day notice-and-wait provision contained in the law that authorizes that sale. The possibility exists, though, that we could capture enough funds through this amendment to obviate the need to sell oil from the Strategic Petroleum Reserve next year

and potentially beyond. This coupling will certainly be a consideration in my judgment as to whether it is a good idea for Congress to allow the sale of Elk Hills to go forward.

This amendment is intended as a positive step to meet the needs being addressed by the Interior bill by tapping an alternative source of funds instead of sales from the Strategic Petroleum Reserve.

Stopping SPR sales as a source of general revenue is a good national economic policy. It is good for our domestic oil and gas industry, and particularly for the most vulnerable independent producers of oil and gas in my State and other petroleum-producing States.

I urge adoption of the amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I join with my colleague the Senator from New Mexico with regard to the amendment that he has offered.

What this amendment would do is avoid the ultimate budget gimmick, which is selling $60 a barrel oil for $18 and calling it ''income'' for the American taxpayer. These oil sales would result in $173 million actual loss to the American taxpayer.

We have sold 28 million barrels of oil. What have we sold it for? To contribute to balancing the budget. Think of the inconsistency here. We created the Strategic Petroleum Reserve in 1975. We created it because at that time we were dependent on imported oil for about 36 or 37 percent of our oil consumption. Today we are facing a 52 percent dependence on imported oil.

In light of our current situation, selling down the SPR simply makes no sense whatever. In 1975, when we were 32 percent dependent, we formulated the SPR with the idea we had to have a reserve oil supply in case of national emergency, and suddenly when we are 52 percent dependent, we start to sell the reserve?

The oil from Elk Hills was supposed to go to the SPR, but we have waived the requirement for the last 10 years, and the oil was sold to balance the budget. Now we are selling Elk Hills, and it is only right that some of the money go to the purpose of stopping the drain on SPR.

This amendment does not cost the taxpayers any money. What we are trying to do is try to avoid a huge loss. This amendment works within the budget rules and avoids a terrible policy result—both from the energy and budgetary standpoint—buying high and selling low. But the Government seems to do it all the time. We are like the man in the old joke who was buying high and selling low and who claimed that he ''would make it up on volume.''

So, today, Senator BINGAMAN and I are introducing this amendment to provide a short-term source of funding for the Strategic Petroleum Reserve.

Soon, the Department of Energy will complete the sale of the Naval Petroleum Reserve No. 1, as directed by Congress. We are optimistic that the sale will raise more money than previously estimated. This amendment would place proceeds in excess of $2 billion from that sale in a fund that would be used to pay for the SPR.

This amendment was proposed by the DOE and should, at a minimum, avoid an oil sale in the next fiscal year. I think it is appropriate that extra proceeds from the sale of the Naval Petroleum Reserve, after contributing to deficit reduction, be used to stop the drain on our Strategic Petroleum Reserve.

The amendment will not permanently resolve the problems with providing funding for SPR, but it should temporarily stop the bleeding. In the face of our oil dependency, and the continuing drain on SPR, I can't resist noting that there are still some in this body that oppose the production of domestic oil resources.

So as it stands now, this body does not appear to support the domestic storage or production of oil. Some may not like the reality that this Nation will continue to need petroleum. Petroleum moves our transportation system. We have no other alternative, at least none in the foreseeable future. However, reality doesn't cease to be a reality because we ignore it. We are talking about people's lives, jobs, their livelihood. I certainly understand the difficult task that the Appropriations Committee faces as it attempts to fund all of the important programs under its jurisdiction.

However, I must insist that, in the future, we resist the temptation to drain the SPR to meet these priorities, if indeed the SPR has an objective at all, which is to serve as the country's energy security during a time of crisis.

I strongly urge my colleagues to support the amendment today. I also strongly urge my colleagues to join with us to permanently end the draining of oil from the Strategic Petroleum Reserve to fulfill our shortsighted, short-term desires.

Mr. President, I yield the floor.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I want to make a few points. The first point is, I did speak to Secretary of Energy, Federico Pena, in the last hour. He has authorized me to indicate to all Senators that he strongly supports the amendment that Senator MURKOWSKI and I are offering, and he believes it is a good public policy and a policy that we ought to adopt here.

I also want to indicate a particular appreciation to Bob Simon on my staff, who is the person who has done all the work in coming up with this proposal.

I also ask unanimous consent that a section-by-section explanation of the amendment be printed in the RECORD following my statement.

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

PROVISO-BY-PROVISO EXPLANATION OF THE AMENDMENT

The amendment strikes and replaces the section of the bill dealing with the Strategic Petroleum Reserve. The following are the key provisions of the new section:

The head of the section follows the existing bill by appropriating $207.5 million for operations of the Strategic Petroleum Reserve in FY 1998.

The first proviso stipulates that any proceeds from the sale of the Elk Hills Naval Petroleum Reserve (known as Naval Petroleum Reserve Number 1) that are in excess of $2 billion are to be used to support the operations of the Strategic Petroleum Reserve (and also for additional acquisition of SPR oil), until those excess funds are expended. Thus, if the sale of Elk Hills were to net $2.4 billion, under this proviso, we would have the operations of the SPR covered for the next two fiscal years. The budget offset, under CBO scoring, for this extra spending is provided in the fourth proviso, which I will address in a minute.

The second proviso takes care of the situation in which the excess proceeds from the sale of Elk Hills are not enough to fully cover the cost of operations of the SPR in fiscal year 1998. In such a case, SPR oil would have to be sold to make up the difference, similar to what the current language of this bill provides.

The third proviso addresses the fact that CBO and OMB score the sale of Elk Hills differently. While this amendment does not have Budget Act points of order against it, without this proviso, it could theoretically trigger a budget sequester at OMB, because of their scoring rules. This proviso eliminates any possibility of an OMB budget sequester, and was worked out in close cooperation with senior management at OMB, which endorses this amendment.

The fourth proviso provides for a special sale of SPR oil to offset the other spending in this amendment. CBO scores the entire amendment as not increasing the overall spending of the Interior Appropriations bill, so it is not in violation of the Budget Agreement or any provision of the Budget Act.

The final proviso of this new section transfers the funds for operating the SPR into the appropriate account in the U.S. Treasury. It is similar to the existing final proviso in the existing section that is being replaced.

Mr. GORTON. Mr. President, this amendment is constructed in a fashion that evades budget points of order. That is to say, no points of order would be appropriate. But it does take advantage of a quite conservative estimate by the Congressional Budget Office of the revenues that may accrue from the sale of Elk Hills.

I also note that the amendment could result in the Department of Energy capturing several hundreds of millions of dollars of revenue that could otherwise go into the General Treasury. As a member of the Budget Committee, this is a precedent about which I have some real concern.

On the other hand, as I said from the time that the House bill passed and we worked on our own, I am not completely comfortable with the sale of oil from the Strategic Petroleum Reserve, including the sale in the bill that is in the President's budget request and House action.

Having said all of that, balancing on both sides, I am willing to accept the amendment, as is my comanager from

Nevada. We can deal with the issue in conference, and I hope that it is either acceptable or can be put into acceptable form.

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

The question is on agreeing to the amendment.

The amendment (No. 1229) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, I ask unanimous consent that the committee amendments be set aside.

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

AMENDMENT NO. 1230

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mrs. MURRAY, for herself, Mr. GORTON, and Mr. MURKOWSKI, proposes an amendment numbered 1230.

The amendment is as follows:

At the end of Title III, add the following:

SEC. . Within 90 days of enactment of this legislation, the Forest Service shall complete its export policy and procedures on the use of Alaskan Western Red Cedar. In completing this policy, the Forest Service shall evaluate the costs and benefits of a pricing policy that offers any Alaskan Western Red Cedar in excess of domestic processing needs in Alaska first to United States domestic processors.

Mrs. MURRAY. Mr. President, I want to discuss briefly my amendment to alter U.S. Forest Service rules regarding the export of Western Red Cedar logs from Alaska. Today, because there are no Alaskan sawmills that use this cedar, this National Forest timber is exported as raw logs primarily to foreign customers.

That is a real problem for our independent mills in Washington and Oregon who have traditionally been dependent on public timber. As we all know—and have discussed in the context of this bill—National Forest timber sales have plummeted since the 1980s. The independent mills that have survived are technologically advanced, with a well-trained workforce, but are always scrambling for reasonably-priced timber.

As a rule, National Forest timber must be processed before it can be exported overseas. This Congress imposed that policy nearly 20 years ago. There is almost unanimous agreement that federal timber should be processed in America to create the maximum number of American jobs.

One exception to the rule of domestic processing is that where no market for a certain species of tree exists, the Forest Service will deem that species ''surplus.'' A surplus species can be exported in as a raw log.

In Region 10, there are currently no Alaskan processors who can use the Western Red Cedar. The Forest Service has, thus, deemed it surplus. But it is definitely not surplus to the domestic needs of sawmills and workers in the Pacific Northwest. I've been approached by several mills who are desperate for this cedar, including Skookum Lumber in Shelton, WA, and Tubafor Mill, in Morton, WA.

My amendment requires the Forest Service to offer these national logs at domestic prices to mills in the lower 48 states. It requires the agency 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 internationally.

Mr. President, this is a commonsense amendment. Members of the Washington delegation, including Representative NORM DICKS and former Represemtative Jolene Unsoeld, have worked to make this policy change since 1991. Now is the time to use these Federal resources for the benefit of American working families.

Mr. GORTON. Mr. President, this amendment has been cleared on both sides.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment.

The amendment (No. 1230) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, I hope for only a very short period of time, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. GORTON. Mr. President, I ask that the pending business be temporarily laid aside.

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

AMENDMENT NO. 1231

(Purpose: To provide for the disposition of oil lease revenue received as a result of the Supreme Court's decision in United States of America v. State of Alaska)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. MCCAIN, for himself, Mr. STEVENS and Mr. MURKOWSKI, proposes an amendment numbered 1231.

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

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

The amendment is as follows:

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

SEC. . DISPOSITION OF CERTAIN OIL LEASE REVENUE

(a) DEPOSIT IN FUND.—One half of the amounts awarded by the Supreme Court to the United States in the case of United States of America v. State of Alaska (117 S. Ct. 1888) shall be deposited in a fund in the Treasury of the United States to be known as the ''National Parks and Environmental Improvement Fund'' (referred to in this section as the ''Fund'').

(b) INVESTMENTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest amounts in the Fund in interest bearing obligations of the United States.

(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(4) CREDITS TO FUND.—The interest earned from investments of the Fund shall be covered into and form a part of the Fund.

(c) TRANSFER AND AVAILABILITY OF AMOUNTS EARNED.—Each year, interest earned and covered into the Fund in the previous fiscal year shall be available for appropriation, to the extent provided in subsequent appropriations bill, as follows:

(1) 40 percent of such amounts shall be available for National Park capital projects in the National Park System that comply with the criteria stated in subsection (d); and

(2) 40 percent of such amounts shall be available for the state-side matching grant under section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–8); and

(3) 20 percent of such amounts shall be made available to the Secretary of Commerce for the purpose of carrying out marine research activities in accordance with subsection (e).

(d) CAPITAL PROJECTS.—

(1) IN GENERAL.—Funds available under subsection (c)(2) may be used for the design, construction, repair or replacement of high priority National Park Service facilities directly related to enhancing the experience of park visitors, including natural, cultural, recreational and historic resources protection projects.

(2) LIMITATION.—A project referred to in paragraph (1) shall be consistent with—

(A) the laws governing the National Park System;

(B) any law governing the unit of the National Park System in which the project is undertaken; and

(C) the general management plan for the unit.

(3) NOTIFICATION OF CONGRESS.—The Secretary shall submit with the annual budget submission to Congress a list of high priority projects proposed to be funded under paragraph (1) during the fiscal year covered by such budget submission.

(e) MARINE RESEARCH ACTIVITIES.—(1) Funds available under subsection (c)(3) shall be used by the Secretary of Commerce according to this subsection to provide grants to federal, state, private or foreign organizations or individuals to conduct research activities on or relating to the fisheries or marine ecosystems in the north Pacific Ocean,

Bering Sea, and Arctic Ocean (including any lesser related bodies of water).

(2) Research priorities and grant requests shall be reviewed and recommended for Secretarial approval by a board to be known as the North Pacific Research Board (referred to in this subsection as the ''Board''). The Board shall seek to avoid duplicating other research activities, and shall place a priority on cooperative research efforts designed to address pressing fishery management or marine ecosystem information needs.

(3) The Board shall be comprised of the following representatives or their designees:

(A) the Secretary of Commerce, who shall be a co-chair of the Board;

(B) the Secretary of State;

(C) the Secretary of the Interior;

(D) the Commandant of the Coast Guard;

(E) the Director of the Office of Naval Research;

(F) the Alaska Commissioner of Fish and Game, who shall also be a co-chair of the Board;

(G) the Chairman of the North Pacific Fishery Management Council;

(H) the Chairman of the Arctic Research Commission;

(I) the Director of the Oil Spill Recovery Institute;

(J) the Director of the Alaska SeaLife Center;

(K) five members nominated by the Governor of Alaska and appointed by the Secretary of Commerce, one of whom shall represent fishing interests, one of whom shall represent Alaska Natives, one of whom shall represent environmental interests, one of whom shall represent academia, and one of whom shall represent oil and gas interests; and

(L) three members nominated by the Governor of Washington and appointed by the Secretary of Commerce; and;

(M) one member nominated by the Governor of Oregon and appointed by the Secretary of Commerce.

The members of the Board shall be individuals knowledgeable by education, training, or experience regarding fisheries or marine ecosystems in the north Pacific Ocean, Bering Sea, or Arctic Ocean. Three nominations shall be submitted for each member to be appointed under subparagraphs (K), (L), and (M). Board members appointed under subparagraphs (K), (L), and (M) shall serve for three year terms, and may be reappointed.

(4)(A) The Secretary of Commerce shall review and administer grants recommended by the Board. If the Secretary does not approve a grant recommended by the Board, the Secretary shall explain in writing the reasons for not approving such grant, and the amount recommended to be used for such grant shall be available only for other grants recommended by the Board.

(B) Grant recommendations and other decisions of the Board shall be by majority vote, with each member having one vote. The Board shall establish written criteria for the submission of grant requests through a competitive process and for deciding upon the award of grants. Grants shall be recommended by the Board on the basis of merit in accordance with the priorities established by the Board. The Secretary shall provide the Board such administrative and technical support as is necessary for the effective functioning of the Board. The Board shall be considered an advisory panel established under section 302(g) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) for the purposes of section 302(i)(1) of such Act, and the other procedural matters applicable to advisory panels under section 302(i) of such Act shall apply to the Board to the extent practicable. Members of the Board may be reimbursed for actual expenses incurred in performance of their duties for the Board. Not more than 5 percent of the funds provided to the Secretary of Commerce under paragraph (1) may be used to provide support for the Board and administer grants under this subsection.

Mr. MCCAIN. Mr. President, I offer this amendment on behalf of myself, Senator STEVENS and Senator MURKOWSKI.

The amendment would deposit $800 million into a newly created national park and environmental enhancement fund within the U.S. Treasury.

The interest from the account would be dedicated to three purposes:

First, to make critically needed capital improvements in America's national parks.

Second, assist States in their park planning and development needs.

Third, provide for research on the marine environment. This is strongly endorsed by the National Parks and the Conservation Association, Natural Resources Defense Council, National Trust for Historic Preservation, and Center for Marine Conservation.

I thank Senators STEVENS and MURKOWSKI for their assistance and leadership, as well as Senator GORTON, on this amendment.

The revenue which will finance this special account is oil lease revenue awarded to the Federal Government by the U.S. Supreme Court earlier this year. Both the United States and Alaska claimed ownership of the land from which the oil was extracted.

Mr. President, we all know that the people of Alaska were bitterly disappointed in the Court's decision to find on behalf of the Federal Government and to award the money to the Federal Treasury. Nevertheless, the Court has rendered a final judgment.

I am pleased to say that passage of this amendment will enable us to employ the money not only for the people of Alaska but for every other State.

Under this amendment, 40 percent of the yearly interest of the new account—up to $20 million annually—will be dedicated to making high-priority capital improvements in our national parks. Now is the time to act. The integrity of the national historic treasures that comprise our National Park System is at stake.

The GAO estimates that unmet capital needs throughout the system total more than $8 billion. Current funding levels are grossly insufficient to meet these requirements.

Last year, out of the $1.6 billion that Congress appropriated to operate and maintain the 314 national parks, monuments, and historical sites, two-thirds were spent on park operations, leaving $400 million available to finance capital improvements.

Let me remind you, Mr. President, that the GAO estimates that of the unmet capital needs throughout the system of more than $8 billion last year, there was $400 million available to finance capital improvements. Mr. President, it doesn't take a rocket scientist to figure out that it takes a long time to catch up.

Grand Canyon National Parks offers a historic and sobering example of the magnitude of the funding shortfalls that we face. The parks' general management plan calls for over $350 million in capital improvements. This fiscal year the parks received approximately $16 million, of which only $12 million was available for capital purposes. This scenario is repeated at parks throughout the country.

Mr. President, no one knows this better than the Senator from Washington, and the Senator from Alaska. I think it is important to stress we are not talking about luxuries. We are talking about needs. The vast majority of the capital improvements we are talking about are necessary to preserve the natural and historical resources that makes our parks so special.

Mr. President, earlier this summer, U.S. News & World Report featured a cover story, which I have here, entitled ''Parks in Peril.''

I urge my colleagues to read what is a very enlightening and compelling piece. The story was highlighted. I show it here, as follows:

> The national parks have been called the best idea America had. But their wild beauty and historical treasures are rapidly deteriorating from lack of funds, pollution, encroaching development, overcrowding, and congressional indifference.

I am not proud of that, Mr. President. None of us should be. The American people love our Nation's parks, and rightfully expect us to exercise responsible stewardship of our natural treasures.

By passing this amendment we can take a significant step to remedy the funding shortfall, and care for our parks in a responsible and timely manner.

I know that the Senate Energy Committee—in particular, Senator MURKOWSKI, Senator BUMPERS, and Senator THOMAS, and others—is working diligently on comprehensive park funding and management reform legislation. I applaud their efforts, and look forward to the fruits of their arduous labors.

But, while we await these reforms, we have an obligation to take what action we can to meet park needs. Every day we wait, the national parks—from Maine's Arcadia National Park, Yosemite in California, and Alaska's Gateway to the Arctic to the Florida Everglades—fall into further disrepair and neglect.

Mr. President, I ask unanimous consent to have printed in the RECORD letters of support from key conservation organizations who strongly support this amendment.

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

NATIONAL PARKS
AND CONSERVATION ASSOCIATION,
September 16, 1997.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: The National Parks and Conservation Association (NPCA) is delighted to support your amendment to H.R. 2107, the Department of Interior Appropriations bill, to establish a National Parks and Environmental Improvement Fund. As you know, NPCA is America's only private non-profit citizen organization dedicated solely to protecting, preserving, and enhancing the U.S. National Park System. An association of ''Citizens Protecting America's Parks,'' NPCA was founded in 1919, and today has nearly 500,000 members.

Our support for your amendment is based on our understanding that the amendment contains the following provisions:

1. Distribution of fifty percent of the interest earned by the fund to benefit the National Park System and twenty-five percent to benefit the State-side program of the Land and Water Conservation Fund. We understand that the remaining twenty-five percent would be made available for a grant program for marine research and education in and relating to the water of the North Pacific ocean.

2. The National Park Service portion of the trust fund allocation ''may be used for the design, construction, repair, or replacement of high-priority National Park Service facilities directly related to enhancing the experience of park visitors, including natural, cultural, and historic resources protection projects.''

The National Park Service faces a growing and alarming backlog of projects vital to sustaining the resources of the national parks and to ensuring the health, safety, and enjoyment of park visitors. New revenue sources to supplement regular appropriations must be found to assist the National Park Service in fulfilling its congressionally-mandated mission of passing on these precious lands unimpaired to future generations. The unique natural, cultural, and historic heritage embodied in our parks constitutes one of the greatest treasures that belong to the American people.

Your amendment, as noted above, represents a creative and welcome effort to enhance the resources available to the National Park Service to protect and preserve our parks.

Through the funds it provides, the National Park Service will be able to add meaningfully to its ability to preserve historic structures, to protect cultural sites; to clean up polluted areas; and to enhance transportation facilities, among other important projects. Your amendment will make a very worthwhile contribution, and we applaud you and all who support you for your creativity and leadership in bringing this initiative before the Senate.

Sincerely,

ALBERT C. EISENBERG,
Deputy Director for Conservation Policy.

SEPTEMBER 17, 1997.

Hon. JOHN MCCAIN,
Chairman, Senate Commerce, Science, and Transportation Committee,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCAIN: On behalf of the Center for Marine Conservation, I want to express CMC's strong support for your amendment to the Department of Interior Appropriations Bill (H.R. 2107) to provide for the disposition of oil lease revenue into the ''National Parks and Environmental Improvement Fund.'' In particular, CMC applauds your initiative to create a fund for the purpose of funding marine research activities related to the fisheries or marine ecosystems in the North Pacific, Bering Sea, and Arctic Ocean.

CMC is especially interested in the Bering Sea ecosystem and is committed to investigating new mechanisms to achieve greater coordination of scientific research, and develop more effective adaptive and ecosystem management to stem the decline of several species in that ecosystem. Additional CMC commends you, Senator McCain, for including representation by an environmental interest on the North Pacific Research Board.

CMC's only concern is that appropriations to this fund not be offset by funds otherwise appropriated from the Land and Water Conservation Fund in the Department of the Interior Appropriation Bill. The Land and Water Conservation Fund is vitally important to conservation.

CMC appreciates your continued effort to fund marine research and conservation. We look forward to working with you to conserve our marine heritage.

Sincerely,

WILLIAM R. IRVIN,
Acting Vice President for Programs.

NATIONAL TRUST FOR
HISTORIC PRESERVATION,
Washington, DC, September 17, 1997.

DEAR SENATOR MCCAIN: On behalf of the approximately 275,000 members of the National Trust for Historic Preservation, I am writing to support an amendment to the Department of the Interior Appropriations bill, H.R. 2107, to establish a National Parks and Environmental Improvement Fund (the ''Fund'').

Pursuant to this amendment, the oil lease revenues awarded by the Supreme Court to the United States in *United States v. State of Alaska*, totaling $1.6 billion, would be deposited in the Fund. The interest earned by the Fund would be allocated, subject to appropriation, as follows: 40 percent to capital projects in the National Park System that enhance the experience of park visitors, including natural, cultural and historic resource protection projects; 40 percent to the state side of the Land and Water Conservation Fund; and 20 percent for a grant program for marine research and education relating to the waters of the Northern pacific ocean.

This amendment represents a very positive and important first step in addressing the multi billion dollar backlog of deferred maintenance and necessary capital expenditures for our National Park System. A solid consensus exists in the Congress and the executive branch and the American public that we must begin to address the problems in our National Parks, to eliminate the accrued backlog with a systematic plan implemented over the next decade, and to look for new sources of funding in addition to regular appropriations. Your amendment presents a creative means and mechanism for enhancing funds available to both our National Parks and state and local park systems. The National Trust is pleased to offer our enthusiastic support for the amendment.

Sincerely,

EDWARD M. NORTON, Jr.,
Vice President for Law and Public Policy.

Mr. MCCAIN. Mr. President, again the thrust of this amendment is to help our national parks. If we abdicate our responsibilities to maintain the integrity of the National Park System we will have spoiled the most precious part of our national heritage, squandered the birthright of our children, and failed to meet one of our most basic responsibilities. Let's not allow that to happen.

I want to again thank Senator MURKOWSKI, especially Senator THOMAS and Senator BUMPERS, for the efforts they are making for an overall solution to the problems in our National Park System. That work is diligent, and needs to be rewarded. I look forward to their results. In the meantime, I think this is an important step forward.

Mr. President, I thank the sponsors and the managers of the bill for their cooperation and assistance.

I yield the floor.

Mr. STEVENS. Mr. President, this amendment provides funding to help resolve some of the most pressing concerns relating to national park and State recreation facilities, and to the ocean areas off Alaska.

The amendment would reserve $800 million that was not anticipated to be received by the Federal Treasury in a case recently decided by the Supreme Court.

That case—cited at 117 S.Ct. 1888—involved a dispute between the Federal Government and the State of Alaska over the right to mineral lease revenue on the natural formation off the coast of Alaska known as Dinkum Sands.

The Federal Government prevailed and received lease revenue plus interest totaling $1.6 billion.

The Congressional Budget Office estimated earlier this year that the Federal Treasury would receive only $800 million.

Our amendment would deposit the other $800 million in a new fund called the National Parks and Environmental Improvement Fund. Beginning with fiscal year 1999, the interest from this fund would be available for: First, capital projects in the National Park System; second, State outdoor recreation planning, development, and acquisition; and third, marine research important to the vast Federal and State waters off Alaska.

Forty percent of the annual interest would be available to design, construct, repair, and replace National Park Service facilities to enhance the experience of park visitors.

In Alaska this will go a long way toward expanding and upgrading the overcrowded visitor facilities that have become a significant problem.

As Senator MCCAIN mentioned, the need to upgrade the Park Service facilities nationally is great, and may run into the billions of dollars. Our bill would create a mechanism specifically designed to begin to address this problem.

Our amendment would make 40 percent of the annual interest available under section 6 of the Land and Water Conservation Fund Act to the States to be used for outdoor recreation planning, development, and the acquisition of land.

The States, too, face a backlog in upgrading existing park facilities and creating new facilities.

Finally, our amendment provides 20 percent of the annual interest from the

National Parks and Environmental Improvement Fund for marine research in, and relating to, the north Pacific Ocean, Bering Sea, and Arctic Ocean.

These vast marine areas off Alaska comprise more than half of the Nation's coastline, provide over half of the Nation's commercial fisheries harvest, and contain vast mineral resources important to Alaska and the Nation. This income was derived from those waters.

We face pressing concerns in these waters that touch every part of Alaska's coastline. Some of the immediate concerns include, to name just a few:

Declines in certain bird and marine mammal species in the Bering Sea; a failure this year in our Bristol Bay and Kuskokwim salmon returns; excessive fisheries harvests and other unknown activities in the Russia portion of the Bering Sea; environmental contamination in the Arctic Ocean; subsistence whaling concerns; the need to develop new products and more environmentally efficient fishing methods; and the need to develop fisheries for underutilized species (such as the dive fisheries in southeast Alaska) that could help take the pressure off other fish stocks.

Our amendment would establish a North Pacific Research Board that would set marine research priorities and recommend grants to tackle those priorities. The Secretary of Commerce and Alaska Department of Fish and Game, or their designees, would serve as cochairs of the Board.

The Secretary of Commerce would approve or disapprove the Board's grant recommendations. The amendment gives the Board very broad discretion in setting the priorities for the research grants.

We know of some of the issues that need immediate attention, but not all of them, and we can't know what the priorities should be in the future. To summarize, the amendment Senator MCCAIN and I are offering will improve the experience visitors have at our national parks and State parks, and will greatly increase our knowledge about the vast waters off Alaska.

I urge other Senators to support this measure.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 1232 TO AMENDMENT NO. 1231

(Purpose: To provide for the disposition of certain escrowed oil and gas revenue received as a result of the Supreme Court's decision in United States v. State of Alaska)

Mr. MURKOWSKI. Mr. President, I have a second-degree amendment.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alaska (Mr. MURKOWSKI), for himself, and Mr. THOMAS, proposes an amendment numbered 1232 to amendment numbered 1231.

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

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

The amendment is as follows:

In the amendment proposed by the Senator from Arizona strike all after ''(a) DEPOSIT IN FUND.—'' and insert in lieu thereof:

''All of the amounts awarded by the Supreme Court to the United States in the case of *United States of America* v. *State of Alaska* (117 S. Ct. 1888) shall be deposited in a fund in the Treasury of the United States to be known as the ''Parks and Environmental Improvement Fund'' (referred to in this sections as the ''Fund'').

(b) INVESTMENTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest amounts in the Fund in interest bearing obligations of the United States.

(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(4) CREDITS TO FUND.—The interest earned from investments of the Fund shall be covered into, and form a part of, the Fund.

(c) TRANSFER AND AVAILABILITY OF AMOUNTS EARNED.—Each year, interest earned and covered into the Fund in the previous fiscal year shall be available for appropriation, to the extent provided in subsequent appropriations bills, as follows:

(1) 40 percent of such amounts shall be available for National Park capital projects in the National Park System that comply with the criteria stated in subsection (d);

(2) 40 percent shall be available for the state-side matching grant program under section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8); and

(3) 20 percent shall be shall be made available to the Secretary of Commerce for the purpose of carrying out marine research activities in accordance with subsection (e).

(d) CAPITAL PROJECTS.—

(1) IN GENERAL.—Funds available under subsection (c)(1) may be used for the design, construction, repair or replacement of high priority National Park Service facilities directly related to enhancing the experience of park visitors, including natural, cultural, recreation and historic resources protection projects.

(2) LIMITATION.—A project referred to in paragraph (1) shall be consistent with—

(A) the laws governing the National Park System;

(B) any law governing the unit of the National Park System in which the project is undertaken; and

(C) the general management plan for the unit.

(3) NOTIFICATION OF CONGRESS.—The Secretary shall submit with the annual budget submission to Congress a list of high priority projects to be funded under paragraph (1) during the fiscal year covered by such budget submission.

(e) MARINE RESEARCH ACTIVITIES.—

(1) Funds available under subsection (c)(3) shall be used by the Secretary of Commerce according to this subsection to provide grants to federal, state, private or foreign organizations or individuals to conduct research activities on or relating to the fisheries or marine ecosystems in the north Pacific Ocean, Bering Sea, and Arctic Ocean (including any lesser related bodies of water).

(2) Research priorities and grant requests shall be reviewed and recommended for Secretarial approval by a board to be known as the North Pacific Research Board (the Board). The Board shall seek to avoid duplicating other research activities, and shall place a priority on cooperative research efforts designed to address pressing fishery management or marine ecosystem information needs.

(3) The Board shall be comprised of the following representatives or their designees:

(A) the Secretary of Commerce, who shall be a co-chair of the Board;

(B) the Secretary of State;

(C) the Secretary of the Interior;

(D) the Commandant of the Coast Guard;

(E) the Director of the Office of Naval Research;

(F) the Alaska Commissioner of Fish and Game, who shall also be a co-chair the Board;

(G) the Chairman of the North Pacific Fishery Management Council;

(H) the Chairman of the Arctic Research Commission;

(I) the Director of the Oil Spill Recovery Institute;

(J) the Director of Alaska SeaLife Center; and

(K) five members appointed by the Governor of Alaska and appointed by the Secretary of Commerce, one of whom shall represent fishing interests, one of whom shall represent Alaska Natives, one of whom shall represent environmental interests, one of whom shall represent academia, and one of whom shall represent oil and gas interests.

The members of the Board shall be individuals knowledgeable by education, training, or experience regarding fisheries of marine ecosystems in the north Pacific Ocean, Bering Sea, or Arctic Ocean. The Governor of Alaska shall submit three nominations for member appointed under subparagraph (K), Board members appointed under subparagraph (K) shall serve for a three year term and may be reappointed.

(4)(A) The Secretary of Commerce shall review and administer grants recommended by the Board. If the Secretary does not approve a grant recommended by the Board, the Secretary shall explain in writing the reasons for not approving such grant, and the amount recommended to be used for such grant shall be available only for grants recommended by the Board.

(B) Grant recommendations and other decisions of the Board shall be by majority vote, with each member having one vote. The Board shall establish written criteria for the submission of grant requests through a competitive process and for deciding upon the award of grants. Grants shall be recommended by the Board on the basis of merit in accordance with priorities established by the Board. The Secretary shall provide the Board with such administrative and technical support as is necessary for the effective functioning of the Board. The Board shall be considered an advisory panel established under section 302(g) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C.1801 et seq.) for the purposes of section 302(i)(1) of such Act, and the other procedural matters applicable to advisory panels under section 302(i) of such Act shall apply to the Board to the extent practicable. Members of the Board may be reimbursed for actual expenses incurred in performance of their duties for the Board. Not more than 5 percent of the funds provided to the Secretary of Commerce under paragraph (1) may be used to provide support for the Board and administer grants under this subsection.

(f) FINANCIAL ASSISTANCE TO THE STATES.—Section 6(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*-8(b)) is amended—

(1) APPORTIONMENT AMONG STATES; NOTIFICATION.—

(A) By striking paragraphs (1), (2), and (3) and inserting the following:

''(1) Sixty percent shall be apportioned equally among the several States;

''(2) Twenty percent shall be apportioned on the basis of the proportion which the population of each State bears to the total population of the United States; and

''(3) Twenty percent shall be apportioned on the basis of the urban population in each State (as defined by Metropolitan Statistical Areas).

(2) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively, and inserting after paragraph (3) the following:

''(4) The total allocation to an individual State under paragraphs (1) through (3) shall not exceed 10 percent of the total amount allocated to the several States in any one year.

(g) FUNDS FOR INDIAN TRIBES.—Section 6(b)(6) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l8(b)(6)) (as so redesignated) is amended—

(1) by inserting ''(A)'' after ''(6)''; and

(2) by adding at the end the following new subparagraph:

''(B) For the purposes of paragraph (1), all federally recognized Indian tribes and Alaska Native Corporations (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602) shall be treated collectively as one State, and shall receive shares of the apportionment under paragraph (1) in accordance with a competitive grant program established by the Secretary by rule. Such rule shall ensure that in each fiscal year no single tribe or Alaska Native Corporation receives more than 10 percent of the total amount made available to all Indian tribes and Alaska Native Corporations pursuant to the apportionment under paragraph (1). Funds received by an Indian tribe or Alaska Native Corporation under this subparagraph may be expended only for the purposes specified in subsection (a). Receipt in any given year of an apportionment under this section shall not prevent an Indian tribe or Alaska Native Corporation from receiving grants for other purposes under than regular apportionment of the State in which it is located.''

Mr. MURKOWSKI. Mr. President, let me commend my good friend, the Senator from Alaska, the senior Senator from Alaska, Senator STEVENS.

I want to point out that my amendment is very similar to the one offered by the Senator from Arizona. It does, however, make one significant change that I think is critical to the success of this trust fund.

Before I start, I want to say that I am particularly pleased that Senator MCCAIN recognizes the significance of these funds—the $1.6 billion that flowed from receipts that had been generated from lease sales in Alaska, the offshore, so-called ''Dinkum Sands.'' He has taken my Senate bill, S. 1118, and used it as the model for his amendment. Obviously believing that this authorization should occur on an appropriations bill.

My particular initial concept was to use $800 million to fund the Land and Water Conservation Fund.

I think the improvement that the Senator from Arizona and the senior Senator have added formulating consideration of the national parks, as well as Arctic research, are to be commended. And, as a consequence, I think the appropriateness of my second degree is worthy of consideration.

My amendment differs specifically on one significant measure. It places simply all of the Dinkum Sands escrow account—that is $1.6 billion—in an interest-bearing account in the Treasury Department as opposed to the amendment of Senator MCCAIN, which would put only half of that amount—or $800 million in an interest-bearing account in the U.S. Treasury.

What we would do, Mr. President, is not utilize the principal but simply the yield. The interest off the account would be approximately $120 million a year, and would be distributed in the same manner as the McCain-Stevens-Murkowski amendment: Forty percent would go to our national parks; 40 percent to the state-side Land and Water Conservation Fund and 20 percent to Arctic research.

I might add the necessity of funding our national parks is as a consequence of the billions of dollars in deferred maintenance that are associated with those parks, and the reality that we clearly need some capital improvement projects.

So, again there would be a long-term funding mechanism. And the merits, I think, speak for themselves.

It would relieve the appropriators in the sense that this would fund a good deal of what currently we have to fund through an annual appropriation process.

I am not going to go through the jungle of bureaucratic interpretations and the manner in which the Budget Committee has to operate. But 40 percent would go to national parks capital improvement projects, and 40 percent to the State, matching the Land and Water Conservation Fund. That is a State and Federal matching program which has done a great deal in the history of encouraging States, and the people in those States and communities, to generate funding of their own with the Federal matching funds and pride for worthwhile projects in their communities. Twenty percent would go into marine research, primarily in the Arctic.

Here is the authorization and appropriation chart for the Land and Water Conservation Fund. You can see the that authorizations have simply gone off the chart. We continue to authorize, and feel good about it. We go home and say, ''We have authorized the project.'' But if it is not appropriated, why, it is window dressing.

You can see the red line, or the actual appropriations. They hit a high in 1977 of about $800 million. They dropped down to virtually nothing—somewhere in the area of $150 million in 1981, and they have leveled off. The state-side LWCF matching grant program has fared even worse.

Clearly, this is a worthwhile program. It is two for one: for every Federal dollar it is matched by state and local money.

There is the other chart, shows the demand for stateside Land and Water Conservation Fund grants.

Clearly, the demand is there from America, American citizens, and communities with regard to the benefits of this type of funding.

By placing only half of the Dinkum Sands revenue in this fund, I think it will be self-defeating. It will not provide the money necessary to adequately fund these programs, especially the State-side Land and Water Conservation Fund matching grant programs.

I would also like to say that as chairman of the Energy and Natural Resources Committee, I intend to work with the Budget Committee and the Appropriations Committee next year to ensure that we have not just created another paper account. Rather, I promise to work to ensure that the money earned off this account will be available for appropriations for the very important purposes we set forth in this amendment.

Before the conference we would like to work with the Budget Committee on how to best minimize the impact of this amendment on the appropriators. That is the only way we can answer the call of my outdoor recreation initiative to reinvigorate our parks, forests, and public lands in order to enhance Americans' visits to those parks and conserve natural resources, wildlife and open spaces.

My bill—S. 1118—now a part of my second-degree amendment, would create a trust fund with the $1.6 billion Dinkum Sands escrow account. It would use just the interest from the account as follows: 40 percent to fund capital improvement projects at our national parks; 40 percent to fund State-side LWCF matching grants; and 20 percent to fund arctic research.

With respect to the portion that would go to the state-side LWCF matching grant program, for over 30 years those grants have helped preserve open spaces. They have built thousands of picnic areas, trails, parks and other recreation facilities.

I urge my colleagues to look at the merits. This is one chance in a lifetime where we have found the funding, $1.6 billion. We can put this money in an area which has worked so successfully and address the legacy that we have to maintain our national, state and local parks.

At a June 11 hearing, witnesses from across the country testified in support of the Land and Water Conservation Fund. It has helped fund over 8,500 acquisitions on 2.3 million acres and built 28,000 recreation facilities in all of the 50 States. Federal Land and Water Conservation Fund grants are matched dollar for dollar by State and local communities so Americans can get two for the price of one. My amendment presents an opportunity to expand on that possibility.

The state-side of the Land and Water Conservation Fund Act makes it possible to have a national system of

parks, as opposed to just a National Park System. So one would ask, why did Congress and the administration defund this successful program 2 years ago? Well, that is a good question, Mr. President. They defunded it because they had other priorities.

This is an opportunity to address one of America's highest priorities, and that is our national system of parks. Working with the coalition including Americans for Our Heritage and Recreation, the National Conference of Mayors, the National Recreation and Parks Association and various endowment groups, we were successful in building support for the Land and Water Conservation State grant program.

Senator GORTON, I think, heard the message. He put funding for the stateside LWCF matching grant program in the Interior appropriations bill, for which we are most appreciative. I think his wise action ensures the short-term viability of the stateside matching grant program.

Our next step, of course, is to find a long-term program for the State matching grant, and our amendment, like my initial effort, certainly does that. That is why I support the initial amendment by the Senator from Arizona and the senior Senator from Alaska, Senator STEVENS. But as chairman of the Energy and Natural Resources Committee, the committee with jurisdiction over national parks, I recognize the reality of what we are doing here. We are moving without the authorization of the respective committees, and I am certainly sensitive to that. But this is a rare and extraordinary opportunity to address the disposition of funds that come in, and as a consequence I think can best be used in the manner proposed in my amendment.

I might say further that I am happy that a portion of the interest will fund this backlog of capital projects in our parks. We have held committee oversight hearings on March 13 and March 20 to tackle the challenge of park maintenance, and I am glad to see Senator THOMAS, who chaired this meeting, is joining me in this second-degree amendment.

I think it is important to recognize further, Mr. President, as we address this rare opportunity, that we have had in the Energy Committee extensive hearings on this matter. This is a chance where America can take better care of her parks, and it is our duty to restore their brilliance, their luster. We face an $8.6 billion backlog of unfunded Park Service operations and programs in this country —$8.6 billion. We are not appropriating the funds. The interest earned by this account may not be enough, and until the National Park Service has a system for settling priorities for capital improvements and infrastructure repair, Congress is going to have to keep a close eye on how the money is spent. But we have the money and we are directing that it not go for administration purposes of the Park Service.

The land and water conservation fund is authorized through the year 2015 at $900 million a year. However, far less than that authorized amount is appropriated each year, and we now have an opportunity to fix the system.

Using the proceeds of this account for these purposes makes sense. It is consistent with the vision of the Land and Water Conservation Act and the promises made three decades ago. These promises were, I remind my colleagues, that oil receipts, offshore oil receipts, will primarily fund the land and water conservation fund for public recreation and conservation in this country.

Well, it is fine to put it in, and obviously the industry is out there and they are initiating a cash flowback, but it is not going where it was intended simply because there are other priorities. And I am not here to delve into the priorities.

Mr. President, if the underlying amendment were made law, the interest on the account which could be spent on the stateside Land and Water Conservation fund grant program would only be somewhere between $16 million and $24 million—not much to be divided between the 50 States, territories and Indian tribes. If the need in our country for recreation is overwhelming, the very health of our Nation requires our attention, and the States are in the best position to address that shortfall.

I would like to point out, if the amendment that I have proposed is accepted, this amount we were looking at from the yield off the principal, not the expenditure, would total some $32 million to $48 million for the stateside LWCF matching grant program each year—a considerably increased sum and obviously more meaningful to the States and territories as well.

The needs in our country for recreation are overwhelming. The very health of our Nation and our natural human resources depend on programs such as this, particularly in the innercity areas. Again, every dollar we provide to the stateside of the land and water conservation program doubles the impact as far as this matter is concerned.

Finally, we have an opportunity to take a step to improve the System and reap benefits for our children and their children.

Finally, the question is, do you want to do just a little or do you want to have a major impact—a major impact—on preserving open spaces, refurbish and build picnic areas, trails, parks and other recreation facilities. You have the opportunity.

Mr. President, I ask the remainder of my statement be printed in the RECORD at this time.

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

Mr. MURKOWSKI. Let me turn to the issue of Arctic and North Pacific fisheries research—a critical issue I have worked on from my first day in the Senate:

My first speech on the floor of the Senate involved the importance of Arctic research, particularly as it related to fisheries.

My first major legislative initiative was the Arctic Research and Policy Act, signed into law by President Reagan.

The Arctic Research Commission, created by this Act, had as its first recommendation the need to develop a fuller understanding of Arctic Ocean, Bering Sea, and the ecosystems they sustain.

This amendment include our effort to fulfill the commission's recommendations. I am pleased to see the commission play an important role on the board created by this amendment.

I particularly like the approach of using proceeds from Arctic OCS revenues invested in scientific research to better understand the Arctic ecosystem:

Arctic wealth provided these revenues, so it is only fair to return a portion to help protect the Arctic itself.

The wealth of North America is in the Arctic. Not simply energy and mineral wealth—but also a wealth of renewable resources, a wealth of scenic beauty, a wealth of diverse living ecosystems, and a wealth of recreational opportunities.

Our scientific investment in this part of the world is inadequate, particularly when we compare it with what we spend for scientific research in the Antarctic, where we do not have people or resources.

Today we take another step in addressing this inequity. It isn't the first step, nor will it be the last.

I urge my colleagues to support this amendment. The mayors of every city in the Nation want it, the Governors of every State in the Nation know the good that can be accomplished.

I think the Chair.

I commend the amendment to the Senate, and I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, this amendment is not acceptable. We had worked all day with the senior Senator from Alaska and the Senator from Arizona on a proposal that I had not previously seen that really ought to be authorized, even in its original form, and about which I have some concerns, the composition of the research board, the involvement of the Department of the Interior, the way in which money is allocated, the kind of scoring problems that we will have which will create problems with the Budget Committee. But it seemed to me that the compromise that we had reached on it among several of us was clearly worth going forward with.

This second-degree amendment involves now $1.6 billion, at 8 o'clock at night, when we were attempting to finish a bill on which it does not belong because it needs to be authorized, and it has not been cleared on the other

side. We made no attempt to clear it on the other side. I did not know it was coming. Other Senators, including the majority leader, feel as I do. I move to table the second-degree amendment of the Senator from Alaska.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

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

The PRESIDING OFFICER (Mr. BROWNBACK). The clerk will call the roll to ascertain the presence of a quorum.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1234

(Purpose: To make $4,000,000 of funds appropriated to the Forest Service for emergency construction in fiscal year 1996, available for reconstruction of the Oakridge Ranger Station which was destroyed by arson)

Mr. GORTON. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I send another amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. SMITH of Oregon, for himself and Mr. WYDEN, proposes an amendment numbered 1234.

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

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

The amendment is as follows:

On page 127, at the end of title III add the following general provision:

SEC. 3 . Of the funds appropriated and designated an emergency requirement in title II, chapter 5 of Public Law 104–134, under the heading ''Forest Service, Construction,'' $4,000,000 shall be available for the reconstruction of the Oakridge Ranger Station, on the Willamette National Forest in Oregon; *Provided*, That the amount shall be available only to the extent an official request, that includes designation of the amount as an emergency requirement as defined by the Balanced Budget and Emergency Control Act of 1985, as amended, is transmitted by the President to Congress; *Provided further*, That reconstruction of the facility is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Mr. GORTON. Mr. President, this is an amendment on behalf of the two Senators from Oregon for repair of the Oakridge Ranger Station. It has been cleared by both sides.

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

The amendment (No. 1234) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1235

(Purpose: To direct the Secretary of the Interior and the Secretary of Agriculture to submit to Congress a report on properties proposed to be acquired or exchanged with funds appropriated from the Land and Water Conservation Fund.)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. MCCAIN, proposes an amendment numbered 1235.

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

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

The amendment is as follows:

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

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

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

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

(1) the natural resources located on the land,

(2) the degree to which those natural resources are threatened,

(3) the length of time required for acquisition of the land,

(4) the extent, if any, to which an increase in land cost makes timely completion of the acquisition advisable,

(5) the extent of public and local government support for the acquisition,

(6) the amount of federal lands already in the region, and

(7) the total estimated costs of the acquisition.

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

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

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

What this amendment would require the Administration to do is not new. The agencies already produce these types of rankings when developing the President's budget request. The Bureau of Land Management, the Fish and Wildlife Service, the National Park Service, and the Forest Service all compose priority based lists. In this case, we will be requiring the agencies to perform the same sort of priority assessments on projects that would be funded with these additional funds, to ensure that Congress has all the information necessary to review the Administration's proposal.

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

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

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

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

Mr. GORTON. Mr. President, this amendment requires the administration to submit to Congress a priority list for lands to be acquired with moneys appropriated in title V. Congress will make the ultimate determination.

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

The amendment (No. 1235) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1236

(Purpose: To settle certain Miccosukee Indian land takings claims within the State of Florida)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. MACK, for himself and Mr. GRAHAM, proposes an amendment numbered 1236.

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

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

The amendment is as follows:

On page 152, between lines 13 and 14, insert the following:

TITLE VII—MICCOSUKEE SETTLEMENT

SEC. 701. SHORT TITLE.

This title may be cited as the ''Miccosukee Settlement Act of 1997''.

SEC. 702. CONGRESSIONAL FINDINGS.

Congress finds that:

(1) There is pending before the United States District Court for the Southern District of Florida a lawsuit by the Miccosukee Tribe that involves the taking of certain tribal lands in connection with the construction of highway Interstate 75 by the Florida Department of Transportation.

(2) The pendency of the lawsuit referred to in paragraph (1) clouds title of certain lands used in the maintenance and operation of the highway and hinders proper planning for future maintenance and operations.

(3) The Florida Department of Transportation, with the concurrence of the Board of Trustees of the Internal Improvements Trust Fund of the State of Florida, and the Miccosukee Tribe have executed an agreement for the purpose of resolving the dispute and settling the lawsuit.

(4) The agreement referred to in paragraph (3) requires the consent of Congress in connection with contemplated land transfers.

(5) The Settlement Agreement is in the interest of the Miccosukee Tribe, as the Tribe will receive certain monetary payments, new reservation lands to be held in trust by the United States, and other benefits.

(6) Land received by the United States pursuant to the Settlement Agreement is in consideration of Miccosukee Indian Reservation lands lost by the Miccosukee Tribe by virtue of transfer to the Florida Department of Transportation under the Settlement Agreement.

(7) The United States lands referred to in paragraph (6) will be held in trust by the United States for the use and benefit of the Miccosukee Tribe as Miccosukee Indian Reservation lands in compensation for the consideration given by the Tribe in the Settlement Agreement.

(8) Congress shares with the parties to the Settlement Agreement a desire to resolve the dispute and settle the lawsuit.

SEC. 703. DEFINITIONS.

In this title:

(1) BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENTS TRUST FUND.—The term ''Board of Trustees of the Internal Improvements Trust Fund'' means the agency of the State of Florida holding legal title to and responsible for trust administration of certain lands of the State of Florida, consisting of the Governor, Attorney General, Commissioner of Agriculture, Commissioner of Education, Controller, Secretary of State, and Treasurer of the State of Florida, who are Trustees of the Board.

(2) FLORIDA DEPARTMENT OF TRANSPORTATION.—The term ''Florida Department of Transportation'' means the executive branch department and agency of the State of Florida that—

(A) is responsible for the construction and maintenance of surface vehicle roads, existing pursuant to section 20.23, Florida Statutes; and

(B) has the authority to execute the Settlement Agreement pursuant to section 334.044, Florida Statutes.

(3) LAWSUIT.—The term ''lawsuit'' means the action in the United States District Court for the Southern District of Florida, entitled Miccosukee Tribe of Indians of Florida v. State of Florida and Florida Department of Transportation. et. al., docket No. 91–285–Civ–Paine.

(4) MICCOSUKEE LANDS.—The term ''Miccosukee lands'' means lands that are—

(A) held in trust by the United States for the use and benefit of the Miccosukee Tribe as Miccosukee Indian Reservation lands; and

(B) identified pursuant to the Settlement Agreement for transfer to the Florida Department of Transportation.

(5) MICCOSUKEE TRIBE; TRIBE.—The terms ''Miccosukee Tribe'' and ''Tribe'' mean the Miccosukee Tribe of Indians of Florida, a tribe of American Indians recognized by the United States and organized under section 16 of the Act of June 18, 1934 (48 Stat. 987, chapter 576; 25 U.S.C. 476) and recognized by the State of Florida pursuant to chapter 285, Florida Statutes.

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

(7) SETTLEMENT AGREEMENT; AGREEMENT.—The terms ''Settlement Agreement'' and ''Agreement'' mean the assemblage of documents entitled ''Settlement Agreement'' (with incorporated exhibits) that—

(A) addresses the lawsuit; and

(B)(i) was signed on August 28, 1996, by Ben G. Watts (Secretary of the Florida Department of Transportation) and Billy Cypress (Chairman of the Miccosukee Tribe); and

(ii) after being signed, as described in clause (i), was concurred in by the Board of Trustees of the Internal Improvements Trust Fund of the State of Florida.

(8) STATE OF FLORIDA.—The term ''State of Florida'' means—

(A) all agencies or departments of the State of Florida, including the Florida Department of Transportation and the Board of Trustees of the Internal Improvements Trust Fund; and

(B) the State of Florida as governmental entity.

SEC. 704. AUTHORITY OF SECRETARY.

As Trustee of the Miccosukee Tribe, the Secretary shall—

(1)(A) aid and assist in the fulfillment of the Settlement Agreement at all times and in a reasonable manner; and

(B) to accomplish the fulfillment of the Settlement Agreement in accordance with subparagraph (A), cooperate with and assist the Miccosukee Tribe;

(2) upon finding that the Settlement Agreement is legally sufficient and that the State of Florida has the necessary authority to fulfill the Agreement—

(A) sign the Settlement Agreement on behalf of the United States; and

(B) ensure that an individual other than the Secretary who is a representative of the Bureau of Indian Affairs also signs the Settlement Agreement;

(3) upon finding that all necessary conditions precedent to the transfer of Miccosukee land to the Florida Department

of Transportation as provided in the Settlement Agreement have been or will be met so that the Agreement has been or will be fulfilled, but for the execution of that land transfer and related land transfers—

(A) transfer ownership of the Miccosukee land to the Florida Department of Transportation in accordance with the Settlement Agreement, including in the transfer solely and exclusively that Miccosukee land identified in the Settlement Agreement for transfer to the Florida Department of Transportation; and

(B) in conjunction with the land transfer referred to in subparagraph (A), transfer no land other than the land referred to in that subparagraph to the Florida Department of Transportation; and

(4) upon finding that all necessary conditions precedent to the transfer of Florida lands from the State of Florida to the United States have been or will be met so that the Agreement has been or will be fulfilled but for the execution of that land transfer and related land transfers, receive and accept in trust for the use and benefit of the Miccosukee Tribe ownership of all land identified in the Settlement Agreement for transfer to the United States.

SEC. 705. MICCOSUKEE INDIAN RESERVATION LANDS.

The lands transferred and held in trust for the Miccosukee Tribe under section 704(4) shall be Miccosukee Indian Reservation lands.

Mr. GORTON. Mr. President, the amendment is sponsored jointly by the two Senators from Florida, Senators MACK and GRAHAM.

Mr. INOUYE. Mr. President, as vice chairman of the authorizing committee of jurisdiction, I call upon my colleague from Florida to allow this settlement to have the benefit of a hearing in the committee.

In the absence of a hearing in the Senate, there will be absolutely no legislative history associated with the action that the Senate would be taking in approving this settlement.

I know of no other Indian settlement that has been ratified without full consideration in the authorizing committees.

As you well know, the Congress is vested with plenary authority in the field of Indian affairs.

We have always taken our responsibilities in this area very seriously—and I believe that it is incumbent upon us to have the benefit of a record upon which we can base a ratification of this settlement agreement.

If the hearing schedule that the chairman of the Committee on Indian Affairs has established is full, I would be pleased to chair a hearing on this settlement in the very near future, and you can be assured of my personal commitment that committee action on the settlement will be expedited.

With these commitments in mind, I ask the Senator from Florida to withdraw his amendment and allow the authorizing committee to do its work.

Mr. GORTON. The Miccosukee Settlement Act of 1997 brings closure to disputes between the Miccosukee Tribe of Indians of Florida and the Florida Department of Transportation in connection with the construction of Interstate 75. It has been cleared on all sides.

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

The amendment (No. 1236) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1237

(Purpose: To provide support for the Office of Navajo Uranium Workers to establish a diagnostic program for uranium miners and mill workers)

Mr. GORTON. Mr. President, I send an amendment to the desk on behalf of Senators BINGAMAN and DOMENICI.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. BINGAMAN, for himself and Mr. DOMENICI, proposes an amendment numbered 1237.

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

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

The amendment is as follows:

On page 86, line 11, insert before the period, '': *Provided further*, That an amount not to exceed $200,000 shall be available to fund the Office of Navajo Uranium Workers for health screening and epidemiologic followup of uranium miners and mill workers, to be derived from funds otherwise available for administrative and travel expenses''.

Mr. GORTON. This amendment has to be with providing screening to certain Navajo Indians for certain, I believe, uranium-related diseases.

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

The amendment (No. 1237) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1238

(Purpose: To provide funding for the U–505 National Historic Landmark by reprogramming funds previously made available for the Jefferson National Expansion Memorial)

Mr. GORTON. Mr. President, I send an amendment to the desk on behalf of Senator MOSELEY-BRAUN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Ms. MOSELEY-BRAUN, proposes an amendment numbered 1238.

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

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

The amendment is as follows:

On page 17, between lines 22 and 23, insert the following:

(Reprogramming)

Of unobligated amounts previously made available for the Jefferson National Expansion Memorial, $838,000 shall be made available for the U–505 National Historic Landmark.

Mr. GORTON. Mr. President, this transfers money from one Illinois project to another for the restoration of a World War II submarine.

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

The amendment (No. 1238) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

GRAND STAIRCASE-ESCALANTE NATIONAL MONUMENT

Mr. HATCH. Mr. President, I rise today to praise my good friend Senator SLADE GORTON for his efforts in putting together this important legislation. It is particularly important to my state, where over 70 percent of our land is owned or managed by the Federal government.

My colleagues will recall that one year ago, President Clinton stood on the edge of the Grand Canyon in Arizona and designated 1.7 million acres of Utah as the Grand Staircase-Escalante National Monument. Since that time, we have been discussing the future of this monument and what the short and long term impacts will be to my state and the surrounding communities. There are many questions and concerns that remain to be addressed. But, I am confident that during the next two years, the Bureau of Land Management will develop a management plan which properly and effectively addresses these matters. For this reason, I am pleased that H.R. 2107, the Interior Appropriations bill, includes $6.4 million for the planning, management, and operation of the new monument.

Mr. President, regardless of where public opinion eventually comes down on this new monument and the controversial way in which it was created, we should not forget the important lessons we have learned from the experience. When citizens are deliberately excluded from government deliberations that so directly impact their homes, communities, schools, and families,

damage is done to the very institution of democracy. This is what happened prior to last September 18. Unfortunately, the message received by the people of Southern Utah last year was that the federal government knows best and has the right to impose its narrow vision without regard to those most affected.

I am confident that we can go forward from here and begin the process of rebuilding the trust we lost one year ago. A vital part of this rebuilding process is the inclusion of those parties directly affected from the monument's designation in the development of the monument's management plan. The Committee Report accompanying H.R. 2107 directs the BLM to continue its cooperative efforts with state and local governments and the citizens of Utah in the plan's development. While the Report gives specific and practical direction to the BLM, the language also provides the agency with the flexibility its needs to address the unknowns that will invariably arise in the early stages of this sweeping process to develop a management plan.

I would like to state for the record that I am pleased with the progress made so far by the BLM in working with the local communities. I am particularly glad to see that collaborative efforts have been formed between the federal agencies and the local communities involved, specifically Kane and Garfield counties, where the monument is located. The cooperative agreements that we renegotiated earlier this year are a good start. They provide for continued local participation in the development of the monument's management plan as well as in the actual delivery of visitor services.

Mr. President, we have learned in the West that the best manner to implement successful land policies is to involve the communities that are directly affected by them. Wherever possible, we should proceed in the spirit of a partnership between the affected local governments and the national government. This is especially true with the Grand Staircase-Escalante National Monument, where many of the local citizens have their entire lives invested in this region. They want to see the Monument developed; they want to see it succeed. They deserve a seat at the planning table, and I am pleased the BLM is sensitive to this issue. In the end, the residents of the area will be providing the necessary services to visitors.

In closing, I would like to commend the Chairman of the Subcommittee, Senator GORTON, and especially my colleague, Senator BENNETT, for their diligent efforts on the Appropriations Committee to ensure that the necessary funding and direction will be there to help make the monument a success for all involved.

I yield the floor.

COAL IN THE KAIPAROWITS COAL BASIN

Mr. HATCH. Mr. President, I would like to discuss a matter related to the pending legislation in that it concerns a study commissioned by the Bureau of Land Management.

As my colleagues know, last September, President Clinton invoked the authority granted under the Antiquities Act of 1906 to create the Grand Staircase-Escalante National Monument in southern Utah. The total acreage contained within the new monument is 1.7 million acres, or approximately an area the size of the states of Connecticut, Delaware and Rhode Island combined. This action, undertaken behind closed doors and without any input from the public, including the Utah congressional delegation or Utah's governor, has caused considerable upheaval throughout my state. I say this not because we are opposed to the designation of national monuments, but because of the process utilized to designate the monument and because of the short and long term impacts to the local communities and their economies which, unfortunately, are currently unknown.

Those of us in Congress are working with the State of Utah and the Clinton Administration to develop a management plan for the monument that meets the needs of the managing agent—the Bureau of Land Management (BLM)—the state, and the surrounding communities. I am grateful that the report accompanying this year's Interior appropriations bill includes language to address these needs, and I wish to publicly thank Senator GORTON for his efforts.

At the same time, I am concerned about the atmosphere existing in my state as it relates to the new monument. The manner in which the monument has been designated has created a high level of mistrust among certain parties. Unfortunately, there is considerable disinformation circulating throughout the affected areas that compounds this problem and fans the fire of antifederal sentiment. To be honest, I can hardly blame them. A major torpedo was launched directly at these rural communities. If such an abuse of federal executive power ever occurs again, it will be too soon.

Yet, while the citizens of my state remain angry and disillusioned regarding this entire episode, they understand it is fait accompli. As I anticipate the planning for the future of this new monument, including the preservation of Utah's existing rights as promised last year by the President and the equitable exchange of state trust lands captured within the monument's boundaries, it is critical that an environment of trust be created among all parties involved in this process. That environment must be established first by ensuring that the basis for decision-making is accurate and comprehensive.

Earlier this year, the BLM released a study prepared by BXG, Inc., a private contractor, entitled ''Kaiparowits Plateau—Coal Supply and Demand.'' This study discussed the marketability of the coal reserves of the Kaiparowits Plateau, which are located entirely within the Grand Staircase-Escalante Monument, and which are technically unreachable because of the monument's existence. Personally, I believe it is an abuse of the Antiquities Act to designate a monument simply to prevent a coal mine from being developed, but that is what has happened in this case and one of the primary reasons why the President signed this order acted in the fashion he did almost one year ago. Several pending lawsuits will determine if, indeed, this has been an unwarranted extension of the Antiquity Act's authority.

In the meantime, the BXG study concludes that the Kaiparowits coal is of poorer quality and higher cost than current reserves located in the Wasatch Plateau and the Book Cliffs. As a result, they conclude that Kaiparowits coal will have little or no demand until at least the year 2020. These conclusions by BXG, and as far as I know, supported by the BLM, are erroneous and cannot go unchallenged.

The Director of the Utah Geological Survey recently analyzed this study and found that BXG used numerous invalid assumptions as it prepared its study.

For example, estimates of recoverable coal reserves in the Kaiparowits Plateau were based on recovery amounts in the Appalachian coalfield, a region with vastly different geology and history of operation. Kaiparowits coal recovery would be at least twice that of the Appalachian region.

Also, the study assumes an average coal quality for Kaiparowits coal instead of the quality of the coal that would actually be mined. The quality of coal produced from Kaiparowits would be comparable to compliance coal currently mined in central Utah.

And, the productivity for a Kaiparowits mine was based on the average productivity rate for all western long wall mines during 1990–95. Historically, Utah underground mines are the most productive mines in the U.S., and the nature of the Kaiparowits deposits would likely make the new mines more productive than any others in the region.

Finally, the thick flat nature of Kaiparowits coal seams and their shallow overburden would lower costs for development, not increase them, as assumed by BXG.

There are other deficiencies in the BXG study that have been identified which I will refrain from mentioning here.

In sum, energy experts for the State of Utah using assumptions that are more appropriate for the resource characteristics and market conditions of the Kaiparowits Plateau coal fields have demonstrated that coal mined from the Kaiparowits Plateau is of sufficient quantity and quality, and would likely have production costs that would make it an economically viable source of future supply for many utility and industrial markets in the West.

What we have here may be a disagreement of what the facts mean among experts.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1239

(Purpose: To ensure an orderly transition to newly implemented guidelines on National Forests in Arizona and New Mexico)

Mr. GORTON. Mr. President, I ask unanimous consent that any pending amendment be set aside and that I be able to present an amendment on behalf of Senators DOMENICI and KYL to ensure an orderly transition to newly implemented guidelines on National Forests in Arizona and New Mexico. And I assure Members that the other Senators from the States agree and the amendment has been cleared.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. DOMENICI, for himself and Mr. KYL, proposes an amendment numbered 1239.

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

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

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . IMPLEMENTATION OF NEW GUIDELINES ON NATIONAL FORESTS IN ARIZONA AND NEW MEXICO.

(a) Notwithstanding any other provision of law, none of the funds made available under this or any other Act may be used for the purposes of executing any adjustments to annual operating plans, allotment management plans, or terms and conditions of existing grazing permits on National Forests in Arizona and New Mexico, which are or may be deemed necessary to achieve compliance with 1996 amendments to the applicable forest plans, until March 1, 1998, or such time as the Forest Service publishes a schedule for implementing proposed changes, whichever occurs first.

(b) Nothing in this section shall be interpreted to preclude the expenditure of funds for the development of annual operating plans, allotment management plans, or in developing modifications to grazing permits in cooperation with the permittee.

(c) Nothing in this section shall be interpreted to change authority or preclude the expenditure of funds pursuant to section 504 of the 1995 Rescissions Act (Public Law 104–19).

Mr. DOMENICI. Mr. President, the purpose of the amendment is to ensure that the Forest Service can implement changes to the grazing program in the Southwest region in an orderly fashion.

Currently the Southwest Region of the Forest Service is working to implement amendments it has made to the land use plans on all of its 11 National Forests.

These amendments were made in response to litigation over threatened and endangered species habitat, and were adopted in June, 1996.

Since the amendments were adopted, the Forest Service has been taken back to court, because some groups believed that the they were not acting fast enough to implement the plans.

The Forest Service is now under a court order to maintain the status quo.

This has allowed them to continue working toward compliance with the forest plan amendments while the Appeals Court decides the case.

Since late July, when the injunction was issued, the Forest Service has completed a review of over 1,300 grazing allotments in the two states.

The review indicates that more than half do not fully comply, and over 250 have been determined to be of a ''high priority.''

Under the Forest Service's stated plan of action, they will study and determine the best way to bring these allotments into compliance with the forest plans in priority order.

Once this is determined, the Forest Service will begin implementing changes that are needed at the beginning of the next grazing season in March.

The plaintiffs in this case, however, have long been opposed to livestock grazing on public lands.

This amendment does not preclude the Forest Service from taking appropriate and timely action to protect the threatened and endangered species.

It simply provides time for the agency to implement changes in a thoughtful and orderly manner, without the pressure from further litigation.

This time will allow the Forest Service to work with those who to date have been completely left out of this process.

These are the same people who are most likely to be adversely affected by implementation of the amendments.

I hope the Senate will support this amendment.

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

The amendment (No. 1239) was agreed to.

Mr. GORTON. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

UNANIMOUS-CONSENT AGREEMENT—S. 830

Mr. LAUTENBERG. I would like to put in a unanimous-consent request to yield the hour of time that I have to Senator KENNEDY on the cloture vote on S. 830.

Mr. GORTON. Reserving the right to object, I did not hear the request of the Senator.

Mr. LAUTENBERG. I have an hour reserved on the cloture motion on S. 830.

Mr. GORTON. No objection.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that I be able to yield that hour to Senator KENNEDY.

The PRESIDING OFFICER. The Senator has that right.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, when the Senate turns to S. 830, I yield my 1 hour to the minority leader under the cloture rule.

The PRESIDING OFFICER. The Senator has that right.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1240

(Purpose: To make a technical correction to title 31 of the United States Code relating to payments for entitlement land)

Mr. GORTON. Mr. President, I send an amendment to the desk making a technical correction to title 31 of the United States Code relating to payments for entitlement land on behalf of Senator STEVENS.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON] for Mr. STEVENS, proposes an amendment numbered 1240.

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

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

The amendment is as follows:

Insert at the appropriate place:

SEC. . PAYMENTS FOR ENTITLEMENT LAND.—Section 6901(2)(A)(i) of title 31, United States Code, is amended by inserting ''(other than in Alaska)'' after ''city'' the first place such term appears.

Mr. STEVENS. Mr. President, the Department of the Interior has interpreted a provision I sponsored in the 1996 lands bill. This interpretation reduces monies intended to go to Alaska's unorganized borough as a payment

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

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

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

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

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

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

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

The amendment (No. 1240) was agreed to.

Mr. REID. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1241

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

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

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

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

The amendment is as follows:

On page 11, line 11, strike ''$43,053,000'' and insert ''$42,053,000''.

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

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

On page 17, line 18, strike ''$1,000,000'' and insert ''$5,000,000''.

On page 18, line 7, strike ''$125,690,000'' and insert ''$126,690,000''.

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

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

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

On page 79, line 20, strike ''$627,357,000'' and insert ''$629,357,000''.

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

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

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

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

The effect of this amendment is as follows:

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

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

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

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

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

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

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

—$100,000 for the North Country Trail;

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

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

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

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

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

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

SMITH-WYDEN AMENDMENT ON COUNTY LAW ENFORCEMENT

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

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

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

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

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

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

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

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

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

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

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

The amendment (No. 1241) was agreed to.

Mr. GORTON. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1242

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

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

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

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

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

The amendment is as follows:

At the appropriate place, insert the following:

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

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

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

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

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

(3) the following rights-of-way granted by the Secretary of the Interior:

NEV–010937 (powerline).
NEV–066891 (powerline).
NEV–35345 (powerline).
N–7636 (powerline).
N–56088 (powerline).
N–57541 (fiber optic cable).
N–55974 (powerline).

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

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

The amendment (No. 1242) was agreed to.

Mr. REID. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1243

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

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

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

The clerk will report.

The legislative clerk read as follows:

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

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

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

The amendment is as follows:

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

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

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

It has been cleared on both sides.

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

The amendment (No. 1243) was agreed to.

Mr. GORTON. I move to reconsider the vote.

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

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

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

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

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

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

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

Mr. MURKOWSKI. And one more on stampede.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1244

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

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

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

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

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

The amendment is as follows:

At the appropriate place, add the following new section:

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

(a) FINDINGS.—Congress finds that—

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

(2) the landowners have occupied or improved their property in good faith reliance on the erroneous surveys of the properties;

(3) the landowners believed that their entitlement to occupancy was finally adjudicated by a Judgment and Decree entered by the Eighth Judicial District Court of Nevada on October 26, 1989;

(4) errors in the private surveys were discovered in connection with a dependent resurvey and section subdivision conducted by the Bureau of Land Management in 1990, which established accurate boundaries between certain Federally owned properties and private properties; and

(5) the Secretary has authority to sell, and it is appropriate that the Secretary should sell, at fair market value, the properties described in section 2(b) to the adversely affected landowners.

(b) CONVEYANCE OF PROPERTIES.

(1) PURCHASE OFFERS—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the city of Las Vegas, Nevada, on behalf of the owners of real property located adjacent to the properties described in paragraph (2), may submit to the Secretary of the Interior, acting through the Director of the Bureau of Land Management (referred to in this Act as the ''Secretary''), a written offer to purchase the properties.

(B) INFORMATION TO ACCOMPANY OFFER—An offer under subparagraph (A) shall be accompanied by—

(i) a description of each property offered to be purchased;

(ii) information relating to the claim of ownership of the property based on an erroneous land survey; and

(iii) such other information as the Secretary may require.

(2) DESCRIPTION OF PROPERTIES—The properties described in this paragraph, containing 68.60 acres, more or less, are—

(A) Government lots 22, 23, 26, and 27 in sec. 18, T. 19 S., R 61 E., Mount Diablo Meridian;

(B) Government lots 20, 21, and 24 in sec. 19, T. 19 S., R. 61 E., Mount Diablo Meridian; and

(C) Government lot 1 in sec. 24, T. 19 S., R. 60 E., Mount Diablo Meridian.

(3) CONVEYANCE—

(A) IN GENERAL—Subject to the condition stated in subparagraph (B), the Secretary shall convey to the city of Las Vegas, Nevada, all right, title, and interest of the United States in and to the properties offered to be purchased under paragraph (1) on payment by the city of the fair market value of the properties, based on an appraisal of the fair market value as of December 1, 1982, approved by the Secretary.

(B) CONDITION—Properties shall be conveyed under subparagraph (A) subject to the condition that the city convey the properties to the landowners who were adversely affected by reliance on erroneous surveys as described in subsection (a).

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1244) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1245

Mr. MURKOWSKI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 1245.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

''SEC. . Notwithstanding any other provision of law, in payment for facilities, equipment, and interests destroyed by the Federal Government at the Stampede Mine Site within the boundaries of Denali National Park, (1) the Secretary of the Interior, within existing funds designated by this Act for expenditure for Departmental Management, shall by September 15, 1998: (A) provide funds subject to an appraisal in accordance with standard appraisal methods, not to exceed $500,000.00 to the University of Alaska Fairbanks, School of Mineral Engineering; and, (B) shall remove mining equipment at the Stampede Mine Site identified by the School of Mineral Engineering to a site specified by the School of Mineral Engineering; and, (2) the Secretary of the Army shall provide, at no cost, two six by six vehicles, in excellent operating condition, or equivalent equipment to the University of Alaska Fairbanks, School of Mineral Engineering and shall construct a bridge across the Bull River to the Golden Zone Mine Site to allow ingress and egress for the activities conducted by the School of Mineral Engineering. Upon transfer of the funds, mining equipment, and the completion of all work designated by this section, the University of Alaska Fairbanks, School of Mineral Engineering shall convey all remaining rights and interests in the Stampede Mine Site to the Secretary of the Interior.''

Mr. MURKOWSKI. Mr. President, I believe this is the Stampede Creek Mine amendment. I am not sure of the status of the issue, other than I believe the minority has agreed to it and it has been discussed. There was a question by the occupant of the chair and by the Senator from Arizona.

In 1987, the Federal Government, through the Park Service, blew up the University of Alaska's mine. This was a mine that was a working model. It was in Denali National Park. It had been donated to the University of Alaska School of Mines by a man by the name of Earl Pilgrim who, in 1942, purchased the claim and continued to operate the mine—it was an antimony mine—until 1972. At one time, the mine was the second-largest producer of antimony in the United States. It was located in an isolated section of the park preserve. The Stampede Mine was found to be eligible for listing in the National Register of Historic Places on June 20, 1989.

Today, the mine site contains—excuse me, did contain several historic workable structures. The site is rich in equipment, machinery, tools, and the myriad objects that make up the stuff of a mining camp. Many of these items are unique to the Pilgrim's operation and reflect on his own inventiveness and mechanical skills.

In 1979, Stampede Mines, LTD, entered into negotiations with the National Park Service and the University of Alaska. As a result of those negotiations, the mining company made a donation to the National Park Service of the surface rights including road access from the airstrip, the historic buildings, water rights, and stream banks.

It was believed at the time that the National Park Service possessed the wherewithal to better maintain and protect the valuable historic structures. Unfortunately, in 1987, history would record that there was very little merit to this line of thinking.

At the same time, the University of Alaska Fairbanks' School of Mineral Engineering was donated all the mining rights, mining equipment, and fixtures, with mineral development restrictions for the education of students.

Mr. President, the mineral development restrictions included provisions which allowed for only educational use of the mineral estate. No commercial mining would be allowed, only small-scale educational mining, and even though the buildings, roads, trails, and airstrips were owned by the Park Service, the university is responsible for maintaining them.

The School of Mineral Engineering was most pleased with the arrangement and looked forward to providing their mining students a unique opportunity to learn firsthand about earlier-to present-day mining operations and equipment by having the mining mill to actually operate for the students. Given the chance, they would like the opportunity to conduct such an education program in the future.

The educational program is consistent with the intent of the university's receipt of the property. The School of Mineral Engineering has developed a meaningful program that provides for initiating activities associated with instruction-investigation about environmentally sound mineral exploration and mining techniques in a sensitive natural environment, as well as studying the geology, biology, and ecology of the area, and studying the historical aspects of the mine.

The program has already helped the mineral industry develop methods to explore for and develop minerals on lands located in sensitive areas throughout Alaska, even on land controlled by the Department of the Interior.

Mr. President, it was to be an absolute win for the National Park Service and a win in the field of education for the university. No one in their worst nightmares, would have believed that the National Park Service could blow this opportunity.

During 1986–87 National Park Service personnel conducted field inspections of old mining sites located on their lands for the purposes of identifying potentially contaminated sites and hazardous conditions.

Toward the end of July 1986, the Stampede Creek site was examined. The inspectors recommended immediate action to examine the safety of old blasting caps and chemicals at the site. Before taking any action, the inspectors recommended that the ownership issue be resolved.

In other words, Mr. President, someone actually considered private property. The matter was treated as serious, but not an emergency or life-threatening. Nothing further occurred for 8 months.

Subsequently, National Park Service personnel and members of the U.S. Army's explosive ordnance detonation team arrived, unannounced, at the Stampede Mine site and on April 30, 1987, changed the configuration of the mine site and its historic structures.

Mr. President, they moved 4,000 pounds of ammonium nitrate—private property of the University—and placed it on top of the still frozen Stampede Creek. Ammonium nitrate may sound dangerous but in its packaged state it is nothing more than common fertilizer.

They piled 4,000 pounds of fertilizer on top of the creek and added several half gallon bottles of acid-more private property which they retrieved from the assay lab. Finally they added 45 pounds of high explosives—set the charge and left the area.

Mr. President, let me refer to the pictures on my right which show the Stampede Mine prior to this episode of the Park Service and the U.S. Army ordinance detonation team.

This is the Stampede Creek. This is the mill and the mine. The mine is back here in the hills. This is where the concentrates are recovered, and so forth. The pictures show the facilities before the explosion occurred.

I am going to show you the next chart which shows you what happened when the Park Service finished their work. This is what the mine and the mill looked like. As you can see, it is totally devastated by the blast.

When the smoke cleared and all the debris fell back to the earth, they found that the explosion left a crater in the creek 28 feet wide and 8 feet deep. They also noticed a substantial change in the mining site, which is depicted by this photograph.

Let me show you again the creek which indicates the significance of what this crater did to this stream bed. You can imagine a hole 28 feet wide and 8 feet deep. And this creek flows down into the watershed that flows into the Tanana River which flows into the Yukon River, obviously polluting and killing fish along the way.

The Park Service did it, Mr. President.

In addition to the mine entrance and mill, damage occurred to other buildings, trees, landscape, and stream bed. The bombing also blew up a 5,000 ton tailings pile which by using USGS records for the current price of metals would be worth approximately $600,000 in place. Unfortunately the heavy metals of the tailings pile were last seen moving from the site and being scattered throughout the environment by the force of the blast.

One of the most telling reports concerning this debacle is from the U.S. Army incident report No. 176–23–87 which stated that the NPS personnel were aware that detonation would result in damage to the surrounding buildings and according to Sergeant Seutter ''at no time was it relayed to me that damage was unacceptable.

Mr. President, violations of the law are clear. There are violations of the Clean Water Act, the Historic Preservation Act, section 404 of the Clean Water Act involving wetlands, not to mention the taking and destruction of private property.

Further, since the explosion, approximately $2 million worth of mining equipment, some historic, has been damaged or destroyed due to exposure to inclement weather and the normal Alaska freeze and thaw cycles.

What I find equally outrageous is the fact that no one from the National Park Service has, until most recently, said ''I am sorry''.

To be fair, during the course of the last 2 years the NPS has been working with the university in an attempt to allow the university to continue its educational program. Unfortunately, the site in its reconformed condition lacks the historic integrity and lure that it once possessed.

The university has located another historic mine site outside of the national park boundaries that can meet the needs and requirements of the university, its curriculum, and its students.

Mr. President, my amendment does not attempt to rectify all the wrong that has been done. If we were to pass legislation, or use the court system, to right the wrong that has been accomplished, the cost would be in the hundreds of millions of dollars. Some of the historic mining equipment loss due to the explosion and subsequent neglect is cost-prohibitive to replace.

My amendment would direct the Secretary: subject to an appraisal—and I emphasize ''appraisal''—to provide up to $500,000.00 to the University of Alaska Fairbanks, School of Mineral Engineering; and, remove certain salvageable historic mining equipment to a location that will be convenient for the university to pick it up and move it to a mine site outside of the park boundary.

One would question, ''Well, what is the justification for this action?'' There is none. The Federal Government blew up private property, and the Federal Government should be held responsible and make restitution.

My amendment would require the U.S. Army: to provide two six by six vehicles to the School of Mineral Engineering; and, to construct a bridge across the Bull River at the Golden Mine site to allow unimpeded ingress and egress for the activities conducted by the School.

My amendment will ensure that all remaining rights and interests in the Stampede Mine site held by the university would be conveyed to the National Park Service, which is the wish of the Park Service.

Mr. President, passage of this amendment, and its subsequent enactment into law, will ensure us that justice in this matter will have been served and we will be able to put this incident behind us. All accounts will have been satisfied.

Mr. President, the difficulty in asking the Park Service to meet their obligation as in stating ''may'' and mandate that they actually perform by stating ''shall'' is the difference between action and no action. We have encouraged the Park Service. We have asked the Park Service. And now it is time to direct the Park Service to right this wrong because they blew up private property belonging to the University of Alaska School of Mines. This amendment would attempt to rectify that situation.

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Kansas.

Mr. BROWNBACK. Mr. President, very briefly, I don't know about the particular merits of the project. But I do consider the specific earmark for a certain sum of money. If this is going to proceed on the floor, I think we ought to have a rollcall vote on it. So, if it is sought to pass by unanimous consent, I will be objecting to that and ask that we have a rollcall vote on this specific earmark for a certain set amount of money.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, this is what I would propose.

First, I ask unanimous consent that Senator DOMENICI be added as a cosponsor on the Abraham amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, we have one amendment by the Senator from Alaska on the Presidio that can be accepted. Then I believe the Senator from Alaska is going to withdraw his second-degree amendment to the Stevens-McCain amendment. We can pass the Stevens-McCain amendment by voice vote. Then I would suggest that we have stacked votes on the Murkowski amendment that has just been debated, followed immediately by a vote on final passage of the bill.

That is my suggestion, if we can get those other unanimous consents ahead of time.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 1232 WITHDRAWN

Mr. MURKOWSKI. Mr. President, as a consequence of the discussion we have had, it is my understanding that we have been able to address many of the concerns associated with the discussion on the $1.6 billion from oil leases from offshore Alaska.

So it is my intention to withdraw my amendment.

Further, it is my understanding that Senator GORTON agrees with me that

the additional $800 million should be captured through legislation in the authorizing committee.

I understand the floor manager would support that.

Mr. GORTON. The Senator is correct.

AMENDMENT NO. 1232, WITHDRAWN

Mr. MURKOWSKI. With that assurance, I would withdraw my second-degree amendment.

Mr. GORTON. I believe I have to withdraw my motion to table that second-degree amendment, which I do.

Mr. MURKOWSKI. I thank the Chair. I thank my friend from Washington.

The PRESIDING OFFICER. Without objection, amendment No. 1232 is withdrawn.

AMENDMENT NO. 1231

Mr. GORTON. Now I think we can by voice vote accept the underlying first-degree amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1231.

The amendment (No. 1231) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GORTON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1246

Mr. GORTON. Mr. President, I send an amendment to the desk on behalf of Senator MURKOWSKI relating to the Presidio that has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. MURKOWSKI, proposes an amendment numbered 1246.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place add the following new section:

''SEC. . Delete section 103(c)(7) of Public Law 104–333 and replace with the following:

''(7) STAFF.—Notwithstanding any other provisions of law, the Trust is authorized to appoint and fix the compensation and duties and terminate the services of an executive director and such other officers and employees as it deems necessary without regard to the provisions of title 5, United States Code or other laws related to the appointment, compensation or termination of federal employees.''.

Mr. GORTON. I have already explained the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1246) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1245

Mr. GORTON. Now, Mr. President, I believe that the leaders approve of it.

The question is the Murkowski amendment. It is a debated amendment.

Does the proponent of the amendment want to ask a rollcall on it or the opponent?

Is not the question before the body now the Murkowski amendment?

The PRESIDING OFFICER. The question before the Senate is the Murkowski amendment No. 1245.

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. On that amendment I ask for a rollcall vote.

The PRESIDING OFFICER. Is there a sufficient second?

At the moment there is not a sufficient second.

Now there appears to be a sufficient second.

The yeas and nays were ordered.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Before we have a vote on that, I ask unanimous consent that we adopt all further committee amendments.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The committee amendments on page 46, line 15 through page 47, line 25; page 115, line 1 through line 22; and page 123, line 9 through page 124, line 20, as amended were agreed to.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further debate on the Murkowski amendment? If not, the question is on agreeing to amendment No. 1245. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oregon [Mr. SMITH] is necessarily absent.

Mr. FORD. I announce that the Senator from Iowa [Mr. HARKIN], the Senator from New York [Mr. MOYNIHAN], and the Senator from Minnesota [Mr. WELLSTONE] are necessarily absent.

I also announce that the Senator from Hawaii [Mr. AKAKA] is absent due to a death in the family

I further announce that, if present and voting, the Senator from Minnesota [Mr. WELLSTONE] would vote ''aye.''

The result was announced—yeas 81, nays 14, as follows:

[Rollcall Vote No. 250 Leg.]

YEAS—81

Abraham	Enzi	Lott
Baucus	Faircloth	Lugar
Bennett	Feinstein	Mack
Biden	Ford	McConnell
Bingaman	Frist	Mikulski
Bond	Graham	Moseley-Braun
Boxer	Grassley	Murkowski
Breaux	Gregg	Murray
Bryan	Hagel	Nickles
Bumpers	Hatch	Reed
Burns	Helms	Reid
Campbell	Hutchinson	Robb
Chafee	Hutchison	Roberts
Cleland	Inhofe	Rockefeller
Coats	Inouye	Roth
Cochran	Jeffords	Sarbanes
Collins	Johnson	Shelby
Conrad	Kempthorne	Smith (NH)
Coverdell	Kennedy	Snowe
Craig	Kerrey	Specter
D'Amato	Kerry	Stevens
Daschle	Kyl	Thomas
DeWine	Landrieu	Thompson
Dodd	Lautenberg	Thurmond
Domenici	Leahy	Torricelli
Dorgan	Levin	Warner
Durbin	Lieberman	Wyden

NAYS—14

Allard	Glenn	Kohl
Ashcroft	Gorton	McCain
Brownback	Gramm	Santorum
Byrd	Grams	Sessions
Feingold	Hollings	

NOT VOTING—5

Akaka	Moynihan	Wellstone
Harkin	Smith (OR)	

The amendment (No. 1245) was agreed to.

Mr. LOTT. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TITLE V—PRIORITY LAND ACQUISITIONS AND EXCHANGES

Mr. MURKOWSKI. I rise today to speak about Title V of H.R. 2107—the Interior Appropriations Bill. Title V provides an additional $700 million appropriation from the Land and Water Conservation Fund (LWCF), pursuant to the Balanced Budget Agreement, for priority land acquisitions and exchanges. While I had sought to have more money appropriated to the state-side LWCF matching grant program, I commend Senator GORTON for appropriating this $700 million in a manner consistent with the terms and spirit of the LWCF Act.

Over 30 years ago, in a remarkable bipartisan effort, Congress and the President created the LWCF. The LWCF provides funds for the purchase of federal land by the land management agencies—the federal-side LWCF program—and creates a unique partnership among Federal, state, and local

governments for the acquisition of public outdoor recreation areas and facilities—the state-side LWCF matching grant program. The LWCF is funded primarily from off-shore oil and gas leasing revenues which now exceed $3 billion annually, and has been authorized through the year 2015 at an annual ceiling of $900 million.

However, LWCF monies must be annually appropriated. And, despite the increase in offshore oil and gas revenues, the LWCF has not fared well in this decade. Expenditures from the LWCF have fluctuated widely over its life but have generally ranged from $200 to $300 million per year. In the 1990s, total appropriations to both the federal and state sides of LWCF steadily declined from a high of $341 million during the Bush Administration to $149 million in FY 1997.

Most significantly, all of the FY 1997 appropriation was for the exclusive purpose of federal land acquisition. In 1995, Congress and the President agreed to shut-down the state-side LWCF program. For FY 1998, the President requested $165 million for federal land acquisitions and only $1 million for monitoring previously funded state-side projects. The President did not request any funds for new state-side projects.

After submitting his budget to Congress, the President appears to have seen the value of the LWCF. In the Balanced Budget Agreement, Congress and the President agreed to provide an additional $700 million for priority land acquisitions and exchanges from the LWCF. President Clinton wants all of this additional $700 million spent on Federal land acquisitions. He has not requested that any of this additional LWCF appropriation be used to fund the state-side LWCF matching grant program.

PRIORITY FEDERAL LAND ACQUISITIONS

As Senator DOMENICI stated on the Senate floor, the Balanced Budget Agreement, and the accompanying Concurrent Budget Resolution, provide no specifics as to how this additional $700 million is to be spent. Neither the Balanced Budget Agreement nor the Concurrent Budget Resolution mention, by name, any land acquisitions. Rather, Congressional leaders intended for this money to be appropriated through the normal legislative process. That is what Senator GORTON is trying to do in the Interior Appropriations Bill.

The Clinton Administration has identified two priority Federal land acquisitions: the 7500 acre Headwaters Forest property in northern California and the 4000 acre New World Mine property in Montana. Last year before the election, the Clinton Administration proposed, with great fanfare, to acquire both of these properties through land exchanges. However, because of the Administration's reluctance to work with Congress to consummate these land exchanges, a number of problems arose. The President then decided to acquire these properties through an outright cash purchase, using $315 million of the additional LWCF monies provided in the Balanced Budget Agreement.

The Senate Appropriations Committee, unlike its House counterpart, has agreed to fund these acquisitions. However, it has made this appropriation contingent on the enactment of separate authorizing legislation.

As Chairman of the authorizing Committee—the Energy and Natural Resources Committee—I congratulate the Senate appropriators for respecting the role of legislative committees. Title V of H.R. 2107 honors this historical division of responsibilities among authorizing and appropriations committees and the processes of the Senate, and the Congress.

It also acknowledges that Congress needs to, and should, examine the details of the Headwaters Forest and New World Mine acquisitions. The decisions to acquire these properties were made with no public and little Congressional involvement. As a result, a significant number of unanswered questions surround both acquisitions. Examination of the acquisitions is best done by the authorizing committee.

As an initial matter, Congress needs to authorize the use of LWCF monies. The LWCF Act provides a funding mechanism for the acquisition of Federal lands. It does not provide an independent basis for Federal land acquisitions. The LWCF Act specifies, with limited exceptions, that LWCF monies cannot be used for a Federal land purchase ''unless such acquisition is otherwise authorized by law.'' From the information available to the Energy and Natural Resources Committee, the exceptions to this prohibition do not apply to either the Headwaters Forest or the New World Mine acquisition.

The Clinton Administration disagrees, contending that site-specific authorization for the Headwaters Forest and New World Mine acquisitions is unnecessary because existing statutory authorities allow the Bureau of Land Management, the Fish and Wildlife Service, or the Forest Service to use LWCF monies. Yet, the Administration fails to analyze with any specificity exactly how the other authorities apply to the two acquisitions and override the provisions of the Land and Water Conservation Fund Act.

For example, the Clinton Administration opines that the Forest Service has the authority to purchase the New World Mine property under the Weeks Act. However, the Weeks Act was enacted for the purpose of acquiring eastern forested land. At the same time, the LWCF Act limits the Forest Service's use of LWCF monies for acquisitions ''primarily of value for outdoor recreation purposes.'' Is recreation the primary value of the New World Mine property? Or, is the primary purpose of the acquisition to protect the character of Yellowstone National Park? What about the fact that the LWCF Act limits the Forest Service's use of LWCF monies west of the 100th meridian? Will the New World Mine acquisition, at greater than 4000 acres, run afoul of this limitation?

Similar unanswered questions surround the Headwaters Forest acquisition. The Clinton Administration states that the Headwaters Forest would be managed by the Bureau of Land Management. However, BLM is required to use LWCF monies for land acquisitions which are consistent with the applicable land use plan and ''necessary for the property management of public lands which are primarily of value for outdoor recreation purposes.'' Is the acquisition of the Headwaters Forest even addressed in the applicable land use plan? Is it the Clinton Administration's position that the primary value of the Headwaters Forest is outdoor recreation? If so, how will the public access this new recreation resource? Or, because the Headwaters Forest has been identified as critical habitat under the Endangered Species Act, is the Administration relying on the ESA as authorization for the acquisition? Does it then make sense for the property to be managed by the BLM? Is it the Administration's position that the ESA authorizes the acquisition of any and all private property containing endangered or threatened species and overrides the limitations in the LWCF Act?

All of these questions need to be answered before the Congress accepts the Clinton Administration's assertion that existing laws authorize the acquisition of the Headwaters Forest and the New World Mine and override the prohibitions in the LWCF Act. The Committee of jurisdiction is in the best position to conduct such an examination.

Moreover, even if the Headwaters Forest and the New World Mine can be acquired by the President without the enactment of separate authorizing legislation, Congressional authorization of the agreements is needed to avoid other statutory requirements normally applicable to Federal land purchases. Because the purchase prices for both the Headwaters Forest and the New World Mine were the result of negotiation and dependent, in part, on other terms, the actual fair market value of the properties is unknown.

With respect to the New World Mine, a 1995 National Park Service report estimates the fair market value of the property is less than $50 million. The Clinton Administration has agreed to purchase the property for $65 million.

As to the Headwaters Forest, there is enormous discrepancy as to the property's value. The current owner contends the property has a value in excess of $700 million. A 1993 Forest Service appraisal values the property at $500 million. However, a 1996 analysis of the property conducted for the Department of Justice concludes that the property has a value between $20 million, applying current environmental restrictions, and $250 million, without any environmental restrictions. The

Headwaters Forest property will be acquired for $380 million in cash and property.

Moreover, the Clinton Administration apparently wants to ensure that the fair market value of the properties is never determined. On June 9, 1997, President Clinton submitted an amendment to his FY 1998 Interior Appropriations budget request to reflect the $700 million in LWCF monies included in the Balanced Budget Agreement. The recommended statutory language specifically references the negotiated purchase prices for the two acquisitions.

The accompanying budget justification states ''by ratifying the specific lands to be acquired and the purchase prices contained in those negotiated agreements, these provisions would also obviate the need for the United States to undertake additional and costly appraisals under the Uniform Relocation Assistance and Real Property Acquisition Act.'' The Uniform Relocation Assistance and Real Property Acquisition Act requires an appraisal of the fair market value of private property the Federal government desires to acquire, whether through negotiations or condemnation. One of the primary purposes of this Act is to guarantee that any Federal land purchase is a good deal for the American taxpayer.

It is bad precedent for Congress to bless the Administration's blatant disregard of this law. Congress needs to examine, and determine for itself, the fair market value of these properties and, whether or not the purchases are a good deal for the American taxpayer. This examination is properly done in the context of authorizing legislation.

The magnitude of these acquisitions make the disregard of this law even more troubling. As noted in the Senate Appropriations Committee report accompanying H.R. 2107, the $315 million spent to acquire the two properties is more than the total amount appropriated from the LWCF for land acquisitions over the past two years. Those appropriations have been used to acquire dozens of properties—the vast majority of which cost less than $1 million. None of them have been excluded from the Uniform Relocation Assistance and Real Property Acquisition Act. The Clinton Administration needs to explain to Congress why the Headwaters Forest and New World Mine acquisitions warrant an exemption from the law.

Congressional authorization is further needed because the Clinton Administration has committed the Federal government to more than the purchase of property.

The New World Mine agreement requires that $22.5 million of the $65 million purchase price be used to finance the clean-up of the property which is contaminated from historic mining activities in the area. However, LWCF monies are not authorized for environmental clean-ups.

While the Clinton Administration contends sufficient authorization exists for it to use LWCF monies to acquire the New World Mine property, nowhere does it argue that it may use $22.5 million of this LWCF appropriation for financing a private party's CERCLA-type cleanup. Whatever the contours of the debate over the proper uses and purposes of the LWCF Act, it is clear Congress never intended for the LWCF to be used as an environmental contamination insurance account. Yet, such an impermissible use is precisely what the Administration now proposes. Congress clearly needs to review and authorize such a use of LWCF monies.

At the same time, the Agreement to purchase the Headwaters Forest requires that the Federal government and the property seller agree to a habitat conservation plan under the Endangered Species Act for timber harvesting activities which will occur on the remaining 200,000 acres owned by the company. In fact, because of difficulties in negotiating an acceptable habitat conservation plan for this property, the timber company sued the Federal government. However, if the Federal government and company agree to a habitat conservation plan, and the Federal government purchases the property, the company's case against the Federal government will be dismissed. To date, no such agreement has been reached. I question, however, whether it is good public policy to settle litigation in this manner.

I have touched upon some of the issues raised by the two acquisitions. I have not talked about the Clinton Administration's failure to acquire the properties through land exchanges, as originally proposed. Questions also exist about how, and at what cost, the Federal government will manage the properties upon acquisition.

We have held no hearings on the New World Mine acquisition. We have held no hearings on the Headwaters Forest acquisition. Congress had no input into the decision to acquire them. In fact, most of us know little about the two proposals. We owe it to the American taxpayer to review these acquisitions—a review best done by the authorizing Committee.

STATE-SIDE LWCF MATCHING GRANT PROGRAM

I also want to comment on the appropriation contained in H.R. 2107 for the state-side LWCF matching grant program. The state-side LWCF program has played a vital role in providing recreational and educational opportunities to millions of Americans. State-side LWCF grants have helped finance well over 37,500 park and recreation projects in all fifty states, including campgrounds, trails, and open space.

The availability of outdoor recreation facilities is critical to the well-being of Americans. People who participate in outdoor recreation activities, are happier and healthier. Recreation is an important component of our economy. Moreover, while trips to our National Parks create experiences and memories which last a lifetime, day-in and day-out, people recreate close to home. In Fiscal Year 1995, the last year for which the state-side LWCF grant program was funded, there were nearly 3800 applications for state-side grants. Unfortunately, there was only enough money to fund 500 projects. In the intervening three years, the local and state demand for those resources has only increased.

That is why state-side LWCF grants are so important. State-side LWCF grants help address the highest priority needs of Americans for outdoor recreation. At the same time, because of the matching requirement for state-side LWCF grants, they provide vital seed-money which local communities use to forge partnerships with private entities.

Unlike the Clinton Administration, the Interior Appropriations Committee has recognized the value of the state-side LWCF matching grant program. It appropriated $100 million to the program over the next four years and noted, in its report, that ''resource protection is not solely the responsibility nor the domain of the Federal Government, and that States can in many cases extract greater value from moneys'' appropriated from the LWCF. I congratulate Senator GORTON on this appropriation and am optimistic that this provision will remain in Conference.

I have attached to my statement, for inclusion in the RECORD, two recent resolutions. The first, from the National Governors' Association, calls on the Federal government to revive the Land and Water Conservation Fund state-side matching grant program. This bill does that. The second letter, from the National Recreation and Park Association, urges the Senate to support the $100 million appropriation contained in the Interior Appropriations Bill.

I ask unanimous consent that these items be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL GOVERNORS ASSOCIATION,
Washington, DC.

RECREATION RESOURCES

PREAMBLE

The Governors believe that participation in outdoor recreation provides important physical, mental, and social benefits to the American public, and that responsibility for providing diverse and high-quality opportunities for such recreation is shared by federal, state, and local government interests and the private sector. Continuing growth in demand for outdoor recreation opportunities has brought overcrowding to some areas, while budgetary constraints, environmental pollution, and conversion of open spaces to other uses has further added to the challenges we face. This is particularly true of resources within physical and economic reach of the majority of urban populations. The expansion, development, and management of recreational space and facilities is an important national challenge that can contribute to both quality of life and the economy. To effectively meet this challenge, federal recreation efforts must be modified to include a far greater emphasis on state

and local decisionmaking and on partnerships, particularly with the private sector, than currently exists. The system must also be reinvented to enhance program efficiencies and effective program administration.

A VISION FOR AMERICA'S GREAT OUTDOORS

The Governors support a vision of a safe, clean, planned, and well-maintained network of recreation areas available to all Americans. Important objectives can be achieved by reviving and strengthening the existing Land and Water Conservation Fund (LWCF) and Urban Park and Recreation Recovery (UPARR) programs. The Governors recognize the valuable work done by the National Park Service Advisory Board report, ''An American Network of Parks and Open Space,'' with its call for a balanced formula for ensuring state, local, and national funding allocations to meet the nation's diverse needs for recreation resources. In addition, the Governors support continuing substantial funding for recreation programs through appropriations for the federal land-management agencies and through the expenditure of monies at the federal and state levels under programs such as the Pittman-Robertson Act and the Aquatic Resources Trust Fund. The Governors also encourage the continued use of private capital for investment in recreation facilities on public lands and further encourage increased funding for operational expenditures for recreation facilities and services through general fund appropriations and recreation fees paid by those who directly use those facilities and services. To ensure that recreation funds are spent wisely, the Governors believe that, at every level of government, an effort should be made to understand and accommodate recreationists' needs and interests.

GUIDING PRINCIPLES

The Governors believe that the creation and maintenance of a nationwide network of recreation areas should be guided by the following principles.

Priorities for spending funds must come from a sustained effort to understand the needs of recreationists on the part of those involved in local, state, and national planning activities. State and local recreation resources planning activities, including comprehensive outdoor recreation plans, should continue to be a foundation for decisionmaking. The Governors encourage a revitalized LWCF/UPARR program to streamline federal requirements currently imposed on such state planning and granting processes. At the same time, the Governors acknowledge the importance of an open, public process for allocating grants-in-aid and support continuation of this important tool for effective citizen participation.

To assist in a better determination of national priorities and their interaction with the expressed priorities of state and local governments, the Governors also encourage integration of federal recreation resource planning processes with their state and local counterparts.

Programs for land conservation, preservation of cultural landscapes, and recreation resource development require a shared partnership among citizens, private landowners, all levels of governments, and private organizations.

The equity of private property owners must be respected in the implementation of recreation and conservation programs.

As the nation's recreation resources investments are made, the Governors encourage continued attention to providing quality recreation opportunities to all citizens, reflecting the diverse needs for recreation that is safe, accessible, affordable, enjoyable, and open.

National strategies and programs that aid state and local governments should be flexible, effective, and efficient.

The long-term future of our nation's recreation resources is dependent on a citizenry that is both familiar with and appreciative of these resources. Programs that promote such understanding and appreciation should be encouraged in both the private and public sector.

FUNDING

The Governors believe that Congress should encourage the provision of adequate and predictable funding for the nation's outdoor recreation resources from both private and public sources.

The Governors support the principle that nonrenewable resources leaving federal ownership, such as oil and gas recovered from the Outer Continental Shelf, should be used as a means to establish assets of lasting value to the nation.

The Governors recommend that Congress make available no less than 60 percent of funds for state and local governments with the balance to federal agencies to be used by both principally for the purposes of acquiring outdoor recreation areas and providing for and protecting outdoor recreation opportunities. The Governors also support increased private investment in recreation facilities on public lands.

The Governors believe it is imperative to adequately maintain public recreation lands and the facilities on them. The Governors recommend that, in addition to general fund revenues, where appropriate and practicable, user fees and private sector funding should be considered to help achieve this objective. The Governors strongly recommend that LWCF not be used for these purposes.

FEDERAL RESPONSIBILITY AND PARTNERSHIP

Federally managed public lands and resources serve a critical function in meeting national recreational needs, not only in providing opportunities for outdoor recreation but in providing the means, through the Federal Lands Highway Program, to access and enjoy those opportunities. Federal agencies should develop comprehensive outdoor recreation resource use and access plans in consultation with state and local governments and coordinate their planning with the recreation resource needs identified by state and local governments and private organizations. New federal institutional arrangements are needed to give greater visibility and authority to recreational program administration on federal lands and to foster innovative state, local, and private program partnerships. The efficiency and effectiveness of federal recreational support can be enhanced.

RAILROAD RIGHTS-OF-WAY

The Governors believe that where it is consistent with state law and respects the rights of adjacent landowners, it is in the public interest to conserve and maintain abandoned railroad corridors whenever suitable for use as public trails and greenways, for other public purposes, or for possible future rail use. Such efforts can help achieve the goal of the President's Commission on Americans Outdoors of establishing ''a continuous network of recreation corridors . . . across the country.''

SCENIC BYWAYS

The Governors believe that funding for the National Scenic Byway Program, which recognizes the economic and social value of fostering travel on the nation's most scenic routes, one of the most popular forms of recreation in the country, should be continued.

USER-PAY/USER-BENEFIT GRANT PROGRAMS

The Governors believe that grant programs that return fees paid by users, for example, federal gasoline taxes or excise taxes on specific products, to programs which directly benefit those users, should be continued. Examples include the programs funded under the Pittman-Robertson Act, the Aquatic Resources Trust Fund, and the National Recreational Trails Fund.

NATIONAL RECREATION AND PARK ASSOCIATION,
Ashburn, VA, September 10, 1997.

AN OPEN LETTER TO THE UNITED STATES SENATE

You will soon have an opportunity to vote on fiscal year 1998 appropriations for the Department of the Interior. The Land and Water Conservation Fund state assistance program is among the many important initiatives that you will consider. We urge you to approve not less than the $100 million appropriation for LWCF state assistance recommended by the Senate appropriations committee in its version of H.R. 2107.

The LWCF state assistance program addresses the health and welfare of our nation's citizens. By matching state and local resources to complete priority projects for individual communities across the nation, these resources provide access to recreation and conservation opportunities for all American citizens.They are the playgrounds where our children run and shout. They are the swimming pools and playing fields where we learn the values of teamwork, sportsmanship, hard work and competition. They are the parks, picnic areas, pathways and wild places where we find quiet and renew our connection with the natural world. These places restore our minds and bodies and enhance our quality of life. And most importantly, they are accessible. They are down the street, across town, at the metro stop and affordable regardless of economic status. This is what sets these state and local investments apart from our nation's great national parks, forests, refuges and public lands. And this is why they are so important.

After two years without LWCF state assistance, thousands of opportunities for conservation and recreation have been delayed or lost. Restoring this program will allow projects with available matching funds to move forward. It will also renew the nation's commitment to its people to reinvest a portion of revenues from the depletion of our energy resources in state and local, as well as federal, recreation resources. We hope we can count on your support.

Sincerely,

R. DEAN TICE,
Executive Director.

REQUIRING LAND MANAGEMENT AGENCIES TO PRIORITIZE ADDITIONAL LAND ACQUISITIONS

Mr. MCCAIN. Mr. President, I want to take this opportunity to explain to my colleagues an amendment I had intended to offer to the fiscal year 1998 Interior Appropriations bill. I was persuaded not to offer the amendment because of my concern that opening up the section of the bill which provides an additional $700 million for land acquisitions and exchanges would embolden those who would earmark these funds for particular projects, without consideration of the priorities of our Federal land management agencies. Therefore, I decided not to offer the amendment at this time.

I do intend to pursue this proposal as separate legislation, and I solicit the comments of my colleagues concerning this proposal, described below.

The amendment would require the administration to utilize certain criteria in preparing the prioritized list of land acquisitions and exchanges that would be conducted using the $700 million increase recommended in this bill for Federal land acquisitions and exchanges. This amendment places primary responsibility for determining the priority of land acquisitions in the hands of the Federal land management agencies charged with preserving, protecting, and managing our nation's natural resources. At the same time, the amendment preserves the prerogative of Congress to approve or disapprove the administration's recommendations prior to making any of these additional funds available.

The amendment establishes seven specific criteria to be used by the National Park Service, the Forest Service, the Fish and Wildlife Service, and the Bureau of Land Management in assessing proposed acquisitions and exchanges:

(1) the natural resources located on the land,

(2) the degree to which those natural resources are threatened,

(3) the length of time required for acquisition of the land,

(4) the extent, if any, to which an increase in land cost makes timely completion of the acquisition advisable,

(5) the extent of public and local government support for the acquisition,

(6) the amount of federal lands already in the region, and

(7) the total estimated costs of the acquisition.

In addition, the amendment permits the Secretaries of Interior and Agriculture to consider additional matters in their assessments, but they must explain to Congress in a report what those additional considerations were and how they were weighted in the prioritization of land proposals.

Over the years, Congress has wisely taken steps to preserve our natural heritage. We have protected many remarkable natural areas through the establishment of national parks, monuments, wilderness areas, wildlife refuges, national scenic areas, and other conservation efforts.

While this Nation has no shortage of beautiful country to be preserved and protected, there is a limited amount of funding available to accomplish these goals. As a result, our Nation has a multibillion dollar backlog in land acquisitions at both the Department of Interior and the Department of Agriculture. Because of this enormous backlog, I support the recommendation in this bill to make available an additional $700 million for the land acquisitions and exchanges, consistent with the budget agreement.

What this amendment would require the administration to do is not new. The agencies already produce these types of rankings when developing the President's budget request. The Bureau of Land Management, the Fish and Wildlife Service, the National Park Service, and the Forest Service all compose priority based lists. In this case, we will be requiring the agencies to perform the same sort of priority assessments on projects that would be funded with these additional funds, to ensure that Congress has all the information necessary to review the administration's proposal.

The amendment includes a requirement for the agencies to consider the extent of local support for an acquisition proposal, as well as the amount of land in the area already owned by the Federal Government. Preservation of our natural resources is a high priority, but it must be balanced with an awareness of the economic needs of local communities and their ability to plan for future growth and development. These two criteria will ensure that a community will not be harmed unnecessarily by the removal of preservation lands from its tax base or by undue restrictions on development and economic growth.

I understand the concerns expressed by the committee in the report language about the costs of managing and maintaining current federally owned lands, and I believe the agencies should focus on acquisition and exchange proposals that would consolidate Federal land holdings and eliminate inholdings to lessen these costs. However, I think it would be a mistake to fail to consider funding new acquisitions and exchanges that would protect and preserve resources that might otherwise be lost to development in the near future.

Mr. President, I am very concerned that the committee has earmarked $315 million for the additional funding for two specific projects—the Headwaters Forest and New World Mines acquisitions. I am not seeking to strike those earmarks in this amendment, although I understand an amendment may be offered to do so, which I would support. Unfortunately, these earmarks make clear the need for established criteria for prioritizing the many pending acquisition requests at our land management agencies. My amendment would ensure that all funds which are available for pending land acquisitions and exchanges are used prudently and for the highest priority projects identified by Federal land management agencies.

Let me stress that I understand the right of Congress to review and revise the President's budget request, as we see fit. My amendment is simply intended to help us make those decisions by requiring input from the Federal land management agencies on the expenditure of the $700 million we are adding to this appropriations bill for land acquisitions and exchanges. Congress will still have the last word.

Mr. President, as I stated at the outset, I intend to pursue separate legislation to require the administration to submit annually with the budget request a list of proposed land acquisitions and exchanges, coordinated and prioritized among the four Federal land management agencies. The agencies would be required to consider the criteria set forth in the amendment described above, and the Secretaries of Interior and Agriculture would be required to explain the relative weight given each criterion, including additional criteria selected by the administration.

Mr. President, I ask unanimous consent that the amendment I had intended to propose to this legislation be printed in the RECORD at this point. And I welcome the comments and suggestions of my colleagues for improving these criteria and the process of ensuring that scarce resources for land preservation are used prudently.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

On page 134, beginning on line 2, strike ''*Provided*'' and all follows through ''heading'' on line 8 and insert the following: ''*Provided*'' That the Secretary of the Interior and the Secretary of Agriculture, after consultation with the heads of the National Park Service, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Forest Service, shall jointly submit to Congress a report listing the lands and interests in land, in order of priority, that the Secretaries propose for acquisition or exchange using funds provided under this heading; *Provided further*; That in determining the order of priority, the Secretaries shall consider with respect to each property the following: the natural resources located on the property; the degree to which a natural resource on the property is threatened, the length of time required to consummate the acquisition or exchange; the extent to which an increase in the cost of the property makes timely completion of the acquisition or exchange advisable; the extent of public support for the acquisition or exchange (including support of local governments and members of the public); the total estimated costs associated the acquisition or exchange; the extent of current Federal ownership of property in the region; The extent to which the acquisition or exchange would consolidate Federal holdings or eliminate its holding; the owner's willingness to sell or exchange the property; and such other factors as the Secretaries consider appropriate, which factors shall be described in the report in detail; *Provided further*, That the report shall describe the relative weight accorded to each such factor in determining the priority of acquisitions and exchanges''.

On page 134, line 12, strike ''a project list to be submitted by the Secretary'' and insert ''the report of the Secretaries.''

GAS UTILIZATION SECTION

Mr. MURKOWSKI. I wonder if the distinguished chairman of the Senate Appropriations Committee would be willing to enter into a colloquy with me regarding the gas utilization section of this legislation.

Mr. STEVENS. I would.

Mr. MURKOWSKI. It is my understanding that the administration request for gas utilization was $4.8 million dollars.

Mr. STEVENS. That is correct.

Mr. MURKOWSKI. It is also my understanding that the House has added an additional $2 million above the administration request; and that the Senate has agreed to add $1.5m to the administration request.

Mr. STEVENS. That is also correct.

Mr. MURKOWSKI. I understand that some of the additional funds Congress has added may be used by the Department of Energy to fund an $84 million cost-shared private research project for the development of a process for commercialization of a ceramic membrane used to convert natural gas to synthetic crude which can then be transported via conventional oil transportation systems?

Mr. STEVENS. I understand that to be correct as well.

Mr. MURKOWSKI. As chairman of the Energy and Natural Resources Committee I have taken a keen interest in the development of this technology. In fact at a committee hearing in July of this year we discussed some of these developing technologies. One thing that is becoming clear when you talk about natural gas conversion to liquids is that there is ''more than one way to skin a cat.''

In other words there seem to be a number of companies around the globe that are developing this technology with their own particular nitch. I would not, at this time try to predict which particular process is going to emerge as the best, nor would I attempt to predict when this technology will be used on a commercial basis. By some industry accounts this technology is here now. By others it is years off.

Would the chairman agree that it makes sense then to possibly look at other methods being used to develop this technology.

Mr. STEVENS. I would defer to the chairman of the Energy and Natural Resources Committee and agree that it would make sense to look at other potential technologies as well.

Mr. MURKOWSKI. Would the chairman seek in conference to try and match the House level of $2 million and try to preserve flexibility for the Department of Energy to support other cost-sharing projects looking at ways to convert natural gas to liquids?

Mr. STEVENS. I would.

Mr. MURKOWSKI. I wonder if the subcommittee chairman, the distinguished Senator from Washington would also support this?

Mr. GORTON. In light of the different technologies brought to my attention by the Senators from Alaska, I will indeed be inclined to favor the House funding level in conference if that level will facilitate investigation of alternative technologies while ensuring that the current project moves forward.

Mr. MURKOWSKI. I will continue to monitor the existing project and thank the chairman and subcommittee chairman.

Mr. NICKLES. Mr. President, I seek unanimous consent to engage in a colloquy regarding Oklahoma Indian funding with the distinguished chairman of the Interior Appropriations Subcommittee, Senator GORTON.

The PRESIDING OFFICER. Without objection, the Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I understand the bill before us contains several categories of Interior Department funding for Indians, one of which is the ''new tribes'' account. I also understand that the committee has included, as requested by the Administration, $160,000 from this account for the Delaware Tribe of Indians, a tribe located in eastern Oklahoma. Mr. President, I ask the distinguished Senator from Washington, is that correct?

Mr. GORTON. Yes, that is correct.

Mr. NICKLES. Thank you, Mr. President.

TRIBAL WELFARE

Mr. DASCHLE. Mr. President, I should like to engage in a discussion with the distinguished chairman and ranking member of the subcommittee about a provision in this bill that is very important to the Indian tribes in my State. The committee report directs the BIA to spend $5 million from the Tribal Priority Allocation [TPA] to provide funds to Indian tribes that wish to run their own welfare programs in States where the tribal welfare caseload exceeds 50 percent of total caseload.

I am very grateful to my colleagues for recognizing the unique situation that exists in my State. More than half of the welfare caseload in South Dakota is made up of native Americans. Poverty on South Dakota reservations is very high; in the last census poverty among the South Dakota tribes was greater than 50 percent. My State has the dubious distinction of having the poorest county in the country, and it is a reservation county. Unemployment is also very high. For the largest tribes, it was 44 percent in 1995. The number of native Americans in the potential labor force who are not working averages 68 percent and, on some reservations, is as high as 95 percent.

The native Americans in my State do not want to be dependent on welfare. Representatives for the tribes have talked extensively with me about how they want to build their economies and help their people find good jobs. They dream of the day when all native American people will have the opportunity to hold good jobs and have the satisfaction of contributing to the economic strength of their communities.

For a number of complex reasons, this has been a difficult dream to accomplish. While they are working to improve their economies, they also want to assume the responsibility and use the option that is granted in the welfare bill to run their own welfare programs. They believe it is a matter of sovereignty, indeed even a treaty matter, that they enter into this new relationship with the Federal Government in a way that is parallel to how the States are treated. They do not want to be dependent upon the State. So they have asked for this funding to make it possible for them to take over their welfare programs and have a fair chance of succeeding in making their people's lives a little better.

That is why I feel this provision is so important, and why I want to make sure it gives them the best chance at success. For this reason, I would like to ask my colleagues a few questions.

As noted, the committee report indicates that $5 million would be provided under the Tribal Priorities Allocation to Indian tribes in States where the Indian welfare caseload exceeds 50 percent that wish to run their own welfare programs, and that the funds can be expended over a 2-year period. Is that also the chairman's understanding?

Mr. GORTON. Mr. President, I would tell my colleague that, yes, the TPA account is authorized to expend funds for 2 years.

Mr. DASCHLE. Mr. President, I mentioned that the tribes in my State have indicated that they would like to run their own programs, but it is possible that some will decide it is not feasible for them to do so. The way this proposal is currently structured, if this happens, I would want to make sure that any unused funds revert to the TPA, and not the U.S. Treasury. Is it the committee's intent that, if all of the funds are not used 60 days prior to when they would otherwise lapse, they would then revert to the TPA fund to be allocated according to the program's formula?

Mr. GORTON. Mr. President, it is my understanding that, because these funds are expended as part of the TPA account, any unused funds would revert to the other uses of the TPA account. We would support allowing this to happen 60 days prior to the end of the fiscal year.

Mr. BYRD. Mr. President, I am in agreement with the subcommittee chairman. Such an arrangement would ensure that any funds not expended for this welfare initiative would be used for other TPA priorities.

Mr. DASCHLE. Mr. President, I would like to raise a technical detail that is not addressed in the report language. One of the tribes in South Dakota, the Standing Rock Tribe, also extends into North Dakota. It was my intention that, if that tribe chooses to submit a plan to run its own welfare program, the funds be available to run their program in both North and South Dakota, and that the match for the tribal members in North Dakota be proportionate to the match that Standing Rock would have received from their State. I should note that the amount of funding is sufficient to allow Standing Rock to serve both its North and South Dakota members. Would the chairman and ranking member agree that this would be possible under this provision?

Mr. GORTON. Mr. President, I believe that could be accommodated under the committee's language and would be happy to work with the Senator to make sure this is the case.

Mr. DASCHLE. Mr. President, if the chairman and ranking member would continue to indulge me, I would like to clarify one more technical point. The

report language says that the funds would be available to tribes whose caseloads exceed 50 percent of the total welfare caseload for the State. In point of fact, the tribes per se do not have caseloads, the States currently run the programs. My hope is that the chairman intended to indicate that funds would be provided in States where native Americans exceed 50 percent of a State's total caseload using data collected by the Administration for Children and Families at the Department of Health and Human Services in fiscal year 1995. Was that, in fact, the committee's intent?

Mr. GORTON. Mr. President, yes, the intention was that the funds be provided to tribes in a State where the number of native Americans as a percent of total State caseload exceeded 50 percent in fiscal year 1995.

Mr. DASCHLE. Mr. President, I have one last question. As the Senators on this committee are painfully aware, allocating discretionary spending in times of major budget cutting has resulted in many difficult decisions. But, I would point out that the TPA account, which is the one from which this funding would be taken, was cut fairly heavily earlier in the 1990's and is only now starting to regain some of its resources. At the same time, the need among many of the tribes has been growing steadily. Indeed, many parts of Indian Country have not always shared in the economic boom that the rest of the Nation currently enjoys. I would like to ask my colleagues whether they might be willing to find an alternative offset, one which does not take away resources from other tribes, in order to find this important provision. I am, of course, aware that the increase requested by the President for TPA included in this budget, as well as funding for this provision. Would my colleagues be willing to work with me during conference to try to find an alternative means of providing these funds?

Mr. BYRD. Mr. President, the Democratic leader clearly understands the difficult problems we face in allocating limited resources for the programs in our jurisdiction that are important for many of the Members of this body. However, we would certainly be willing to work with him during conference to see whether alternative funds might be available.

Mr. DASCHLE. Mr. President, I express my sincere gratitude to the chairman and ranking member of the Interior subcommittee for their assistance in this matter. Last year's welfare reform bill provides an important opportunity for Indian tribes to run their own welfare programs. As I have said, I have met with representatives of all of the tribes in my State about this issue, and they care very deeply about it. I hope that, with these funds, they will be able to take on this important responsibility and help tribal members gain economic self-sufficiency.

CONTAMINATED DRINKING WATER ON THE FORT HALL INDIAN RESERVATION OF IDAHO

Mr. CRAIG. Mr. President, will the Chairman yield for purposes of a colloquy?

Mr. GORTON. I am happy to enter into a colloquy with the Senators from Idaho.

Mr. CRAIG. I do not know if the Chairman is familiar with the problem faced by the Shoshone-Bannock Tribe of Idaho regarding the contamination of the groundwater on the Fort Hall Reservation where the Tribe is located?

Mr. GORTON. I am.

Mr. CRAIG. Then the Chairman knows that since the 1970's a deadly poison named ethylene dibromide, or EDB, has been used as a pesticide on the reservation. Over time, EDB has leached into the groundwater at unsafe levels. Currently, approximately 1,500 people, both on and off the Fort Hall Reservation, are at risk. Most of those living on the reservation are served by one of two existing drinking water systems—one operated by the Bureau of Indian Affairs and the other by Indian Health Service.

Mr. KEMPTHORNE. Nothing is more important than ensuring all of our citizens have safe and affordable supply of drinking water. Over the last 6 years, both agencies have been very helpful. The Indian Health Service has provided technical assistance and funding to characterize the groundwater contamination and to investigate alternatives. Its efforts have included the drilling and testing of wells, conducting Tribal meetings, providing educational material, and assisting in Federal coordination. In addition, the Shoshone-Bannock Tribe, Idaho Department of Environmental Quality, Environmental Protection Agency, Bureau of Reclamation, Bureau of Indian Affairs, Indian Health Service, and others have devoted an enormous effort over several years to assess the situation and develop alternative solutions.

Mr. CRAIG. I would also like to bring to the Chairman's attention that the Bureau of Reclamation has prepared a needs assessment on the EDB problem. This assessment concluded that the preferred alternative is the incorporation of the existing Indian Health Service water supply system into a new, larger drinking water system. Such a project would involve the drilling of new public wells outside the contaminated area and piping the water to the residents whose wells are unsafe.

Mr. GORTON. It would appear that such a recommendation would be a reasonable approach to provide for the delivery of safe drinking water to the 1,500 people currently at risk.

Mr. KEMPTHORNE. I agree with the Chairman. The recommendation outlined by the Bureau of Reclamation is the most logical and cost-effective alternative.

Mr. CRAIG. Of course such a project would be expensive. However, this burden would be spread out over the several agencies from all levels of Government which would share responsibility for its completion. The Indian Health Service already has identified and suggested several areas where it might be of assistance during the education, public involvement, and coordination phase. These include providing further educational assistance and public information materials, the investigation of alternative water sources, assistance in the selection and implementation of appropriate treatment technologies, the design of ground water monitoring plans and schedules, and the coordination and sharing of data and analysis.

Mr. GORTON. Along with the other Federal agencies involved in the actual construction of the drinking water system, I would agree that the Indian Health Service clearly has a role in the education and advisement of the affected community, so long as the Service meets its priorities and other obligations.

Mr. KEMPTHORNE. I agree with the Chairman. Of course, we understand that funding for this project cannot be guaranteed, given the many competing priorities faced by the Indian Health Service.

Mr. GORTON. Given the threat to the health of those exposed to the contaminated drinking water, I would support whatever assistance the Service could provide.

Mr. KEMPTHORNE. I thank the Chairman and am pleased to hear of his strong support of this project.

Mr. CRAIG. I too would like to thank the Chairman. Seeing this project started as quickly as possible has become a high priority for myself and my fellow Idahoans. We are committed to getting this project completed and will be working over the coming months and years to see that all necessary funds are appropriated for the project's construction. Beginning the education phase now, through the Indian Health Service, will save valuable time and help relieve the threat of continued harm.

FOSSIL ENERGY R&D ACCOUNT: COAL MINE METHANE PROGRAM

Mr. BYRD. Mr. President, Senator ROCKEFELLER and I would like to engage the manager of the Interior Appropriations bill in a brief colloquy.

Mr. GORTON. I would be pleased to respond to my friend who is the ranking member on the subcommittee and to his colleague from West Virginia, Senator ROCKEFELLER.

Mr. BYRD. The committee's recommendation does not fund the administration's $963,000 request for the Coal Mine Methane Program under the Fossil Energy account. I believe that the House also declined to fund this program based on the belief that it was a ''new start.''

Mr. GORTON. The Senator is correct.

Mr. BYRD. I appreciate the fiscal constraints facing this bill and the difficult task that our chairman has accomplished in a fair and bipartisan manner. However, I would hope that we could take a second look at this methane recovery program.

Mr. President, this program is not a new start as the House committee report suggests. Congress appropriated money specifically for the Coal Mine Methane Program in fiscal year 1995. Some of the funds for this initiative were obligated prior to the rescission bill enacted in 1995. While the Department may have gotten off to a slow start with this program, for the past 18 months it has had five teams under contract to prepare phase II detailed project designs. The original appropriation to initiate these projects has been exhausted, and the funds requested for fiscal year 1988 are necessary to complete the ongoing project designs. I am told that the five teams have provided costsharing in excess of thirty percent.

The Department of Energy has indicated that the Coal Mine Methane Program can make a significant contribution to the effort to curtail greenhouse gases and estimates that within five years coal mine methane collection and utilization systems could reduce emissions by an amount equivalent to 5.5 million tons of carbon dioxide [CO_2] each year. The Department's research is expected to demonstrate that the private sector can, remarkably, generate profit by utilizing and destroying these waste gases. Given the large, cost-effective and near-term potential of this research, the Department has proposed the Coal Mine Methane program as one of its global climate change research initiatives.

As the sponsor of Senate Resolution 98, I am clearly on the record in opposition to any binding international greenhouse gas emissions agreement that would injure the American economy or put us at a competitive disadvantage with any other countries. At the same time, I strongly believe that we in Congress should promote the development and use of technologies that can become economically competitive energy sources and which, at the same time, reduce potential greenhouse gas emissions.

The Coal Mine Methane program clearly meets these standards. Turning pollution into useful energy at a competitive price, with no subsidies and no new regulation, can be good for electric consumers, good for the environment and good for America, in general.

Mr. ROCKEFELLER. Mr. President, I completely agree with the comments of my senior Senator. I would note that three of the five teams under contracts to the Department of Energy are working on projects in our State of West Virginia. I understand that the other two are located in Alabama and Ohio.

These five projects offer great promise compared to conventional greenhouse gas mitigation efforts. A single, small coal mine methane project designed to produce 10 megawatts of electricity is expected to operate at a profit. That same project would unequivocally produce collateral greenhouse gas mitigation benefits equal to the carbon sequestered by approximately 14 million trees. In sharp contrast to the profit generated by the coal mine methane project, tree planting would come at a cost conservatively estimated at $18 million. So, DOE's methane capture program makes dollars and sense.

This program is relatively small in terms of Federal cost but can leverage significant private sector investment and may generate considerable economic and environmental benefits for Americans living in the Appalachian coal regions. I hope that we may reconsider the recommendation on this particular program.

Mr. GORTON. Mr. President, the Senators make a compelling case.

Mr. ROCKEFELLER. Mr. President, I thank the Chairman. In that light, I inquire whether he would have any objection if the Department were to shift up to $500,000 to continue the Coal Mine Methane Program.

Mr. GORTON. As the Senator may know, the reprogramming threshold established by the committee's guidelines is $500,000. I do appreciate the clarification that this effort would not be a new start. Should the Department be able to identify funds for a reprogramming, it should consider the needs associated with completing the ongoing project designs.

Mr. ROCKEFELLER. Mr. President, I thank the manager of the bill for his consideration and support of this matter.

Mr. BYRD. Mr. President, I offer my appreciation as well. As always, the Senator from Washington has been most fair in this deliberation.

ENGINEERING RELATED SERVICES UTILIZED BY DEPARTMENT OF INTERIOR AGENCIES

Mr. BENNETT. Mr. President, I would like to raise an issue with the Chairman as we conclude the debate on the Interior Appropriations bill. I had intended offered an amendment on behalf of myself and Senators THOMAS and MURKOWSKI to instruct the various agencies of the Department of the Interior to prepare a report to the committee regarding the instances in which they have entered into Inter-Agency Service Agreements with other Federal agencies or into agreements with State and local governments on foreign entities. Unfortunately, we have been unable to reach agreement among members of the committee on the feasibility and scope of this amendment. I am disappointed with this development and I will not offer this amendment this evening.

As the Chairman well knows, there are a number of architectural, engineering, geological mapping and even aircraft services that are contracted out by the various agencies within the Department of the Interior. I simply would like to get a sense of the impact on private engineering and consulting firms when agencies enter into agreements or contract for services within. I believe the information would have been valuable to the committee. It would help the committee recognize opportunities to save money by using the private sector more often and it will help redirect agencies toward their core governmental missions. While I will not offer this amendment, I intend to continue to pursue this information. I ask the Chairman if he would be also be interested in exploring this issue further?

Mr. GORTON. The Senator from Utah raises a good point. But given our very short timeframe, I appreciate the Senator's decision to withhold. The information to be gathered by any such inquiry would be very costly and time-consuming to develop, so I would hope that a more focused effort could be considered. The Senator is correct that cost-saving measures are important during tight budget times, and I appreciate his interest in this matter.

NEEDED REPAIRS TO TWIN RESERVOIR DAM

Mr. BAUCUS. Mr. President, I would like to engage the Chairman in a colloquy to bring to his attention the need for repairs to the Twin Reservoir Dam located near Polson, MT.

Mr. GORTON. Certainly.

Mr. BAUCUS. The dam is in need of $50,000 in repairs, and I would like to know if the Chairman would support the Bureau of Indian Affairs if the BIA could allocate funds within existing resources to make these much-needed repairs.

Mr. GORTON. I would support whatever assistance the Bureau of Indian Affairs could devote to repairs of the Twin Reservoir Dam, so long as the expenditure of any funds is consistent with the Bureau's priorities.

Mr. BAUCUS. I thank the Chairman.

ELECTROCHROMIC RESEARCH

Mr. GRAHAM. Mr. President, we would like to engage our dear friend, Senator GORTON, in a colloquy. He has once again drafted a difficult bill this year and has balanced difficult priorities. Within the energy conservation section of the bill, the committee has provided $500,000 more than in fiscal year 1997 for electrochromic research within the building equipment and materials section. We would hope that it is the expectation of the chairman that this $500,000 increase will be used to further the development of Plasma Enhanced Chemical Vapor Deposition [PECVD] techniques for electrochromic technology.

Mr. MACK. Understand that this technology provides a flexible means to control the amount of light and heat that passes through a glass surface. This is a superb energy savings opportunity important to the Nation.

In recognition of the importance of this technology, Florida has provided $1.2 million in State funds to develop this technology in cooperation with the University of South Florida and a licensee of a technology developed by the National Renewable Laboratory in Colorado.

Is it the Chairman's understanding that the Committee intends that this project be a priority for the use of this $500,000 addition?

Mr. GORTON. I appreciate my colleagues bringing this technology to my

attention. It is indeed a promising technology that could produce substantial energy savings. Within the increase provided for electrochromic research, I hope the Department will consider supporting the PECVD project, provided this can be accomplished without a substantially adverse impact on ongoing projects in the electrochromic program. I further hope the Department will consider PECVD in formulating its FY 1999 budget request.

Mr. BYRD. Mr. President, I concur with the subcommittee chairman's assessment. DOE should evaluate the potential benefits of this technology when considering its allocation of fiscal year 1998 funds.

IHS FUNDING

Mr. KERREY. Mr. President, I wish to inquire of my colleague from Washington State, Senator GORTON, chairman of the Interior Appropriations Subcommittee, on the funding status of health facility construction projects within the Indian Health Service that are in the design and engineering phase. Prior to the 1998 appropriations process, the Congress had funded about two-thirds of the design and engineering work that is necessary prior to begin construction of the new Winnebago Hospital. This hospital, now over 70 years old, serves the Indian people in northeast Nebraska and northwest Iowa. The Indian Health Service has indicated that another $650,000 will be needed to complete the design phase. Does Senator GORTON share my understanding of this situation?

Mr. GORTON. Yes, the Senator from Nebraska is correct as to this funding shortfall. In addition, there are two other nonhospital facilities in Arizona for which appropriated design funds have not been sufficient. The administration's fiscal year 1998 budget did not request design funds for these facilities either. This lack of a funding request has meant that neither the House nor the Senate has included funds necessary to complete the design phase for the Winnebago Hospital.

Mr. KERREY. I thank Senator GORTON for bringing this matter to the attention of the Senate. It is an incredible slip on the part of the IHS to have neglected to request these needed funds. It appears that in previous years the IHS seriously underestimated the amount of funding that would be required to complete the design phase of this facility. This is why it is so puzzling that there was no request for additional funding in this budget year. Every delay in funding means increased project costs. My question to Senator GORTON and to Ranking Member BYRD is whether it is still possible for the Congress to find some funds in this appropriations measure to be sure these projects stay on track?

Mr. GORTON. It is my understanding that a total of $2.1 million would be needed to complete the design phase for the three projects. There simply is not that leeway in the measure we are considering today. However, should funds become available as a result of conference agreements with the House, I will try to see that they are made available for completion of the design phase of the three projects if that is agreeable to my colleague, Senator BYRD.

Mr. BYRD. Yes, Mr. President, at this point I think that this is the best commitment that we can make to our colleagues from Nebraska and Arizona. If we are not able to accomplish this, however, we can consider including conference report language directing the IHS to include funding requests in the fiscal year 1999 budget to complete the design phase for these facilities; funding requests to begin first phase construction of these facilities might also be appropriate.

Mr. KERREY. I am very pleased that my colleagues are as concerned as I am about meeting the health needs of our native American people. As I mentioned earlier, the existing IHS facility at Winnebago is over 70 years old and I would venture to comment that there are probably not very many full-service hospitals in this country serving non-Indians that have reached that not-so-venerable age. It is a shame and the shame rests mostly with the failure of the United States to fulfill its obligations to this country's first Americans.

THE LAND AND WATER CONSERVATION FUND

Mr. FEINGOLD. Mr. President, I wanted to clarify with the subcommittee chairman and the ranking member the process, as described on page 116 in the Senate Committee Report on the Interior Appropriations bill (S. Report 105–56), for the expenditure of land and water conservation fund dollars provided in this legislation. Is this Senator correct in his understanding, Mr. Chairman, that the committee intends to work with the Appropriations Committee in the other body and the administration to develop a list of projects to be funded with the remainder of $700 million in land and water conservation fund moneys that are not allocated in this legislation for either specific Federal projects or for the States?

Mr. GORTON. Yes, the Senator is correct.

Mr. FEINGOLD. Is it the case that the administration will begin developing this list as soon as possible?

Mr. GORTON. Again, the Senator is correct. After the list is developed it will be provided to the Senate Interior Appropriations Subcommittee and the relevant subcommittee in the other body for their review and approval.

Mr. FEINGOLD. Does the Senator feel that it would be appropriate for Senators to contact Interior line agencies if they are aware of projects they believe are meritorious, such as the Fish and Wildlife Service's proposed Whittlesey Creek National Wildlife Refuge in my home State of Wisconsin?

Mr. GORTON. The Senator from Wisconsin is correct, and indeed, Senators are contacting appropriate Interior line agencies to make them aware of projects as well as officials within the administration.

Mr. FEINGOLD. Does the senior Senator from West Virginia concur with the Senator from Washington and myself?

Mr. BYRD. I do, and I thank the Senator for seeking additional clarification. It is common practice for Senators to assist Interior agencies by bringing particular projects to their attention so that the agencies may have the benefit of evaluating these projects for potential inclusion on the list.

Mr. MCCAIN. Mr. President, first I would like to thank the managers of the bill for their hard work in putting forth legislation which provides necessary funding for many things from National Parks to the Bureau of Mines. The Interior Appropriations bill is the 12th of the 13 appropriations bills to come before the Senate this year.

Unfortunately, once again, this bill and the report language accompanying it contain numerous earmarks and pork barrel spending projects. I ask unanimous consent that a list of eight pages of objectionable provisions be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

OBJECTIONABLE PROVISIONS IN THE FISCAL YEAR 1998 INTERIOR APPROPRIATIONS BILL

BILL LANGUAGE

$2,043,000 for the assessment of the mineral potential of public lands in Alaska.

Unspecified amount for the maintenance of a long-horned cattle herd on the Wichita Mountains Wildlife Refuge.

$11,612,000 for the Army Corps of Engineers to construct fishery mitigation facilities on the Lower Snake River.

$2 million for local governments in Southern California for Natural Communities Conservation Planning.

$500,000 for the Darwin Mountain House in Buffalo, NY, and $500,000 for the Penn Center in South Carolina.

$3 million for the Hispanic Cultural Center in New Mexico and $1 million for the Oklahoma City Bombing Memorial, both subject to authorization.

Language prohibiting the relocation of the Brooks River Lodge in the Katmai National Park and Preserve located in Alaska.

Directed transfer of the Bowden National Fish Hatchery from the United States to the State of West Virginia (without payment by the state) to be used by the West Virginia Division of Natural Resources.

Language establishing a commission to assist the city of Berlin, NH in identifying and studying the Androscoggin River Valley's ''historical and cultural assets'', accompanied by an authorization of $50,000 for operating expenses of the commission.

$800,000 for the World Forestry Center to continue research into land exchanges in the Umpqua River Basin region in Oregon.

Language specifying the relocation of Region 10 of the Forest Service to Ketchikan, AK, and reference to transfers and closures of other offices in Alaska directed in the report language.

Language dictating that not more than one quarter of the amount of hardwood harvested in 1989 may be cut from the Wayne National Forest in Ohio in 1998, and requiring that landscape architects must be used to ''maintain a visually pleasing forest''.

Language stating that Forest Service funds shall be available to counties within the Columbia Gorge National Scenic Area in Washington state.

Language stating that Forest Service funds shall be available for payments to Del Norte County, CA.

Earmark of unspecified funds for research on extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs, performed by the Albany Research Center in Oregon.

Language requiring compliance with all ''Buy America'' provisions.

Language prohibiting the use of any funds to demolish the bridge between Jersey City, NJ and Ellis Island.

Language authorizing the Secretaries of Agriculture and Interior to limit competition for watershed restoration projects in Washington, Oregon, and northern California to individuals and entities in historically timber dependent areas in those states that have been affected by reduced timber harvesting on federal lands.

Language mandating the transfer of the Wind River Nursery in Gifford Pinchot National Forest, WA to Skamania County, WA, in exchange for 120 acres of the Columbia River Gorge National Scenic Area.

Language exempting certain residents in specified areas from having to pay user fees for access to the White Mountain National Forest in New Hampshire.

Earmarks of Land and Water Conservation Funds for the New World Mines project ($65 million), the Headwaters Forest agreement ($100 million), acquisition of the Elwha and Glines dams in Washington, and acquisition of the Sterling Forest in New York ($8.5 million).

REPORT LANGUAGE

Earmarks totaling $6.4 million for the Grand Staircase-Escalante National Monument, UT as follows:

$1,330,000 increase under land resources.

$300,000 increase under wildlife and fisheries.

$270,000 increase under threatened and endangered species.

$1,150,000 increase under recreation management.

$150,000 increase under energy and minerals.

$300,000 increase under realty and ownership management.

$1,050,000 increase under resource protection and maintenance.

BLM is to allocate all recommended funds to the Utah State office and the project office assigned responsibility for the monument. Report language prohibits reprogramming of funds from these lines.

$100,000 for Alaska Gold Rush Centennial Task Force.

$500,000 for Department of Defense to develop habitat mitigation plans in Alaska.

$350,000 for the Virgin River Basin, UT.

$400,000 for Lewis and Clark National Historic Trail and related projects.

$500,000 add-on to allow BLM to process oil and gas lease applications in Alaska, Arizona and Idaho.

$700,000 for additional library support to Alaska Resources Library and Information Services Consortium to develop digital online library resources and data bases in Alaska, development and implement a plan to protect records at the Geologic Material Center in Eagle River, and develop a data base for mining claims.

Language earmaring funding at FY 97 levels (plus fixed costs and requiring FY 97 levels of employees to continue Alaska cadastral surveys and complete the transfer of 155 million acres of federal land in Alaska to state, Native villages, and individuals.

$700,000 to fund a type I hotshot crew for wildland fire management in Alaska.

$1,925,000 for redevelopment of Interior interagency fire operations center in Billings, MT.

Earmark for land acquisitions as follows:

$900,000 for Lake Fork of the Gunnison, CO.

$1,100,000 for Otay Mountains/Kuchamaa, CA.

$1,000,000 for Santa Rosa Mountains, CA.

$2,000,000 for Washington Cunty desert tortise, UT.

$1,000,000 for Western Riverside County, CA.

$400,000 for Alabama sturgeon conservation efforts, and $560,000 for Iron County habitat conservation plan, WI.

Earmark for habitat conservations as follows:

$600,000 for Middle Rio Grande (Bosque) Program.

$200,000 for Platte River studies, CO.

$1,131,000 for Chicago Wetlands Office.

$200,000 increase for Yukon River escapement monitoring and research, AK, and $400,000 for Alaska salmon conservation.

$578,000 for the Great Lakes initiative related to fisheries.

$1,000,000 for The National Fish and Wildlife Foundation, and

$200,000 for the Caddo Lake Institute, TX.

Add-ons for construction projects as follows:

$600,000 for dike repair of Bear River National Wildlife Refuge, UT.

$335,000 for an Administrative building at Blackwater National Wildlife Refuge, MD.

$425,000 to replace the boardwalk at Horicon National Wildlife Refuge, WI.

$1,000,000 for rehabilitation at John Hay Estate, NH.

$1,000,000 for complete construction of Keauhou Bird Conservation Center, HI.

$480,000 for access trail and public use facility rehabilitation for Kenai National Wildlife Refuge, AK.

$702,000 to replace bridges at Mingo National Wildlife Refuge, MO.

$400,000 to replace irrigation system at National Elk Refuge, WY.

$2,000,000 for Mora hatchery at Southwest Fisheries Technology Center, NM.

$840,000 for trail construction and access at Steigerwald National Wildlife Refuge, WA.

$12,732,000 add-on in land acquisition, for a total of $57,292,000, which is all earmarked for specific projects [see page 27 of report].

$100,000 for Park Service trails office in support of Lewis and Clark National Historic Trail activities, and $400,000 for technical assistance along the Lewis and Clark National Historic Trial.

$200,000 for support of the Selma to Montgomery National Historic Trail and the California and Pony Express National Historic Trails.

$100,000 earmarks for the Park Service to establish a Katmai National Park and Preserve satellite office on Kodiak Island, AK.

Earmarks of recreation and preservation funds for:

$100,000 add-on for Aleutian World War II National Historic Area.

$324,000 extra for Blackstone River Corridor Heritage Commission.

$829,000 extra for Delaware and Lehigh Navigation Canal.

$238,000 extra for Illinois and Michigan Canal National Heritage Corridor Commission.

$65,000 extra for lower Mississippi Delta.

$200,000 extra for Quinebaug-Shetucket National Heritage Corridor Commission.

$758,000 extra for Southwestern Pennsylvania Heritage Preservation Commission.

$285,000 extra for Vancouver National Historic Reserve.

$480,000 extra for Wheeling National Heritage Area.

Earmarks of National Park Service construction funds for unrequested projects, as follows:

$2,200,000 to construct the Alaska Native Heritage Center, AK.

$500,000 for directional signs, et cetera at Blackstone River Valley national Historic Commission, MA/RI.

$2,000,000 to move the lighthouse at Cape Hatteras National Seashore, NC.

$500,000 to construct a storage facility at the Center for Archeological Studies, AL.

$500,000 to design and engineer the C&O Canal National Historical Park, MD.

$500,000 for restoration of the Darwin Martin House, NY.

$250,000 for Fort Jefferson rehabilitation at Dry Tortugas National Park, FL.

$3,000,000 for a multiagency center with BLM at El Malpais National Monument, NM.

$3,400,000 for rehabilitation of Fort Smith National Historic Site, AR.

$2,860,000 for site development at Fort Sumter National Monument, SC.

$750,000 for facilities planning at Gauley National Recreation Area, WV.

$700,000 to rehabilitate facilities and monuments at Gettysburg National Military Park, PA.

$1,731,000 for wastewater treatment at Glacier Bay National Park and Preserve, AK.

$3,000,000 for an arts center at the Hispanic Cultural Center, NM.

$500,000 for the stabilization and lead paint for Hot Springs National Park, AR.

$200,000 for the rehabilitation of Katmai National Park and Preserve, AK.

$300,000 for an interagency facility at Kenai Fjords National Park, AK.

$310,000 for the repair of fences at Manzanar National Historic Site, CA.

$8,000,000 for road construction at Natchez Trace Parkway, MS.

$153,000 for roof repair and access at New Bedford Whaling National Historical Park MA.

$2,525,000 for access and trails stabilization at New River Gorge National River, WV.

$1,000,000 for construction of Oklahoma City Memorial, OK.

$500,000 for the rehabilitation of Penn Center, SC.

$1,000,000 for Corinth Battlefield interpretive center at Shiloh National Military Park, MS.

$510,000 for the joint administrative facility with Forest Service at Timpanogos Cave National Monument, UT.

$2,223,000 for the planning, compliance, and restoration of Vancouver National Historical Reserve, WA.

$2,595,000 for the rehabilitation of Vicksburg National Military Park, MS.

$400,000 for the design interpretive center at Wrangell- St. Elias National Park and Preserve, AK.

$54,790,000 add-on for land acquisition, for a total of $125,690,000, almost all of which is earmarked [see page 39 of report].

$900,000 for the Great Salt Lake basins study unit of the NAWQA, including a plan for the collection of water quality data.

$1,000,000 for restoration of the Great Lake fisheries and habitats, $500,000 for Pacific salmon studies, and $1,000,000 for endocrine disruption research.

$500,000 for the establishment of a fine hardwoods tree improvement and regeneration center at Purdue University.

Language directs the Forest Service to initiate a study regarding the establishment of a harvesting and wood utilization laboratory in Sitka, AK.

$500,000 for a multiparty task force to create an action plan to manage spruce bark beetle infestations and rehabilitate infested areas in Alaska.

$200,000 to strengthen the role of the Forest Service in assisting the Hardwoods Training

Center in Princeton in becoming economically self-sustaining.

$800,000 add-on for land exchanges between willing public and private owners in the Umpqua River basin, OR.

$68,400 add-on for creating and maintaining scenic vistas along the Talimena Scenic Byway.

$360,000 for planning an office and laboratory facility to house the Institute of Pacific Islands Forestry research and public outreach program.

$4,000,000 for reconstruction of the Oakridge ranger station on the Willamette National Forest, OR.

$1,200,000 for the Federal share of construction of the Pikes Peak Summit House, CO.

$427,000 for construction of restroom facilities at Lee Canyon and Tahoe Meadows.

$445,000 for construction of a visitor contact station and administrative site on Ouachita National Forest in Oklahoma.

$725,000 for reconstruction of infrastructure facilities at Waldo Lake on the Willamette National Forest, OR.

$1,214,000 for construction of new facilities and the rehabilitation of existing facilities in the venues of the 2002 Winter Olympic games.

Language used to direct Forest Service to prepare a report which allows for providing road access from Wrangell to Canada and to Ketchikan.

$1,300,000 for construction of portions of the Continental Divide National Scenic Trail in Colorado.

Increase of $8,119,000 for land acquisition, for a total of $49,176,000, most of which is earmarked [see report p. 80].

$625,000 for acquisition of the Cannard tract at the Columbia River Gorge.

$2,000,000 increase over the budget request for mining programs, earmarked for the Intermountain Center for Mining Research and Development.

Mr. MCCAIN. Some of the earmarked projects funded in this bill have merit—I do not dispute that. What I do object to is the process by which these funds are appropriated. Earmarking Federal tax dollars is a process which can no longer be tolerated in these times of fiscal restraint.

It is unfair to the American taxpayer that we allow this to continue. It is not right that we require the American taxpayer to foot the bill for landscape architects to ''maintain a visually pleasing forest'' in the Wayne National Forest in Ohio as this bill dictates. Why is it necessary to have hard working Americans pay nearly $2 million for the redevelopment of a fire operations center in Billings, MT?

As I stated previously, Mr. President, these projects may have merit and may be very important—but how do we know that? Have they ever had a hearing? Have these projects ever been competitively bid? The answer, sadly, is no.

Mr. President, I will not take any more of the Senate's time voicing my objections. I will close by saying that I truly hope we can bring an end to the practice of earmarking funds in the appropriations process. The American taxpayer deserves better than the wasteful spending that we have seen in these twelve appropriations bills.

U.S. MAND AND BIOSPHERE PROGRAM

Mr. HUTCHINSON. Mr. President, I thank you for the opportunity to engage Senator GORTON in a discussion of the U.S. Man and the Biosphere Program. As the Senator is aware, the House of Representatives, by a vote of 222 to 203, on July 15, 1997 passed the appropriations bill for the Department of the Interior. Included as part of that legislation was an amendment which prohibits funding for the U.S. Man and Biosphere Program. Although a similar provision has not been included as part of the Senate deliberations on this appropriation, I offer the following argument for its inclusion in the upcoming conference between the House and Senate.

Many of my colleagues may question exactly what the U.S. Man and the Biosphere Program is. After all you will not find it mentioned in any line item within this bill, nor will you find it housed in any of the agencies which receive appropriations under this bill. The U.S. Man and the Biosphere Program or USMAB operates through the State Department and under the guidance of the United Nations Educational and Scientific Organization [UNESCO] to designate tracts of American land as biosphere reserves. These areas are ''voluntarily'' subject to land management requirements designated to facilitate ecological research and preservation. Currently, there are 47 biospheres in the United States covering a land area approximately the size of Colorado, our eighth largest state. Some biospheres, such as the Land Between the Lakes Biosphere in Kentucky, include populated areas with over 484,000 residents.

Despite the size and breadth of this program it has never been authorized by Congress, yet it is still 100% taxpayer funded. It is supported through interagency transfers from a total of thirteen different agencies. Collectively, these agencies contributed $210,000 to the U.S. Man and the Biosphere Program in Fiscal Year 1997.

While the total value associated with this program may fly well below many of our radar screens, the question and problems associated with the U.S. Man and the Biosphere Program are very real and very much in the minds of our constituents.

While I was serving in the House, some of my constituents brought to my attention a proposal by the U.S. Man and the Biosphere Program to create the Ozark Man and the Biosphere Cooperative, which would have encompassed part of my home state of Arkansas as well as part of the states of Kansas, Missouri, and Oklahoma. As I began to investigate this proposal some of the very worst fears of my constituents were confirmed. The ''voluntary, honorary'' land designation represented a potential threat to the private property rights of my constituents. For example, on page 120 of the Feasibility Study for the Ozark Man and the Biosphere appeared the following statement, ''Normally, there is no need for change in land-holding or regulation following the designation of a biosphere reserve except where changes are required to ensure the strict protection of the core area or specific research sites.''

Perhaps what was even more frightening was this biosphere was being created in secret. The steering committee responsible for attempting to create the Ozark biosphere admitted in their feasibility study that they ''decided that public meetings would not be part of the interview process because such meetings tend to polarize views of the public and may capture negative attention from the press.'' (Page 43 of the Feasibility study)

Many individuals will undoubtedly wonder how this was possible. Under what legislative authority did the U.S. Man and the Biosphere Program undertake these initiatives? The answer is that there is no legislative authority. Congress has never passed any law creating the U.S. Man and the Biosphere Program authorizing them to engage in their activities. Even the web page for the U.S. Man and the Biosphere Program admits that ''No specific law exists for the U.S. Man and the Biosphere Program.''

Proponents of this program will undoubtedly assert that my experience was an isolated incident, and it was for the very reasons I cited that the area around the Ozarks was never finally designated a Biosphere Reserve. However, I would urge these individuals to look at the testimony presented before the House Resources Committee this year, where local officials repeatedly testified that they were never consulted about proposals to create biosphere reserves in their areas. I would encourage the proponents of this program to look to the Alaska and Colorado State Legislatures and the Kentucky State Senate, all of which passed resolutions opposing the U.S. Man and the Biosphere Program, despite the fact that there are currently three biospheres in Alaska, four in Colorado, and two in Kentucky. To date, the U.S. Man and the Biosphere Program has taken no action to address the concerns of these State and local officials.

This is not to say that the U.S. Man and the Biosphere Program has not produced some positive contributions to our understanding of the environment and mans relationship to it. However, until my questions, the questions, of my constituents, the questions of the State Legislatures, and the questions of many of our colleagues are answered, I in good conscience cannot support using one more tax dollar in support of this program.

It is for these above stated reasons that I ask that the House adopted language be included in the Conference report.

I thank Senator GORTON, for the opportunity to present this very important issue for Conference consideration.

Mr. GORTON. I appreciate the Senator from Arkansas bringing his concerns to my attention, and they will

have considerable weight with me when the House presents its position in Conference.

USE OF BIA FUNDS FOR MARTY INDIAN SCHOOL

Mr. DASCHLE. Mr. President, first let me thank the distinguished Chairman of the Subcommittee, Senator GORTON, and the distinguished ranking Democrat, Senator BYRD, for their leadership and hard work on this legislation. I appreciate their willingness to work with me and Senator JOHNSON to provide greatly needed assistance to the Marty Indian School in our state.

In the past, the Marty School has received funds sufficient to replace its decaying high school facility. However, the elementary school is 70 years old and is in serious need of immediate repairs. The facility is not suitable to serve the educational needs of its students safely. Recently, a piece of the ceiling in one of the elementary school's buildings crashed onto the desk of a young student. Fortunately, there were no injuries. However, the serious physical problems at the school continue to pose a significant threat to its students. It is clear that eventually the entire elementary school will need to be replaced.

Senator JOHNSON and I would like to ask if it is the intent of the committee that the report language that refers to the Marty Indian School, found on page 55 of the Committee Report, gives direction to the Bureau of Indian Affairs to assess the serious structural deficiencies, particularly those that could compromise the health and safety of the elementary school students, and to endeavor to provide funds from the emergency or minor repair programs of the Facility Improvement and Repair program to correct these problems at the earliest possible date?

Mr. GORTON. That is the committee's intention to the extent high priority requirements are identified and prioritized.

Mr. BYRD. That is my understanding.

Mr. JOHNSON. I thank you for adding that language to the report. While we are delighted that these emergency repairs will be made if identified as a priority, we wish to note that the BIA has determined that the entire Marty facility needs to be replaced because it is no longer economically feasible merely to shore up these very old structures. Senator DASCHLE and I are delighted that the replacement high school is now being constructed. However, before long the elementary school facilities must also be replaced. I recognize the shortage of Facilities Improvement and Repair funds. Senator DASCHLE and I would like to work with the committee and the BIA to place the Marty Indian School elementary school on the priority list for future replacement funds when that list is opened up.

Mr. DASCHLE. Again, I thank the Chairman and Ranking Member and look forward to working with you on this issue. I am proud of the Marty Indian School. Under the leadership of School Board President, Mike Redlightning, and past President Robert Cournoyer and the other Board Members, the school has a wonderful working relationship with the Yankton Sioux Tribal Council. Support for the Marty Indian School indeed is strong among the Yankton Sioux people.

Mr. JOHNSON. I thank the distinguished Chairman and Ranking Member and ask unanimous consent to have printed in the RECORD a brief history of the Marty Indian School that has served the Yankton Sioux people of the Marty area so well for so long.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE MARTY INDIAN SCHOOL

SCHOOL BACKGROUND AND HISTORY

Marty Indian School is owned and operated by the Yankton Sioux Tribe. The Marty Indian School is a legal entity of the Yankton Sioux Tribal Business and Claims Committee and is authorized to operate, maintain and administer Marty's educational programs on behalf of the Yankton Sioux Tribe. The school is located on the Yankton Sioux Reservation in southeast South Dakota near the South Dakota/Nebraska border four miles east of the Missouri River and 13 miles southwest of Wagner, South Dakota. The original Yankton Sioux Nation consisted of about two thirds of the portion of South Dakota lying east of the Missouri River. The original reservation consisted of 400,000 acres established by the treaty of 1858. Tribal enrollment for both on and off reservation Yanktons is over 7,000. Marty Indian School serves Students in grades K–12 in their Instructional programs. The school also operates a dormitory program for students in grades 6–12. Of the 796 school age children living on the reservation in 1994–1995, 290 or 38.94% of those children attended Marty Indian School. The remaining students attending The Wagner and Lake Andes public schools.

Marty Indian School, formerly known as St. Paul's Indian Mission, began in 1926 by a missionary priest from Indiana, Father Sylvester Eisenmann, O.S.B. The leaders of the Yankton Dakota people wanted formal education for their children because they realized that change was coming for the Yankton Tribe. In April, 1921, three of these leaders, Thunder Horse, Edward Yellow Bird, and David Zephier made their trek to St. Meinrad Abby in southern Indiana to request that Father Sylvester be assigned as the permanent missionary on their reservation. They camped on the lawn of the Abby until the abbot agreed to their plea.

When Father Sylvester first came to the present site of Marty Indian School, he built a two story school building and a chapel. He named the mission after Martin Marty, the first South Dakota Roman Catholic Bishop. Osotewin—Smoke Woman—(to become know as Grandma White Tallow) donated the land for the new school and the farms needed to support it. The school was built building after building as the demand for space grew and funds were collected. Since its inception, through the labor of many devoted workers, Marty Indian School's campus has grown to include twenty-seven buildings on thirty beautifully landscaped acres.

In its early days, the students learned a great deal from doing. During various construction phases, the students worked on the building projects for half of the day, and went to school the other half. There was a shoe shop on the campus, a printing shop where the bilingual newspaper was published, and the school ran a farming operation.

In March 1975, the ownership of Marty Indian School was transferred to the Yankton Sioux Tribe from the Benedictine Fathers of Blue Cloud Abby. Since that time, the school has been operated by the Marty Indian School Board of Education. Marty has continuously maintained full academic accreditation with exemplary ratings from the State of South Dakota Department of Education.

In the fall of 1994, Marty entered the Effective Schools Program. Since that time a new mission statement has been adopted which involves parents and staff. A comprehensive survey was completed. In-service training has been held on learning styles and teaching strategies. An in-service concerning centering on the issue of restructuring the school was held for all teaching and dorm staff in August of 1995. A curriculum committee consisting of representatives from the community, tribal education office, administration and teaching staff has been meeting for two years to make curriculum more relevant to students and increase student learning. This last year a Tribal Education Code was adopted by the Yankton Sioux Tribe.

In 1995, the Tribe was presented with the Lyle Richards Memorial Award for exemplary service to Indian children by the South Dakota Indian Education Association. Two middle teacher, Carrie Ackerman-Rice and Cynthia Goter, were named Middle school teachers of the year. Dorothy Kiyukan, the Intensive Residential Guidance Program Director, was named National and State Indian Educator of the year in 1994. Karen White Horse was honored as Home Living Specialist of the Year in 1991 by the National Indian School Board Association.

For the last year, the SET Team (School Effectiveness Team), and Curriculum Committee have been gathering data to assess the direction of the school. The school plans to break ground on a new educational building in the spring of 1996. Plans include incorporation of the latest state-of-the-art technology. Many curriculum changes are needed as the school moves from text based curriculum to outcome based education, with academic and behavioral objectives.

EDUCATIONAL PHILOSOPHY

The educational philosophy of the Marty Indian School has evolved since its inception. The school was founded because the community leaders wanted education for their children to prepare for the changes which they saw coming. The current leaders of the school recognize the acceleration of change in the world in which they live, and hold to the original basic tenet of the founders—the education of their youth is vital to the future of their culture and way of life.

MISSION STATEMENT

The Mission of the Marty Indian School, in partnership with the Yankton Sioux Tribe and its communities, is to offer a safe supportive environment: to provide intellectual, social, and cultural values needed to prepare our students for a multi-cultural Circle of Life; and to instill self discipline and respect for self and others.

EDUCATION

We believe that Marty should serve the educational needs of all students. The educational needs of the students include self-development in spiritual and moral values, in intellectual insight, emotional stability, effective human relations, and physical fitness. A special need of Marty students is the awareness, understanding, appreciation and enrichment of their nature culture, and being free of alcohol and other drugs.

We believe that Marty should serve the educational needs of the adult Indians in the area and encourage community involvement in the educational opportunities available at Marty. It is our philosophy that Marty is the educational center for the Yankton Sioux Reservation. We believe that true education on any level is the instilling of the desire for continued learning through the development of a healthy curiosity, active interest, and enlivened ambition.

STUDENTS

It is the philosophy of Marty to provide a safe and secure learning and living environment to Marty students K–12. The objectives are: To assume full responsibility for all students—including their conduct, safety and presence—during the time they are in attendance, in class or residing in the dormitories; and to provide accountability standards by establishing and enforcing adequate student check out procedures.

COMMUNITY

It is the responsibility of Marty that the operation of Marty is the responsibility of the Indian people themselves. We believe that the successful operation of Marty depends on the quality of service and the dedication of the people who administer the various programs at Marty. We also believe that Marty is the social service center the people of the area, and the facilities and personnel of Marty are valuable resources for effective educational projects and human relations program.

Objectives for the betterment of student dormitory life are: to provide training programs to the dormitory staff by developing a regular course of instruction and a comprehensive in-service schedule in which each staff member will learn the necessary techniques in providing a safe domiciliary environment.

SCHOOL COMMUNITY

Marty has as its goal the total education of its students at Marty and the self-improvement of the people in the local area. In order to accomplish this goal, objectives are delineated in regard to education: Marty will maintain an accredited school for grades K–12. As facilities and staff are available, the specific needs of Indian students will be served.

NPS GATEWAYS FUNDING

Mr. SARBANES. Mr. President, I would like to engage the distinguished manager of the bill in a colloquy concerning the funding for National Park Service natural programs and the Rivers and Trails Conservation Assistance Program.

It is my understanding that the FY 98 Interior Appropriations Bill provides an increase of $1 million for the RTCA program, and that the Committee has directed that this increase be specifically applied to activities within the scope of the existing program, not to new initiatives.

Mr. GORTON. That is correct.

Mr. SARBANES. In FY 97, the committee provided $200,000 from the RTCA account for the National Park Service's Chesapeake Bay Program Office to implement its Chesapeake Bay Action Agenda. The Committee's support enhanced NPS's ability to provide important financial and technical assistance to communities and organizations implementing their watershed protection, heritage area or heritage tourism strategic plans. These projects are terrific examples of community-led conservation, interpretation and preservation efforts that complement other Chesapeake Bay Program activities and illustrate NPS's unique role as a formal participant in the Bay Program.

I note in the Committee report that a number of worthy projects have been mentioned as deserving of continued funding from this program. I would ask the Senator whether NPS Chesapeake Bay Program Office activities would also qualify as a continuing project to receive funding from RTCA.

Mr. GORTON. Most certainly—The project the Senator describes appears to be a good example of the type of work intended to be funded with the additional funding provided by the Committee.

Mr. BYRD. Mr. President, I share the Chairman's observations and encourage the National Park Service to continue its support of this effort.

BLUE PIKE STUDY (USGS)

Mr. SPECTER. Mr. President, I have sought recognition for the purpose of engaging the distinguished chairman of the Interior Appropriations Subcommittee in a brief colloquy regarding the fish known as the blue pike.

Mr. President, the blue pike was officially declared extinct in 1983 under the Endangered Species Act. This highly valued species, prized for food and sport, prospered in Lakes Erie and Ontario prior to its disappearance in these lakes. But recently, I have been made aware of reports from the Erie, PA area that the blue pike can still be found in Canadian lakes. It this is so, we have an exceptional opportunity to bring a species back from the brink of extinction.

Mr. President, I would suggest that the Biological Resources Division of the U.S. Geological Survey consider investigating the existence of the blue pike. The Chairman has shown excellent judgment in recommending a bill which includes a $1 million increase for restoration of the Great Lakes fisheries and habitats in this legislation, and I think this is an appropriate area where this important work can be carried out. I am advised that this study and restoration plan could cost $250,000. This is a small price to pay to realize the economic and environmental benefits this study, if successful, would surely produce. Accordingly, I look forward to working with my colleague from Washington to address the blue pike issue.

Mr. GORTON. Mr. President, I thank the distinguished Senator from Pennsylvania. I agree that the blue pike study deserves thorough consideration by the U.S. Geological Survey.

ENSURING ADEQUATE LAW ENFORCEMENT SERVICES ON THE YANKTON SIOUX RESERVATION

Mr. DASCHLE. Mr. President, Senator JOHNSON and I have recently been informed of two urgent matters on the Yankton Sioux Reservation in South Dakota that require immediate attention. The boundaries of the Yankton Reservation are the subject of an ongoing legal dispute. Although the final status of the case will be resolved in the coming year by the Supreme Court, lower court decisions have already transferred criminal jurisdiction over tribal members within the disputed boundaries of the reservation to the Yankton Sioux Tribe. As a result, the tribe's patrol area has increased from 38,000 acres to 400,000 acres and the number of arrests and detentions by the tribe has tripled. The cost of providing these law enforcement services has correspondingly increased from $56,000 to $308,721. We are informed the tribe is in need of $250,000 to accommodate these increased costs.

Mr. JOHNSON. In addition, the reservation's juvenile detention center is undergoing a much needed, year-long renovation that has required the tribe to find alternative housing for the residents of the facility. The annual cost of placing the up to 20 juveniles the tribe houses per day in alternative facilities will cost at least $400,000. These resources cannot be found within the tribe's existing budget. Absent additional resources, Bureau of Land Affairs [BIA] officials state the tribe will be forced to release some offenders into the community and borrow money in order to incarcerate the most violent offenders.

Mr. DASCHLE. It is our hope that BIA funds can be made available to the tribe for these pressing law enforcement needs during fiscal year 1998. If there is special consideration for the funding requirements of underfunded tribes pursuant to section 118 of this bill, would you agree that the BIA should consider providing up to $650,000 to the Yankton Sioux Tribe for these purposes?

Mr. BYRD. I agree that these are two serious problems. The Yankon Sioux Tribe is struggling to maintain adequate law enforcement services and provide housing for juveniles in the criminal justice system. If additional funds are available through the TPA program, then the tribe is encouraged to identify these requirements as a priority in its allocation of funds.

Mr. GORTON. I agree as well. I recognize that funds are not available in the tribe's existing budget to accommodate these responsibilities. It is clear that alternative housing must be provided for juveniles in the criminal justice system while the existing detention facility is being renovated. These additional requirements should be considered in the allocation of TPA funds.

Mr. JOHNSON. I thank the chairman and the ranking member for their assistance.

Mr. DASCHLE. I thank the colleagues for their attention to this important problem, and ask unanimous consent that a letter from Timothy Lake of the BIA providing additional details about these problems be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
YANKTON AGENCY,
Wagner, S.D., September 11, 1997.

Senator TOM DASCHLE,
317 Hart Senate Bldg.,
Washington, DC.

DEAR SENATOR DASCHLE: This is in response to your request for information as it relates to the existing reservation boundary decision and its impacts on juvenile and adult detention.

First, the decision created an increase in Federal and Tribal jurisdiction. Prior to June, 1995, we were exercising criminal jurisdiction on 38,000 acres of trust land. The State of South Dakota was asserting its jurisdiction on all fee lands within the boundary. The reservation boundary consist of 400,000 acres of land. Since June 1995, we have been exercising jurisdiction over all Indians within the 400,000 acre reservation. As you can see, our area has increased 10 fold. Much of the crime is committed in the cities of Wagner, Lake Andes, Dante and Pickstown. These cities were previously handled by city and county law enforcement.

Our adult prisoner care is contracted with Charles Mix County, and Lower Brule Agency. To illustrate a impact is to look at the previous year before the decision from June, 1994 to June 1995. We had a total of 672 arrest and prisoner detention cost of $56,000.00. The first year after the decision (June 1995 through June 1996) shows us arresting 2,078 and detention cost of $308,721.00. Another interesting illustration is the road miles we previously patrolled. The BIA had 22 miles and now we patrol 314 miles within the reservation.

The Yankton Sioux Tribe was operating a juvenile hold-over facility that was not intended for long term juvenile detention but turned out that way. The Tribe was fortunate to receive a grant (1.3 million) from the Justice Department to renovate their hold-over facility to an approved juvenile detention center. The Tribe was incurring the expense at $250,000.00 per year to house juveniles.

Because of liability concerns, lack of funding, and the renovation project, the Tribe closed the facility at the end of August. The facility should be fully approved and operational by October 1998. We now have no where on the reservations to house juvenile offenders. I have made arrangements with the juvenile detention facility at Kyle, South Dakota. They will house ten of our juveniles at a rate of $50.00 per day per juvenile. This equates to a cost of $182,500.00 per year. The daily average of juveniles that the Tribe was holding in their hold-over facility was 20.

I will need to locate another juvenile facility to hold the balance. I am sure the cost to house the remaining juveniles at another facility will be more costly than the Kyle, SD facility. We must also deal with the time, manpower and vehicle cost to run these juveniles to Kyle and wherever. It is easy to see that we can spend $400,000.00 a year on juvenile detention. Once the Tribe's renovation project is completed, we must begin to pay the cost to house our juvenile offenders at their facility.

There are four (4) full-time FIA police officers at this agency. The Yankton Sioux Tribe was successful in securing six (6) additional officers through the Justice Department COPS Fast program. However, COPS fast funds can only be used for salaries so we have to provide these officers with equipment as well as vehicles to patrol.

As the Yankton Sioux Tribe has communicated to you, the Tribal Priority Allocation (TPA) process does not allow for such a large increase to our law enforcement program. We can not maintain our fiduciary responsibility by decreasing all reservation programs by $650,000.00 and increasing law enforcement by this amount. The whole reservation TPA budget for fiscal year 97 if 1.6 million. The Tribe will need these funds added to its TPA base.

I hope I have answered your inquiry to your satisfaction. I appreciate the interest that you have shown on the impacts of the reservation boundary decision.

Sincerely,

TIMOTHY C. LAKE,
Superintendent.

BUREAU OF INDIAN AFFAIRS FUNDING FOR THE NORTHWEST INDIAN FISHERIES COMMISSION AND OTHER ISSUES

Mrs. MURRAY. Mr. President, much tribal management of salmon resources in western Washington State is conducted through the Northwest Indian Fisheries Commission. Historically, the Commission received its funding directly from the Bureau of Indian Affairs under the Western Washington—Boldt Implementation and Pacific Salmon Treaty accounts under trust accounts. Beginning five years ago, however, a portion of these monies was re-routed for administrative purposes within the BIA system, passing through the Tribal/Agency Operations, Tribal Priority Allocation line item in the BIA appropriation. This system worked fine for several years, but funding reductions to Tribal/Agency Operations in recent years have resulted in an approximately 13 percent cut to these accounts. Now these funds are being rerouted back to the original line items of Western Washington—Boldt Implementation and Pacific Salmon Treaty in the trust accounts, but at the reduced level.

Since both the Western Washington—Boldt Implementation and Pacific Salmon Treaty accounts were only included in the Tribal Priority Allocations system for administrative, pass-through purposes, it is inappropriate for these line items to be continued at only the reduced level. Full funding for these accounts should be restored. Congress did not reduce funding for the trust accounts. In addition, Congress has annually adopted the Pacific Salmon Treaty budget as developed by the U.S. Section of the Pacific Salmon Commission, and at no time has this funding been reduced. Also, within the FY–98 funding levels, Tribal Priority Allocations are being restored, but not the Western Washington—Boldt Implementation or Pacific Salmon Treaty funds. These factors provide significant justification for restoring these subject funds in the FY–98 budget. While the trust account budget is now set, the BIA may utilize appropriate funds from another account, such as Tribal Priority Allocations, to fully fund these important programs of the Northwest Indian Fisheries Commission.

Mr. GORTON. Mr. President, I agree, the BIA should have the ability to restore funding for the Western Washington—Boldt Implementation and Pacific Salmon Treaty accounts from Tribal Priority Allocations. In addition, I suggest that the BIA and the Department of Interior modify their budget proposal for the next fiscal year to ensure that the trust account includes full funding for Western Washington—Boldt Implementation and Pacific Salmon Treaty.

Mrs. MURRAY. Mr. President, the House Committee Report (105–163) for the Interior Appropriations bill recommends that within the $3,000,000 provided for the ''jobs in the woods'' initiative under non-recurring programs, Operation of Indian Programs, $400,000 should continue to be used by the Northwest Indian Fisheries Commission for the Wildstock Restoration Initiative. Although the Senate Committee Report does not mention this account, does the Chairman of the Subcommittee, the distinguished Senior Senator from Washington, agree with the guidance of House Committee Report?

Mr. GORTON. The ''jobs in the woods'' initiative is an important program for displaced timber workers in western Washington. The Wildstock Restoration Initiative is a key component of the overall initiative. I will support efforts in the Conference Committee to secure funding for the Wildstock Restoration Initiative.

Mrs. MURRAY. Mr. President, the Senate Committee Report on this appropriations measure directs the Bureau of Indian Affairs on page 52 of the report to include a private sector representative on the BIA task force to implement recommendations of an Inspector General's audit of the Wapato Irrigation Project on the Yakama Indian Reservation. In addition to this representative, it was the Chairman's and my intention to also include a representative of the Yakama Indian Nation on the task force.

Mr. GORTON. That is correct. The BIA task force on the Wapato Irrigation District should include a private sector representative and a tribal representative.

Mrs. MURRAY. Mr. President, I thank the chairman for his cooperation.

KAIPAROWITS COAL BASIN

Mr. HATCH. Mr. President, let me say to my good friend from Washington, Senator GORTON, and the distinguished Senator from West Virginia, Senator BYRD, that it seems to me, in light of the scientific disagreements between the recently conducted BXG findings and the ongoing data collection and analysis by the Utah Geological Survey, there is sufficient reason to revisit the BXG study regarding the Kaiparowits Coal Basin located in the Grand Staircase-Escalante National Monument. Do my colleagues from Washington and West Virginia agree that the significant disparate findings of these studies warrant additional review before the BXG work is accepted as fact?

Mr. GORTON. In view of some of the concerns which have been raised, BLM should consider working with all the experts, including the Utah Geological

Survey, to ensure that there is an accurate reading of the current and future state of the Kaiparowits Plateau coal.

Mr. BYRD. Mr. President. I share the sentiments expressed by the subcommittee chairman.

Mr. HATCH. I thank my colleagues for their responses.

ALLEGHENY NATIONAL FOREST (USFS)

Mr. SPECTER. Mr. President, I have sought recognition for the purpose of engaging the distinguished chairman of the Interior Appropriations Subcommittee in a colloquy regarding the Allegheny National Forest in Pennsylvania.

Mr. President, I would suggest that the U.S. Forest Service consider the possibility of funding the following three projects, all of which would enhance visitors' experiences in the Allegheny National Forest.

The first project is for the construction of a central office in Marienville, Pennsylvania. For more than a decade, the Allegheny National Forest has requested funding to carry out this project. Currently, Allegheny National Forest Service employees work out of two small office buildings, a trailer, and two warehouses located separately from the district office. Construction of a central office will help alleviate additional travel and communications costs as well as improve the efficiencies in work coordination.

The second project involves the rehabilitation of three boat-access campgrounds on the Allegheny Reservoir. These sites were constructed in the 1960s, but they have each outlived their expected life spans. Completion of this project would go a long way to improving access for the estimated 11,800 visitors who use these campsites each year.

The last project concerns rehabilitation of the Buckaloons Recreation Area. This area is located within the designated Wild and Scenic River corridor of the Allegheny River. I am advised that visitors' complaints focus on water facilities, parking, and access to the area. The funds needed for this project would improve the Buckaloons Recreation Area to allow Pennsylvanians and others to more fully enjoy the Allegheny National Forest.

Mr. President, I look forward to working with my colleague from Washington to address these three important funding issues.

Mr. GORTON. Mr. President, I thank the distinguished Senator from Pennsylvania. I am aware of the importance of the Allegheny National Forest to Pennsylvania and I believe that these three projects deserve thorough consideration by the U.S. Forest Service. Accordingly, I intend to work with the Senator from Pennsylvania to secure funding for these important rehabilitation projects in the Allegheny National Forest.

RECREATION FEE DEMONSTRATION PROGRAM

Mr. KYL. Mr. President, I rise to engage in a colloquy with the distinguished Chairman of the Interior and Related Agencies Appropriations Subcommittee and the Chairman of the Subcommittee on Forest and Public Lands of the Energy and Natural Resources Committee on an issue related to the Recreation Fee Demonstration Program. In the first year of operation of Fee Demonstration projects, flaws in the program's application are coming to light. These are flaws that I believe can be corrected through a clarification of the policy articulated by Congress in 1996.

I am generally pleased with the overall results of the Recreation Fee Demonstration Program. As various Fee Demo projects have been implemented, some problems have occurred. Public acceptance of new or higher fees has been enthusiastic in some quarters and hostile in others. However, the program has shown promise overall.

Constituents have brought to my attention the threat of private sector displacement by recreation managers in some National Forests. As private permit terms expire, it appears at some Fee Demo sites there is an intent to discontinue reliance on the private sector for delivery of recreation goods and services. In other instances, the agencies are choosing to go into direct competition with the private sector. The Forest Service will now be offering so-called Heritage Expeditions, which may evolve as whitewater rafting expeditions, archaeological digs, or expeditions into Indian Country—activities offered in abundance by community recreation programs, outfitters and guides, environmental educators, lodges, marinas and dude ranches throughout rural America.

If this type of activity is allowed under Fee Demo, more and more concessions may likely be taken from private sector operators and placed into the hands of federal employees to operate. At a time when federal employment rolls are being steadily trimmed, new employees will be required at recreation sites to collect fees, perform maintenance, plan and participate in interpretive and recreational activities. I do not believe this was the intent of the Fee Demonstration Program.

This problem seems to be developing in other states. We need to send a clear message to the land management agencies involved in the Fee Demo project that Congress did not authorize this program to enable the agencies to displace or discourage existing and future investment by the private sector.

Mr. CRAIG. Mr. President, I concur with my colleague from Arizona. Idaho has experienced similar problems with implementation of the Recreation Fee Demonstration Program in this first season of operation.

My colleague, the gentleman from Arizona, has identified a serious problem: use of Fee Demo authority to put the government into direct competition with the private sector. It has happened in Idaho under Fee Demo this summer, and I appreciate the gentleman's effort to bring this unfortunate development in the implementation of the Fee Demo program to the attention of our colleagues in the Senate.

It was on the Wild and Scenic section of Idaho's Snake River in Hell's Canyon that the Forest Service conducted a pilot Heritage Expedition trip in July. The Heritage Expedition element of the Fee Demo program will be conducted regionwide next year in the Pacific Northwest and in the Southwest Regions of the Forest Service, and I'm told that the concept may be adopted nationally in the very near future.

Essentially, the new Heritage Expedition initiative puts the Forest Service into direct competition with an adventure travel industry that is already highly competitive. Dozens of these businesses compete with each other at every primary tourist destination in the country. Thousands more have invested private capital to create and sustain unique market niches on the fringes of the National Park System, or tucked away in some remote corner of the National Forest.

At Hells Canyon, the demand for access to the river and along trails and limited camping facilities is very competitive and increasingly difficult for resource managers to resolve. Environmentalists hold strong views that the river corridor is being trampled by boaters and hikers. Boaters cling tenaciously to levels of float boat and jetboat use that have increased steadily over decades. The Forest Service has to date been entirely unable to reduce conflicts between these various users groups, let alone soften the shrill cry from those who would radically reduce use altogether. Congress has stepped in to arbitrate a portion of these issues, and the situation is now the subject of rather heated congressional hearings.

In pricing and advertising a whitewater Heritage Expedition through Hells Canyon last July, the Forest Service executed an extraordinary piece of business. It advertised a ''deluxe, fully catered'' whitewater and camping trip in which the fourth night would be spent ''in the luxury of'' a historic lodge. The four-day trip was offered, and I understand fully booked, for the ''fee'' (the agency's term of choice) of $1,740.

The Forest Service did use the services of a river outfitter in conducting this trip and spent the final night at a commercial inn. There may have been other director costs not evident from the agency's advertisment of this trip in the Internet. But, I do not believe that this is what we contemplated when we approved the Fee Demonstration.

It's important to note that a commercial operator in Hells Canyon would not be allowed by Forest Service river managers to charge the public such an exorbitant fee, no matter what amenities were tacked onto the basic outdoor experience.

It was advertised by the Forest Service that a portion of its fee would directly fund ''preservation, protection, and future management of Hells Canyon's irreplaceable heritage resources.'' When the job of analyzing this initial pilot Demo Fee program is complete, it be important to know how much agency staff time and support costs were diverted from normal responsibilities in order to plan, package, market and conduct this trip.

Mr. President, I agree with my colleague from Arizona. Such activities as running expeditions were not what was intended when we approved the Fee Demonstration Program.

Mr. GORTON. I thank my colleagues for bringing this matter to the Committee's attention. In a letter to Regional Foresters on February 25, 1997, Forest Service Chief Dombeck clearly stated that the Fee Demonstration is not intended to displace concessionaires. That was clearly not the intent of this Committee when we passed the Fee Demonstration Program. I thank the gentleman for calling this to the attention of the Committee.

Mr. DORGAN. Mr. President, Senator BURNS and I see the distinguished chairman of the Subcommittee on Interior Appropriations on the floor and we would like to engage him in a discussion regarding assistance from the Department of Energy (DOE) to help finance the construction of a pipeline to transport carbon dioxide (CO2) now produced as a waste gas at the Great Plains Gasification (Great Plains) plant near Beulah, North Dakota to existing oil fields to be used for enhanced tertiary oil recovery.

Mr. GORTON. I will be happy to discuss this matter with my colleagues.

Mr. DORGAN. We thank the Chairman. This project will enhance tertiary oil recovery efforts in North America which will help the United States and Canada secure greater energy independence from foreign oil. It is also critical to the long-term operation of Great Plains, which has been a priority for the federal government since it sold the plant to the Dakota Gasification Company in the late 1980s.

The financial assistance Senator BURNS and I are proposing would consist of a loan from funds currently available to DOE in a Great Plains trust fund. DOE staff has reviewed the details of the CO2 project and the Department believes that a loan is appropriate if so directed in an appropriations bill.

Is the Chairman willing to work with us and the House conferees to include Statement of Managers language in the conference agreement that permits DOE to provide such a loan at reasonable terms to the owners of Great Plains and to the government?

Mr. GORTON. I am unfamiliar with the details of the proposed CO2 project, but I can assure my colleagues from North Dakota and Montana that I will work with you, Senator BYRD and the House conferees to include Statement of Managers language allowing the Department of Energy to make a loan to the owners of Great Plains for the CO2 project, provided the project is consistent with our country's overall energy and environmental policy objectives and is worthy of federal support.

Mr. DORGAN. I wish to thank the Chairman for his cooperation.

Mr. BURNS. I am also supportive of this loan for the construction of a pipeline to transport the excess CO2 from the Great Plains Gasification plant to existing oil fields to enhance tertiary oil recovery. Some portions of these fields lie within the boundaries of my state of Montana, and would assist with the economic development of this area. I would like to thank both the Chairman and my colleague from North Dakota for working with me to reach some sort of understanding on the importance of language in the conference report.

REGARDING THE US FOREST SERVICE ROCKY MOUNTAIN RESEARCH STATION

Mr. BENNETT. Mr. President, the chairman knows, the Forest Service recently completed the consolidation of the Intermountain and Rocky Mountain Research Stations in Fort Collins Colorado. I had some serious reservations with this consolidation, but in the interest of reducing the federal budget, I reluctantly agreed to allow the consolidation to proceed. Allow me to share with my colleagues what some of those concerns were.

I was concerned that the proposed merger would actually produce the cost savings promised by the Forest Service. I was further concerned that any administrative savings would be offset by increased travel costs of staff traveling to Fort Collins. And since the consolidated center would be responsible for providing research for approximately 60 percent of the nation's forest lands, I was particularly concerned that the new center would have the ability to provide quality services to my constituents once consolidation removed the administrative process one step further from Utah. Finally, I was most concerned that the employees currently stationed in Utah would be jeopardized by consolidation. While I received numerous assurances that no positions will be eliminated in Utah due to consolidation, it was still unclear that the employees based in Utah would continue to have substantive research responsibilities.

As I mentioned, despite these reservations, I reluctantly concluded that the merger should proceed. I sought your assurance that the Committee would revisit the consolidation next year to determine if the promised benefits and savings have indeed been realized. If these savings have not been met, I requested that the committee take the appropriate action to rectify the situation. Is it still the Chairman's intent to revisit the consolidation?

Mr. GORTON. I recall the Senator from Utah raising these issues in a letter to me last March. I again say to him that the Committee remains concerned that the estimated savings provided by the Forest Service may well not be achieved. It would be an unfortunate waste of taxpayer dollars to have permitted this consolidation to go forward if the Forest Service fails to reach the savings promised. The Committee would be happy to revisit the consolidation issue next spring during the hearing process.

Mr. BENNETT. I thank the Chairman for his efforts.

NEWFOUND GAP ROAD

Mr. FAIRCLOTH. Mr. President, I wish to enter into a colloquy with Chairman GORTON about Newfound Gap Road in western North Carolina. The National Park Service is responsible for the maintenance of this road, which runs through Great Smoky Mountains National Park, and it is the major route for many residents of the area. The road reaches elevations of 5,000 feet, so there is substantial snowfall in the winter, and I am concerned about the snowfall removal effort from the NPS. The road was closed on 42 days over the 1995–96 winter, and it was closed on 13 days over the 1996–97 winter, but the last winter was exceptionally mild. The NPS pledged increased efforts, but I am unaware of real changes in their methods, and I am concerned about prospects for this winter. Is the chairman aware of these problems?

Mr. GORTON. I am well aware of this issue. The Great Smoky Mountains National Park received a $1.06 million increase for Fiscal Year 1997 and a $400,000 increase for fiscal year 1998. This is a large amount of money, and I expect it to be well spent. This committee is reluctant to seize the management prerogatives of the NPS, but I want to ensure that this road is maintained for the people of western North Carolina, and is available for use for as many days as reasonably achievable. The House and Senate Appropriations Committees have previously expressed concern about Park Service maintenance of this road, and I expect the Service to be responsive to our concerns.

Mr. FAIRCLOTH. I am pleased to hear that the Committee understands the importance of this issue. The NPS expects to spend a lot of money for personnel costs, but I don't see evidence of a real commitment to increased maintenance of Newfound Gap Road. The NPS produced a plan last year to answer our concerns, but it was a superficial document that offered little encouragement, so I am glad to hear the chairman state that he expects NPS to be more responsive. This is important to the community, and I hear support for these people, but the NPS will need to take concrete steps to resolve this issue. The NPS cannot use salt on this road because of environmental concerns, so it needs to look at new equipment such as motorgraders, but I do not hear much about that. Robert Stanton, the new NPS director, told

me that he is eager to work with us. He is a good man, and I am confident that he will make some changes, but the NPS budget plan for the Great Smoky Mountains National Park concerns me.

Mr. GORTON. The Park Service has ample flexibility to consider equipment purchases if that is necessary for proper maintenance. The Director is aware of the problem and I encourage him to remain attentive to the situation so that this road remains open as much as possible through the winter.

MICHIGAN LAKES AND STREAMS

Mr. ABRAHAM. Mr. President, I rise today to speak in support of the acquisition of 7600 acres of private land located in Michigan's Huron and Manistee National Forests by the U.S. Forest Service.

As the result of a settlement between the State of Michigan and one of Michigan's power companies, 11,000 acres of the utility's land are being—or have been—transferred to the Great Lakes Fisheries Trust. The trust is a coalition of the State's environmental agencies and several conservation groups which was established as part of the settlement and is authorized to sell these lands in order to capitalize a trust fund that will support projects to restore the Great Lakes fishery.

Approximately 7,600 of the settlement acres lie within or along the boundaries of the Huron-Manistee National Forest, and a significant portion are located along the popular Au Sable and Manistee Rivers. Both these rivers boast some of the State's best fishing. The acquisition of these parcels by the Forest Service would ensure the protection of the water and forests and species located within them.

Mr. LEVIN. If my colleague would yield for a moment, it is my understanding that the bill appropriates $700 million from the Land and Water Conservation Fund [LWCF] for land acquisition which have been set aside for a variety of projects, some of which will be identified after consultation with the administration and the House. I believe approximately $285 million of those funds have not been designated for specific projects.

Mr. ABRAHAM. The senior Senator from Michigan is correct. These funds have been budgeted but have not yet been earmarked for specific purchases.

Mr. LEVIN. If my colleague will yield further, I think it is also important to point out that the sale of these inholdings by the Great Lakes Fishery Trust will help generate funds for fishery enhancement programs and preserve critically important frontage along rivers that flow into the Great Lakes. If, however, these lands are not purchased quickly, then the Great Lakes Fisheries Trust could face significant costs, including taxes and administrative fees. Such costs would put the trust in the uncomfortable position of either having to sell these lands commercially or paying these costs and thereby reducing the flow of funds destined for financing improvements in the Great Lakes fishery.

Mr. ABRAHAM. My colleague is again correct. the Great Lakes Fisheries Trust and the Forest Service have a great opportunity to protect some of Michigan's pristine natural resources. Unfortunately, if we do not act soon, this opportunity will quickly slip away.

Mr. GORTON. Will the Senator from Michigan yield for a question?

Mr. ABRAHAM. Mr. President, I would be happy to yield to the distinguished Senator from Washington.

Mr. GORTON. Can my colleague tell me whether the U.S. Forest Service has expressed an interest in purchasing these lands?

Mr. ABRAHAM. Yes, the Forest Service has expressed its desire to purchase these acres. I understand that this acquisition is on the Forest Service's priority list.

Mr. GORTON. I thank the Senators from Michigan for bringing this to my attention. I understand how important this issue is to them both and will give it due consideration as the conferees consider Federal land purchases during the conference.

Mr. ABRAHAM. Mr. President, I wish to thank the distinguished subcommittee chairman for his consideration and hard work in support of this Nation's parks, national forests, and wildlife refuges.

Mr. LEVIN. I appreciate the Senator's consideration and my colleague from Michigan's efforts and interest on this matter. Also, I want the chairman and Senator BYRD to know that I have communicated our interest to the administration and urged that this item be put on their priority list.

CHICKAMAUGA-CHATTANOOGA NATIONAL MILITARY PARK HIGHWAY ROAD RELOCATION PROJECT

Mr. COVERDELL. Will the distinguished chairman of the Senate Appropriations Subcommittee on Interior yield for a question?

Mr. GORTON. I would be happy to yield to the senior Senator from Georgia for a question.

Mr. COVERDELL. As the Senator well knows, Federal funding for the Chickamauga-Chattanooga National Military Park highway road relocation project is very important to myself and the State of Georgia. Your previous support for this project has been especially helpful and appreciated. I note that in the fiscal year 1998 Interior Appropriations Committee report, on page 38, it states ''that the Park Service intends to allocate $2.8 million in fiscal year 1997 to continue work on the Chickamauga-Chattanooga National Military Park highway road relocation project, and that additional funds will be allocated in fiscal year 1999 from Federal Highway Lands Program funds.'' In addition, the report also states that ''the committee supports efforts to complete this project in fiscal year 1999.''

I appreciate the subcommittee chairman's interest in this important issue. However, I am concerned that it appears that no funding will be allocated for this project in fiscal year 1998. This has been an ongoing road construction project and any further delay in its completion will cause additional burdens to my State. It is my understanding that the Park Service has made assurances that it will provide at least $8.85 million in fiscal year 1998 from its Federal Highway Lands Program funds. Is the Senator aware of these assurances made by the Park Service?

Mr. GORTON. Yes. I am aware that the Park Service has indicated that it will provide an estimated $8.85 million in fiscal year 1998 from its Federal Highway Lands Program funds to continue work on the U.S. Highway 27 bypass around the Chickamauga-Chattanooga National Military Park in Georgia. The Senator should be aware, however, that the current authorization for FLHP expires with ISTEA on September 30, 1997, so any allocations for fiscal year 1998 are dependent upon enactment of a new authorization and evaluation of the total funding allowed.

Mr. COVERDELL. If the subcommittee chairman would further yield, it is my understanding that the House's version of the fiscal year 1998 Interior appropriations bill includes report language which reflects the Park Service's assurance and sets aside a minimum of $8.85 million for this project. I believe it is critical there be no further delays in completion of this project or gaps in funding from the Park Service. Would the chairman be inclined to include language similar to the House in the conference report to the fiscal year 1998 Interior appropriations bill?

Mr. GORTON. I would be happy to work with the senior Senator from Georgia on this issue. I realize how important the Chickamauga-Chattanooga project is to you and the State of Georgia. I appreciate all your hard work and diligence on this project.

Mr. COVERDELL. I thank the chairman for his help. I yield the floor.

RENOVATION OF MONTEZUMA CREEK HEALTH CLINIC

Mr. BENNETT. I thank the distinguished Chairman, Senator GORTON, for his support on a matter of particular importance to the Utah Navajo population of San Juan County. The issue involves the Montezuma Creek Health Clinic in Montezuma Creek, UT.

For nearly 3 years, my colleague Senator HATCH and I have worked together to improve the delivery of health care services to the residents of San Juan County. This area is located in an extremely remote part of southeastern Utah and is the home of approximately 6,000 Navajos. The Montezuma Creek Clinic is very important to this rural community. However, the existing facility is in extremely poor condition and has undergone numerous repairs. The clinic comprises a patchwork of a mobile trailer connected to a permanent structure which is approximately 40 years old.

In an effort to make improvements to the clinic, the committee provided

$100,000 for planning and renovation of the existing structure. These funds will be matched by the State of Utah and the Utah Navajo Trust Fund that collectively will provide at least $300,000 for renovation of the facility. However, I do have a question for the Chairman regarding the intent of the committee report language with respect to how these funds can be spent.

Mr. GORTON. I would be happy to provide a clarification.

Mr. BENNETT. The committee report language on page 98 states: ''The Committee does not intend for any of these funds to be used for facility or program [expansion], but rather, for improvement of existing conditions.'' My concern is over the word ''expansion.'' As a practical matter, the renovation of the facility may result in an expansion of the overall structure. This is especially apparent since the clinic is partially housed in a temporary structure and replacing it may, in fact, increase the overall square footage of the clinic. They clinic's staff also informs me there is a critical need to increase the size of the emergency room as well as add additional examination rooms in order to handle the current heavy caseload. Moreover, in order to comply with Federal and State building codes, some expansion of the facility will be needed. Clearly, these measures are designed to accommodate existing services and, as such, should not be viewed as an expansion per se.

Mr. GORTON. I understand the Senator's concerns. The committee intends that the funds are used toward the design and construction of renovating and improving the existing facility. Making improvements to accommodate existing services is certainly acceptable. Such measures would include replacing temporary housing with a permanent addition as well as enlarging the emergency room, or adding examination rooms. The use of the word expansion in the committee report was used to indicate that the committee cannot ensure that additional funding—beyond what is currently provided in this bill—will be provided by virtue of facility improvements being made at this location. If additional costs are anticipated because of a larger facility than presently exists, the committee will consider these needs but can make no guarantees.

Mr. BENNETT. I understand the Chairman's position. The funds provided by the committee are a positive step in improving the conditions at the Montezuma Creek. I think my colleague for the clarification and, once again, appreciate his support for this important project. I also want to thank Senator HATCH for his support and work on this project.

Mrs. BOXER. Mr. President, increasingly frequent catastrophic die-offs of fish and waterfowl at the Salton Sea have led experts to conclude that the entire ecosystem is in crisis and could perish in the next five to ten years unless dramatic measures are taken. The crisis has dire implications for migratory birds on the Pacific Flyway because the Salton Sea is a critical stop for species migrating along the Pacific Coast. Urgent scientific research is underway, but scientists have not yet identified the cause of the environmental crisis. The area's agriculture, wildlife, water usage, and environmental health systems are in jeopardy.

Another massive die-off is occurring now. Previously, the U.S. Fish and Wildlife Service and the U.S. Geological Survey worked in partnership with the California Department of Fish and Game to deal the diagnosis of dead species, rehabilitation of sick birds, and the disposal of carcasses to avert the spread of disease. Unfortunately, just a few weeks ago, California withdrew most of its field personnel due to costs and concerns about the potential health threat to state field personnel. California's withdrawal has resulted in a significant increase in the workload of an already undersized federal staff at the Sea.

I therefore ask the Chairman of the subcommittee to work with me to include the following report language in conference.

Spurred by the accelerated rate of species decline at the Salton Sea, the Committee directs the Secretary of the Interior to create a plan for Department of the Interior activities in the Salton Sea region in Southern California; to submit the plan to Congress no later than April 15, 1998; and to make every effort to consider any preliminary recommendations in the FY 1999 Budget request. The plan should seek to be as comprehensive as possible, and to be compatible with important factors including water transfer plans, environmental restoration needs, economic factors (including agriculture) and the rights of Native Americans. The Department shall develop the plan in cooperation with the State of California and the Salton Sea Authority. In addition the Committee urges the Department to consider the funding needs of the Salton Sea National Wildlife Refuge for operations including laboratory support from the U.S. Geological Survey, supplemental field staff during declared die-off episodes to recover dead and dying wildlife and to monitor wildlife health at the Sea, on-site and remote field hospital operations for sick wildlife from the sea, incineration and disposal facilities for dead wildlife, and for high priority research needs identified by the 1997 Salton Sea Needs Assessment Workshop.

Mr. GORTON. I recognize the importance of addressing the emerging crisis at the Salton Sea. I share your concerns, and will carefully consider this language for possible inclusion in the Statement of Managers accompanying the conference report on the Interior bill. I would note, however, that the funding constraints under which the Interior agencies operate do not allow for agencies to perform tasks that should rightly he the responsibility of the States. Should the conferees request the report suggested by the Senator for California, such report should include a discussion of an appropriate division of responsibilities among the federal government, the State of California, and other relevant agencies.

TECHNICAL CORRECTIONS TO THE UTAH MINER'S HOSPITAL GRANT

Mr. BENNETT. Mr. President, I would like to discuss briefly the technical corrections made in this bill to Section 116 of the Omnibus Appropriations Act for Fiscal Year 1997. I wish to point out to my colleagues that the original language was intended to ratify the State of Utah's legislative decision to allocate all funds generated by two federal land grants for a miner's hospital to the University of Utah in Salt Lake City for construction and support of a physical rehabilitation center. However, the original language inadvertently failed to include the statutory citation of the first of the two land grants for a miner's hospital. The technical amendments correct this omission, clarifying Congress' ratification of the Utah legislature's actions with respect to funds generated from miners' hospital land grants in both 1894 and 1929.

Mr. GORTON. I thank the Senator from Utah for the clarification. Will the Senator briefly outline the history of these land grants?

Mr. BENNETT. Certainly. In the Utah Enabling Act, Congress granted the new State of Utah the right to select 50,000 acres of unappropriated federal lands for support of a miner's hospital for disabled miners. This 1894 grant was supplemented in 1929 by the grant of an additional 50,000 acres. In the late 1950's, the Utah legislature, with the support of the United Mineworkers of America, determined that accumulated funds from these two grants could best be used for the construction of a rehabilitation center that would serve both miners and the general public, rather than for the construction of a standalone hospital for the limited number of disabled miners in the state. This facility was constructed in 1965 and operated under the supervision of an advisory commission that included representatives of the State's mining unions. Subsequent state legislation has provided that ongoing funds generated from the two land grants are to be used to support this rehabilitation center.

Mr. GORTON. Will the Senator explain for the benefit of our colleagues the need for Congressional ratification of the Utah legislature's actions concerning these grants?

Mr. BENNETT. Although the rehabilitation center was constructed with the support of the United Mineworkers of America, and has been open to use by the state's miners, some have questioned whether the Utah legislature was permitted under the Utah Enabling Act to use funds generated from these grants for a rehabilitation center open to both miners and the general public, as opposed to a facility open only to miners. Section 116 of the Omnibus Appropriations Act for Fiscal Year 1997 was intended as Congressional approval of the Utah legislature's actions with respect to use of accumulated and ongoing funds from these land grants.

However, as I have noted, that Act referred only to the 1929 land grant and inadvertently failed to cite the 1894 land grant. These technical amendments correct that omission.

Mr. GORTON. I thank the Senator for the clarification. I am pleased that we can now bring this issue to closure.

Mr. DOMENICI. Mr. President, I rise in support of H.R. 2107, the fiscal year 1998 Interior and related agencies appropriations bill.

I congratulate my good friend, the senior Senator from Washington, for his diligence in fashioning this important appropriations measure. He has done a masterful job throughout the process.

Mr. President, the pending bill provides $13.7 billion in new budget authority and $9.1 billion in new outlays to fund the programs of the Department of Interior, the Forest Service of the Department of Agriculture, the energy conservation and fossil energy research and development programs of the Department of Energy, the Indian Health Service, and arts-related agencies.

When outlays from prior-year budget authority and other completed actions are taken into account, the bill provides a total of $13.8 billion in budget authority and $13.7 billion in outlays for these programs for fiscal year 1998.

I support the bill with the adoption of the manager's amendment to bring the bill within the subcommittee's 302(b) allocation for budget authority. The reported bill is $38 million in outlays under the subcommittee's allocation.

It has been my privilege to serve on the subcommittee with the distinguished chairman. I appreciate the subcommittee's support for several priority projects in my home State of New Mexico.

I support the bill with the exception of the provisions relating to Indian tribes, which I will speak to later in the debate.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee's scoring of the Interior and related agencies appropriations bill for fiscal year 1998 be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

H.R. 2107, INTERIOR APPROPRIATIONS, 1998: SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal Year 1998, $ millions]

	Defense	Nondefense	Crime	Mandatory	Total
Senate-reported bill:					
Budget authority		13,701		55	13,756
Outlays		13,691		50	13,741
Senate 302(b) allocation:					
Budget authority		13,700		55	13,755
Outlays		13,729		50	13,779
President's request:					
Budget authority		13,747		55	13,802
Outlays		13,771		50	13,821
House-passed bill:					
Budget authority		12,980		55	13,035
Outlays		13,382		50	13,432
Senate-reported bill compared to:					
Senate 302(b) allocation:					
Budget authority		1			1
Outlays		−38			−38
President's request:					
Budget authority		−46			−46
Outlays		−80			−80
House-passed bill:					
Budget authority		721			721
Outlays		309			309

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

TIMBER ROAD SUBSIDIES

Mr. MCCAIN. Mr. President, yesterday, I voted against the Bryan amendment regarding timber road construction subsidies. I would like to take this opportunity to explain my reasons for doing so.

First, and most important, I believe the amendment goes too far. I have consistently opposed the current subsidy because I believe it is unfair to use the value of natural resources that belong to all taxpayers to offset the full cost of access roads needed by the timber industry to harvest those resources for their own profit. I agree with the proponents of the amendment that this is nothing more than a handout of federal assets at a loss to the taxpayers.

However, because many of these roads serve dual or multiple purposes, I do not believe it is fair to shift the cost entirely to the timber industry, unless the industry is the only user of the road. This is a position I had clearly staked out in an amendment I offered in late 1995. In that amendment, I proposed to change the current system to require timber companies to pay a fair share of the costs of construction and maintenance of forest access roads. If, for example, the road would be used half of the time for recreation, maintenance or firefighting access, or some other legitimate purpose, then the timber industry would only have to pay for half of road construction. If, however, the road would only serve the timber company, the company would pay the entire cost of construction.

I believe this is a fair means of allocating responsibility for construction and maintenance costs—based on actual use of the road. The Bryan amendment would have gone much too far and unfairly penalized the timber industry.

Second, the amendment would have cut $10 million from the Forest Service budget for road construction and maintenance. Anyone familiar with some of the roads through our nation's forest lands recognizes the need for more funding, not less, for maintenance of existing roads. Even supporters of the amendment pointed out that the Forest Service has a $440 million backlog of road maintenance needs for existing roads.

Many of these roads were built and paid for by the timber industry, and have since been turned over to the Forest Service. Many of them remain multi-purpose roads, providing ready access for the timber industry as well as the public and others to our forest areas. The Forest Service budget for maintenance of these roads is limited, and the Bryan amendment would have cut funding that could be used to maintain existing forest roads.

Finally, the amendment does not adequately protect the counties from a cut in the funding they receive from timber sales. Because the timber industry would be required to fully fund access roads, companies would likely submit lower bids for the timber. County governments rely on revenues from timber sales to maintain their own roadways. Because the money counties receive is based on a fixed share of total timber revenues, a smaller pot would mean less money to the counties. The National League of Counties has written a very strong letter opposing the Bryan amendment.

Let me address briefly the concerns of environmental organizations about the timber access road program. I believe we have to strike a balance in our forest management policy between preservation and production, focusing on healthy, well-maintained forests that will be preserved for future generations.

However, I doubt seriously that eliminating the road construction subsidy for timber companies would result in less logging of our forests. The key to limiting logging and road-building in our forests is a rational, reasonable forest management policy. In fact, because the revenue from timber sales would decline with lower timber bids, our forests could actually be harmed.

The Forest Service would have even less funding to carry out its important preservation and management activities, and those wishing to utilize these roads for recreational access to forest lands would be denied that opportunity.

Mr. President, this amendment was cast as an anti-pork amendment. My commitment to eliminating pork-barrel spending is quite well known to my colleagues, whether it be earmarks in an annual appropriations bill or corporate subsidies. But it is important that we look at the details of this amendment, because it would have had serious consequences for local communities and others who use these roads that I do not believe the authors intended, and which have nothing to do with pork.

Mr. President, for these reasons, I voted against the Bryan amendment. I will continue to pursue elimination of unfair and inequitable corporate subsidies, including the current timber access road subsidy. One mechanism which would help in the effort to eliminate such subsidies is an independent, non-partisan commission to study all corporate subsidies and prepare a package of recommendations for Congressional review and action, and I have authored a bill, S. 207, with several of my colleagues to set up such a commission. And I am prepared to work with Senator BRYAN and my colleagues to craft an amendment to eliminate this inequitable corporate subsidy and put in place a fair and equitable program to share the costs of timber access roads among all users, and to ensure that rural counties already strapped by declines in the timber industry are held harmless.

NEW WORLD MINE

Mr. BUMPERS. Mr. President, more than a year ago I addressed this body to tell my colleagues about a proposed gold mine that posed a major threat to Yellowstone National Park. Crown Butte Mining, Inc. proposed to construct a 72-acre impoundment area with a dam that would be somewhere between 75 and 100 feet high, which would have a plastic lining on the bottom and some sort of a cap on top to keep oxygen away from the 5.5 million tons of tailings from the mining operation that would go into this impoundment area. The purpose of keeping the oxygen away from it is to keep the waste from turning into sulfuric acid. This earthfill dam would be located high about Yellowstone National Park and the Yellowstone River, in one of the most seismically active, earthquake-prone areas of the country. An area where it snows thirty feet a year.

I introduced a bill at the time to withdraw Federal lands from around that mine from further disposal under the mining laws, and to draw attention to this problem. I said at that time that my bill would not legally stop Crown Butte from proceeding with the mine, but that I hoped my bill would discourage them and dissuade them from doing it. I said that I hoped that Crown Butte, as good corporate citizens, would not force the issue and leave us to wonder whether or not this 5.5 million tons of tailings that they proposed to impound there could possibly break loose and pollute the Clarks Fort and Soda Butte Creek, which flows right into Yellowstone National Park.

To their credit, Crown Butte has not proceeded. They recognized that the public wanted to protect Yellowstone, and they were going to have to overcome some fairly significant environmental problems. And they reached an agreement with the administration and with local conservation groups that had sued them, and they agreed to let the United States buy out their interest. They reached that agreement more than a year ago, and the only thing that is required for it to be consummated—for Yellowstone to be protected from this threat and for the company to receive what they believe is fair compensation—is for us to fund that agreement in this bill.

The Interior Appropriations bill includes $65 million for this purpose. So we have the money to accomplish this goal of protecting Yellowstone National Park.

Unfortunately, as the bill currently stands, it requires further legislation for the administration to actually use the money for that purpose. I hope we dispense with that requirement. The question is simple—do we protect Yellowstone National Park through an agreement which is supported by both the mining company and the National Park Service, and which involves paying the mining company the appraised value of its property? Or do we need to kick this around for another two years, and reward the mining company for being a responsible corporate citizen by saying, ''We've got to think more about this''?

As the ranking minority Member of the Senate Energy Committee, I am very sensitive to that Committee's responsibilities. But it is quite clear that no new law is required for this agreement to be consummated. It involves purchasing private inholdings in a National Forest—something the Interior Appropriations Committee has funded in hundreds of places over the past several years on the authority of existing law.

The question is simple. Do we take the opportunity to save Yellowstone, or throw it away?

I went to Yellowstone when I was 12 years old—breathtaking. I never forgot any part of it, the geysers, the magnificent waterfalls—all of it. Here is the first national park in America. Yellowstone, a crown jewel. To allow a huge industrial development generating hundreds of tons of highly acidic mine waste to threaten to destroy the first national park in America, one of the real crown jewels of the world, not just America, is absolutely unacceptable.

Many times we find that we in this chamber can't agree on some proposal to protect environmental values because there is another side, and a conflict. Here there is no other side. The mining company wants to solve this problem. The conservation community wants to solve this problem. I hope that when we take this matter up in conference, we will drop this requirement for further legislation and simply solve the problem.

WEATHERIZATION AND STATE ENERGY CONSERVATION PROGRAMS

Mr. LEAHY. Mr. President, I want to thank Chairman GORTON for increasing funding for the Low-Income Weatherization Assistance Program and the State Energy Conservation Program from the levels provided in 1997. As a strong supporter of these programs, I am encouraged to see the Senate reverse the disheartening trend of the last few years whereby the programs had been reduced to 50 percent of the 1995 level.

These programs are very important in Vermont, where high energy costs are a stark reality. Last year, Vermont and the entire Northeast experienced a dramatic price spike in heating fuel, twenty-five percent higher than the previous winter. These price spikes hurt all Vermonters, but low-income families carry a greater burden. Energy costs account for fourteen percent of their total income, four-times as much as the average household. The Weatherization assistance program eases this burden by helping families insulate their homes, replace inefficient heaters and ventilation systems and seal drafty windows and doors. One thing Vermont has plenty of is drafty, old houses.

But the Weatherization assistance program is not just about keeping homes warm, it is also about keeping homes safe. The program gives priority to houses with unsafe chimneys and wiring, cracked heating systems, carbon monoxide and combustion air concerns, and faulty mechanical systems. In Vermont, this program is saving lives. Let me share one example with my colleagues. During a routine energy audit at the home of an elderly couple, the weatherization auditor found extremely high and dangerous levels of carbon monoxide being emitted from the gas cooking range. He discovered that when the power goes out, the couple puts a blanket up around the kitchen and uses the cooking range for heat. As it turns out, the couple had been suffering from carbon monoxide poisoning in the dark every time there was a power outage. Through the Weatherization program, the defective valve system was replaced to make the home easier to heat and healthier for the couple.

Finally, the Weatherization and State Energy Conservation programs make economic sense. The Weatherization program returns $1.80 in energy savings for every $1.00 spent on weatherization activities. The average savings per home that participates in these programs is $4,000 annually. Again, these are savings for low-income families who are having to make

the tough choices between heating their homes and feeding their children. These programs also benefit our economy as a whole, by creating jobs in the energy efficient technology industry and in the service sector. In Vermont, for every dollar we spend on energy efficiency, over seventy percent remains in our economy.

I commend Chairman GORTON for his support and look forward to supporting the Senate level in conference as the minimum necessary for these critical programs. As we attempt to make our nation more energy efficient we cannot turn our backs on the programs that actually work and deliver real benefits to real people. Whether these programs are insulating the homes of the elderly, disabled or poor, or helping to reduce energy costs for our hard-pressed schools and hospitals, we need to support these effective programs. I hope that we can have a successful conference in this area.

Mr. BOND. Mr. President, I rise today to commend my colleague Senator GORTON on his amendment to provide kindergarten through 12th grade education funding directly to local educational agencies. Last month, I traveled through my home State of Missouri to discuss education and the importance of parent involvement in their child's education. I strongly believe that parents are the key to educational progress. As I visited with parents, educators, and local school officials, they were in full agreement concerning the education of our children; they need the flexibility to improve the quality of education at the local level without federal intrusion. As responsible parents and educators, the need for our children to be properly educated was a top priority.

Over the last 30 years, federal involvement in education has burgeoned and I am disturbed by the growth of federal involvement in what is constitutionally the right of states: to provide for high-quality, public education. This growth has been a wolf in sheep's clothing: states and localities have been offered additional funding in exchange for adhering to federal rules and regulations. The result has been that local school officials, who are directly accountable to parents, have experienced increasingly less control over education.

The Gorton amendment gives local schools and States what they have been requesting for years: the flexibility to develop challenging academic standards and programs that works in each locality. States and communities are where the action should be in designing standards and programs. It is at those levels that disputes are most likely to be resolved and important local priorities recognized. We must return to the traditional role of education and reduce federal control.

States and local school districts are making great strides in educating our young people; however, the federal government cannot continue to impede their ability to provide a high-quality education which they are perfectly capable of doing. The Gorton amendment sends us in the right direction, allowing both parents and educators to work together for quality education. It is bringing education back where it belongs: at the local level. We have lost too much already by the impositions of the federal government, and it is time to remedy this problem to prepare our children for the 21st century.

This amendment will ease regulations that prevent teachers, school administrators, and parents from doing what is best to improve their schools. Our goal is to ensure that our children are equipped with solid academic basics, which is learning to read, write, compute, think, and speak. There is no need to reinvent the wheel because we know what works and that is parents, teachers, and local communities working together to find local solutions to local problems to educate our children. We know that our children could be doing better and I want to ensure that local schools have every possible resource to make that happen.

Mr. President, the Gorton amendment will help strengthen our educational system by increasing local school district's flexibility and funding to improve the quality of education for our children. I am proud to support this amendment and urge my colleagues to adopt this provision in conference.

NATIONAL ENDOWMENT FOR HUMANITIES

Mr. JOHNSON. Mr. President, I rise today to express my strong support for the National Endowment for Humanities (NEH). While I am aware of the national importance of the NEH, I am particularly supportive of continued federal funding for NEH because of the regular and critical funding my state of South Dakota receives. Grants from NEH are vital to the people of my state in preserving the rich and unique cultural heritage of South Dakota and the surrounding great plains states.

NEH programs exemplify the type of federal-state-local partnerships that have traditionally fostered a collective dedication to cultural and historic education. The NEH gives state humanities councils the necessary freedoms to meet local education needs. In the last five years, institutions in South Dakota have received roughly $2.7 million from the NEH and the South Dakota Humanities Council for a variety of library programs and exhibits, literary publications, and cultural heritage visitors centers.

The South Dakota Humanities Council relies on the NEH for 90 percent of its funding. That support goes directly to schools and small communities for projects like ''Calamity Jane: The Woman and the Legend'' produced by the Deadwood Historic Preservation Commission, and ''Lakota: Language, History, and Culture'' at the Bonesteel Fairfax School. At the same time, broader educational projects continue the literary legacy of many of this nation's most acclaimed authors and long time South Dakota residents, including Laura Ingalls Wilder, who gave us the ''Little House'' series, and L. Frank Baum, author of the classic ''The Wonderful Wizard of Oz.'' This year, South Dakota celebrated Baum's work with the Wizard of Oz Festival in Baum's hometown of Aberdeen. This festival bloomed into a statewide, year-long celebration, including reading programs in public schools, travelling educational programs, and symposiums involving scholarly interpretations of Baum's work at state colleges and universities. This far reaching festival celebrating Frank Baum's literature was made possible through several NEH grants.

The many NEH-funded heritage fairs and events held throughout my state every year are endorsed by the South Dakota State Arts and Humanities Councils, as well as state and local tourism authorities. Recently, the South Dakota State Humanities Council received one of only two national awards presented at the National Conference of State Humanities Councils for the Oscar Michaux Festival'' held in Gregory, SD. These and countless other worthy public education programs will disappear in my rural State, and the creativity behind this type of education programming will be thwarted if efforts to gut or eliminate the NEH continue.

Although the United States provides far less public support for the humanities than we spend on military bands, the NEH continues to play a critically important role in improving the quality of life in rural areas, such as South Dakota. I will continue to support Federal funding for the humanities because of the NEH's very positive assistance to cultural and historic organizations and schools throughout America.

LOW-INCOME WEATHERIZATION PROGRAM

Mr. D'AMATO. Mr. President, I would like to engage my colleague from Washington in a colloquy on the importance of the Low-Income Weatherization Assistance Program and the State Energy Conservation Program to the people of New York, as well as the entire country.

Mr. President, I would first like to acknowledge the fact that Chairman GORTON has crafted a good bill under difficult circumstances. This bill combines a number of different agencies and functions within a tight budget cap, and I appreciate his effort to balance these different needs.

Mr. President, the Weatherization Program upgrades the energy efficiency of the homes of the poor, elderly, and disabled in this Nation. This is important in warm and cold climates alike, providing people with long-term solutions to housing affordability. This program is highly effective with low administrative costs. The State Energy Conservation Program permits States to target energy programs in all sectors of the economy, from making schools and hospitals more energy efficient to promoting alternative motor

fuels and renewable energy. This program is highly leveraged with large amounts of State, local, and private funding. As the country moves forward to restructure the electric industry, these two programs will be all the more important to meet the needs of low-income families.

Mr. President, the committee's bill provides $5 million more than the House-passed bill for weatherization and $1.1 million more than the House for the State Energy Conservation Program. I would like to urge Senator GORTON to stand firm in support of the Senate numbers in conference with the House.

Mr. GORTON. Mr. President, I appreciate the kind remarks of my colleague from New York. I would like to assure him that I will seek to uphold the Senate position on the weatherization program and the State Energy Conservation Program in conference. I appreciate the help and interest of the Senator from New York in these two important programs.

Mr. D'AMATO. I thank the chairman.

Mr. LOTT. Mr. President, I think we are ready now for final passage on the Interior appropriations bill. I thank all the Senators for their cooperation. I'm sorry it took so long to get to this point.

Senator DASCHLE and I have been working on a unanimous-consent agreement that would allow us to pass this bill and to get an understanding of how we will proceed on the FDA reform.

UNANIMOUS-CONSENT AGREEMENT—S. 830

Mr. LOTT. Mr. President, I ask unanimous consent that following the filing of the cloture motion on the FDA bill tonight, Senator KENNEDY be recognized for debate only for up to 1 hour, and the pending Harkin amendment be temporarily laid aside until Tuesday, September 23.

I further ask that when the Senate reconvenes on Friday, all time from adjournment on Thursday and reconvening on Friday count against the 30-hour cap postcloture.

I further ask that the Durbin amendments Nos. 1139 and 1140 be in order on Friday and limited to 30 minutes each, equally divided, and the votes occur in a stacked sequence at 9:30 a.m. on Tuesday, September 23, with 2 minutes for debate between each vote.

Further, I ask unanimous consent that the time between 9:30 a.m. and 10:30 a.m. on Friday be under the control of Senator KENNEDY for debate only, and when the Senate resumes consideration of FDA on Tuesday, September 23, that 5 hours remain postcloture to be equally divided, and following the stacked votes, Senator REED of Rhode Island be recognized to offer his amendment No. 1177 and all other provisions of rule XXII remain in status quo.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Therefore, in light of this agreement, the next vote tonight will be the last vote this week. The next votes will occur at 9:30 a.m., Tuesday, September 23.

I yield the floor.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. GORTON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays having been ordered, The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Iowa [Mr. HARKIN], the Senator from New York [Mr. MOYNIHAN], and the Senator from Minnesota [Mr. WELLSTONE] are absent on official business.

I also announce that the Senator from Hawaii [Mr. AKAKA] is absent due to a death in the family.

I further announce that, if present and voting, the Senator from Minnesota [Mr. WELLSTONE] would vote ''aye.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 3, as follows:

[Rollcall Vote No. 251 Leg.]

YEAS—93

Abraham	Feingold	Lott
Allard	Feinstein	Lugar
Baucus	Ford	Mack
Bennett	Frist	McCain
Biden	Glenn	McConnell
Bingaman	Gorton	Mikulski
Bond	Graham	Moseley-Braun
Boxer	Gramm	Murkowski
Breaux	Grams	Murray
Brownback	Grassley	Nickles
Bryan	Gregg	Reed
Bumpers	Hagel	Reid
Burns	Hatch	Robb
Byrd	Hollings	Roberts
Campbell	Hutchinson	Rockefeller
Chafee	Hutchison	Roth
Cleland	Inhofe	Santorum
Coats	Inouye	Sarbanes
Cochran	Jeffords	Sessions
Collins	Johnson	Shelby
Conrad	Kempthorne	Smith (NH)
Coverdell	Kennedy	Smith (OR)
Craig	Kerrey	Snowe
D'Amato	Kerry	Specter
Daschle	Kohl	Stevens
DeWine	Kyl	Thomas
Dodd	Landrieu	Thompson
Domenici	Lautenberg	Thurmond
Dorgan	Leahy	Torricelli
Durbin	Levin	Warner
Enzi	Lieberman	Wyden

NAYS—3

Ashcroft	Faircloth	Helms

NOT VOTING—4

Akaka	Moynihan
Harkin	Wellstone

The bill (H.R. 2107), as amended, was passed.

Mr. GORTON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. JEFFORDS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, I move that the Senate insist on its amendments, request a conference with the House on the disagreeing votes of the two Houses, and that the President be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer [Mr. HAGEL] appointed Mr. GORTON, Mr. STEVENS, Mr. COCHRAN, Mr. DOMENICI, Mr. BURNS, Mr. BENNETT, Mr. GREGG, Mr. CAMPBELL, Mr. BYRD, Mr. LEAHY, Mr. BUMPERS, Mr. HOLLINGS, Mr. REID, Mr. DORGAN, and Mrs. BOXER conferees on the part of the Senate.

Mr. GORTON. As the Presiding Officer is well aware, this has been a highly complex bill with a large number of amendments, colloquies, inquiries, extensive debate and the like, and it almost, but not quite, goes without saying that it would have been impossible to reach this point without the service of large numbers of dedicated staff, many of those for individual Senators with whom my staff and committee staff have worked. But I want particularly to thank Ginny James, Anne McInerney, Martin Delgado, Hank Kashdan, and Kevin Johnson of the majority staff of the Interior subcommittee for countless hours in preparing the bill and helping me in debate; Sue Masica, Lisa Mendelson and Carole Geagley, of Senator BYRD's staff, for similar and equally important work. The two staff directors of the overall Appropriations Committee in the minority, Steve Cortese and Jim English; from my own personal staff, Chuck Berwick and Nina Nguyen, who also have worked countless hours. But most of all, the young man sitting beside me, Bruce Evans, who is the new staff director for the Interior subcommittee, who has gone through this for the first time with flying colors; who seems to be able to write some of my remarks in exactly the same way I would phrase them myself and who has been vital to our success. I hope this praise spurs them on to ever more successful work as we deal with the House, and the many differences between the two bills.

Finally, I want to say, Mr. President, even though he is absent, how greatly I appreciated the guidance and support of Senator BYRD, the most senior Member of the Democratic Party, the ranking member of the Appropriations Committee, and of course the ranking member of this subcommittee. From the moment I took the chairmanship of the subcommittee, he has been helpful and cooperative. He has pointed out many pitfalls into which I otherwise would have fallen, and has been a true friend and colleague, in a bill I think it is safe to say that is highly bipartisan in nature. In spite of the many amendments with great contests, most of

them have involved votes that have crossed party lines. And Senator BYRD has been a wonderful ally and friend in that connection.

With that, I am ready to go to conference on this bill and allow the Senate to move onto another subject.

MORNING BUSINESS

(During today's session of the Senate, the following morning business was transacted.)

FAST TRACK NEGOTIATING AUTHORITY ON TRADE AGREEMENTS

Mr. BYRD. Mr. President, The President this week submitted to the Congress the ''Export Expansion and Reciprocal Trade Agreement Act of 1997'', designed to renew so-called ''fast track'' procedures for trade agreements. There are many issues associated with this proposal, evidenced by the reports that the White House has essentially established a ''war room'' to marshall the votes in the Congress to support its proposal. We all know the United States needs to be competitive in foreign markets, and we all know the administration needs to strike the best deals it can with foreign nations on behalf of American business and consumers. There is no dispute over these goals. My concern today is over the procedure which the administration wishes to incorporate in considering this proposal which is driven by the insistence by the Clinton Administration that it can only be effective in promoting U.S. trade and negotiating such agreements if the legislative vehicle we consider is subject to one up-and-down vote, after a period of limited debate.

The administration has elevated its desire to eliminate the opportunity for the Congress to amend such enacting legislation to the stature or degree of a religious mantra. The administration seems to think that any agreement it submits to the Congress will, in fact, be amended, forcing it to renegotiate agreements it has reached with foreign nations and thereby shredding its stature as a negotiator The argument goes that fast-track authority is critical because it sends to our negotiating partners a necessary promise of good faith, that is, they will know that the deals hammered out at the negotiating table won't be dismembered by amendments in the Congress. The proposition is now being stated and restated by the administration's legions ad nauseam that without fast track all is lost, American leadership is gone, nations won't negotiate with us, our strategy on trade as a nation will fail, the sky will go dark, all life forms will perish, and on and on. These assertions are repeated at every opportunity, as if repetition really makes them valid. I say they are wild exaggerations, wild exaggerations, wild exaggerations, which underestimate both the capabilities of our negotiators and the sound judgment of the Congress of the United States.

Mr. President, the insistence on the no-amendment strategy reveals a staggering lack of confidence on the part of the administration in its own negotiating prowess. It suggests that, heaven forbid, possible weaknesses in the agreements that are reached will be discovered and acted upon by the Congress. It shows no sense of confidence—no sense of confidence—on the part of the administration that it can prevail in arguing the merits of a particular agreement to the Congress, thereby forcing the administration to return to the negotiating table to change an agreement. From what I understand, for instance, the relative tariff barriers between the U.S. and Chile are such that an agreement reducing the Chilean barriers is desirable. Why would the Congress not want to support an agreement that is in our interest in penetrating the Chilean market, to even out the playing field on trade matters between the U.S. and Chile?

There is no inconsistency between supporting free trade, or freer trade, as negotiated by the administration around the world, and preserving the right of the Congress not only to scrutinize the agreements reached for their worthiness, but also to question, if necessary, parts of the agreement that might appear not to be in our overall interest. If the administration does its job and negotiates sound agreements, they should be approved by the Congress as such, intact, regardless if there is ''fast-track'' procedure or not. The Senate is not unresponsive to arguments made by the administration that an international agreement that it has negotiated is in the national interest and that amendments could unravel it. That is not to say that if there is a flaw in the agreement that is serious enough for renegotiation, it may just be in the American national interest for the negotiators to be forced to go back to the table by the people's elected representatives and get it right. If they do the job right in the first place, renegotiation should not be necessary.

Mr. President, one could just as easily make the case that, if the Senate retained amending authority, our negotiators might just come up with a somewhat better product, knowing that the entire agreement will be scrutinized by the elected representatives of the American people. After all, the agreements that are negotiated are presumably on the behalf of the American people, the same constituency that is represented by this Senate. On the other hand, the Senate has a responsibility to turn back amendments that might be offered representing special interests, but not the overall American interest. That is the ''American Way.'' Would such amendments be offered? Possibly. Would they be approved by a majority of Senate? Not if the American interest in the overall agreement would be hurt. This body has the capability of exerting leadership on trade, just as on any other matter. It can do what is in the best interests of the nation and yet not kill trade agreements through special interest amendments.

The administration, in its insistence on a no-amendment treaty on trade indicates either a lack of confidence in the integrity of this body, or a lack of confidence on the part of its own negotiators, or just simply a desire to have its way and not have to do the hard work of convincing the Senate of the value of the agreement that it has just negotiated.

It wants to have it the easy way, no questions asked, just present the agreement to the Senate and the House of Representatives and both bodies just roll over and sleep, sleep, sleep; not have to do the hard work of convincing the Senate of the value of the agreement that it has just negotiated.

None of these reasons seems to justify eliminating through a special procedure the power of this body to amend if a majority of this body, or the other body, finds it necessary to do so. None of this justifies Congress' handing off its exclusive power under Article I Section 8, of the Constitution, to ''regulate Commerce with foreign nations''. The amending potential is a healthy check on sloppy work. The amending potential can prevent a lazy presentation of the issues, or just plain bad negotiating results.

Here is what one pundit says about the need for fast-track negotiating authority. According to David Rothkopf, in an article appearing in the current issue of ''The New Democrat'': ''If the United States doesn't have fast-track authority it cannot negotiate agreements.''

Piffle! That is sheer nonsense, ''If the United States doesn't have fast-track authority it cannot negotiate agreements.''

It goes on to say that this is supposedly a crucial tool that the ''administration needs,'' according to Mr. Rothkopf ''to ensure that U.S. businesses and workers are treated fairly in the global economy.'' I contend that this is all a non sequitur—it just does not follow that preserving the power of the Senate over legislation is inconsistent with America's ability to negotiate agreements. If the Congress does not want the trading environment supposedly created by particular agreements, it can vote the whole thing down. Fast track authority does not, somehow by itself, produce an immediate supporting of freer trade in the Congress.

The administration has expended a huge amount of energy in an exercise to convince the Congress to foreswear its normal ability to amend legislation. And there will be some in here who will fall for that. The administration might be better served to put those tremendous energies into negotiating sound agreements with our negotiating partners and then selling the

value of those agreements to the Congress on the merits of the agreements themselves.

Mr. President, the highly respected head of the U.S. Trade Representative's office, Ambassador Charlene Barshefsky, who did such an excellent job in negotiating an intellectual property agreement with China, made a presentation before the Senate Finance committee on yesterday, Wednesday, in support of the administration's fast track proposal to the Senate. She asserted that fast track is ''critical to increase access to foreign markets.'' I would think, rather, that good solid provisions in a trade agreement, resulting from negotiations that focus on what is in our national interest, will increase America's access to foreign markets. Fast track consideration of poorly negotiated, badly constructed provisions would not necessarily give us increased access. Fast track of the Intellectual Property agreement with the Chinese did not make the negotiating process with the Chinese, always excruciatingly difficult, any easier. There is no substitute for tough implementation and policing of solid provisions, as Ambassador Barshefsky well knows. She is a fine negotiator, but had to negotiate that agreement twice, and it still is not clear that we have free access to the Chinese market and that the provisions safeguarding U.S. intellectual property are yet in place in the Chinese market. This has nothing whatever to do with fast track, slow track or any other track on the Senate floor. It has to do with the implementation of agreements to gain access to those markets, a very serious problem in the Pacific where the deficits we are running on our merchandise account are so huge, and growing, that they themselves are the single major factor jeopardizing the administration's so-called ''free trade'' philosophy.

Mrs. Barshefsky stated in her testimony that, under fast track, the ''Congress and the President work together.'' We can, and do, certainly work together, day in and day out on legislation of all kinds and all subjects without, however, crippling our authority to amend those vehicles. Can one really say that we in the Senate are less serious about trade when we wish to scrutinize and carefully assess all parts of a trade agreement? Nonsense!

Mrs. Barshefsky echoes the administration's line—here it is: ''if we do not renew fast track, . . . our trading partners are not willing to wait for us to pass another bill.'' Who believes that? Who will believe that? In other words they won't negotiate with us if we in the Congress don't grant the administration nonamendable rules and limited debate concessions. This is absurd! Absurd. If our trading partners believe that trade agreements with us are in their own national interest, it strains my credulity to hear that they will not negotiate trade agreements with us in the absence of fast track. From 1934 to 1974, there was no fast track, and Mrs. Barshefsky testified that in those 40 years, ''Congress gave the president authority to negotiate mutual tariff reductions with our trading partners. Congress renewed that authority repeatedly over the years and successive Presidents used that authority to dramatically reduce tariff barriers around the world.'' So, apparently over that 40-year period, our trading partners were willing to negotiate with us with no mention of truncated legislative rules. Everything was fine.

Mrs. Barshefsky goes on to testify that to complete the negotiating agenda of the World Trade Organization, in government procurement, intellectual property rights, agriculture and services, where we seek enhanced global access to markets, ''we must have fast track authority to enter these various talks or countries will not put meaningful offers on the table.'' Now, who is so gullible as to believe that? I just do not believe this assertion, provided the agreements to be reached are in the interests of the negotiating countries. And we have to assume that that will be their goal, to reach agreements that are in their own interests. Countries seek to promote their self-interests, fast track or slow track, or whatever track, and it is the job of our negotiators to get the best deal possible. It is just a typical bargaining situation.

Mr. President, Senators might well consider the impact of fast track-no amendment authority on the basic leverage available to U.S. negotiators. I believe the proposition that fast track enhances U.S. negotiators' capabilities is open to very serious question. It would be a matter of enhanced leverage for U.S. negotiators that a certain matter should be included in an agreement because it is a matter of strong concern to the Senate. The threat that a provision would not be supported by the Senate is a threat that I as a negotiator, if I were a negotiator, might like to have as additional leverage in a negotiation. Fast track eliminates this form of leverage. There is nobody watching over your shoulder. The administration maintains that fast track authority prohibiting amendments ''tells U.S. trading partners that the United States speaks at the bargaining table with one voice and that the Congress will not seek to reopen trade agreements after they are negotiated'', according to the documents accompanying the President's proposal delivered to the Senate yesterday. I think that, on the contrary, this basically weakens the leverage available to our negotiators in dealing with tough issues at the table vis-a-vis the representatives of other nations.

It is our apparent inability to implement agreements which promise access abroad that is the central trouble in our trading situation, and the continued inability of the administration to address and begin to solve it will be the key problem—not fast track—over the next decade regarding the so-called global market. Indeed, the administration would do well to worry about congressional reaction over the next couple of years to this situation. It would do well to spend less time trying to manipulate protective devices around its agreements when they are considered by the Congress.

Does the frenzied attempt by the administration to wrap a protective cover around the agreements it negotiates have anything to do with what has been generally acknowledged to be an overselling of the NAFTA—the North American Free Trade Agreement—a few years ago? That was oversold. The overpromising of the benefits of that agreement should instruct us that the administration needs to be more careful in evaluating what it has actually accomplished. A dose of reality and caution in marketing the prowess of our negotiators would be well advised. If the Senate provided the President the authority to negotiate trade agreements, but failed to give him protection against amendments, it would not be the end of the world. The skies would not fall, the mountains would not crumble, the waters in the oceans would not rise. It would not be the end. My bet is that a good agreement with Chile, for example, could be reached which would sail through the Congress. At the same time, one would hope that the era of the oversell would be ended. And we have had that oversell for many, many years. Every administration that comes in, Republican and Democrat, wants to have it all their way. They don't want Congress to have a say when it comes to amending a trade treaty.

This extensive marketing job for fast track is a transparent attempt, using the most exaggerated series of assertions I have heard on any matter in a long time, to stampede the Senate into abandoning its constitutional right, its constitutional power, its constitutional prerogatives over fundamental legislation affecting the people of the United States in the market and at the mall. Now we hear a drumbeat that if you are for unlimited debate, if you are for amendable treatment of trade agreements and implementing legislation, like virtually all other kinds of legislation, you are a protectionist—you are a protectionist.

What a bad word. That's what you are. If you want to uphold the powers of the Constitution vested in the Senate and House, if you want to uphold those powers when it comes to trade, you are a protectionist. Fie on you—a protectionist!

If you are for shortchanging the legislative process, you are for free trade. That makes no sense whatever to me, for I am for free trade if it is fair to all parties, but I am for protecting Senate powers and responsibilities in the handling of legislation which is, after all, our constitutional duty. And what do we mean when we say, ''I am for protecting the Senate's power''? It means

I am for protecting the rights of the people, because those rights are given life here in this forum of the States. That is our constitutional duty, as I say. We should think long and hard before we concede this authority. Senators need to read the fine print of the legislative proposal to understand just what broad powers are being relinquished and they need to go back and read the Constitution again. The administration, I think, has it exactly backwards: instead of concentrating its energies on accumulating as much leverage as it can vis-a-vis our trading partners, it is marshaling these energies in the opposite direction—wrong way Corrigan—inward, to convince the Congress to reduce its leverage, and by extension, the nation's vital leverage abroad.

Mr. President, I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER (Mr. GREGG). The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I commend the distinguished leader, the Senator from West Virginia. He has really brought us a sobering reminder of the constitutional function of the National Congress. Article I, section 8 of the Constitution doesn't say the Supreme Court nor the Executive, but rather the Congress shall regulate foreign commerce.

As Senator BYRD mentions protectionists, I remember the second inauguration of President Reagan in the Rotunda due to inclement weather. The distinguished President, taking that oath, pledged with hand raised and the other hand on the Bible, to preserve, protect and defend. Then we came back down and somehow got into a debate relative to trade and well, we were all protectionists.

We have the Army to protect us from enemies without; the FBI to protect us from enemies within; we have Social Security to protect us from old age; Medicare to protect us from ill health. The very function of Government is to protect.

What is really at issue here, not just fast track on Mercosur or Chile, but really the fact is that we as politicians, Republican and Democrat both, come in and say, before you open up Gregg manufacturing, you first must have clean air, clean water, minimum wage, Social Security, Medicare, Medicaid, plant closing notice, parental leave, safe machinery, safe working place. Oh, we all go around jumping up and down to make sure that we have safe and healthy remunerative employment in America. Then we come around, and when the industry in my backyard moves down to Mexico because labor costs just 58 cents an hour and industry has none of those requirements, they say, ''Free trade, free trade, free, free, free.'' There is nothing free.

Cordell Hull said reciprocal free trade, competitive free trade. That has to be understood. We have to understand more particularly that the security and success of this Republic stands like on a three-legged stool. We have the one leg of the values we have as a Nation. That is unquestioned. For instance, we commit ourselves to try and bring about peace in the Mideast. Our Secretary of State continued to try just this past week.

We commit our troops in Bosnia for peacekeeping. We have an ongoing ambassador there in Northern Ireland. Our values for freedom and the individual rights are unquestioned, and our second leg of military strength and power is unquestioned.

That third leg, though, the economic leg, is somewhat fractured, intentionally —for the simple reason that we sacrificed our economy to keep the alliance together in the cold war.

I was here in those days when we just sort of gave away unfettered access to American markets back in the 1950's, 1960's, right on up here until now. Today, however, there is a sobering of the American people. An overwhelming majority of the American people, according to the Business Week that has just come out, oppose fast track because they have had enough of this nonsense going on and on and on. Ten years ago we had 26 percent of our work force in manufacturing and we are down to 13 percent. We are not making things.

Look at the business page of the Wall Street Journal, this morning. There is an article entitled—''Remember When Companies Actually Created Products.'' Now they don't make things.

I can see Akio Morita, the former chairman of the board of Sony at a seminar in Chicago, IL, in the early 1980's, talking of Third World emerging nations, how they could become nation-states. He counseled, in order to become a nation-state, they had to have a strong manufacturing capacity. He finally pointed over toward me, and he said: ''And that world power that loses its manufacturing power will cease to be a world power.''

That is the global competition that this Congress has to wake up and listen to. It is competitive free trade. It is not just the environment. It is not just the labor rights. It is the overall picture of making agreements for the public good.

Let me get right to just one point, one comment made by my distinguished leader from West Virginia reminds me now of the arrogance of power.

As a young Governor back in 1961, I had negotiated a sort of policy with respect to textiles. In order to permit the President to promulgate a sort of textile trade policy, the law required that you had to find the item in question important to our national security.

We coordinated five Secretaries—Labor, Commerce, State, Defense, and Agriculture. And after hearings, we found that textiles was, next to steel, the second most important. You could not send the troops to war in a Japanese uniform.

I came over to the White House. There had been leaders in the Congress advocating the same kind of policy. For the first time I got an inkling of the White House staff. They do not look upon Congress as a friend. They look upon Congress as the adversary. They are always planning daily for their President to get around Congress or forget about Congress or thwart Congress. It is just a mindset.

This was confirmed later. As a freshman Senator I was allowed to be on the policy committee. I was listening to the distinguished senior Senator from Arkansas, Senator Fulbright, then chairman of the Foreign Relations Committee, talking about the arrogance of power, not just that we were trying to impose the American way the world around, but how we became involved in the war in Vietnam.

Our wonderful friend, my hero of long time, Senator Dick Russell of Georgia, spoke up and said, ''Well, these Presidents and Vice Presidents travel the world around and make all kinds of commitments, and then come back here and give us the bill, and Congress is not even in on it, and we don't even know what it is, and we have to put the money up for it.''

He said, ''The Vice President has just gone around and promised a camel driver something.'' I remember it was when President Johnson was the President. Senator Mansfield, the majority leader, turned to Senator Russell and said, ''Write that up as a resolution, sort of a commitments resolution.'' And Senator Russell had emphysema, and he said, ''No. That's really for Senator Fulbright.'' Senator Fulbright did it. It did not get far because the stance taken by Senator Fulbright in those days was not popular. Later it was taken up by Senator Javits. We passed it. The President vetoed the commitments resolution, and we overrode the veto. The arrogance of power over at the White House.

Now comes trade. We know you need not have any kind of fast track for complicated treaties and agreements. The Salt I treaty—I was here in that particular debate. We did not have fast track for that. The intermediate missile debate, more recently the Chemical Warfare Treaty, nobody said, fast track. But the business community is superimposed. They are the multinational policy of money, money, money. They do not have the responsibility of the economy. They have the responsibility of making money. They do not have to look out for that third leg that I spoke of.

So having been up here with NAFTA, with an undemocratic agreement, that certainly has not worked. They said, ''We're going to add jobs.'' We have minus jobs. They said, ''We're going to have a surplus in the balance of trade,'' We went from plus $5 billion balance to minus $16 billion balance.

They said NAFTA would solve other problems. Immigration has gotten worse. I can talk at length on these

things. It was going to solve the drug problem. The drug problem got worse.

But they are still trying, they put up the white tent and they got the country's rich to lobby. I have heard from constituents that the Business Roundtable has now written their members and said: $100,000 is your pledge to come up with. We have already got 60 percent performance. We are getting up a multimillion dollar kitty to bamboozle that Congress. Put up the white tent and go ahead and make another agreement.

What really nettles the Senator from South Carolina is that while we cannot amend, they do. I will never forget, when I was first in the State legislature back in the 1940s, they had a Representative Keenan from Aiken County who kept running around: ''Big you and little me; big you and little me.'' Well, here I am almost 50 years later—''Big you and little me''—and what we have is just that, the President coming along and saying, ''Here is the agreement. Take it or leave it. And by the way, I will amend it in order to get sufficient votes.''

In NAFTA, let us have a little quick rollcall here. We had the orange juice commitment to get the Florida vote. I was talking to that crowd and had some votes, I thought, at one time because Castro was selling his citrus to Mexico and Mexico was selling their citrus to us. I was going to use that, but they made a commitment that it would not occur, in order to get the Florida vote.

Textiles and apparel. I will never forget, I was amazed at one in my delegation—a few textile Senators were voting for it for the simple reason they promised more customs agents to cut out the over $5 billion of transshipments illegally coming into this country. Thousands of jobs; $1 billion is for 20,000 jobs; $5 billion is 100,000 jobs. So they gave in.

The Canadian transportation subsidy of durum wheat. That got the Northwest and some fellows up there. And then the administration, the executive branch, worked on high fructose sugar. They picked up the Louisiana vote on that one. Then the snap back for winter vegetables. That was a California vote. Peanut butter for Georgia and wine for more Californians.

Oh, they just went around. By the time I went around and tried to talk sense, the Congressman or the Senator was put in a position, ''Well, I'm against this fast track and I'm against this agreement, and ordinarily I would vote against the agreement, but I got this, and this happens to particularly pertain to my State, so I've got to go along.''

There were stricter rules of origin for beef imports, domestic appliances for Iowa.

Mr. President, if you did not get in on this, I am giving a rollcall here so you can hurry up and get in on the deal.

Additional purchases of C–17 military cargo. That was down in Texas. We had that vote that said, ''Oh, no, we're going to get more C–17's.'' So we lost that Congressman. And the Cross Border Development Bank—there was a Congressman from California that got the Cross Border Development Bank. Worker retraining, urban development, a bridge in Houston, the Center for the Study of Trade. My friend Jake Pickle, he was gone. He got the Center for Trade. That was gone. They gathered some votes by scaling back a proposal regarding grazing fees on public lands.

They even considered lowering the proposed increase in cigarette taxes to pick up some North Carolina votes. Flat glass for Michigan, helium, asparagus, pipe.

Well, what you have, Mr. President, is just that, the use of patience in article I, section 8, of the Constitution. I will never forget George Washington's Farewell Address. He said: If in the opinion of the people, the distribution or modification of the powers under the Constitution be in any particular wrong, let it be changed in the way that the Constitution designates. For while you are so patient you may in the one instance be the instrument of good, it is the customary weapon by which free governments are destroyed.

What we are finding is the Executive with the arrogance of power coming in and superimposing the Business Roundtable, the white tent and the minions running around swapping off, wheeling and dealing, so that the people generally cannot be heard. It is a disgrace. It is the use of patience. And it is an endangerment to our country.

Fast track. Chile. I said at the time of NAFTA I would agree with a free trade agreement with Chile. Chile had the entities of a free market—labor rights, due process, property rights. They had a concern for the environment, a respected judiciary. They had convicted the murderers of Letelier. Mexico had none of that.

Our distinguished colleague from New York was saying, just bringing it into focus, saying ''how can you have free trade when you do not even have a free election?'' That is the difference between Chile and Mexico. Chile is the one country they have in mind, not the other members of the WTO. They do not need fast track to negotiate with Chile.

But this is just their way of doing business so that they will not have to fool with the Congress. They make it a take it or leave it deal. And giving out the amendments—yes, the Executive can amend, but the Congress cannot.

I say, bring on the treaty and let us vote it up or down. There could be an amendment on Chile for wine. We have to take care of that industry out on the west coast, some other things of that kind. But that isn't the way now of doing business here.

What we come to do, which is outrageous in and of itself, is actually start back from the lowering of the deficits. Fiscal responsibility is gone. I will go over that because that is even more important—We passed the so-called spending increases and revenue decreases, spending increases and tax cuts, and running around all over the Halls of Congress calling ''Balance, balance, balance.''

In less than 2 weeks' time, on September 30, this particular fiscal year will terminate and the Congressional Budget Office, on page 35 of their recent report, says we will have a deficit not of $36 or $37 billion as they are trying to write about in the media but a deficit of $177 billion.

Five years out, my distinguished friend, 5 years out, instead of a balanced budget agreement and a balanced budget law or reconciliation bill, we will have a deficit of $161 billion. During that 5-year period, add it up, those deficits, and the Government of the United States will spend an additional $1 trillion more than we take in. And all the time we are talking about balance. How can you spend $1 trillion more than you take in, and get to balance? Or how can you increase your spending and cut your revenues, at the same time, and say ''We are going to reduce the deficit and have balance?'' Obviously, you cannot.

It is time we talk sense to the American people. As Adlai Stevenson used to say, ''Let's get the facts on top of the table.''

This fast track is a disgrace. It is in total disregard of the needs of the American people. They are out there competing. The productivity of the industrial work of the United States is at its highest. What is not competing is the Government here in Washington.

I yield the floor.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, September 17, 1997, the Federal debt stood at $5,394,894,064,595.35. (Five trillion, three hundred ninety-four billion, eight hundred ninety-four million, sixty-four thousand, five hundred ninety-five dollars and thirty-five cents)

One year ago, September 17, 1996, the Federal debt stood at $5,190,808,000,000. (Five trillion, one hundred ninety billion, eight hundred eight million)

Five years ago, September 17, 1992, the Federal debt stood at $4,035,824,000,000. (Four trillion, thirty-five billion, eight hundred twenty-four million)

Ten years ago, September 17, 1987, the Federal debt stood at $2,354,373,000,000. (Two trillion, three hundred fifty-four billion, three hundred seventy-three million)

Fifteen years ago, September 17, 1982, the Federal debt stood at $1,106,720,000,000. (One trillion, one hundred six billion, seven hundred twenty million) which reflects a debt increase of more than $4 trillion—$4,288,174,064,595.35 (Four trillion, two hundred eighty-eight billion, one hundred seventy-four million, sixty-four thousand, five hundred ninety-five dollars and thirty-five cents) during the past 15 years.

CONGRATULATING THE PRESIDENT FOR HIS FIRM STAND DURING THE OSLO LAND MINE TREATY NEGOTIATIONS

Mr. ENZI. Mr. President, yesterday, President Clinton held a press conference in which he outlined his reasons for refusing to sign onto the Oslo Land Mine Treaty. As my colleagues know, this treaty is intended to eliminate the horrible and very real carnage thrust on people of war torn countries by abandoned and old-fashioned land mines. The President said that the refusal of the signatories to consider our Nation's security requirements with regard to our use of self-deactivating, so-called smart mines, and our obligations to the defense of our loyal South Korean allies, represented a line which he simply could not cross for the good of the Nation.

Honesty compels me to speak out when I disagree. It also demands that I recognize a person when he is right without regard to which side of the aisle he may occupy. I rise today to commend the President's act of courage in refusing to sign the Oslo Treaty, and for being willing to stand up and say we need to protect our soldiers when they have to be in the field. As we all know, the pressure on him to sign—especially during the last several weeks—has been worldwide, relentless, and most intense—even from his own party.

Thankfully for our troops, the President understands the danger of taking this defensive weapon away from them. Thankfully for our troops, the President understands the importance of land mines to the defense of the hottest spot on the globe today—the Korean Peninsula. Thankfully for our troops, the President understands that taking smart mines away will not help one person in any mine-infested country in the world. Thankfully for our troops, the President understands that you simply cannot legislate the horror out of war.

I commend President Clinton for his exercise of good judgment in the face of overwhelming public pressure to do otherwise. I also commend the Joint Chiefs of Staff and all the many generals and admirals, both retired and active duty, including Gen. Norman Schwarzkopf, who have made their opposition to this treaty known. I commend so many of my colleagues who, during recent meetings with Canadian lawmakers, expressed their support for the President's efforts. Finally, I command Secretary of Defense Cohen, for his wise counsel.

Regrettably, the effort to take this necessary defensive weapon away from our troops is still active. There is still legislation proposed that would do exactly that. But yesterday a battle was won in that struggle, and every American soldier, current and future, who might ever have to go into harm's way, and each mother, father, son, and daughter owes our President a debt of gratitude. He did the right thing for our country.

ABUSIVE AND EXPLOITATIVE CHILD LABOR

Mr. HARKIN. Mr. President, I rise today to speak about an important issue, child labor. Over the years, I have come to this floor many times to speak about abusive and exploitative child labor and have introduced legislation to combat it.

But today I am here to specifically raise awareness about child servitude and to speak out against this horrific practice. Several years ago, the South Asian Coalition on Child Servitude (SAACS) based in New Delhi, India, began to devote this day, September 18, to raising awareness about children forced to work. I would like to take a moment to talk about SAACS and their endeavors under the leadership of my good friend, Kailash Satiyarti. In April of this year, I visited Mukti Ashram or liberation retreat established by SAACS which is located outside of New Delhi. This is a place where bonded child laborers are freed from the shackles of slavery and are able to attend school, learn a trade and most importantly to regain their self-worth. I was deeply moved by these children and impressed by their progress in overcoming their previous circumstances.

Mr. President, I want to be clear. I am not talking about children who work part-time after school or on weekends. There's nothing wrong with that. I worked in my youth—perhaps so did you. That is not the issue.

The issue is children who are forced to work in hazardous environments—many under slave-like conditions who sweat long hours for little or no pay and are thus denied education or the opportunity to grow and develop. It's the kind of work that endangers a child's physical and emotional well-being.

And let there be no mistake: When the growth of children is stopped so is the growth of a nation.

I would also like to take a moment to remember a former child laborer whose life was ended but whose message still resonates throughout the world. His name was Iqbal Masih. He was sold into slavery at age of 4. He was shackled to the carpet looms to slave 14 hours a day, 6 days a week for 6 long years. Until, he broke free.

But instead of turning away from the hell that was his life, Iqbal did the opposite. He brought his world to us. He showed us things we didn't want to see. He told us things we didn't want to hear. And he challenged us, when he said ''the world's enslaved children are your responsibility.'' Iqbal Masih was a leader and a crusader, sadly, he was assassinated on April 16, 1995. At the age of 13, his voice was silenced. We remember him today and the hundreds of millions of children who toil away and remember them in the best way possible—by keeping his message alive and his crusade going strong.

As I mentioned earlier, I traveled to South Asia in April and laid a wreath at Iqbal's grave in Pakistan. I also visited the school in Kasur that was built in Iqbal's memory with the support of students from the Broad Meadows School in Quincy, MA and donations from children throughout the United States.

Throughout my visit to South Asia, I carried the same message everywhere I went and to anyone who would listen: child labor is a big concern in the United States and that concern is not going to go away. I am going to continue to work hard to make sure that it's on the agenda in Congress, at the United Nations next month, and at the ILO.

The definition of child labor is not an American standard—it is an international one. ILO Convention 138 is clear. The minimum age for employment is 15 years—developing countries may invoke a transitional age of 14—and 18 years is the minimum for hazardous work.

Virtually every nation on Earth has similar laws on its books today. So let me put to rest the notion that somehow this is the ''West'' imposing its will on others. These are not the West's standards. These are the world's standards.

And the fact is, some of the most powerful calls for the elmination of child labor have been sounded from the governments of the developing world. The Delhi Declaration, adopted in 1995, includes a strongly worded resolution on child labor. As does a resolution adopted at last year's ministerial conference of the South Asian Association of Regional Cooperation held in Pakistan.

I believe that it is our job to work together to transform the resolutions we adopt from words to deeds—from intentions to actions. And that is what I have committed much of my time and energy to doing.

In 1992, I introduced the Child Labor Deterrence Act, the most comprehensive legislative initiative in the United States to end abusive and exploitative child labor. Some called it revolutionary legislation but, in truth, it is rooted in the most conservative of notions: International trade cannot ignore international values.

It is true that the vast majority of child laborers do not work in the export sector. And of course, the exploitation of children is deplorable under any circumstances. But, the reason I have focused on child labor in industries that export to the United States is that we need to begin somewhere. The export sector is an area where we have leverage and where we can try and effect some change now.

Since the time I began my effort, support has grown tremendously. As I have traveled around the United States and spoken with people about the issue of child labor, I have found that consumers want to get involved. They want information.

They want to know if products on the shelves are made by children. And they don't want to buy it if it is. A recent

survey by Marymount University of Virginia found that more than three out of four Americans said they would avoid shopping at stores if they were aware that the goods sold there were made by child labor.

Consumers also said that they would be willing to pay more for a garment if it were guaranteed to be made under humane conditions. So, Mr. President, American consumers have spoken. They don't want to reward companies with their hard earned dollars by buying products made with child labor.

And the Senate too has spoken. In 1993, this body appropriately put itself on record in opposition to the exploitation of children for commercial gain. In my view this was the first step toward ending child labor.

Earlier this year, I introduced a bill, the Child Labor Free Consumer Information Act, to inform and empower American consumers by establishing a voluntary labeling system for wearing apparel and sporting goods made without child labor. I support labeling for three fundamental reasons. First, it takes a comprehensive approach. It says legislative assemblies—such as the U.S. Congress—can't do it alone through legislation. The U.S. Department of Labor—can't do it alone through enforcement. It takes all of us from the private sector to labor groups to human rights organizations—to take responsibility and work together. We must attack the scourge of child labor from all fronts.

Second, labeling is based on choice. Companies can choose whether to use the label to keep consumers fully informed and consumers can choose to vote against child labor with their pocketbook.

Third, I support labeling because it is practical. It is working. Earlier this year, I traveled to India to visit Kailash Satyarthi, the founder of South Asian Coalition on Child Servitude, and the RUGMARK headquarters. RUGMARK is a label placed on hand-knotted carpets to assure consumers that they were made without child labor. In Europe, about 700,000 carpets have been imported from India bearing the RUGMARK label. And here in the United States, where the RUGMARK campaign just began, several thousand rugs have already been imported.

So, Mr. President, I would conclude by saying this. We have made some progress. Five years ago, I introduced the Child Labor Deterrence Act.

Four years ago, the U.S. Senate unanimously approved a resolution, which I sponsored, prohibiting the importation of products made by child labor.

Three years ago, the U.S. Department of Labor began a series of reports on child labor that represents the most thorough documentation ever assembled by the American Government on this issue.

Two years ago, a historic memorandum of understanding was signed in Bangladesh to move children from garment factories to schools.

Last year, a similar effort began in Pakistan in the soccer ball industry.

Mr. President, in the coming weeks we will be debating the fast track legislation which gives the President the authority to negotiate trade agreements. I have been a supporter of such legislation in the past. During these past weeks, I have had several meetings with members of the administration and have raised my concerns about children making goods or picking agricultural products in Mexico that end up in the United States.

So, Mr. President, I have to ask are the NAFTA side agreements on labor standards adequately preventing the exploitation of children for commercial gain?

According to the September 1 issue of the U.S. News and World Report, as many as 4 million children work in Mexico. These children can be found gluing shoes in workshops, lifting two or three times their body weight in produce and cleaning up toxic oil residues, despite the laws in their country outlawing child labor.

Mr. President, the administration is fond of saying that trade agreements are necessary to level the playing field for American workers, but for the life of me I can't understand how an American worker can compete with a child working 7 days a week, 14 hours a day for 14 cents. The United States must not lower its standards rather we should insist on countries raising their standards to ours.

It seems to me that the challenge before us is how to stop this exploitation. The global market is now the local market. Today our neighbors are no longer around the block, they are around the world. And we all have a responsibility to help our neighbors.

Now is the time to learn from our past trade agreements and insist on a basic fundamental premise of protecting children. While, I don't claim to have all the answers on eradicating child labor. I will continue my efforts to end the scourge of child labor. I am always looking for new suggestions, ideas and approaches. But I do say the progress that's been made on eradicating child labor is irreversible. We must keep looking forward.

FOOD AND DRUG ADMINISTRATION MODERNIZATION AND ACCOUNTABILITY ACT OF 1977

The PRESIDING OFFICER. The clerk will report S. 830.

The assistant legislative clerk read as follows:

A bill (S. 830) to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes.

The Senate proceeded to consider the bill.

Pending:

Modified committee amendment in the nature of a substitute. (The modification incorporated the language of Jeffords Amendment No. 1130, in the nature of a substitute.)

Harkin Amendment No. 1137 (to Amendment No. 1130), authorizing funds for each of fiscal years 1998 through 2002 to establish within the National Institutes of Health an agency to be known as the National Center for Complementary and Alternative Medicine.

The PRESIDING OFFICER. The Senator from Vermont.

CLOTURE MOTION

Mr. JEFFORDS. Mr. President, I send a cloture motion to the desk on the FDA bill.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the standing rules of the Senate, do hereby move to bring to a close debate on Calendar No. 105, S. 830, the FDA reform bill:

Trent Lott, Jim Jeffords, Pat Roberts, Kay Bailey Hutchison, Tim Hutchinson, Conrad Burns, Chuck Hagel, Jon Kyl, Rod Grams, Pete Domenici, Ted Stevens, Christopher Bond, Strom Thurmond, Judd Gregg, Don Nickles, Paul Coverdell.

Mr. JEFFORDS. I ask unanimous consent the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. For the information of all Senators, this cloture vote will occur immediately following the adoption of the committee substitute, which I hope will be by early afternoon on Tuesday, September 23.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar, Calendar No. 253 and Calendar No. 254. I ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nominations appear at this point in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF THE TREASURY

David A. Lipton, of Massachusetts, to be an Under Secretary of the Treasury.

Timothy F. Geithner, of New York, to be a Deputy Under Secretary of the Treasury.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 105–27

Mr. JEFFORDS. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on September 18, 1997, by the President of the United States:

Treaty with Australia on Mutual Assistance in Criminal Matters—Treaty document No. 105–27.

I further ask that the treaty be considered as having been read the first time; that it be referred with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of Australia on Mutual Assistance in Criminal Matters, signed at Washington on April 30, 1997, and a related exchange of diplomatic notes signed the same date. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty is one of a series of modern mutual legal assistance treaties being negotiated by the United States in order to counter criminal activities more effectively. The Treaty should be an effective tool to assist in the prosecution of a wide variety of crimes, including drug trafficking offenses, terrorism and other violent crime, money laundering and other ''white-collar'' crime. The Treaty is self-executing.

The Treaty provides for a broad range of cooperation in criminal matters. Mutual assistance available under the Treaty includes: taking testimony or statements of persons; providing documents, records, and other articles of evidence; serving documents; locating or identifying persons; transferring persons in custody for testimony or other purposes; executing requests for searches and seizures and for restitution; immobilizing instrumentalities and proceeds of crime; assisting in proceedings related to forfeiture or confiscation; and rendering any other form of assistance not prohibited by the laws of the Requested State.

I recommend that the Senate give early and favorable consideration to the Treaty and related exchange of notes, and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 18, 1997.*

APPOINTMENT OF ADDITIONAL CONFEREES—H.R. 2378

Mr. JEFFORDS. Mr. President, I ask unanimous consent that Senator STEVENS and Senator BYRD be added as conferees to H.R. 2378, the Treasury-Postal appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELIGIOUS WORKERS ACT OF 1997

Mr. JEFFORDS. Mr. President, I ask unanimous consent that Senate proceed to the consideration of S. 1198, introduced earlier today by Senator ABRAHAM.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1198) to amend the Immigration and Nationality Act to provide permanent authority for entry into the United States of certain religious workers.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. ABRAHAM. Mr. President, I rise today to introduce legislation to provide permanent authority for 5,000 visas per year for religious groups to use to sponsor for permanent residency people who come to this country to do God's work.

Mr. President, the Immigration Act of 1990 took a significant step in recognizing the needs of America's religious institutions by creating these religious worker visas. At that time the Act only provided temporary authority for this program in order to see how it would work. I think we have now had enough experience with it to know that it works very well. The time has come to place religious institutions on an equal footing with businesses and universities with regards to sponsoring needed workers by giving these visas the same status as all our other immigrant visas.

Prior to 1990, churches, synagogues, mosques, and their affiliated organizations experienced significant difficulties in trying to gain admission for a much needed minister or other individual necessary to provide religious services to their communities. The 1990 Act changed that. It set aside 10,000 visas per year for ''special immigrants.'' Up to 5,000 of these visas annually can be used for ministers of a religious denomination.

In addition, a related provision of the law provides 5,000 visas per year to individuals working for religious organizations in ''a religious vocation or occupation'' or in a ''professional capacity in a religious vocation or occupation.'' This has allowed nuns, brothers, cantors, lay preachers, religious instructors, religious counselors, missionaries, and other persons to work at their vocations or occupations for religious organizations or their affiliates. The sponsoring organization must be a bona fide religious organization or an affiliate of one, and must be certified or eligible to be certified under Section 501(c)(3) of the Internal Revenue Code. Religious workers must have two years work experience to qualify for an immigrant visa. The authority for these visas is what expires this year.

Mr. President, we often hear the charge that immigrants are somehow taking from our communities, when, as I heard at a recent subcommittee hearing on this subject, the opposite is much more often the case. As Bishop John Cummins of Oakland has written: ''Religious workers provide a very important pastoral function to the American communities in which they work and live, performing activities in furtherance of a vocation or religious occupation often possessing characteristics unique from those found in the general labor market. Historically, religious workers have staffed hospitals, orphanages, senior care homes and other charitable institutions that provide benefits to society without public funding.''

Bishop Cummins notes that ''The steady decline in native-born Americans entering religious vocations and occupations, coupled with the dramatically increasing need for charitable services in impoverished communities makes the extension of this special immigrant provision a necessity for numerous religious denominations in the United States.''

Mr. President, I and I am sure most Americans share Bishop Cummins' views. Indeed the special immigrant program has won universal praise in religious communities across the nation. Our office has received letters from religious orders and organizations throughout the nation. A recent letter signed jointly by Jewish, Catholic, Baptist, Lutheran and Evangelical organizations states: ''Failure to extend the [special immigrant visa categories] would substantially undermine the services that religious denominations and organizations in the United States provide to their members, parishioners, and communities.

Mr. President, our nation was founded by people who came to these shores in search of a place where they and their children could worship freely. It is only fitting that our country welcome those who wish to help our religious organizations provide pastoral and other relief to people in need.

That is why I am introducing ''The Religious Workers Act of 1997.'' This bill will eliminate the sunset provisions and extend permanently the religious workers provisions of the Immigration and Nationality Act. I believe religious organizations' ability to sponsor individuals who provide service to their local communities should be a permanent fixture of our immigration law, just as it is for those petitioning for close family members and skilled workers. No longer should religious institutions have to worry about whether Congress will act in time to renew the religious workers provisions. I am pleased that the entire leadership of the Senate Judiciary Committee and its Immigration Subcommittee—Senators KENNEDY, HATCH, LEAHY and I—

are cosponsoring this legislation, along with a large number of other colleagues.

Finally, Mr. President, I would like to close with a letter that was sent to me recently. It's a letter that helped convince me that we should move without further delay toward permanent extension of the religious workers provisions of the Immigration and Nationality Act. The letter reads as follows:

Dear Senator Abraham:

I am writing to ask you to help us in solving a very urgent problem. My Sisters in New York have told me that the law which allows the Sisters to apply for permanent residence in the United States expires on September 30, 1997. Please, will you do all that you can to have that law extended so that all Religious will continue to have the opportunity to be permanent residents and serve the people of your great country.

It means so much to our poor people to have Sisters who understand them and their culture. It takes a long time for a Sister to understand the people and a culture, so now our Society wants to keep our Sisters in their mission countries on a more long term basis. Please help us and our poor by extending this law.

I am praying for you and the people of Michigan. My Sisters serve the poor in Detroit where we have a soup kitchen and night shelter for women. Let us all thank God for this chance to serve His poor.

Signed: Mother Teresa.

My office received this letter, a copy of which I ask unanimous consent to have printed in the RECORD, only a few weeks before Mother Teresa's death.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ABRAHAM. I believe that all of us who have been inspired by Mother Teresa's life have asked ourselves what we might do to honor her memory. For me, at least, moving this legislation forward is something I would like to do to remember her great and noble works in the name of God and on behalf of humanity.

I urge my colleagues to support the crucial faith-based institutions that have so enriched all our lives by supporting this legislation.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

I yield the floor.

EXHIBIT 1

MISSIONARIES OF CHARITY,
Calcutta, India, July 20, 1997.

Hon. SPENCER ABRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR ABRAHAM: This brings you my prayers, greetings and gratitude for all that you have done to help my Sisters and all Religious serve the poor in the United States.

I am writing to ask you to help us in solving a very urgent problem. My Sisters in New York have told me that the law which allows the Sisters to apply for permanent residence in the United States expires on September 30, 1997. Please, will you do all that you can to have that law extended so that all Religious will continue to have the opportunity to be permanent residents and serve the people of your great country.

It means so much to our poor people to have Sisters who understand them and their culture. It takes a long time for a Sister to understand the people and a culture, so now our Society wants to keep our Sisters in their mission countries on a more long term basis. Please help us and our poor by extending this law.

I am praying for you and the people of Michigan. My Sisters serve the poor in Detroit where we have a soup kitchen and night shelter for women. Let us all thank God for this chance to serve His poor.

God bless you.

M. TERESA, *MC.*

Mr. KENNEDY. Mr. President, I am honored to join with Senator ABRAHAM, Senator HATCH, Senator LEAHY and my other colleagues in sponsoring legislation to reauthorize provisions of our laws permitting immigrants to come to this country to serve communities in churches and other religious institutions across the United States.

One of the most significant achievements of the Immigration Act of 1990, which I sponsored in the Senate, was the creation of this important visa category. Religious institutions perform extraordinary services for families and communities. In doing so, they often find it worthwhile to bring in religious workers from other lands as immigrants, to help them carry out their activities in the United States.

One of the best known supporters of this practice was Mother Teresa. Missionaries in her Order come to the United States frequently to work with the poor in our country. She and the members of her Order have directly touched the lives of millions of Americans. Much of the recent work by her Missionaries of Charity in this country would not have been possible without this important provision in our immigration laws.

Unfortunately, this visa category expires on September 30, just two weeks from today. We cannot allow this to happen.

As His Eminence Cardinal Maida of Detroit testified before the Immigration Subcommittee last week, ''Should the program be permitted to expire, the impact would be far reaching. Not only would religious organizations and denominations lose access to the much needed contributions of these religious workers, but so, too, would the many communities in which these individuals work.''

The legislation we are sponsoring would make this visa a permanent part of our immigration laws. Renewal of this visa would be a small, but enduring memorial to Mother Teresa and her work in America. It will enable the members of her Order to continue their charitable and compassionate work in this country long into the future.

I have been honored to see her good work in America and around the world. I recall meeting her when I visited India in 1971 and viewed firsthand the extraordinary compassion of this remarkable woman. And I was impressed also by the tremendous difference that she and her Missionaries of Charity made in the lives of hundreds of thousands of starving families during the famine in Ethiopia and Sudan in 1984 and 1985. My family and I visited the area during the Christmas season in 1984, and was deeply moved by Mother Teresa's extraordinary healing presence amid that great tragedy.

Since this visa category was established in 1990, over 20,000 religious workers have entered the United States to serve in our communities. These men and women have brought their skills and compassion to churches, synagogues, mosques, and other places of worship across America. They teach in our parochial schools. They serve as health care workers, cantors, and catechists. They provide religious training to youths and after-school programs that keep young people off the streets and give them hope for a better future.

I have been deeply moved by the ways in which this special visa has benefitted Massachusetts. Maria Alvarez came to Boston at the invitation of the African Mission Fathers, and has devoted her life to helping city youth deal with gang violence, depression, and other problems that plague inner cities. She has also extended her helping hand to refugees in the Boston area, helping them build new lives in our state.

Sister Vitolia came to Lawrence, Massachusetts on a religious worker visa through the Society of Mary. She works with unemployed and homeless Spanish speakers there. She helps them find jobs and helps keep their families together.

Once again, I commend Senator ABRAHAM for his leadership on this issue, and I urge my colleagues to support this important legislation.

AMENDMENT NO. 1247

(Purpose: To provide for waiver of fees for nonimmigrants engaged in certain charitable activities)

Mr. JEFFORDS. Mr. President, Senator HATCH has an amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS] for Mr. HATCH, for himself and Mr. KENNEDY, proposes an amendment numbered 1247.

The amendment is as follows:

At the end of the bill, add the following:

SECTION 3. WAIVER OF NONIMMIGRANT VISA FEES FOR CERTAIN CHARITABLE PURPOSES.

Section 281 of the Immigration and Nationality Act (8 U.S.C. 1351) is amended by adding at the end the following new sentence: ''Subject to such criteria as the Secretary of State may prescribe, including the duration of stay of the alien and the financial burden upon the charitable organization, the Secretary of State shall waive or reduce the fee for application and issuance of a nonimmigrant visa for any alien coming to the United States primarily for, or in activities related to, a charitable purpose involving health or nursing care, the provision of food or housing, job training, or any other similar direct service or assistance to poor or otherwise needy individuals in the United States.''.

Mr. KENNEDY. Mr. President, I am pleased to join with Senator HATCH in sponsoring legislation requested by Mother Teresa to waive visa application fees for religious workers coming to the United States to perform charitable work for temporary periods.

During her visits to the United States, Mother Teresa asked President Clinton to take this step to waive visa fees for her missionaries coming to work in this country. Her Missionaries of Charity come to America to help the poor in our communities and to minister to the sick and the elderly. Each time they travel here, they are required to pay a $120 visa fee to the United States Government.

It makes no sense to require these religious workers to pay a fee to the federal government in order to come here to help our communities. The legislation we introduce today would waive the fee in these instances.

This past weekend, while attending Mother Teresa's funeral in India, the First Lady met with Sister Nirmala, Mother Teresa's successor at the Missionaries of Charity Order in Calcutta. Sister Nirmala asked once again for a waiver of the visa fee and was delighted to learn that the United States Senate would be considering legislation this week to accomplish this goal as Mother Teresa had requested.

This is an important step that Congress can take to honor the memory of Mother Theresa and the compassionate work that her Order brings to America. I urge my colleagues to support this legislation.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be considered read a third time and passed, as amended, the motion to reconsider be laid upon the table, and finally, any statements relating to the bill be placed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1247) was agreed to.

The bill (S. 1198), as amended, was considered as read the third time and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Religious Workers Act of 1997''.

SEC. 2. PERMANENT AUTHORITY FOR ENTRY INTO UNITED STATES OF CERTAIN RELIGIOUS WORKERS.

Section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)) is amended by striking ''before October 1, 1997,'' each of the two places it appears.

SEC. 3. WAIVER OF NONIMMIGRANT VISA FEES FOR CERTAIN CHARITABLE PURPOSES.

Section 281 of the Immigration and Nationality Act (8 U.S.C. 1351) is amended by adding at the end the following new sentence: ''Subject to such criteria as the Secretary of State may prescribe, including the duration of stay of the alien and the financial burden upon the charitable organization, the Secretary of State shall waive or reduce the fee for application and issuance of a non-immigrant visa for any alien coming to the United States primarily for, or in activities related to, a charitable purpose involving health or nursing care, the provision of food or housing, job training, or any other similar direct service or assistance to poor or otherwise needy individuals in the United States.''.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a withdrawal and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:02 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2248. An act to authorize the President to award a gold medal on behalf of the Congress to Ecumenical Patriarch Bartholomew in recognition of his outstanding and enduring contributions toward religious understanding and peace, and for other purposes.

At 7:14 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the amendments of the Senate to the bill (H.R. 680) to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer of surplus personal property to States for donation to nonprofit providers of necessaries to impoverished families and individuals, and to authorize the transfer of surplus real property to States, political subdivisions and instrumentalities of States, and nonprofit organizations for providing housing or housing assistance for low-income individuals or families.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2443. An act to designate the Federal building located at 601 Fourth Street, N.W., in the District of Columbia, as the ''Federal Bureau of Investigation, Washington Field Office Memorial Building,'' in honor of William H. Christian, Jr., Martha Dixon Martinez, Michael J. Miller, Anthony Palmisano, and Edwin R. Woodriffe.

ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

S. 910. An act to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 1998 and 1999, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

ENROLLED BILLS SIGNED

The President pro tempore (Mr. THURMOND) announced that on September 17, 1997, he had signed the following enrolled bills previously signed by the Speaker:

H.R. 63. An act to designate the reservoir created by Trinity Dam in the Central Valley project, California, as ''Trinity Lake.''

H.R. 2016. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes.

MEASURE REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 2443. An act to designate the Federal building located at 601 Fourth Street, N.W., in the District of Columbia, as the ''Federal Bureau of Investigation, Washington Field Office Memorial Building,'' in honor of William H. Christian, Jr., Martha Dixon Martinez, Michael J. Miller, Anthony Palmisano, and Edwin R. Woodriffe; to the Committee on Environment and Public Works.

MEASURE PLACED ON THE CALENDAR

The following bill was discharged from the Committee on Finance and placed on the calendar pursuant to section 1023 of P.L. 93–344:

S. 1157. A bill disapproving the cancellations transmitted by the President on August 11, 1997, regarding Public Law 105–34.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2973. A communication from the Administrator of Rural Development, Department of Agriculture, transmitting, pursuant to law, a rule entitled ''Rural Telephone Bank'' (RIN0572-AB32) received on September 16, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2974. A communication from the Chief of the Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of Forest Service accomplishments for fiscal year 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2975. A communication from the Administrator of the Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, a rule entitled ''Tree Assistance Program'' (RIN0560-AF17) received on September 15, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2976. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Marketing and Regulatory Programs, Department of

Agriculture, transmitting, pursuant to law, four rules including a rule entitled ''Oriental Fruit Fly; Designation of Quarantined Area'' (RIN0579-AA64); to the Committee on Agriculture, Nutrition, and Forestry.

EC–2977. A communication from the Administrator of the Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, three rules including a rule entitled ''Milk in the Tennessee Valley Marketing Area'' (DA-97-09, FV97-905-1, FV97-998-3); to the Committee on Agriculture, Nutrition, and Forestry.

EC–2978. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to People's Republic of China; to the Committee on Banking, Housing, and Urban Affairs.

EC–2979. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation entitled ''The Rural Rental Housing Improvement Act of 1997''; to the Committee on Banking, Housing, and Urban Affairs.

EC–2980. A communication from the Director of the Financial Crimes Enforcement Network, transmitting, pursuant to law, a rule entitled ''Exemptions from the Requirement to Report Large Currency Transactions'' (RIN1506-AA11) received on September 3, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–2981. A communication from the Chairman of the Federal Deposit Insurance Corporation, transmitting, pursuant to law, the annual report for the calendar year 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–2982. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the report relative to the Portfolio Reengineering Demonstration Program for fiscal years 1996 and 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–2983. A communication from the Secretary of the U.S. Securities and Exchange Commission, transmitting, pursuant to law, a rule received on September 10, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–2984. A communication from the Legislative and Regulatory Activities Division, Comptroller of the Currency (Administrator of National Banks), transmitting, pursuant to law, a rule entitled ''Prohibition Against Use of Interstate Branching Primarily for Deposit Production'' (RIN3064-AB97) received on September 5, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–2985. A communication from the Acting General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, a rule entitled ''Home Investment Partnerships Program'' (FR4111) received on September 17, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–2986. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the report relative to loan portfolio valuation; to the Committee on Banking, Housing, and Urban Affairs.

EC–2987. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a rule entitled ''Bank Holding Companies and Change in Bank Control'' received on August 27, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–2988. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a rule entitled ''Collection of Checks and Other Items'' received on September 11, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–2989. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the report relative to the Exchange Stabilization Fund for fiscal year 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–2990. A communication from the Attorney-Advisor, Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, a rule entitled ''Depositaries and Financial Agents of the Federal Government'' received on August 21, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–2991. A communication from the Chief Counsel of the Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, a rule entitled ''Regulations Governing Book-Entry Treasury Bonds, Notes and Bills'' received on September 3, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–2992. A communication from the Chief Counsel of the Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, a rule received on September 8, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–2993. A communication from the Acting Chief Counsel of the Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, a rule received on August 19, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–2994. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the certification of the proposed issuance of an export license; to the Committee on Foreign Relations.

EC–2995. A communication from the President of the United States, transmitting, pursuant to law, the report on U.S. exports of defense articles and services, and on imports of military articles to the United States; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

H.R. 1086. A bill to codify without substantive change laws related to transportation and to improve the United States Code.

S. Res. 122. Resolution declaring September 26, 1997, as ''Austrian-American Day''.

S. 170. A bill to provide for a process to authorize the use of clone pagers, and for other purposes.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 493. A bill to amend section 1029 of title 18, United States Code, with respect to cellular telephone cloning paraphernalia.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

Richard A. Lazzara, of Florida, to be U.S. District Judge for the Middle District of Florida.

Marjorie O. Rendell, of Pennsylvania, to be U.S. Circuit Judge for the Third Circuit.

Christina A. Snyder, of California, to be U.S. District Judge for the Central District of California.

(The above nominations were reported with the recommendation that they be confirmed.)

By Mr. THURMOND, from the Committee on Armed Services:

The following-named officer for appointment in the U.S. Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601 and to be appointed as Chief of Staff, U.S. Air Force under the provisions of title 10, United States Code, section 8033:

To be general

Gen. Michael E. Ryan, 0000

The following-named officer for appointment in the U.S. Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be admiral

Adm. Harold W. Gehman, Jr., 0000

The following-named officer for appointment in the U.S. Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be general

Lt. Gen. Charles E. Wilhelm, 0000

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SPECTER:

S. 1191. A bill to reform the financing of Federal elections, and for other purposes; to the Committee on Rules and Administration.

By Ms. SNOWE (for herself, Mr. KERRY, and Mr. KENNEDY):

S. 1192. A bill to limit the size of vessels permitted to fish for Atlantic mackerel or herring, to the size permitted under the appropriate fishery management plan; to the Committee on Commerce, Science, and Transportation.

By Mr. GORTON (for himself, Mr. MCCAIN, Mr. HOLLINGS, and Mr. FORD):

S. 1193. A bill to amend chapter 443 of title 49, United States Code, to extend the authorization of the aviation insurance program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KYL (for himself, Mr. BOND, Mr. GRAMM, and Mr. NICKLES):

S. 1194. A bill to amend title XVIII of the Social Security Act to clarify the right of Medicare beneficiaries to enter into private contracts with physicians and other health care professionals for the provision of health services for which no payment is sought under the Medicare Program; to the Committee on Finance.

By Mr. CHAFEE (for himself, Mr. CRAIG, Mr. ROCKEFELLER, Mr. JEFFORDS, Mr. DEWINE, Mr. COATS, Mr. BOND, Ms. LANDRIEU, and Mr. LEVIN):

S. 1195. A bill to promote the adoption of children in foster care, and for other purposes; to the Committee on Finance.

By Mr. MCCAIN (for himself, Mr. GORTON, Mr. HOLLINGS, and Mr. FORD):

S. 1196. A bill to amend title 49, United States Code, to require the National Transportation Safety Board and individual foreign air carriers to address the needs of families of passengers involved in aircraft accidents involving foreign air carriers; to the Committee on Commerce, Science, and Transportation.

By Mrs. FEINSTEIN:

S. 1197. A bill to reform the financing of Federal elections; to the Committee on Rules and Administration.

By Mr. ABRAHAM (for himself, Mr. KENNEDY, Mr. HATCH, Mr. LEAHY, Mr. DEWINE, Mr. DURBIN, Mr. BIDEN, and Mr. D'AMATO):

S. 1198. A bill to amend the Immigration and Nationality Act to provide permanent authority for entry into the United States of certain religious workers; considered and passed.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER:

S. 1191. A bill to reform the financing of Federal elections, and for other purposes; to the Committee on Rules and Administration.

THE SENATE CAMPAIGN FINANCE REFORM ACT OF 1997

Mr. SPECTER. Mr. President, in seeking recognition, I am putting forward legislation on campaign finance reform which builds upon the experience of the Governmental Affairs Committee hearings, which are now in progress, on illegalities and improprieties of campaign finance reform. I have served on that committee for the past 8 months while we have conducted the investigation and the 6 weeks of hearings which we have had. The legislation which I am about to introduce builds on those hearings.

At the outset, I compliment my colleagues, Senator JOHN MCCAIN and Senator Russ FEINGOLD, for the work which they have done with the leadership. I have stated publicly that I applaud their efforts, but I disagree with a key provision of their bill, S. 25, which would give candidates free television advertising time. I have been advised that the McCain-FEINGOLD bill may be modified as to that aspect.

I have talked to my colleague, Senator MCCAIN, today and had previously circulated my bill. Senator MCCAIN advises he is interested in bringing the matter to the floor next week. We discussed the possibility of integrating the legislation or my adding amendments to his proposed bill.

I have circulated this proposed legislation among a number of my colleagues on both sides of the aisle. I think there is an excellent chance we will have a number of cosponsors to this legislation. But I want to proceed now to make this brief statement on the substance of my legislation and to put the bill in so that our colleagues could consider this bill during the course of the next week before the matter comes to the Senate floor.

My bill does six things.

First, it eliminates ''soft money.'' We have seen an avalanche of soft money, into the hundreds of millions of dollars, influencing the 1996 election.

My bill, second, defines ''express advocacy'' to enforce the intent of the Federal election laws to prevent coordinated campaigns.

What we have seen on both sides of the aisle from both Democrats and Republicans are advertisements in the 1996 election, by the Republicans extolling the virtues of Senator Dole and criticizing President Clinton, and vice versa for the Democrats, praising President Clinton and criticizing Senator Dole. But for some reason those advertisements have not been defined to be ''express advocacy.''

The third provision of my bill would make ''independent expenditures'' truly independent by requiring affidavits from those who are involved in the process.

My proposal would say that if someone is to make an independent expenditure, that person will have to file with the Federal Election Commission, swearing under oath under the penalties of perjury that the expenditure is truly independent.

Then after that affidavit is filed with the FEC, the FEC will notify the candidate and the committee on behalf of whom the independent expenditure was made and require from that candidate and that committee an affidavit subject to the penalties of perjury that there is no coordination. My experience as prosecuting attorney has been that when people are compelled to take affidavits, they pay a lot more attention to what they are doing than some provision of the law which they might not know about, might not understand, or think has been disregarded. My sense is that as a general matter, not in all cases, but in many cases, these so-called independent expenditures are not independent at all.

The fourth provision that I am proposing would be to try to deal with the Buckley versus Valeo decision that anyone may spend as much of his or her own money that he or she chooses.

My bill incorporates the so-called Maine Standby Public Financing provision where, illustratively, if candidate A spends $10 million of his/her own money, then there would be public financing for the amount by which such expenditure exceeds the relevant spending cap.

I am opposed to public financing generally, and opposed S. 2 which was introduced in this body years ago on that subject, because I think there ought not be public financing. But this ''standby'' provision I think would act principally to deter somebody from spending $10 million of their own money. The Government would put up money equal to the amount of the excess. I think that would deter somebody from spending the money knowing that their financial advantage would be matched. And to the extent that the expenditures would have to be made, I think that is worthwhile. It would stop people from buying seats in the U.S. Congress.

The fifth provision would eliminate foreign transactions which funnel money into U.S. campaigns.

Our Governmental Affairs investigation has shown what happened in the so-called Young brothers' transaction which went through the Republican National Committee and ended up placing foreign money in a political committee. This legislation would preclude that from happening again.

The sixth and final provision would impose limitations and require reporting of contributions to the legal defense funds for Federal officeholders and candidates.

The Governmental Affairs hearings have again shown, with the actions of Mr. Charlie Trie, hundreds of thousands of dollars came into the Clinton campaign for the legal defense fund. They were not reported. They were not identified. They were kept secret until after the election had occurred. And they are first cousins to campaign contributions. And this legislation would impose limitations and required reporting.

Mr. President, this legislation is being introduced a little earlier than I had intended because I believe that we will have a number of cosponsors, Senators who are now considering the bill. But I thought it important to make this brief statement and to put the provisions of the bill into the CONGRESSIONAL RECORD so that Senators may have an opportunity to consider this proposal between now and next week when there may be an opportunity in one form or another to discuss campaign finance reform.

As I say, with the modification that Senator MCCAIN has apparently made taking out the provision requiring free television time, it may be possible to integrate these two bills or piecemeal amendments from my legislation into the McCain-Feingold bill. I had been unwilling to cosponsor that legislation because I think that constitutes a taking in violation of the provision against due process against taking without compensation.

Six months of investigation and 5 weeks of hearings by the Senate Governmental Affairs Committee have confirmed my conclusion and the view of most Americans that campaign finance reform is necessary. Politics is awash in money—corrupting some, appearing to corrupt others, and making almost everyone in or out of the system uneasy about the way political campaigns are financed.

I believe my colleagues Senator JOHN MCCAIN and Senator RUSS FEINGOLD have done an excellent job in providing leadership for campaign finance reform even though I disagree with the key provisions of their bill (S. 25) which would give candidates free television advertising time. In my judgment, taking such property without compensation is confiscatory and unconstitutional.

Our Government Affairs hearings have highlighted issues not covered by

the McCain-Feingold legislation and those hearings have suggested the need for other legislative reforms.

My proposed legislation would: First, end ''soft money''; second, define ''express advocacy'' to enforce the intent of the Federal election laws to prevent coordinated campaigns; third, require affidavits to make ''independent expenditures'' truly independent; fourth, eliminate foreign transactions which funnel money into U.S. campaigns; fifth, deter massive spending of personal wealth by adapting a new ''standby public financing'' framework similar to one recently enacted by Maine; and sixth, impose limitations and require reporting of contributions to legal defense funds for federal officeholders and candidates.

SOFT MONEY

The factual need for reform of the soft-money rules has been well documented. Public funding of Presidential campaigns was intended to eliminate collateral contributions. But soft money for so-called issue advocacy has created a gaping loophole that permits spending without limit. An estimated $223 million of soft money was raised by both parties in 1996. According to Congressional Quarterly, that figure represents almost 3 times what was raised as soft money in 1992 and more than 11 times that raised in 1980.

While many have focused on the allegedly corrupting influence of political action committees, PAC's pale in comparison to soft money. For example, Congressional Quarterly has also reported that Enron Corp. gave $44,000 less through its political action committee in 1996 than it did in 1994, but the firm quintupled its soft money contributions to $627,400.

Soft money flows not only from individuals, but also from corporations and labor unions, which are expressly prohibited from giving directly to candidates. Archer Daniels Midland donated a total of $380,000 to the Democratic and Republican National Committees during the recent election cycle. Phillip Morris, the Nation's leading tobacco company, donated a total of more than $2.7 million to the two parties in 1995 and 1996, with $2.1 million going to the Republican Party.

In the first half of 1997, Common Cause reports that the tobacco companies gave $1.9 million to Republican and Democratic committees, at a time when Congress and the President have begun consideration of the tobacco litigation settlement. In 1996, telecommunications companies reportedly donated $14.5 million in soft money; twice as much as they did in 1992. In short, both parties have emerged as the vehicles for evading post-Watergate contribution limits, and neither will disarm unilaterally.

Currently, there is a $20,000 cap on the amount that any individual can give to the national committee of a political party in any 1 year. In order to circumvent this limit, some individuals contribute to the non-Federal accounts of political parties which are not subject to any caps. These funds are then often spent on behalf of the party's candidate in a Federal election.

To close this loophole the bill:

Maintains the $20,000 a year cap which would apply to the total amount individuals can contribute to political parties, whether at the national, State or local level, for use in Federal elections.

Prohibits the national committees of political parties from soliciting or receiving any contributions not subject to the provisions and caps of the Federal Election Campaign Act.

Provides that State party committee expenditures that may influence the outcome of a Federal election may be made only from funds subject to the limitations and prohibitions imposed by Federal law.

Expands the reporting requirements so that all national committees, including all congressional and Senate campaign committees, must report all receipts and disbursements, whether or not in connection with a Federal election.

These restrictions on soft money contributions to parties are constitutional and consistent with the reasoning applied by the Supreme Court in Buckley. The logic of Buckley and its progeny permits Congress to cap campaign contributions when necessary to avoid the impropriety and the appearance of impropriety caused by large gifts. In Buckley the Supreme Court struck down certain caps on campaign expenditures that were originally included in the Federal Election Campaign Act [FECA]. At the same time, however, Buckley upheld a number of FECA's caps on campaign contributions, including the $1,000 cap in the amount that individuals can contribute to candidates, the $5,000 cap on the amount that individuals can contribute to political action committees, and the $20,000 cap on the amount that individuals can contribute to national committees of political parties. Buckley also upheld FECA's $25,000 cap on the total amount an individual can contribute to campaigns, PAC's and national committees in any 1 year. This bill extends the scope of these permitted caps to cover contributions to the State and local committees of political parties for use in Federal campaigns.

The concept of proposing further caps on contributions to political parties was endorsed by the Supreme Court in its decision in Colorado Republican Federal Campaign Committee versus Federal Election Commission. In that case, the Court ruled that the sections of FECA that limited the amount of independent expenditures that could be made by a political party were unconstitutional. In reaching this conclusion, however, the Court approved limiting individual contributions to political parties:

> The greatest danger of corruption . . . appears to be from the ability of donors to give sums up to $20,000 to a party which may be used for independent party expenditures for the benefit of a particular candidate. *We could understand how Congress, were it to conclude that the potential for evasion of the individual contribution limits was a serious matter, might decide to change the statute's limitations on contributions to political parties.* [Emphasis added]

The potential for evasion of the contribution limits clearly does exist, and the fact of evasion of these limits clearly does exist. It is indeed time that Congress changes FECA's limitations on contributions to political parties.

EXPRESS AND ISSUE ADVOCACY

In the 1996 Presidential elections, the line was blurred beyond recognition between party and candidate activities. There is substantial evidence that soft money was spent illegally during the 1996 campaign by both parties. According to a November 18, 1996, article in Time magazine, President Clinton's media strategists collaborated in the creation of a DNC television commercials. The article describes a cadre of Clinton-Gore advisors, including Dick Morris, working side by side with DNC operatives to craft the DNC advertisement which extolled the President's accomplishments and criticized Republican policies. Republicans did the same.

Such cooperation constitutes violation of the Federal Election Campaign Act [FECA] which provides:

> Expenditures made by any person in cooperation, consultation, or concert, with, or at the request or suggestion of, a candidate, his authorized political committees, or their agents, shall be considered to be a contribution to such candidate. 2 U.S.C. 441a(a)(7)(B)(1)

Thus, if the alleged cooperation between the Clinton/Gore campaign and the DNC took place, then all of the money spent on those DNC advertisements constituted contributions to the Clinton campaign. Under FECA, such contributions would have to be reported upon receipt and would have to be included when calculating the campaign's compliance with FECA's strict contribution and expenditure limits. The failure to treat the expenditures as contributions would be a violation of FECA, and the knowing and willful failure to treat the expenditures as contributions would be a criminal violation of FECA.

There are indications that the Clinton/Gore campaign advisors did realize they were violating the law at the time. The Time article quotes one as saying, ''If the Republicans keep the Senate, they're going to subpoena us.''

The content of the DNC and RNC advertisements appears to have violated Federal election law. When an entity engages in issues advocacy to promote a particular policy, it is exempt from the limitation of FECA and can fund these activities from any source. When an entity engages in express advocacy on behalf of a particular candidate, it is subject to the limitations of FECA and is not permitted to fund such activities with soft money. Where the

DNC and RNC advertisements did contain express advocacy, and funded these advertisements with soft money, then these committees violated FECA.

The FEC defines ''express advocacy'' as follows:

Communications using phrases such as ''vote for President,'' ''reelect your Congressman,'' ''Smith for Congress,'' or language which, when taken as a whole and with limited reference to external events, can have no other reasonable meaning than to urge the election or defeat of a clearly identified federal candidate. 11 CFR 100.22

In my judgment, both the DNC and RNC television advertisement crossed the line from issues advocacy to express advocacy. While the DNC and RNC ads did not use the words ''Vote for Clinton'' or ''Dole for President,'' these advertisements certainly urged the election of one candidate and the defeat of another. For example, the following is the script of a widely broadcast DNC television commercial:

American values. Do our duty to our parents. President Clinton protects Medicare. The Dole/Gingrich budget tried to cut Medicare $270 billion. Protect families. President Clinton cut taxes for millions of working families. The Dole/Gingrich budget tried to raise taxes on eight million of them. Opportunity. President Clinton proposes tax breaks for tuition. The Dole/Gingrich budget tried to slash college scholarships. Only President Clinton's plan meets our challenges, protects our values.

Does this advertisement convey any core message other than urging us to vote for President Clinton?

The RNC ads similarly crossed the line into express advocacy. The following is the script of a widely broadcast RNC television commercial:

(Announcer) Compare the Clinton rhetoric with the Clinton record.

(Clinton) ''We need to end welfare as we know it.''

(Announcer) But he vetoed welfare reform not once, but twice. He vetoed work requirements for the able-bodied. He vetoed putting time limits on welfare. And Clinton still supports giving welfare benefits to illegal immigrants. The Clinton rhetoric hasn't matched the Clinton record.

(Clinton) ''Fool me once, shame on you. Fool me twice, shame on me.''

(Announcer) Tell President Clinton you won't be fooled again.

Similarly, the Democrats, through their shared use of campaign consultants such as Dick Morris for Clinton-Gore 1996 and the Democratic National Committee, crossed the line into illegal contributions on television advertisements.

There has been substantial information in the public domain about the President's personal activities in preparing television commercials for the 1996 campaign. The activity of the President has been documented in a book by Dick Morris and in public statements by former Chief of Staff, Leon Panetta. There is no doubt—and the Attorney General conceded this in oversight hearings by the Judiciary Committee on April 30, 1997—that there would be a violation of the Federal election law if, and when the President prepared campaign commercials that were express advocacy commercials contrasted with issue advocacy commercials.

This bill will end the charade by providing a clear-cut statutory definition of express advocacy wherever the name or likeness of a candidate appears with language which praises or criticizes that candidate.

INDEPENDENT EXPENDITURES

This bill would put teeth into the law to make independent expenditures truly independent. Current law requires political committees or individuals to file reports quarterly until the end of a campaign and to report expenditures of more than $1,000 within 24 hours during the final 20 days of the campaign. This legislation would require reporting for independent expenditures of $10,000 or more within 24 hours during the last 3 months of a campaign. This bill would require the individual making the independent expenditure or the treasurer of the committee making the independent expenditure to take and file an affidavit with the FEC that the expenditures were not coordinated with the candidate or his-her committee. Then, the Federal Election Commission would notify within 48 hours the candidate, campaign treasurer, and campaign manager of that independent expenditure. Those individuals would then have 48 hours to take and file affidavits with the FEC that the expenditures were not coordinated with the candidate or his/her committees.

Taking such affidavits coupled with the penalty for perjury would be significant steps to preclude illegal coordination.

CLAMPING DOWN ON FOREIGN CONTRIBUTIONS

Anyone who has watched the Governmental Affairs hearings knows the alarming role of illegal foreign contributions in our 1996 campaigns. This legislation would strengthen the existing law to better prevent transactions which effectively fund domestic political campaigns with foreign financing schemes.

Under current law, it is illegal for a foreign national to contribute money or anything of value, including loan guarantees, either directly or indirectly through another person, in connection with an election to any political office. Knowing and willful violations can result in criminal penalties against the offending parties.

Mr. Haley Barbour's recent testimony before the Governmental Affairs Committee highlights the need to strengthen and more actively enforce the foreign money statute to ensure that foreign nationals do not circumvent this intended prohibition on foreign political contributions. This bill would clarify the law to cover all arrangements from foreign entities through third parties where funds from these transactions ultimately reach a U.S. political party or candidate.

In his testimony, Mr. Barbour acknowledged that the National Policy Forum [NPF], which he headed, received a $2.1 million loan guarantee in October 1994, from Young Brothers Development, the U.S. subsidiary of a Hong Kong company which provided the money. The loan guarantee served as collateral for a loan NPF received from a U.S. bank. Shortly thereafter, NPF sent two checks totaling $1.6 million to the Republican National Committee [RNC]. NPF ultimately defaulted on its loan with the U.S. bank and Young Brothers eventually ended up paying approximately $700,000 to cover the default.

The weak link in the existing law is that many people, including Attorney General Reno, have argued that the Federal campaign finance law does not apply to soft money. Accordingly, there are those who would argue that the NPF transaction described above would be legal so long as only soft money was involved. We need to make it 100 percent clear that foreign nationals cannot contribute to U.S. political parties or candidates under any circumstances. My bill closes this potential loophole by explicitly stating that the foreign money provisions of the bill apply to all foreign contributions and donations, both soft and hard money.

LIMITING INDIVIDUAL EXPENDITURES

The decision of the Supreme Court of the United States in Buckley versus Valeo prohibits legislation limiting the amount of money an individual may spend on his-her campaign. Maine recently enacted a statute designed to deal with this issue which provides a model for Federal legislation.

Under the Maine legislation, a voluntary cap is placed on the total amount that candidates can spend during their campaigns for public office. The law further provides that if one candidate exceeds the spending limit, an opponent who has complied with the limit will be given public matching funds in an amount equal to the amount by which the offending candidate exceeded the spending limit. With such matching funds available, it would be a real deterrent to prevent a candidate from exceeding the expenditure cap since that candidate would no longer receive an advantage from his or her additional expenditure. This provision would probably not result in significant public expenditures; and to the extent it did, it would be worth it.

LEGAL DEFENSE FUND

This bill would subject contributions for legal defense funds to limits and mandatory disclosure for all Federal office holders and candidates. Testimony before the Governmental Affairs Committee disclosed that Mr. Yah Lin ''Charlie'' Trie brought in $639,000 for President Clinton's legal defense fund. While those funds were ultimately returned, there was never any identification of the donors and the fact of those contributions was delayed until after the 1996 election.

Contributions to legal defense funds pose a public policy issue similar to campaign contributions.

This bill would impose the same limits on contributions to legal defense

funds which are currently required for political contributions with jurisdiction for such reporting being vested in the Federal Election Commission.

So at this time, Mr. President, I urge my colleagues to take a look at the legislation. I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1191

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Senate Campaign Finance Reform Act of 1997''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—SENATE ELECTION SPENDING LIMITS AND BENEFITS

Sec. 101. Senate election spending limits and benefits.

TITLE II—REDUCTION OF SPECIAL INTEREST INFLUENCE

Subtitle A—Provisions Relating to Soft Money of Political Party Committees

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TITLE I—SENATE ELECTION SPENDING LIMITS AND BENEFITS

SEC. 101. SENATE ELECTION SPENDING LIMITS AND BENEFITS.

(a) IN GENERAL.—The Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following:

"TITLE V—SPENDING LIMITS AND BENEFITS FOR SENATE ELECTION CAMPAIGNS

"SEC. 501. CANDIDATES ELIGIBLE TO RECEIVE BENEFITS.

''(a) IN GENERAL.—For purposes of this title, a candidate is an eligible Senate candidate if the candidate—

''(1) meets the primary and general election filing requirements of subsections (c) and (d);

''(2) meets the primary and runoff election expenditure limits of subsection (b); and

''(3) meets the threshold contribution requirements of subsection (e).

''(b) PRIMARY AND RUNOFF EXPENDITURE LIMITS.—The requirements of this subsection are met if—

''(1) the candidate and the candidate's authorized committees did not make expenditures for the primary election in excess of 67 percent of the general election expenditure limit under section 502(a); and

''(2) the candidate and the candidate's authorized committees did not make expenditures for any runoff election in excess of 20 percent of the general election expenditure limit under section 502(a).

''(c) PRIMARY FILING REQUIREMENTS.—

''(1) IN GENERAL.—The requirements of this subsection are met if the candidate files with the Commission a certification that—

''(A) the candidate and the candidate's authorized committees—

''(i) will meet the primary and runoff election expenditure limits of subsection (b); and

''(ii) will accept only an amount of contributions for the primary and runoff elections that does exceed those limits; and

''(B) the candidate and the candidate's authorized committees will meet the general election expenditure limit under section 502(a).

''(2) DEADLINE FOR FILING CERTIFICATION.—The certification under paragraph (1) shall be filed not later than the date the candidate files as a candidate for the primary election.

''(d) GENERAL ELECTION FILING REQUIREMENTS.—

''(1) IN GENERAL.—The requirements of this subsection are met if the candidate files a certification with the Commission under penalty of perjury that—

''(A) the candidate and the candidate's authorized committees—

''(i) met the primary and runoff election expenditure limits under subsection (b); and

''(ii) did not accept contributions for the primary or runoff election in excess of the primary or runoff expenditure limit under subsection (b), whichever is applicable, reduced by any amounts transferred to the current election cycle from a preceding election cycle;

''(B) at least one other candidate has qualified for the same general election ballot under the law of the candidate's State; and

''(C) the candidate and the authorized committees of the candidate—

''(i) except as otherwise provided by this title, will not make expenditures that exceed the general election expenditure limit under section 502(a);

''(ii) will not accept any contributions in violation of section 315; and

''(iii) except as otherwise provided by this title, will not accept any contribution for the general election involved to the extent that the contribution would cause the aggregate amount of contributions to exceed the sum of the amount of the general election expenditure limit under section 502(a), reduced by any amounts transferred to the current election cycle from a previous election cycle and not taken into account under subparagraph (A)(ii).

''(2) DEADLINE FOR FILING CERTIFICATION.—The certification under paragraph (1) shall be filed not later than 7 days after the earlier of—

''(A) the date on which the candidate qualifies for the general election ballot under State law; or

''(B) if under State law, a primary or runoff election to qualify for the general election ballot occurs after September 1, the date on which the candidate wins the primary or runoff election.

''(e) THRESHOLD CONTRIBUTION REQUIREMENTS.—

''(1) IN GENERAL.—The requirements of this subsection are met if the candidate and the candidate's authorized committees have received allowable contributions during the applicable period in an amount at least equal to the lesser of—

''(A) 10 percent of the general election expenditure limit under section 502(a); or

''(B) $250,000.

''(2) DEFINITIONS.—In this subsection:

''(A) ALLOWABLE CONTRIBUTION.—The term 'allowable contribution' means a contribution that is made as a gift of money by an individual pursuant to a written instrument identifying the individual as the contributor.

''(B) APPLICABLE PERIOD.—The term 'applicable period' means—

''(i) the period beginning on January 1 of the calendar year preceding the calendar year of the general election involved and ending on the date on which the certification under subsection (c)(2) is filed by the candidate; or

''(ii) in the case of a special election for the office of Senator, the period beginning on the date on which the vacancy in the office occurs and ending on the date of the general election.

"SEC. 502. LIMITATION ON EXPENDITURES.

''(a) GENERAL ELECTION EXPENDITURE LIMIT.—

''(1) IN GENERAL.—The aggregate amount of expenditures for a general election by an eligible Senate candidate and the candidate's authorized committees shall not exceed the greater of—

''(A) $950,000; or

''(B) $400,000; plus

''(i) 30 cents multiplied by the voting age population not in excess of 4,000,000; and

''(ii) 25 cents multiplied by the voting age population in excess of 4,000,000.

''(2) INDEXING.—The amounts determined under paragraph (1) shall be increased as of the beginning of each calendar year based on the increase in the price index determined under section 315(c), except that the base period shall be calendar year 1997.

''(b) PAYMENT OF TAXES.—The limitation under subsection (a) shall not apply to any expenditure for Federal, State, or local taxes with respect to earnings on contributions raised.

"SEC. 503. MATCHING FUNDS FOR ELIGIBLE SENATE CANDIDATES IN RESPONSE TO EXPENDITURES BY NON-ELIGIBLE OPPONENTS.

''(a) IN GENERAL.—Not later than 5 days after the Commission determines that a Senate candidate has made or obligated to make expenditures or accepted contributions during an election in an aggregate amount in excess of the applicable election expenditure limit under section 502(a) or 501(b), the Commission shall make available to an eligible Senate candidate in the same election an aggregate amount of funds equal to the amount in excess of the applicable limit.

''(b) ELIGIBLE SENATE CANDIDATE OPPOSED BY MORE THAN 1 NON-ELIGIBLE SENATE CANDIDATE.—For purposes of subsection (a), if an eligible Senate candidate is opposed by more than 1 non-eligible Senate candidate in the same election, the Commission shall take into account only the amount of expenditures of the non-eligible Senate candidate that expends, in the aggregate, the greatest amount of funds.

''(c) TIME TO MAKE DETERMINATIONS.—The Commission may, on the request of a candidate or on its own initiative, make a determination whether a candidate has made or obligated to make an aggregate amount of expenditures in excess of the applicable limit under subsection (a).

''(d) USE OF FUNDS.—Funds made available to a candidate under subsection (a) shall be used in the same manner as contributions are used.

''(e) TREATMENT OF FUNDS.—An expenditure made with funds made available to a candidate under this section shall not be treated as an expenditure for purposes of the expenditure limits under sections 501(b) and 502(a).

''SEC. 504. CERTIFICATION BY COMMISSION.

''(a) IN GENERAL.—Not later than 48 hours after an eligible candidate qualifies for a general election ballot, the Commission shall certify the candidate's eligibility for matching funds under section 503.

''(b) DETERMINATIONS BY COMMISSION.—A determination (including a certification under subsection (a)) made by the Commission under this title shall be final, except to the extent that the determination is subject to examination and audit by the Commission under section 505.

''SEC. 505. REVOCATION; MISUSE OF BENEFITS.

''(a) REVOCATION OF STATUS.—If the Commission determines that any eligible Senate candidate has received contributions or made or obligated to make expenditures in excess of—

''(1) the applicable primary election expenditure limit under this title; or

''(2) the applicable general election expenditure limit under this title,

the Commission shall revoke the certification of the candidate as an eligible Senate candidate and notify the candidate of the revocation.

''(b) MISUSE OF BENEFITS.—If the Commission determines that any benefit made available to an eligible Senate candidate under this title was not used as provided for in this title or that a candidate has violated any of the spending limits contained in this Act, the Commission shall notify the candidate, and the candidate shall pay the Commission an amount equal to the value of the benefit.''.

(b) TRANSITION PERIOD.—Expenditures made before January 1, 1998, shall not be counted as expenditures for purposes of the limitations contained in the amendment made by subsection (a).

TITLE II—REDUCTION OF SPECIAL INTEREST INFLUENCE

Subtitle A—Provisions Relating to Soft Money of Political Party Committees

SEC. 201. SOFT MONEY OF POLITICAL PARTY COMMITTEES.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 301 et seq.) is amended by adding at the end the following:

''SEC. 324. SOFT MONEY OF POLITICAL PARTY COMMITTEES.

''(a) NATIONAL COMMITTEES.—A national committee of a political party (including a national congressional campaign committee of a political party, an entity that is established, financed, maintained, or controlled by the national committee, a national congressional campaign committee of a political party, and an officer or agent of any such party or entity but not including an entity regulated under subsection (b)) shall not solicit or receive any contributions, donations, or transfers of funds, or spend any funds, not subject to the limitations, prohibitions, and reporting requirements of this Act.

''(b) STATE, DISTRICT, AND LOCAL COMMITTEES.—

''(1) LIMITATION.—Any amount that is expended or disbursed by a State, district, or local committee of a political party (including an entity that is established, financed, maintained, or controlled by a State, district, or local committee of a political party and an agent or officer of any such committee or entity) during a calendar year in which a Federal election is held, for any activity that might affect the outcome of a Federal election, including any voter registration or get-out-the-vote activity, any generic campaign activity, and any communication that identifies a candidate (regardless of whether a candidate for State or local office is also mentioned or identified) shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

''(2) ACTIVITY NOT INCLUDED IN PARAGRAPH (1).—

''(A) IN GENERAL.—Paragraph (1) shall not apply to an expenditure or disbursement made by a State, district, or local committee of a political party for—

''(i) a contribution to a candidate for State or local office if the contribution is not designated or otherwise earmarked to pay for an activity described in paragraph (1);

''(ii) the costs of a State, district, or local political convention;

''(iii) the non-Federal share of a State, district, or local party committee's administrative and overhead expenses (but not including the compensation in any month of any individual who spends more than 20 percent of the individual's time on activity during the month that may affect the outcome of a Federal election) except that for purposes of this paragraph, the non-Federal share of a party committee's administrative and overhead expenses shall be determined by applying the ratio of the non-Federal disbursements to the total Federal expenditures and non-Federal disbursements made by the committee during the previous presidential election year to the committee's administrative and overhead expenses in the election year in question;

''(iv) the costs of grassroots campaign materials, including buttons, bumper stickers, and yard signs that name or depict only a candidate for State or local office; and

''(v) the cost of any campaign activity conducted solely on behalf of a clearly identified candidate for State or local office, if the candidate activity is not an activity described in paragraph (1).

''(B) FUNDRAISING.—Any amount that is expended or disbursed by a national, State, district, or local committee, by an entity that is established, financed, maintained, or controlled by a State, district, or local committee of a political party, or by an agent or officer of any such committee or entity to raise funds that are used, in whole or in part, to pay the costs of an activity described in subparagraph (A) shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

''(c) TAX-EXEMPT ORGANIZATIONS.—No national, State, district, or local committee of a political party shall solicit any funds for or make any donations to an organization that is exempt from Federal taxation under section 501(c) of the Internal Revenue Code of 1986.

''(d) CANDIDATES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), no candidate, individual holding Federal office, or agent of a candidate or individual holding Federal office may—

''(A) solicit or receive funds in connection with an election for Federal office unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act; or

''(B) solicit or receive funds that are to be expended in connection with any election for other than a Federal election unless the funds—

''(i) are not in excess of the amounts permitted with respect to contributions to candidates and political committees under paragraphs (1) and (2) of section 315(a); and

''(ii) are not from sources prohibited by this Act from making contributions with respect to an election for Federal office.

''(2) EXCEPTION.—Paragraph (1) does not apply to the solicitation or receipt of funds by an individual who is a candidate for a State or local office if the solicitation or receipt of funds is permitted under State law for the individual's State or local campaign committee.''.

SEC. 202. STATE PARTY GRASSROOTS FUNDS.

(a) INDIVIDUAL CONTRIBUTIONS.—Section 315(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)) (as amended by section 105) is amended—

(1) in subparagraph (C) by striking ''or'' at the end;

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following:

''(D) to—

''(i) a State Party Grassroots Fund established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $20,000;

''(ii) any other political committee established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $5,000;

except that the aggregate contributions described in this subparagraph that may be made by a person to the State Party Grassroots Fund and all committees of a State Committee of a political party in any State in any calendar year shall not exceed $20,000; or''.

(b) MULTICANDIDATE COMMITTEE CONTRIBUTIONS TO STATE PARTY.—Section 315(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(2)) is amended—

(1) in subparagraph (B), by striking ''or'' at the end;

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following:

''(C) to—

''(i) a State Party Grassroots Fund established and maintained by a State committee of a political party in any calendar year which in the aggregate, exceed $15,000;

''(ii) to any other political committee established and maintained by a State committee of a political party which, in the aggregate, exceed $5,000;

except that the aggregate contributions described in this subparagraph that may be made by a multicandidate political committee to the State Party Grassroots Fund and all committees of a State Committee of a political party in any State in any calendar year shall not exceed $15,000; or''.

(c) OVERALL LIMIT.—

(1) IN GENERAL.—Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)) is amended by striking paragraph (3) and inserting the following:

''(3) OVERALL LIMIT.—

''(A) ELECTION CYCLE.—No individual shall make contributions during any election cycle that, in the aggregate, exceed $60,000.

''(B) CALENDAR YEAR.—No individual shall make contributions during any calendar year—

''(i) to all candidates and their authorized political committees that, in the aggregate, exceed $25,000; or

''(ii) to all political committees established and maintained by State committees of a political party that, in the aggregate, exceed $20,000.

''(C) NONELECTION YEARS.—For purposes of subparagraph (B)(i), any contribution made to a candidate or the candidate's authorized political committees in a year other than the calendar year in which the election is held with respect to which the contribution is made shall be treated as being made during the calendar year in which the election is held.''.

(2) DEFINITION.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end the following:

''(20) ELECTION CYCLE.—The term 'election cycle' means—

''(A) in the case of a candidate or the authorized committees of a candidate, the period beginning on the day after the date of the most recent general election for the specific office or seat that the candidate seeks and ending on the date of the next general election for that office or sea; and

''(B) in the case of all other persons, the period beginning on the first day following the date of the last general election and ending on the date of the next general election.''.

(d) STATE PARTY GRASSROOTS FUNDS.—

(1) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 301 et seq.) (as amended by section 201) is amended by adding at the end the following:

''SEC. 325. STATE PARTY GRASSROOTS FUNDS.

''(a) DEFINITION.—In this section, the term 'State or local candidate committee' means a committee established, financed, maintained, or controlled by a candidate for other than Federal office.

''(b) TRANSFERS.—Notwithstanding section 315(a)(4), no funds may be transferred by a State committee of a political party from its State Party Grassroots Fund to any other State Party Grassroots Fund or to any other political committee, except a transfer may be made to a district or local committee of the same political party in the same State if the district or local committee—

''(1) has established a separate segregated fund for the purposes described in section 324(b)(1); and

''(2) uses the transferred funds solely for those purposes.

''(c) AMOUNTS RECEIVED BY GRASSROOTS FUNDS FROM STATE AND LOCAL CANDIDATE COMMITTEES.—

''(1) IN GENERAL.—Any amount received by a State Party Grassroots Fund from a State or local candidate committee for expenditures described in section 324(b)(1) that are for the benefit of that candidate shall be treated as meeting the requirements of 324(b)(1) and section 304(f) if—

''(A) the amount is derived from funds which meet the requirements of this Act with respect to any limitation or prohibition as to source or dollar amount specified in paragraphs (1)(A) and (2)(A) of section 315(a); and

''(B) the State or local candidate committee—

''(i) maintains, in the account from which payment is made, records of the sources and amounts of funds for purposes of determining whether those requirements are met; and

''(ii) certifies that the requirements were met.

''(2) DETERMINATION OF COMPLIANCE.—For purposes of paragraph (1)(A), in determining whether the funds transferred meet the requirements of this Act described in paragraph (1)(A)—

''(A) a State or local candidate committee's cash on hand shall be treated as consisting of the funds most recently received by the committee; and

''(B) the committee must be able to demonstrate that its cash on hand contains funds meeting those requirements sufficient to cover the transferred funds.

''(3) REPORTING.—Notwithstanding paragraph (1), any State Party Grassroots Fund that receives a transfer described in paragraph (1) from a State or local candidate committee shall be required to meet the reporting requirements of this Act, and shall submit to the Commission all certifications received, with respect to receipt of the transfer from the candidate committee.''.

(2) DEFINITION.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) (as amended by subsection (c)(2)) is amended by adding at the end the following:

''(21) STATE PARTY GRASSROOTS FUND.—The term 'State Party Grassroots Fund' means a separate segregated fund established and maintained by a State committee of a political party solely for the purpose of making expenditures and other disbursements described in section 325(a).''.

SEC. 203. REPORTING REQUIREMENTS.

(a) REPORTING REQUIREMENTS.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by section 232) is amended by adding at the end the following:

''(f) POLITICAL COMMITTEES.—

''(1) NATIONAL AND CONGRESSIONAL POLITICAL COMMITTEES.—The national committee of a political party, any congressional campaign committee of a political party, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period, whether or not in connection with an election for Federal office.

''(2) OTHER POLITICAL COMMITTEES TO WHICH SECTION 325 APPLIES.—A political committee (not described in paragraph (1)) to which section 325(b)(1) applies shall report all receipts and disbursements.

''(3) OTHER POLITICAL COMMITTEES.—Any political committee to which paragraph (1) or (2) does not apply shall report any receipts or disbursements that are used in connection with a Federal election.

''(4) TRANSFERS TO STATE COMMITTEES.—Any political committee shall include in its report under paragraph (1) or (2) the amount of any contribution received by a national committee which is to be transferred to a State committee for use directly (or primarily to support) activities described in section 325(b)(2) and shall itemize such amounts to the extent required by subsection (b)(3)(A).

''(5) ITEMIZATION.—If a political committee has receipts or disbursements to which this subsection applies from any person aggregating in excess of $200 for any calendar year, the political committee shall separately itemize its reporting for such person in the same manner as required in paragraph (3)(A), (5), or (6) of subsection (b).

''(6) REPORTING PERIODS.—Reports required to be filed under this subsection shall be filed for the same time periods required for political committees under subsection (a).''.

(b) REPORT OF EXEMPT CONTRIBUTIONS.—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)) is amended by adding at the end the following:

''(C) The exclusion provided in subparagraph (B)(viii) shall not apply for purposes of any requirement to report contributions under this Act, and all such contributions aggregating in excess of $200 shall be reported.''.

(c) REPORTS BY STATE COMMITTEES.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by subsection (a)) is amended by adding at the end the following:

''(g) FILING OF STATE REPORTS.—In lieu of any report required to be filed by this Act, the Commission may allow a State committee of a political party to file with the Commission a report required to be filed under State law if the Commission determines such reports contain substantially the same information.''.

(d) OTHER REPORTING REQUIREMENTS.—

(1) AUTHORIZED COMMITTEES.—Section 304(b)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(4)) is amended—

(A) by striking ''and'' at the end of subparagraph (H);

(B) by inserting ''and'' at the end of subparagraph (I); and

(C) by adding at the end the following new subparagraph:

''(J) in the case of an authorized committee, disbursements for the primary election, the general election, and any other election in which the candidate participates;''.

(2) NAMES AND ADDRESSES.—Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended—

(A) by striking ''within the calendar year''; and

(B) by inserting '', and the election to which the operating expenditure relates'' after ''operating expenditure''.

Subtitle B—Soft Money of Persons Other Than Political Parties

SEC. 211. SOFT MONEY OF PERSONS OTHER THAN POLITICAL PARTIES.

Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by section 203) is amended by adding at the end the following:

''(h) ELECTION ACTIVITY OF PERSONS OTHER THAN POLITICAL PARTIES.—

''(1) IN GENERAL.—A person other than a committee of a political party that makes aggregate disbursements totaling in excess of $10,000 for activities described in paragraph (2) shall file a statement with the Commission—

''(A) within 48 hours after the disbursements are made; or

''(B) in the case of disbursements that are made within 20 days of an election, within 24 hours after the disbursements are made.

''(2) ACTIVITY.—The activity described in this paragraph is—

''(A) any activity described in section 315(b)(2)(A) that refers to any candidate for Federal office, any political party, or any Federal election; and

''(B) any activity described in subparagraph (B) or (C) of section 315(b)(2).

''(3) ADDITIONAL STATEMENTS.—An additional statement shall be filed each time additional disbursements aggregating $10,000 are made by a person described in paragraph (1).

''(4) APPLICABILITY.—This subsection does not apply to—

''(A) a candidate or a candidate's authorized committees; or

''(B) an independent expenditure.

''(5) CONTENTS.—A statement under this section shall contain such information about the disbursements as the Commission shall prescribe, including—

''(A) the name and address of the person or entity to whom the disbursement was made;

''(B) the amount and purpose of the disbursement; and

''(C) if applicable, whether the disbursement was in support of, or in opposition to, a candidate or a political party, and the name of the candidate or the political party.''.

Subtitle C—Contributions

SEC. 221. PROHIBITION OF CONTRIBUTIONS TO FEDERAL CANDIDATES AND OF DONATIONS OF ANYTHING OF VALUE TO POLITICAL PARTIES BY FOREIGN NATIONALS.

Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e) is amended—

(1) by striking the heading and inserting ''PROHIBITION OF CONTRIBUTIONS TO CANDIDATES AND DONATIONS OF ANYTHING OF VALUE TO POLITICAL PARTIES BY FOREIGN NATIONALS''; and

(2) in subsection (a)—

(A) by inserting ''or to make a donation of money or any other thing of value to a political committee of a political party'' after ''office''; and

(B) by inserting ''or donation'' after ''contribution'' the second place it appears.

SEC. 222. CLOSING OF SOFT MONEY LOOPHOLE.

Section 315(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(3)) is amended by striking ''contributions'' and inserting ''contributions (as defined in section 301) to a candidate or donations (including a contribution as defined in section 301) to political committees''.

SEC. 223. CONTRIBUTIONS TO DEFRAY LEGAL EXPENSES OF CERTAIN OFFICIALS.

(a) CONTRIBUTIONS TO DEFRAY LEGAL EXPENSES.—

(1) PROHIBITION ON MAKING OF CONTRIBUTIONS.—It shall be unlawful for any person to make a contribution to a candidate for nomination to, or election to, a Federal office (as defined in section 301(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3))), an individual who is a holder of a Federal office, or any head of an Executive department, or any entity established on behalf of such individual, to defray legal expenses of such individual—

(1) to the extent it would result in the aggregate amount of such contributions from such person to or on behalf of such individual to exceed $10,000 for any calendar year; or

(2) if the person is—

(A) a foreign national (as defined in section 319(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e(b)); or

(B) a person prohibited from contributing to the campaign of a candidate under section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b).

(2) PROHIBITION ON ACCEPTANCE OF CONTRIBUTIONS.—No person shall accept a contribution if the contribution would violate paragraph (1).

(3) PENALTY.—A person that knowingly and willfully commits a violation of paragraph (1) or (2) shall be fined an amount not to exceed the greater of $25,000 or 300 percent of the contribution involved in such violation, imprisoned for not more than 1 year, or both.

(4) CONSTRUCTION OF PROHIBITION.—Nothing in this section shall be construed to permit the making of a contribution that is otherwise prohibited by law.

(b) REPORTING REQUIREMENTS.—A candidate for nomination to, or election to, a Federal office, an individual who is a holder of a Federal office, or any head of an Executive department, or any entity established on behalf of such individual, that accepts contributions to defray legal expenses of such individual shall file a quarterly report with the Federal Election Commission including the following information:

(1) The name and address of each contributor who makes a contribution in excess of $25.

(2) The amount of each contribution.

(3) The name and address of each individual or entity receiving disbursements from the fund.

(4) A brief description of the nature and amount of each disbursement.

(5) The name and address of any provider of pro bono services to the fund.

(6) The fair market value of any pro bono services provided to the fund.

Subtitle D—Independent Expenditures

SEC. 231. CLARIFICATION OF DEFINITIONS RELATING TO INDEPENDENT EXPENDITURES.

Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by striking paragraphs (17) and (18) and inserting the following:

''(17) INDEPENDENT EXPENDITURE.—The term 'independent expenditure' means an expenditure that—

''(A) contains express advocacy; and

''(B) is made without cooperation or consultation with any candidate, or any authorized committee or agent of such candidate, and which is not made in concert with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate.

''(18) EXPRESS ADVOCACY.—

''(A) IN GENERAL.—The term 'express advocacy' means a communication that, taken as a whole and with limited reference to external events, makes positive statements about or negative statements about or makes an expression of support for or opposition to a specific candidate, a specific group of candidates, or candidates of a particular political party.

''(B) EXPRESSION OF SUPPORT FOR OR OPPOSITION TO.—In subparagraph (A), the term 'expression of support for or opposition to' includes a suggestion to take action with respect to an election, such as to vote for or against, make contributions to, or participate in campaign activity, or to refrain from taking action.

''(C) VOTING RECORDS.—The term 'express advocacy' does not include the publication and distribution of a communication that is limited to providing information about votes by elected officials on legislative matters and that does not expressly advocate the election or defeat of a clearly identified candidate.''.

SEC. 232. REPORTING REQUIREMENTS FOR INDEPENDENT EXPENDITURES.

(a) TIME FOR REPORTING CERTAIN EXPENDITURES.—Section 304(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(c)) is amended—

(1) in paragraph (2), by striking the undesignated matter after subparagraph (C);

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2), as amended by paragraph (1), the following:

''(d) TIME FOR REPORTING CERTAIN EXPENDITURES.—

''(1) EXPENDITURES AGGREGATING $1,000.—

''(A) INITIAL REPORT.—A person that makes or obligates to make independent expenditures aggregating $1,000 or more after the 20th day, but more than 24 hours, before an election shall file a report describing the expenditures within 24 hours after that amount of independent expenditures has been made or obligated to be made.

''(B) ADDITIONAL REPORTS.—After a person files a report under subparagraph (A), the person filing the report shall file an additional report each time that independent expenditures are made or obligated to be made aggregating an additional $1,000 with respect to the same election as that to which the initial report relates.

''(2) EXPENDITURES AGGREGATING $10,000.—

''(A) INITIAL REPORT.—A person that makes or obligates to make independent expenditures aggregating $10,000 or more after the 90th day and up to and including the 20th day before an election shall file a report describing the expenditures within 24 hours after that amount of independent expenditures has been made or obligated to be made.

''(B) ADDITIONAL REPORTS.—After a person files a report under subparagraph (A), the person filing the report shall file an additional report each time that independent expenditures are made or obligated to be made aggregating an additional $10,000 with respect to the same election as that to which the initial report relates.

''(3) CONTENTS OF REPORT.—A report under this subsection—

''(A) shall be filed with the Commission;

''(B) shall contain the information required by subsection (c).''.

(b) AFFIDAVIT REQUIREMENT.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by subsection (a)) is amended—

(1) in subsection (c)(2)(B), by inserting ''(in the case of a committee, by both the chief executive officer and the treasurer of the committee)'' after ''certification''; and

(2) by adding at the end the following:

''(e) CERTIFICATION REQUIREMENTS.—

''(1) COMMISSION.—Not later than 48 hours after receipt of a certification under subsection (c)(2)(B), the Commission shall notify the candidate to which the independent expenditure refers and the candidate's campaign manager and campaign treasurer that an expenditure has been made and a certification has been received.

''(2) CANDIDATE.—Not later than 48 hours after receipt of notification under paragraph (1), the candidate and the candidate's campaign manager and campaign treasurer shall each file with the Commission a certification, under penalty of perjury, stating whether or not the independent expenditure was made in cooperation, consultation, or concert, with, or at the request or suggestion of, the candidate or authorized committee or agent of such candidate.''.

TITLE III—APPROPRIATIONS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

The Federal Election Campaign Act of 1971 is amended—

(1) by striking section 314 (2 U.S.C. 439c) and inserting the following:

''SEC. 314. [REPEALED].'';

and

(2) by inserting after section 407 the following:

''SEC. 408. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this Act and chapters 95 and 96 of the Internal Revenue Code of 1986 such sums as are necessary.''.

TITLE IV—SEVERABILITY; JUDICIAL REVIEW; EFFECTIVE DATE; REGULATIONS

SEC. 401. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SEC. 402. EXPEDITED REVIEW OF CONSTITUTIONAL ISSUES.

(a) DIRECT APPEAL TO SUPREME COURT.—An appeal may be taken directly to the Supreme Court of the United States from any interlocutory order or final judgment, decree, or order issued by any court ruling on the constitutionality of any provision of this Act or amendment made by this Act.

(b) ACCEPTANCE AND EXPEDITION.—The Supreme Court shall, if it has not previously ruled on the question addressed in the ruling below, accept jurisdiction over, advance on the docket, and expedite the appeal to the greatest extent possible.

SEC. 403. EFFECTIVE DATE.

Except as otherwise provided in this Act, the amendments made by, and the provisions of, this Act shall take effect on January 1, 1998.

SEC. 404. REGULATIONS.

The Federal Election Commission shall prescribe any regulations required to carry out this Act not later than 9 months after the effective date of this Act.

By Ms. SNOWE (for herself, Mr. KERRY and Mr. KENNEDY):

S. 1192. A bill to limit the size of vessels permitted to fish for Atlantic mackerel or herring, to the size permitted under the appropriate fishery

management plan; to the Committee on Commerce, Science, and Transportation.

THE NORTH ATLANTIC FISHERIES RESOURCE CONSERVATION ACT

Ms. SNOWE. Mr. President, in keeping with the old adage that those who do not know history are doomed to repeat it, I am introducing a bill today with Senator KERRY which is designed to avoid repeating the mistakes of the past in fisheries management.

Most of the major commercial fisheries in both the United States and the world are either fully exploited or overexploited. In many instances, these fisheries have approached or reached an overfished condition because the fishing fleets which targeted them became overcapitalized before the management system in place could respond effectively to this excess fishing capacity. As a result, we find ourselves today faced with case after case of having to make wrenching management decisions to reduce fishing effort that have substantial socioeconomic impacts on coastal communities that depend on fishing for their livelihoods.

In the cases of Atlantic herring and Atlantic mackerel, however, we still have time. Through torturous but ultimately fortunate historical circumstances, the offshore stocks of these fisheries remain, at least according to the best information presently available, fairly abundant. And because of their relative abundance, these fisheries have attracted increasing attention from fishermen in the Northeast and the mid-Atlantic, many of whom have been displaced from the now-depleted New England groundfish fishery.

Earlier this year, however, a dramatic new proposal came to light which could alter the planned course of sustainable development for these fisheries. A United States-Dutch group intends to bring a 369 foot factory trawler into the Atlantic herring and mackerel fisheries by the spring of 1998. This vessel is more than twice the size of any other vessel currently fishing in New England, and it intends to harvest 50,000 tons of fish annually. Many concerns have been raised from Maine to New Jersey about the potential impacts that this enormous vessel will have on the herring and mackerel stocks, and on the composition of the fisheries that have been developing in recent years through the hard work of many people in the region. To take one example of these concerns, while the National Marine Fisheries Service indicates that herring is, according to the best information, fairly abundant off Georges Bank and southern New England, there are legitimate concerns about the health of the Gulf of Maine stocks which form the major source of supply for the sardine and lobster bait industries, and which do appear to interact and aggregate with the offshore stocks at certain times of the year. Unfortunately, today's science cannot tell us with a high degree of precision what impacts the increased fishing of offshore stocks would have on all of the key Gulf of Maine stocks.

The uncertainties surrounding the Atlantic Star proposal are the kinds of things that must be carefully reviewed, and the most appropriate forums for reviewing these questions are the regional fishery management councils established to manage our fisheries under the Magnuson-Stevens Act. Unfortunately, neither of the councils with jurisdiction over herring and mackerel had addressed the issues raised by the Atlantic Star before the vessel's owners were able to get it permitted. The Atlantic herring fishery does not have a federal fishery management plan, meaning that it is largely unregulated. And the existing management plan for mackerel was developed before it was known that the Atlantic Star would seek to operate in that fishery.

To ensure that the Atlantic Star and other vessels of its class receive the thorough consideration intended in the Magnuson-Stevens Act, the bill introduced by Senator KERRY and I calls a temporary timeout on the entry of very large vessels into the herring and mackerel fisheries until the councils have time to act. Our bill states that no vessel over 165 feet or with greater than 3,000 horsepower can harvest these species unless the appropriate council specifically authorizes it in a fishery management plan or plan amendment. But unlike other bills that have been introduced on this issue, our bill ensures that this matter is addressed in a reasonable timeframe. It establishes deadlines for action on the Atlantic Star by the councils and the Commerce Department of September 30, 1998, whether the decision is favorable or unfavorable.

Mr. President, this bill simply ensures that the analytical and deliberative process outlined in the Magnuson-Stevens Act has a chance to work as it was intended. And when the issue is the introduction of a dramatically different new fishing technology into two relatively healthy fisheries of substantial importance to many people who live in the region, the integrity of this process could not be more important. It is unfortunate that this issue was not resolved by the councils and the Commerce Department sooner, but the fact is that it was not, and Congress, if it is to ensure that our fisheries are managed responsibly, must intervene in a responsible manner. The remedy that we have proposed is responsible, temporary, and reasonable.

Mr. KERRY. Mr. President, I rise today to join with my friend and colleague, the distinguished Senator from Maine, in introducing legislation on a topic of growing importance to coastal communities throughout the Northeast—conservation of North Atlantic fisheries resources.

Since I arrived in the Senate over 12 years ago, I have worked to address the many challenges confronting our ocean and coastal resources. After all, few States draw as much of their national and regional identity from their coasts as does Massachusetts. My efforts have been principally through my participation as a member on the Commerce, Science, and Transportation Committee, and particularly as ranking member of the Oceans and Fisheries Subcommittee and as co-chair of its predecessor, the National Ocean Policy Study.

During my tenure, I have worked with my colleagues to develop innovative policy solutions to achieve the long-term protection and sustainable use of vulnerable marine resources. Our goal has been to ensure strong coastal economies and a clean, healthy ocean environment from the Gulf of Maine to the Gulf of Alaska.

One of our recent successes was last year's bill to reauthorize and strengthen the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). That legislation, the Sustainable Fisheries Act, ultimately should provide the framework for rebuilding depleted fish stocks and developing management schemes to prevent overfishing. Unfortunately, many of the ideas and safeguards the new law contains represent difficult lessons learned from the devastating collapse of the New England groundfish fishery. In other regional fisheries, we have been too late to stop the depletion.

This brings us to the issue at hand: How can we prevent repetition of the groundfish experience, maintain the current health of Atlantic herring and mackerel stocks, and encourage their sustainable use? The first step, of course, is through development of conservative and comprehensive fishery management plans. Toward that end, on June 17, 1997, I wrote the National Marine Fisheries Service, asking it to work with the New England Fishery Management Council to ensure the immediate development and implementation of a fishery management plan for Atlantic herring. Such a plan is essential to protect herring stocks and traditional fishery participants as proposals move forward to expand the herring fishery in Federal waters.

Atlantic herring is an important part of New England's fishing tradition. For generations, we have harvested herring for use as canned sardines, as bait in lobster pots, and for other products. Fishermen using small boats form the base of the fishery, and it is those fishermen, more than any others, who seek an intelligent plan for managing the fishery and protecting against overharvest. In addition, Atlantic herring play a key role in the marine ecosystem off New England coasts by providing a primary food source for whales, seabirds, and other fish including groundfish, tuna, striped bass, and bluefish.

The challenge now is to prevent a flood of new or displaced boats from entering the herring fishery and overwhelming the harvesting capacity of the resource. The National Marine Fisheries Service estimates that herring stocks are now at levels that

would support an expanded harvest level. However, New England's past has taught us that in an unregulated environment, this current healthy condition could rapidly be reversed. Given the present lack of a Federal fishery management plan for herring and questionable scientific information on the status of the stocks, the uncontrolled expansion of this fishery could have devastating consequences.

We need to slow down the increase in fishing power entering the herring fishery, and we need to give the New England Council the time to develop a thoughtful Federal management plan for herring that responds to local interests and needs. While I had hoped that the council and the Secretary of Commerce would be able to accomplish these goals through the process established by the Magnuson-Stevens Act and other fishery laws, it has become clear in recent weeks that we must impose temporary legislative safeguards until that process is complete.

The bill which Senators SNOWE, KENNEDY, and I are introducing today, the North Atlantic Fisheries Resource Conservation Act, provides those safeguards. First, by September 30, 1998, the New England and Mid-Atlantic Councils and the Secretary of Commerce are required to develop and implement both a fishery management plan for herring and a plan amendment for Atlantic mackerel. Second, a fishing vessel that is longer than 165 feet or has engines that exceed 3,000 horsepower is prohibited from harvesting either herring or mackerel until the councils and the Secretary have addressed the potential impact of such vessels in the management plan.

While the provisions of the North Atlantic Fisheries Resource Conservation Act are specific to two Northeast fisheries, the issues which they address should become part of a broader national policy debate about our vision for the American fishing industry in the 21st century. For over two decades, our fishery policies have focused on two goals: conservation and management of U.S. fishery resources and development of the domestic fishing industry. We have succeeded beyond our expectations in achieving the second goal of developing the U.S. fishing industry. I am optimistic that the Sustainable Fisheries Act will move us toward achieving the first goal of improving conservation and management. With the achievement of those goals, however, come new questions. What do we want our fishing industry to look like in the years to come? What should we as a nation do to preserve traditional coastal communities centered on small-boat fishermen? What restrictions if any should be placed on enormous factory trawlers? In New England, these large ships conjure up memories of foreign factory trawlers vacuuming up and destroying U.S. fishery resources in the days before the Magnuson-Stevens Act. Are such ships an appropriate element in other U.S. fisheries?

The legislation before us today focuses on the actions needed to safeguard the Atlantic herring and mackerel fisheries. However, I look forward to the broader debate. By the prompt enactment of this legislation I hope we can contribute to that debate and begin to shift the national example set by New England fisheries from one of overfishing and painful rebuilding toward one of conservative management that is successful in preserving both the fishermen and the fish.

By Mr. CHAFEE (for himself, Mr. CRAIG, Mr. ROCKEFELLER, Mr. JEFFORDS, Mr. DEWINE, Mr. COATS, Mr. BOND, Ms. LANDRIEU, and Mr. LEVIN):

S. 1195. A bill to promote the adoption of children in foster care, and for other purposes; to the Committee on Finance.

THE PROMOTION OF ADOPTION SAFETY AND SUPPORT FOR ABUSED AND NEGLECTED CHILDREN ACT

Mr. CHAFEE. Mr. President, I am pleased to introduce the Promotion of Adoption, Safety and Support for Abused and Neglected Children Act, the so-called PASS Act. This legislation will make critical reforms to the Nation's child welfare and foster care system and will go a long way toward improving the lives of the hundreds of thousands of abused and neglected children across America. These are children without a safe family setting. They are children who face abuse and neglect every day of their lives. They are America's forgotten children. And, all too often, they are children without hope.

This chilling picture has brought the sponsors of this bill together to take immediate action. The goals of the PASS Act are twofold: to ensure that abused and neglected children are in safe settings, and to move children more rapidly out of the foster care system and into permanent placements.

While the goal of reunifying children with their biological families is laudable, we should not be encouraging States to return abused or neglected children to homes that are clearly unsafe. Regrettably, this is occurring under current law.

About 500,000—half a million—abused or neglected children currently live outside their homes, either in foster care or with relatives. In Rhode Island alone, there are nearly 1,500 children who have been removed from their homes and are in foster care. The Rhode Island Department of Children and Families has an active case load of about 7,700 children who have been abused or neglected.

Many of these children will be able to return to their parents, but many will not. Too often, children who cannot return to their parents wait for years in foster care before they are adopted. In today's child welfare system, it has become a lonely and tragic wait with no end. To us, that is an unacceptable way of life for any child to have to endure.

The PASS Act seeks to shorten the time a child must wait to be adopted, all the while ensuring that wherever a child is placed, his or her safety and health will be the first concern.

The PASS Act also contains important new financial incentives to help these children find adoptive homes. State agencies will receive bonuses for each child that is adopted, and families who open their hearts and their homes to these children will be eligible for Federal financial assistance and Medicaid coverage for the child.

I believe the PASS Act is a good bipartisan, compromise package. The sponsors of this bill have worked hard to come together in support of a child welfare reform bill. And we expect this new, revised legislation to move quickly through the Senate, as the Majority Leader has indicated that adoption legislation is one of a select few priorities to be dealt with before expected adjournment in early November.

But the real reason we need to move this bill is not because of legislative haste. It is because each passing day we do not act to bring hope and relief to abused and neglected children is a dark day for Congress and the Nation.

Finally let me thank my friend JAY ROCKEFELLER, who has worked so tirelessly on these issues and whose leadership was key to this bill. I also want to pay special tribute to LARRY CRAIG—without his commitment to these children this agreement would not have been possible. I am proud of this bipartisan effort, and I hope all of my colleagues will support this measure. I ask unanimous consent that the full text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1195

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Promotion of Adoption, Safety, and Support for Abused and Neglected Children (PASS) Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—REASONABLE EFFORTS AND SAFETY REQUIREMENTS FOR FOSTER CARE AND ADOPTION PLACEMENTS

Sec. 101. Clarification of the reasonable efforts requirement.

Sec. 102. Including safety in case plan and case review system requirements.

Sec. 103. Multidisciplinary/multiagency child death review teams.

Sec. 104. States required to initiate or join proceedings to terminate parental rights for certain children in foster care.

Sec. 105. Notice of reviews and hearings; opportunity to be heard.

Sec. 106. Use of the Federal Parent Locator Service for child welfare services.

Sec. 107. Criminal records checks for prospective foster and adoptive parents and group care staff.

Sec. 108. Development of State guidelines to ensure safe, quality care to children in out-of-home placements.
Sec. 109. Documentation of efforts for adoption or location of a permanent home.

TITLE II—INCENTIVES FOR PROVIDING PERMANENT FAMILIES FOR CHILDREN

Sec. 201. Adoption incentive payments.
Sec. 202. Promotion of adoption of children with special needs.
Sec. 203. Technical assistance.
Sec. 204. Adoptions across State and county jurisdictions.
Sec. 205. Facilitation of voluntary mutual reunions between adopted adults and birth parents and siblings.
Sec. 206. Annual report on State performance in protecting children.

TITLE III—ADDITIONAL IMPROVEMENTS AND REFORMS

Sec. 301. Expansion of child welfare demonstration projects.
Sec. 302. Permanency planning hearings.
Sec. 303. Kinship care.
Sec. 304. Standby guardianship.
Sec. 305. Clarification of eligible population for independent living services.
Sec. 306. Coordination and collaboration of substance abuse treatment and child protection services.
Sec. 307. Reauthorization and expansion of family preservation and support services.
Sec. 308. Innovation grants to reduce backlogs of children awaiting adoption and for other purposes.

TITLE IV—MISCELLANEOUS

Sec. 401. Preservation of reasonable parenting.
Sec. 402. Reporting requirements.
Sec. 403. Report on fiduciary obligations of State agencies receiving SSI payments.
Sec. 404. Allocation of administrative costs of determining eligibility for medicaid and TANF.

TITLE V—EFFECTIVE DATE

Sec. 501. Effective date.

TITLE I—REASONABLE EFFORTS AND SAFETY REQUIREMENTS FOR FOSTER CARE AND ADOPTION PLACEMENTS

SEC. 101. CLARIFICATION OF THE REASONABLE EFFORTS REQUIREMENT.

Section 471(a)(15) of the Social Security Act (42 U.S.C. 671(a)(15)) is amended to read as follows:

''(15) provides that—

''(A) in determining reasonable efforts, as described in this section, the child's health and safety shall be the paramount concern;

''(B) reasonable efforts shall be made to preserve and reunify families when possible—

''(i) prior to the placement of a child in foster care, to prevent or eliminate the need for removing the child from the child's home when the child can be cared for at home without endangering the child's health or safety; or

''(ii) to make it possible for the child to safely return to the child's home;

''(C) reasonable efforts shall not be required on behalf of any parent—

''(i) if a court of competent jurisdiction has made a determination that the parent has—

''(I) committed murder of another child of the parent;

''(II) committed voluntary manslaughter of another child of the parent;

''(III) aided or abetted, attempted, conspired, or solicited to commit such murder or voluntary manslaughter; or

''(IV) committed a felony assault that results in serious bodily injury to the child or another child of the parent;

''(ii) if a court of competent jurisdiction determines that returning the child to the home of the parent would pose a serious risk to the child's health or safety (including but not limited to cases of abandonment, torture, chronic physical abuse, sexual abuse, or a previous involuntary termination of parental rights with respect to a sibling of the child); or

''(iii) if the State, through legislation, has specified cases in which the State is not required to make reasonable efforts because of serious circumstances that endanger a child's health or safety;

''(D) if reasonable efforts to preserve or reunify a family are not made in accordance with subparagraph (C), and placement with either parent would pose a serious risk to the child's health or safety, or in any case in which a State's goal for the child is adoption or placement in another permanent home, reasonable efforts shall be made to place the child in a timely manner with an adoptive family, with a qualified relative or legal guardian, or in another planned permanent living arrangement, and to complete whatever steps are necessary to finalize the adoption or legal guardianship; and

''(E) reasonable efforts of the type described in subparagraph (D) may be made concurrently with reasonable efforts of the type described in subparagraph (B);''.

SEC. 102. INCLUDING SAFETY IN CASE PLAN AND CASE REVIEW SYSTEM REQUIREMENTS.

Title IV of the Social Security Act (42 U.S.C. 601 et seq.) is amended—

(1) in section 422(b)(10)(B) (as redesignated by section 5592(a)(1)(A)(iii) of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 644))—

(A) in clause (iii)(I), by inserting ''safe and'' after ''where''; and

(B) in clause (iv), by inserting ''safely'' after ''remain''; and

(2) in section 475—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting ''safety and'' after ''discussion of the''; and

(ii) in subparagraph (B)—

(I) by inserting ''safe and'' after ''child receives''; and

(II) by inserting ''safe'' after ''return of the child to his own''; and

(B) in paragraph (5)—

(i) in subparagraph (A), in the matter preceding clause (i), by inserting ''a safe setting that is'' after ''placement in''; and

(ii) in subparagraph (B)—

(I) by inserting ''the safety of the child,'' after ''determine''; and

(II) by inserting ''and safely maintained in'' after ''returned to''.

SEC. 103. MULTIDISCIPLINARY/MULTIAGENCY CHILD DEATH REVIEW TEAMS.

(a) STATE CHILD DEATH REVIEW TEAMS.—Section 471 of the Social Security Act (42 U.S.C. 671) is amended by adding at the end the following:

''(c)(1) In order to investigate and prevent child death from fatal abuse and neglect, not later than 2 years after the date of the enactment of this subsection, a State, in order to be eligible for payments under this part, shall submit to the Secretary a certification that the State has established and is maintaining, in accordance with applicable confidentiality laws, a State child death review team, and if necessary in order to cover all counties in the State, child death review teams on the regional or local level, that shall review child deaths, including deaths in which—

''(A) there is a record of a prior report of child abuse or neglect or there is reason to suspect that the child death was caused by, or related to, child abuse or neglect; or

''(B) the child who died was a ward of the State or was otherwise known to the State or local child welfare service agency.

''(2) A child death review team established in accordance with this subsection should have a membership that will present a range of viewpoints that are independent from any specific agency, and shall include representatives from, at a minimum, specific fields of expertise, such as law enforcement, health, mental health, and substance abuse, and from the community.

''(3) A State child death review team shall—

''(A) provide support to a regional or local child death review team;

''(B) make public an annual summary of case findings;

''(C) provide recommendations for systemwide improvements in services to investigate and prevent future fatal abuse and neglect; and

''(D) if the State child death review team covers all counties in the State on its own, carry out the duties of a regional or local child death review team described in paragraph (4).

''(4) A regional or local child death review team shall—

''(A) conduct individual case reviews;

''(B) recommend followup procedures for child death cases; and

''(C) suggest and assist with system improvements in services to investigate and prevent future fatal abuse and neglect.''.

(b) FEDERAL CHILD DEATH REVIEW TEAM.—Section 471 of the Social Security Act (42 U.S.C. 671), as amended by subsection (a), is amended by adding at the end the following:

''(d)(1) The Secretary shall establish a Federal child death review team that shall consist of at least the following:

''(A) Representatives of the following Federal agencies who have expertise in the prevention or treatment of child abuse and neglect:

''(i) Department of Health and Human Services.

''(ii) Department of Justice.

''(iii) Bureau of Indian Affairs.

''(iv) Department of Defense.

''(v) Bureau of the Census.

''(B) Representatives of national child-serving organizations who have expertise in the prevention or treatment of child abuse and neglect and that, at a minimum, represent the health, child welfare, social services, and law enforcement fields.

''(2) The Federal child death review team established under this subsection shall—

''(A) review reports of child deaths on military installations and other Federal lands, and coordinate with Indian tribal organizations in the review of child deaths on Indian reservations;

''(B) upon request, provide guidance and technical assistance to States and localities seeking to initiate or improve child death review teams and to prevent child fatalities; and

''(C) develop recommendations on related policy and procedural issues for Congress, relevant Federal agencies, and States and localities for the purpose of preventing child fatalities.''.

SEC. 104. STATES REQUIRED TO INITIATE OR JOIN PROCEEDINGS TO TERMINATE PARENTAL RIGHTS FOR CERTAIN CHILDREN IN FOSTER CARE.

(a) REQUIREMENT FOR PROCEEDINGS.—Section 475(5) of the Social Security Act (42 U.S.C. 675(5)) is amended—

(1) by striking ''and'' at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting ''; and''; and

(3) by adding at the end the following:

''(E) in the case of a child who has been in foster care under the responsibility of the State for 12 of the most recent 18 months, or for a lifetime total of 24 months, or, if a court of competent jurisdiction has determined an infant to have been abandoned (as defined under State law), or made a determination that the parent has committed murder of another child of such parent, committed voluntary manslaughter of another child of such parent, aided or abetted, attempted, conspired, or solicited to commit such murder or voluntary manslaughter, or committed a felony assault that results in serious bodily injury to the surviving child or to another child of such parent, the State shall file a petition to terminate the parental rights of the child's parents (or, if such a petition has been filed by another party, seek to be joined as a party to the petition), and, concurrently, to identify, recruit, process, and approve a qualified family for an adoption, unless—

''(i) at the option of the State, the child is being cared for by a relative; or

''(ii) a State court or State agency has documented a compelling reason for determining that filing such a petition would not be in the best interests of the child.''.

(b) DETERMINATION OF BEGINNING OF FOSTER CARE.—Section 475(5) of the Social Security Act (42 U.S.C. 675(5)), as amended by subsection (a), is amended—

(1) by striking ''and'' at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting ''; and''; and

(3) by adding at the end the following:

''(F) a child shall be considered to have entered foster care on the latter of—

''(i) the first time the child is removed from the home; or

''(ii) the date of the first judicial hearing on removal of the child from the home.''.

(c) ELIMINATION OF UNNECESSARY COURT DELAYS.—

(1) ONE-YEAR STATUTE OF LIMITATIONS FOR APPEALS OF ORDERS TERMINATING PARENTAL RIGHTS.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by section 5591(b) of the Balanced Budget Act of 1997, is amended—

(A) by striking ''and'' at the end of paragraph (18);

(B) by striking the period at the end of paragraph (19) and inserting ''; and''; and

(C) by adding at the end the following:

''(20) provides that an order terminating parental rights shall only be appealable during the 1-year period that begins on the date the order is issued.''.

(2) ONE-YEAR STATUTE OF LIMITATIONS FOR APPEALS OF ORDERS OF REMOVAL.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by subsection (a), is amended—

(A) in paragraph (19), by striking ''and'' at the end;

(B) in paragraph (20), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(21) provides that a court-ordered removal of a child shall only be appealable during the 1-year period that begins on the date the order is issued.''.

(d) RULE OF CONSTRUCTION.—Nothing in part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.), as amended by this Act, shall be construed as precluding State courts or State agencies from initiating or finalizing the termination of parental rights for reasons other than, or for timelines earlier than, those specified in part E of title IV of such Act, when such actions are determined to be in the best interests of the child.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amendments made by this section shall apply to children entering foster care under the responsibility of the State after the date of enactment of this Act.

(2) TRANSITION RULE FOR CURRENT FOSTER CARE CHILDREN.—Subject to paragraph (3), with respect to any child in foster care under the responsibility of the State on or before the date of enactment of this Act, the amendments made by this section shall not apply to such child until the date that is 1 year after the date of enactment of this Act.

(3) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—The provisions of section 501(b) shall apply to the effective date of the amendments made by this section.

SEC. 105. NOTICE OF REVIEWS AND HEARINGS; OPPORTUNITY TO BE HEARD.

Section 475(5) of the Social Security Act (42 U.S.C. 675(5)), as amended by section 104(b), is amended—

(1) by striking ''and'' at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting ''; and''; and

(3) by adding at the end the following:

''(G) the foster parents (if any) of a child and any relative providing care for the child are provided with notice of, and an opportunity to be heard in, any review or hearing to be held with respect to the child, except that this subparagraph shall not be construed to make any foster parent or relative a party to such a review or hearing solely on the basis of such notice and opportunity to be heard.''.

SEC. 106. USE OF THE FEDERAL PARENT LOCATOR SERVICE FOR CHILD WELFARE SERVICES.

Section 453 of the Social Security Act (42 U.S.C. 653), as amended by section 5534 of the Balanced Budget Act of 1997, is amended—

(1) in subsection (a)(2)—

(A) in the matter preceding subparagraph (A), by inserting ''or making or enforcing child custody or visitation orders'' after ''obligations,''; and

(B) in subparagraph (A)—

(i) by striking ''or'' at the end of clause (ii);

(ii) by striking the comma at the end of clause (iii) and inserting ''; or''; and

(iii) by inserting after clause (iii) the following:

''(iv) who has or may have parental rights with respect to a child,''; and

(2) in subsection (c)—

(A) by striking the period at the end of paragraph (3) and inserting ''; and''; and

(B) by adding at the end the following:

''(4) a State agency that is administering a program operated under a State plan under subpart 1 of part B, or a State plan approved under subpart 2 of part B or under part E.''.

SEC. 107. CRIMINAL RECORDS CHECKS FOR PROSPECTIVE FOSTER AND ADOPTIVE PARENTS AND GROUP CARE STAFF.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by section 104(c)(2), is amended—

(1) by striking ''and'' at the end of paragraph (20);

(2) by striking the period at the end of paragraph (21) and inserting ''; and''; and

(3) by adding at the end the following:

''(22) provides procedures for criminal records checks and checks of a State's child abuse registry for any prospective foster parent or adoptive parent, and any employee of a residential child-care institution before the foster parent or adoptive parent, or the residential child-care institution may be finally approved for placement of a child on whose behalf foster care maintenance payments or adoption assistance payments are to be made under the State plan under this part, including procedures requiring that—

''(A) in any case in which a criminal record check reveals a criminal conviction for child abuse or neglect, or spousal abuse, a criminal conviction for crimes against children, or a criminal conviction for a crime involving violence, including violent drug-related offenses, rape, sexual or other physical assault, battery, or homicide, approval shall not be granted, unless the individual provides substantial evidence to local law enforcement officials and the State child protection agency proving that there are extraordinary circumstances which demonstrate that approval should be granted; and

''(B) in any case in which a criminal record check reveals a criminal conviction for a felony or misdemeanor not involving violence, or a check of any State child abuse registry indicates that a substantiated report of abuse or neglect exists, final approval may be granted only after consideration of the nature of the offense or incident, the length of time that has elapsed since the commission of the offense or the occurrence of the incident, the individual's life experiences during the period since the commission of the offense or the occurrence of the incident, and any risk to the child.''.

SEC. 108. DEVELOPMENT OF STATE GUIDELINES TO ENSURE SAFE, QUALITY CARE TO CHILDREN IN OUT-OF-HOME PLACEMENTS.

Section 471(a)(10) of the Social Security Act (42 U.S.C. 671(a)(10)) is amended—

(1) by inserting ''and guidelines'' after ''standards'' each place it appears; and

(2) by inserting ''ensuring quality services that protect the safety and health of children in foster care placements with nonprofit and for-profit agencies,'' after ''related to''.

SEC. 109. DOCUMENTATION OF EFFORTS FOR ADOPTION OR LOCATION OF A PERMANENT HOME.

Section 475 of the Social Security Act (42 U.S.C. 675) is amended—

(1) in paragraph (1)—

(A) in the last sentence—

(i) by striking ''the case plan must also include''; and

(ii) by redesignating such sentence as subparagraph (D) and indenting appropriately; and

(B) by adding at the end, the following:

''(E) In the case of a child with respect to whom the State's goal is adoption or placement in another permanent home, documentation of the steps taken by the agency to find an adoptive family or other permanent living arrangement for the child, to place the child with an adoptive family, legal guardian, or in another planned permanent living arrangement, and to finalize the adoption or legal guardianship. At a minimum, such documentation shall include child specific recruitment efforts such as the use of State, regional, and national adoption exchanges including electronic exchange systems.''; and

(2) in paragraph (5)(B), by inserting ''(including the requirement specified in paragraph (1)(E))'' after ''case plan''.

TITLE II—INCENTIVES FOR PROVIDING PERMANENT FAMILIES FOR CHILDREN

SEC. 201. ADOPTION INCENTIVE PAYMENTS.

Part E of title IV of the Social Security Act (42 U.S.C. 670–679) is amended by inserting after section 473 the following:

''SEC. 473A. ADOPTION INCENTIVE PAYMENTS.

''(a) GRANT AUTHORITY.—Subject to the availability of such amounts as may be provided in advance in appropriations Acts for this purpose, the Secretary may make a grant to each State that is an incentive-eligible State for a fiscal year in an amount

equal to the adoption incentive payment payable to the State for the fiscal year under this section, which shall be payable in the immediately succeeding fiscal year.

''(b) INCENTIVE-ELIGIBLE STATE.—A State is an incentive-eligible State for a fiscal year if—

''(1) the State has a plan approved under this part for the fiscal year;

''(2) the number of foster child adoptions in the State during the fiscal year exceeds the base number of foster child adoptions for the State for the fiscal year;

''(3) the State is in compliance with subsection (c) for the fiscal year; and

''(4) the fiscal year is any of fiscal years 1998 through 2002.

''(c) DATA REQUIREMENTS.—

''(1) IN GENERAL.—A State is in compliance with this subsection for a fiscal year if the State has provided to the Secretary the data described in paragraph (2) for fiscal year 1997 (or, if later, the fiscal year that precedes the first fiscal year for which the State seeks a grant under this section) and for each succeeding fiscal year.

''(2) DETERMINATION OF NUMBERS OF ADOPTIONS.—

''(A) DETERMINATIONS BASED ON AFCARS DATA.—Except as provided in subparagraph (B), the Secretary shall determine the numbers of foster child adoptions and of special needs adoptions in a State during each of fiscal years 1997 through 2002, for purposes of this section, on the basis of data meeting the requirements of the system established pursuant to section 479, as reported by the State in May of the fiscal year and in November of the succeeding fiscal year, and approved by the Secretary by April 1 of the succeeding fiscal year.

''(B) ALTERNATIVE DATA SOURCES PERMITTED FOR FISCAL YEAR 1997.—For purposes of the determination described in subparagraph (A) for fiscal year 1997, the Secretary may use data from a source or sources other than that specified in subparagraph (A) that the Secretary finds to be of equivalent completeness and reliability, as reported by a State by November 30, 1997, and approved by the Secretary by March 1, 1998.

''(3) NO WAIVER OF AFCARS REQUIREMENTS.—This section shall not be construed to alter or affect any requirement of section 479 or any regulation prescribed under such section with respect to reporting of data by States, or to waive any penalty for failure to comply with the requirements.

''(d) ADOPTION INCENTIVE PAYMENT.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the adoption incentive payment payable to a State for a fiscal year under this section shall be equal to the sum of—

''(A) $2,000, multiplied by amount (if any) by which the number of foster child adoptions in the State during the fiscal year exceeds the base number of foster child adoptions for the State for the fiscal year; and

''(B) $2,000, multiplied by the amount (if any) by which the number of special needs adoptions in the State during the fiscal year exceeds the base number of special needs adoptions for the State for the fiscal year.

''(2) PRO RATA ADJUSTMENT IF INSUFFICIENT FUNDS AVAILABLE.—For any fiscal year, if the total amount of adoption incentive payments otherwise payable under this section for a fiscal year exceeds the amount appropriated for that fiscal year, the amount of the adoption incentive payment payable to each State under this section for the fiscal year shall be—

''(A) the amount of the adoption incentive payment that would otherwise be payable to the State under this section for the fiscal year; multiplied by

''(B) the percentage represented by the amount appropriated for that year, divided by the total amount of adoption incentive payments otherwise payable under this section for the fiscal year.

''(e) 2-YEAR AVAILABILITY OF INCENTIVE PAYMENTS.—Payments to a State under this section in a fiscal year shall remain available for use by the State through the end of the succeeding fiscal year.

''(f) LIMITATIONS ON USE OF INCENTIVE PAYMENTS.—A State shall not expend an amount paid to the State under this section except to provide to children or families any service (including post adoption services) that may be provided under part B or E. Amounts expended by a State in accordance with the preceding sentence shall be disregarded in determining State expenditures for purposes of Federal matching payments under section 474.

''(g) DEFINITIONS.—As used in this section:

''(1) FOSTER CHILD ADOPTION.—The term 'foster child adoption' means the final adoption of a child who, at the time of adoptive placement, was in foster care under the supervision of the State.

''(2) SPECIAL NEEDS ADOPTION.—The term 'special needs adoption' means the final adoption of a child for whom an adoption assistance agreement is in effect under section 473.

''(3) BASE NUMBER OF FOSTER CHILD ADOPTIONS.—The term 'base number of foster child adoptions for a State' means, with respect to a fiscal year, the largest number of foster child adoptions in the State in fiscal year 1997 (or, if later, the first fiscal year for which the State has furnished to the Secretary the data described in subsection (c)(2)) or in any succeeding fiscal year preceding the fiscal year.

''(4) BASE NUMBER OF SPECIAL NEEDS ADOPTIONS.—The term 'base number of special needs adoptions for a State' means, with respect to a fiscal year, the largest number of special needs adoptions in the State in fiscal year 1997 (or, if later, the first fiscal year for which the State has furnished to the Secretary the data described in subsection (c)(2)) or in any succeeding fiscal year preceding the fiscal year.

''(h) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—For grants under this section, there are authorized to be appropriated to the Secretary $15,000,000 for each of fiscal years 1999 through 2003.

''(2) AVAILABILITY.—Amounts appropriated under paragraph (1) are authorized to remain available until expended, but not after fiscal year 2003.''.

SEC. 202. PROMOTION OF ADOPTION OF CHILDREN WITH SPECIAL NEEDS.

(a) IN GENERAL.—Section 473(a) of the Social Security Act (42 U.S.C. 673(a)) is amended by striking paragraph (2) and inserting the following:

''(2)(A) For purposes of paragraph (1)(B)(ii), a child meets the requirements of this paragraph if such child—

''(i) prior to termination of parental rights and the initiation of adoption proceedings was in the care of a public or licensed private child care agency or Indian tribal organization either pursuant to a voluntary placement agreement (provided the child was in care for not more than 180 days) or as a result of a judicial determination to the effect that continuation in the home would be contrary to the safety and welfare of such child, or was residing in a foster family home or child care institution with the child's minor parent (either pursuant to such a voluntary placement agreement or as a result of such a judicial determination); and

''(ii) has been determined by the State pursuant to subsection (c) to be a child with special needs, which needs shall be considered by the State, together with the circumstances of the adopting parents, in determining the amount of any payments to be made to the adopting parents.

''(B) Notwithstanding any other provision of law, and except as provided in paragraph (7), a child who is not a citizen or resident of the United States and who meets the requirements of subparagraph (A) and is otherwise determined to be eligible for the receipt of adoption assistance payments, shall be eligible for adoption assistance payments under this part.

''(C) A child who meets the requirements of subparagraph (A) and who is otherwise determined to be eligible for the receipt of adoption assistance payments shall continue to be eligible for such payments in the event that the child's adoptive parent dies or the child's adoption is dissolved, and the child is placed with another family for adoption.''.

(b) EXCEPTION.—Section 473(a) of the Social Security Act (42 U.S.C. 673(a)) is amended by adding at the end the following:

''(7)(A) Notwithstanding any other provision of this subsection, no payment may be made to parents with respect to any child that—

''(i) would be considered a child with special needs under subsection (c);

''(ii) is not a citizen or resident of the United States; and

''(iii) was adopted outside of the United States or was brought into the United States for the purpose of being adopted.

''(B) Subparagraph (A) shall not be construed as prohibiting payments under this part for a child described in subparagraph (A) that is placed in foster care subsequent to the failure, as determined by the State, of the initial adoption of such child by the parents described in such subparagraph.''.

(c) REQUIREMENT FOR USE OF STATE SAVINGS.—Section 473(a) of the Social Security Act (42 U.S.C. 673(a)), as amended by subsection (b), is amended by adding at the end the following:

''(8) A State shall spend an amount equal to the amount of savings (if any) in State expenditures under this part resulting from the application of paragraph (2) on and after the effective date of the amendment to such paragraph made by section 202(a) of the Promotion of Adoption, Safety, and Support for Abused and Neglected Children (PASS) Act to provide to children or families any service (including post-adoption services) that may be provided under this part or part B.''.

SEC. 203. TECHNICAL ASSISTANCE.

(a) IN GENERAL.—The Secretary of Health and Human Services may, directly or through grants or contracts, provide technical assistance to assist States and local communities to reach their targets for increased numbers of adoptions and, to the extent that adoption is not possible, alternative permanent placements, for children in foster care.

(b) LIMITATIONS.—The technical assistance provided under subsection (a) shall support the goal of encouraging more adoptions out of the foster care system, when adoptions promote the best interests of children, and shall include the following:

(1) The development of best practice guidelines for expediting termination of parental rights.

(2) Models to encourage the use of concurrent planning.

(3) The development of specialized units and expertise in moving children toward adoption as a permanency goal.

(4) The development of risk assessment tools to facilitate early identification of the children who will be at risk of harm if returned home.

(5) Models to encourage the fast tracking of children who have not attained 1 year of age into adoptive and pre-adoptive placements.

(6) Development of programs that place children in pre-adoptive families without waiting for termination of parental rights.

(7) Development of programs to recruit adoptive parents.

SEC. 204. ADOPTIONS ACROSS STATE AND COUNTY JURISDICTIONS.

(a) ELIMINATION OF GEOGRAPHIC BARRIERS TO INTERSTATE ADOPTION.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by section 106, is amended—

(1) by striking ''and'' at the end of paragraph (21);

(2) by striking the period at the end of paragraph (22) and inserting ''; and''; and

(3) by adding at the end the following:

''(23) provides that neither the State nor any other entity in the State that receives funds from the Federal Government and is involved in adoption or foster care placements may—

''(A) deny to any person the opportunity to become an applicant for custody of a child, licensure as a foster or adoptive parent, or for foster care maintenance payments or adoption assistance payments under this part on the basis of the geographic residence of the person or of the child involved; or

''(B) delay or deny the placement of a child for adoption, into foster care, or in the child's original home on the basis of the geographic residence of an adoptive or foster parent or of the child involved.''.

(b) STUDY OF INTERJURISDICTIONAL ADOPTION ISSUES.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this subsection referred to as the ''Secretary'') shall appoint an advisory panel that shall—

(A) study and consider how to improve procedures and policies to facilitate the timely and permanent adoptions of children across State and county jurisdictions;

(B) examine, at a minimum, interjurisdictional adoption issues—

(i) concerning the recruitment of prospective adoptive families from other States and counties;

(ii) concerning the procedures to grant reciprocity to prospective adoptive family home studies from other States and counties;

(iii) arising from a review of the comity and full faith and credit provided to adoption decrees and termination of parental rights orders from other States; and

(iv) concerning the procedures related to the administration and implementation of the Interstate Compact on the Placement of Children; and

(C) not later than 12 months after the final appointment to the advisory panel, submit to the Secretary the report described in paragraph (3).

(2) COMPOSITION OF ADVISORY PANEL.—In establishing the advisory panel required under paragraph (1), the Secretary shall appoint members from the general public who are individuals knowledgeable on adoption and foster care issues, and with due consideration to representation of ethnic or racial minorities and diverse geographic areas, and who, at a minimum, include the following:

(A) Adoptive and foster parents.

(B) Public and private child welfare agencies that place children in and out of home care.

(C) Family court judges.

(D) Adoption attorneys.

(E) An Administrator of the Interstate Compact on the Placement of Children and an Administrator of the Interstate Compact on Adoption and Medical Assistance.

(F) A representative cross-section of individuals from other organizations and individuals with expertise or advocacy experience in adoption and foster care issues.

(3) CONTENTS OF REPORT.—The report required under paragraph (1)(C) shall include the results of the study conducted under subparagraphs (A) and (B) of paragraph (1) and recommendations on how to improve procedures to facilitate the interjurisdictional adoption of children, including interstate and intercounty adoptions, so that children will be assured timely and permanent placements.

(4) CONGRESS.—The Secretary shall submit a copy of the report required under paragraph (1)(C) to the appropriate committees of Congress, and, if relevant, make recommendations for proposed legislation.

SEC. 205. FACILITATION OF VOLUNTARY MUTUAL REUNIONS BETWEEN ADOPTED ADULTS AND BIRTH PARENTS AND SIBLINGS.

The Secretary of Health and Human Services, at no net expense to the Federal Government, may use the facilities of the Department of Health and Human Services to facilitate the voluntary, mutually requested reunion of an adult adopted child who is 21 years of age or older with—

(1) any birth parent of the adult child; or

(2) any adult adopted sibling who is 21 years of age or older, of the adult child,

if all such persons involved in any such reunion have, on their own initiative, expressed a desire for a reunion and agree to keep confidential the name and location of the other birth parent of the adult adopted child and any other adult adopted sibling of the adult adopted child.

SEC. 206. ANNUAL REPORT ON STATE PERFORMANCE IN PROTECTING CHILDREN.

(a) IN GENERAL.—Part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.) is amended by adding at the end the following:

''SEC. 479A. ANNUAL REPORT.

''(a) IN GENERAL.—The Secretary shall issue an annual report containing ratings of the performance of each State in protecting children who are placed in foster care, for adoption, or with a relative or guardian. The report shall include ratings on outcome measures for categories related to safety and permanence for children.

''(b) OUTCOME MEASURES.—

''(1) IN GENERAL.—The Secretary shall develop a set of outcome measures to be used in preparing the report.

''(2) CATEGORIES.—In developing the outcome measures, the Secretary shall develop measures that can track performance over time for the following categories:

''(A) The number of children placed annually for adoption, the number of placements of children with special needs, and the number of children placed permanently in a foster family home, with a relative, or with a guardian who is not a relative.

''(B) The number of children, including those with parental rights terminated, that annually leave foster care at the age of majority without having been adopted or placed with a guardian.

''(C) The median and mean length of stay of children in foster care, for children with parental rights terminated, and children for whom parental rights are retained by the biological or adoptive parent.

''(D) The median and mean length of time between a child having a plan of adoption and termination of parental rights, between the availability of a child for adoption and the placement of the child in an adoptive family, and between the placement of the child in such a family and the finalization of the adoption.

''(E) The number of deaths of children in foster care and other out-of-home care, including kinship care, resulting from substantiated child abuse and neglect.

''(F) The specific steps taken by the State to facilitate permanence for children.

''(3) MEASURES.—In developing the outcome measures, the Secretary shall use data from the Adoption and Foster Care Analysis and Reporting System established under section 479 to the maximum extent possible.

''(c) RATING SYSTEM.—The Secretary shall develop a system (including using State census data and poverty rates) to rate the performance of each State based on the outcome measures.

''(d) INFORMATION.—In order to receive funds under this part, a State shall annually provide to the Secretary such adoption, foster care, and guardianship information as the Secretary may determine to be necessary to issue the report for the State.

''(e) PREPARATION AND ISSUANCE.—On October 1, 1998, and annually thereafter, the Secretary shall prepare, submit to Congress, and issue to the States the report described in subsection (a). Each report shall rate the performance of a State on each outcome measure developed under subsection (b), include an explanation of the rating system developed under subsection (c) and the way in which scores are determined under the rating system, analyze high and low performances for the State, and make recommendations to the State for improvement.''.

(b) CONFORMING AMENDMENTS.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by section 204(a), is amended—

(1) in paragraph (22), by striking ''and'' at the end;

(2) in paragraph (23), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(24) provides that the State shall annually provide to the Secretary the information required under section 479A.''.

TITLE III—ADDITIONAL IMPROVEMENTS AND REFORMS

SEC. 301. EXPANSION OF CHILD WELFARE DEMONSTRATION PROJECTS.

Section 1130(a) of the Social Security Act (42 U.S.C. 1320a–9(a)) is amended by striking ''10'' and inserting ''15''.

SEC. 302. PERMANENCY PLANNING HEARINGS.

Section 475(5)(C) of the Social Security Act (42 U.S.C. 675(5)(C)) is amended—

(1) by striking ''dispositional'' and inserting ''permanency planning'';

(2) by striking ''no later than'' and all that follows through ''12 months'' and inserting ''not later than 12 months after the original placement (and not less frequently than every 6 months''; and

(3) by striking ''future status of'' and all that follows through ''long term basis)'' and inserting ''permanency plans for the child (including whether and, if applicable, when, the child will be returned to the parent, referred for termination of parental rights, placed for adoption, or referred for legal guardianship, or other planned permanent living arrangement)''.

SEC. 303. KINSHIP CARE.

(a) REPORT.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall—

(A) not later than March 1, 1998, convene the advisory panel provided for in subsection (b)(1) and prepare and submit to the advisory panel an initial report on the extent to which children in foster care are placed in the care of a relative (in this section referred to as ''kinship care''); and

(B) not later than November 1, 1998, submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a final report on the matter described in subparagraph (A), which shall—

(i) be based on the comments submitted by the advisory panel pursuant to subsection

(b)(2) and other information and considerations; and

(ii) include the policy recommendations of the Secretary with respect to the matter.

(2) REQUIRED CONTENTS.—Each report required by paragraph (1) shall—

(A) include, to the extent available for each State, information on—

(i) the policy of the State regarding kinship care;

(ii) the characteristics of the kinship care providers (including age, income, ethnicity, and race);

(iii) the characteristics of the household of such providers (such as number of other persons in the household and family composition);

(iv) how much access to the child is afforded to the parent from whom the child has been removed;

(v) the cost of, and source of funds for, kinship care (including any subsidies such as medicaid and cash assistance);

(vi) the goal for a permanent living arrangement for the child and the actions being taken by the State to achieve the goal;

(vii) the services being provided to the parent from whom the child has been removed; and

(viii) the services being provided to the kinship care provider; and

(B) specifically note the circumstances or conditions under which children enter kinship care.

(b) ADVISORY PANEL REVIEW.—

(1) IN GENERAL.—The advisory board on child abuse and neglect established under section 102 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5102), or, if on the date of enactment of this Act such advisory board does not exist, the advisory panel authorized under paragraph (2), shall review the report prepared pursuant to subsection (a) and submit to the Secretary comments on the report not later than July 1, 1998.

(2) AUTHORIZATION FOR APPOINTMENTS.—Subject to paragraph (1), the Secretary of Health and Human Services, in consultation with the Chairman of the Committee on Ways and Means of the House of Representatives and the Chairman of the Committee on Finance of the Senate, may appoint an advisory board for the purpose of reviewing and commenting on the report prepared pursuant to subsection (a). Such advisory board shall include parents, foster parents, former foster children, State and local public officials responsible for administering child welfare programs, private persons involved in the delivery of child welfare services, representatives of tribal governments and tribal courts, judges, and academic experts.

SEC. 304. STANDBY GUARDIANSHIP.

It is the sense of Congress that the States should have in effect laws and procedures that permit any parent who is chronically ill or near death, without surrendering parental rights, to designate a standby guardian for the parent's minor children, whose authority would take effect upon—

(1) the death of the parent;

(2) the mental incapacity of the parent; or

(3) the physical debilitation and consent of the parent.

SEC. 305. CLARIFICATION OF ELIGIBLE POPULATION FOR INDEPENDENT LIVING SERVICES.

Section 477(a)(2)(A) of the Social Security Act (42 U.S.C. 677(a)(2)(A)) is amended by inserting ''(including children with respect to whom such payments are no longer being made because the child has accumulated assets, not to exceed $5,000, which are otherwise regarded as resources for purposes of determining eligibility for benefits under this part)'' before the comma.

SEC. 306. COORDINATION AND COLLABORATION OF SUBSTANCE ABUSE TREATMENT AND CHILD PROTECTION SERVICES.

(a) STUDY AND REPORT ON SOURCES OF SUPPORT FOR SUBSTANCE ABUSE PREVENTION AND TREATMENT FOR PARENTS AND CHILDREN AND COLLABORATION AMONG STATE AGENCIES.—

(1) STUDY.—Not later than 12 months after the date of the enactment of this Act, the Comptroller General of the United States shall—

(A) prepare an inventory of all Federal and State programs that may provide funds for substance abuse prevention and treatment services for families receiving services directly or through grants or contracts from public child welfare agencies; and

(B) examine—

(i) the availability and results of joint prevention and treatment activities conducted by State substance abuse prevention and treatment agencies and State child welfare agencies; and

(ii) how such agencies (jointly or separately) are responding to and addressing the needs of infants who are exposed to substance abuse.

(2) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the study conducted under paragraph (1). Such report shall include—

(A) a description of the extent to which clients of child welfare agencies have substance abuse treatment needs, the nature of those needs, and the extent to which those needs are being met;

(B) a description of the barriers that prevent the substance abuse treatment needs of clients of child welfare agencies from being treated appropriately;

(C) a description of the collaborative activities of State child welfare and substance abuse prevention and treatment agencies to jointly assess clients' needs, fund substance abuse prevention and treatment, train and consult with staff, and evaluate the effectiveness of programs serving clients in both agencies' caseloads;

(D) a summary of the available data on the treatment and cost-effectiveness of substance abuse treatment services for clients of child welfare agencies; and

(E) recommendations, including recommendations for Federal legislation, for addressing the needs and barriers, as described in subparagraphs (A) and (B), and for promoting further collaboration of the State child welfare and substance abuse prevention and treatment agencies in meeting the substance abuse treatment needs of families.

(b) PRIORITY IN PROVIDING SUBSTANCE ABUSE TREATMENT.—Section 1927 of the Public Health Service Act (42 U.S.C. 300x–27) is amended—

(1) in the heading, by inserting ''**AND CARETAKER PARENTS**'' after ''**WOMEN**''; and

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting ''all caretaker parents who are referred for treatment by the State or local child welfare agency and who'' after ''referred for and''; and

(ii) by striking ''is given'' and inserting ''are given''; and

(B) in paragraph (2)—

(i) by striking ''such women'' and inserting ''such pregnant women and caretaker parents''; and

(ii) by striking ''the women'' and inserting ''the pregnant women and caretaker parents''.

(c) FOSTER CARE PAYMENTS FOR CHILDREN WITH PARENTS IN RESIDENTIAL FACILITIES.—Section 472(b) of the Social Security Act (42 U.S.C. 672(b)) is amended—

(1) in paragraph (1), by striking ''or'' at the end;

(2) in paragraph (2), by striking the period and inserting '', or''; and

(3) by adding at the end the following:

''(3) placed with the child's parent in a residential program that provides treatment and other necessary services for parents and children, including parenting services, when—

''(A) the parent is attempting to overcome—

''(i) a substance abuse problem and is complying with an approved treatment plan;

''(ii) being a victim of domestic violence;

''(iii) homelessness;

''(iv) special needs resulting from being a teenage parent; or

''(v) post-partum depression;

''(B) the safety of the child can be assured;

''(C) the range of services provided by the program is designed to appropriately address the needs of the parent and child;

''(D) the goal of the case plan for the child is to try to reunify the child with the family within a specified period of time;

''(E) the parent described in subparagraph (A)(i) has not previously been treated in a residential program serving parents and their children together; and

''(F) the amount of foster care maintenance payments made to the residential program on behalf of such child do not exceed the amount of such payments that would otherwise be made on behalf of the child.''.

SEC. 307. REAUTHORIZATION AND EXPANSION OF FAMILY PRESERVATION AND SUPPORT SERVICES.

(a) REAUTHORIZATION OF FAMILY PRESERVATION AND SUPPORT SERVICES.—

(1) IN GENERAL.—Section 430(b) of the Social Security Act (42 U.S.C. 629(b)) is amended—

(A) in paragraph (4), by striking ''or'' at the end;

(B) in paragraph (5), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

''(6) for fiscal year 1999, $275,000,000;

''(7) for fiscal year 2000, $295,000,000;

''(8) for fiscal year 2001, $315,000,000;

''(9) for fiscal year 2002, $335,000,000; and

''(10) for fiscal year 2003, $355,000,000.''.

(2) CONFORMING AMENDMENT.—Section 430(d)(1) of the Social Security Act (42 U.S.C. 630(d)(1)) is amended by striking ''and 1998'' and inserting ''1998, 1999, 2000, 2001, 2002, and 2003''.

(b) EXPANSION FOR TIME-LIMITED FAMILY REUNIFICATION SERVICES.—

(1) ADDITION TO STATE PLAN; MINIMUM SPENDING REQUIREMENT.—Section 432 of the Social Security Act (42 U.S.C. 629b) is amended—

(A) in subsection (a)—

(i) in paragraph (4), by striking ''and community-based family support services with significant portions'' and inserting '', community-based family support services, and time-limited family reunification services, with not less than 25 percent''; and

(ii) in paragraph (5)(A), by striking ''and community-based family support services'' and inserting '', community-based family support services, and time-limited family reunification services''; and

(B) in subsection (b)(1), by striking ''and family support'' and inserting '', family support, and family reunification services''.

(2) DEFINITION OF TIME-LIMITED FAMILY REUNIFICATION SERVICES.—Section 431(a) of the Social Security Act (42 U.S.C. 631(a)) is amended—

(A) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively; and

(B) by inserting after paragraph (4) the following:

''(5) TIME-LIMITED FAMILY REUNIFICATION SERVICES.—

''(A) IN GENERAL.—The term 'time-limited family reunification services' means the services and activities described in subparagraph (B) that are provided to a child that is removed from the child's home and placed in a foster family home or a child care institution and to the parents or primary caregiver of such a child, in order to facilitate the reunification of the child safely and appropriately within a timely fashion, but only during the 1-year period that begins on the date that the child is removed from the child's home.

''(B) SERVICES AND ACTIVITIES DESCRIBED.—The services and activities described in this subparagraph are the following:

''(i) Individual, group, and family counseling.

''(ii) Inpatient, residential, or outpatient substance abuse treatment services.

''(iii) Mental health services.

''(iv) Assistance to address domestic violence.

''(v) Transportation to or from any of the services and activities described in this subparagraph.''.

(3) ADDITIONAL CONFORMING AMENDMENTS.—

(A) PURPOSES.—Section 430(a) of the Social Security Act (42 U.S.C. 629(a)) is amended by striking ''and community-based family support services'' and inserting '', community-based family support services, and time-limited family reunification services''.

(B) EVALUATIONS.—Subparagraphs (B) and (C) of section 435(a)(2) of the Social Security Act (42 U.S.C. 629d(a)(2)) are each amended by striking ''and family support'' each place it appears and inserting '', family support, and family reunification''.

SEC. 308. INNOVATION GRANTS TO REDUCE BACKLOGS OF CHILDREN AWAITING ADOPTION AND FOR OTHER PURPOSES.

Part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.) is amended by inserting after section 477, the following:

''SEC. 478. INNOVATION GRANTS.

''(a) AUTHORITY TO MAKE GRANTS.—The Secretary may make grants, in amounts determined by the Secretary, to States with approved applications described in subsection (c), for the purpose of carrying out the innovation projects described in subsection (b).

''(b) INNOVATION PROJECTS DESCRIBED.—The innovation projects described in this subsection are projects that are designed to achieve 1 or more of the following goals:

''(1) Reducing a backlog of children in long-term foster care or awaiting adoption placement.

''(2) Ensuring, not later than 1 year after a child enters foster care, a permanent placement for the child.

''(3) Identifying and addressing barriers that result in delays to permanent placements for children in foster care, including inadequate representation of child welfare agencies in termination of parental rights and adoption proceedings, and other barriers to termination of parental rights.

''(4) Implementing or expanding community-based permanency initiatives, particularly in communities where families reflect the ethnic and racial diversity of children in the State for whom foster and adoptive homes are needed.

''(5) Developing and implementing community-based child protection activities that involve partnerships among State and local governments, multiple child-serving agencies, the schools, and community leaders in an attempt to keep children free from abuse and neglect.

''(6) Establishing new partnerships with businesses and religious organizations to promote safety and permanence for children.

''(7) Assisting in the development and implementation of the State guidelines described in section 471(a)(10).

''(8) Developing new staffing approaches to allow the resources of several States to be used to conduct recruitment, placement, adoption, and post-adoption services on a regional basis.

''(9) Any other goal that the Secretary specifies by regulation.

''(c) APPLICATION.—An application for a grant under this section may be submitted for fiscal year 1998 or 1999 and shall contain—

''(1) a plan, in such form and manner as the Secretary may prescribe, for an innovation project described in subsection (b) that will be implemented by the State for a period of not more than 5 consecutive fiscal years, beginning with fiscal year 1998 or 1999, as applicable;

''(2) an assurance that no waivers from provisions in law, as in effect at the time of the submission of the application, are required to implement the innovation project; and

''(3) such other information as the Secretary may require by regulation.

''(d) DURATION.—An innovation project approved under this section shall be conducted for not more than 5 consecutive fiscal years, except that the Secretary may terminate a project before the end of the period originally approved if the Secretary determines that the State conducting the project is not in compliance with the terms of the plan and application approved by the Secretary under this section.

''(e) MATCHING REQUIREMENT.—A State shall not receive a grant under this section unless, for each year for which a grant is awarded, the State agrees to match the grant with $1 for every $3 received.

''(f) NONSUPPLANTING.—Any funds received by a State under a grant made under this section shall supplement but not replace any other funds that may be available for the same purpose in the localities involved.

''(g) EVALUATIONS AND REPORTS.—

''(1) STATE EVALUATIONS.—Each State administering an innovation project under this section shall—

''(A) provide for ongoing and retrospective evaluation of the project, meeting such conditions and standards as the Secretary may require; and

''(B) submit to the Secretary such reports, at such times, in such format, and containing such information as the Secretary may require.

''(2) REPORTS TO CONGRESS.—The Secretary shall, on the basis of reports received from States administering projects under this section, submit interim reports, and, not later than 6 months after the conclusion of all projects administered under this section, a final report to Congress. A report submitted under this subparagraph shall contain an assessment of the effectiveness of the State projects administered under this section and any recommendations for legislative action that the Secretary considers appropriate.

''(h) REGULATIONS.—Not later than 60 days after the date of enactment of this section, the Secretary shall promulgate final regulations for implementing this section.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to make grants under this section not more than $50,000,000 for each of fiscal years 1998 through 2003.''.

TITLE IV—MISCELLANEOUS

SEC. 401. PRESERVATION OF REASONABLE PARENTING.

Nothing in this Act is intended to disrupt the family unnecessarily or to intrude inappropriately into family life, to prohibit the use of reasonable methods of parental discipline, or to prescribe a particular method of parenting.

SEC. 402. REPORTING REQUIREMENTS.

Any information required to be reported under this Act shall be supplied to the Secretary of Health and Human Services through data meeting the requirements of the Adoption and Foster Care Analysis and Reporting System established pursuant to section 479 of the Social Security Act (42 U.S.C. 679), to the extent such data is available under that system. The Secretary shall make such modifications to regulations issued under section 479 of such Act with respect to the Adoption and Foster Care Analysis and Reporting System as may be necessary to allow States to obtain data that meets the requirements of such system in order to satisfy the reporting requirements of this Act.

SEC. 403. REPORT ON FIDUCIARY OBLIGATIONS OF STATE AGENCIES RECEIVING SSI PAYMENTS.

Not later than 12 months after the date of enactment of this Act, the Commissioner of Social Security shall submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate concerning State or local child welfare service agencies that act as representative payees on behalf of children under the care of such agencies for purposes of receiving supplemental security income payments under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) (including supplementary payments pursuant to an agreement for Federal administration under section 1616(a) of the Social Security Act and payments pursuant to an agreement entered into under section 212(b) of Public Law 93–66) for the benefit of such children. Such report shall include an examination of the extent to which such agencies—

(1) have complied with the fiduciary responsibilities attendant to acting as a representative payee under title XVI of such Act; and

(2) have received supplemental security income payments on behalf of children that the agencies cannot identify or locate, and if so, the disposition of such payments.

SEC. 404. ALLOCATION OF ADMINISTRATIVE COSTS OF DETERMINING ELIGIBILITY FOR MEDICAID AND TANF.

(a) MEDICAID.—Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended—

(1) in subsection (a)(7), by striking ''section 1919(g)(3)(B)'' and inserting ''subsection (x) and section 1919(g)(3)(C)''; and

(2) by adding at the end the following:

''(x)(1) Notwithstanding any other provision of law, for purposes of determining the amount to be paid to a State under subsection (a)(7) for quarters in any fiscal year, beginning with fiscal year 1997, amounts expended for the proper and efficient administration of the State plan under this title (including under any waiver of such plan) shall not include common costs related to determining the eligibility under such State plan (or waiver) of individuals in a household applying for or receiving benefits under the State program under part A of title IV unless the State elects the option described in paragraph (2).

''(2) A State that meets the requirements of paragraph (3) may elect to allocate equally between the State program under part A of title IV and the State plan under this title (including any waiver of such plan) the administrative costs associated with such programs that are incurred in serving households and individuals eligible or applying for benefits under the State program under part A of title IV and under the State plan (or under a waiver of such plan) under this title.

''(3) A State meets the requirements of this paragraph if the Secretary determines that—

''(A) the State conforms the eligibility rules and procedures of, and integrates the administration of the eligibility procedures of, the State program funded under part A of title IV and the State plan under this title (including any waiver of such plan); and

''(B) the State uses the same application form for assistance described in section 1931(e).''.

(b) TANF.—

(1) IN GENERAL.—Section 408(a) of the Social Security Act (42 U.S.C. 608(a)) is amended by adding at the end the following:

''(12) DESIGNATION OF GRANTS UNDER THIS PART IN ALLOCATING ADMINISTRATIVE COSTS.—Subject to section 1903(x), a State to which a grant is made under section 403 shall designate the program funded under this part as the primary program for the purpose of allocating common administrative costs incurred in serving households eligible or applying for benefits under such program and any other Federal means-tested public benefit program administered by the State.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) to section 408 of the Social Security Act (42 U.S.C. 608) shall take effect as if included in the enactment of section 103(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2112).

TITLE V—EFFECTIVE DATE

SEC. 501. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this Act, the amendments made by this Act shall take effect on October 1, 1997.

(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—In the case of a State plan under part B or E of title IV of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this Act, the State plan shall not be regarded as failing to comply with the requirements of such part solely on the basis of the failure of the plan to meet such additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

Mr. CRAIG. Mr. President, I am pleased to join my distinguished colleagues in introducing PASS, the Promotion of Adoption, Safety and Support for Abused and Neglected Children Act.

Foster care was never intended to be anything more than a temporary refuge for children from troubled families. Yet all too often, ''temporary'' becomes ''permanent,'' and decisions made for children in the system are driven by considerations other than the child's own well-being. Tragically, it's the children who ultimately pay for the flaws in the system—sometimes with their very lives.

The problem does not lie with the vast majority of foster parents, relatives, and caseworkers who work valiantly to provide the care needed by these children. Rather, the problem is the system itself, and incentives built into it, that frustrate the goal of moving children to permanent, safe, loving homes.

PASS will fundamentally shift the foster care paradigm, without destroying what is good and necessary in the system. For the first time, a child's health and safety will have to be the paramount concerns in any decisions made by the State. for the first time, efforts to find an adoptive or other permanent home will not only be required but documented and rewarded. For the first time, steps will have to be taken to free a child for adoption or other permanent placement if the child has been languishing in foster care for a year or more.

These are only some of the many critical reforms in Pass, designed to promote adoption, ensure the safety of abused and neglected children, accelerate permanent placement, and fix flaws in the system. The package, taken as a whole, will make an enormous difference in the lives of thousands of children.

This comprehensive bill is the product of extensive discussion and negotiation among Senators representing a veritable universe of viewpoints on adoption and foster care reform. Although we may have come to the table from different perspectives, we agreed on a fundamental principle: that reforms are needed to ensure that a child's health, safety and permanency are paramount concerns of the foster care system. In the end, on behalf of the children, we came together and resolved our differences. PASS is the result, and I commend it to all our colleagues.

Change is needed now; every day of delay is an eternity to a child unfairly bearing the burdens of the current system. I hope every Senator will take a careful look at PASS, and work with us to achieve true reforms in this area.

Mr. ROCKEFELLER. Mr. President, abused and neglected children are among the most vulnerable and poorly protected members of American society. Too many of these children are left to wander aimlessly through the foster care system—a system which, from the outset, was never designed or intended to be a permanent home. We can no longer continue to sentence these foster children to endless waits—a legal limbo in which they no longer feel welcome in their biological families but are unable to be adopted into new and loving homes. Despite the thousands of dedicated foster parents and child welfare workers who strive daily to effectively address the many needs of abused and neglected children in an overloaded system, we know that nothing can replace a permanent and loving home made by adults who can be counted on without condition or limitation.

Acknowledging our collective obligation to allow no child to fall between the cracks, I am proud to join together with Senator JOHN CHAFEE and my other colleagues in a truly extraordinary bipartisan effort to introduce the Promotion of Adoption Safety and Support for Abused and Neglected Children Act [PASS]. Under Senator CHAFEE's committed leadership on children's issues, this bipartisan group has worked extremely hard to forge an effective compromise—a compromise which offers concrete, practical strategies to provide permanency in lives of foster children and to ensure that health and safety are built into every level of America's abuse and neglect system. Central to this entire effort was also Senator LARRY CRAIG, who brought focus and determination to the sometimes difficult bipartisan negotiations. I would like to take this opportunity to extend my most sincere thanks to my other colleagues, Senators JEFFORDS, DEWINE, COATS, BOND, LANDRIEU, and LEVIN for making possible this outstanding example of bipartisan teamwork.

The Promotion of Adoption Safety and Support for Abused and Neglected Children Act will fundamentally shift the focus of the foster care system by insisting that a child's health, safety, and opportunity to find a permanent home should be the paramount concern when a State makes any decision concerning the well-being of abused and neglected children. As a comprehensive package based on bipartisan consensus, PASS will accelerate and improve the response to these concerns, promote safe adoptions, and restore safety and permanency to the lives of abused and neglected children.

The main objective of this bill is to move abused and neglected children into adoptive or other permanent homes and to do so more quickly and more safely than ever before. Right now, many foster care children are forced to wait years before being adopted—even in cases where loving families are ready and willing to adopt them. Some children lose their chance for adoption altogether. While PASS preserves the requirement to reunify families where appropriate, it does not require States to use reasonable efforts to reunify families that have been irreparably broken by abandonment, torture, physical abuse, sexual abuse, murder, manslaughter, and sexual assault. The PASS Act maintains the delicate balance in protecting the rights of parents and families while placing primary focus where it should be: on the health and safety of child.

PASS encourages adoptions by rewarding States financial incentives for facilitating adoption for all foster children—especially those with special needs which, sadly, make them more difficult to place. For those situations where children cannot go home again, PASS requires States to use reasonable efforts to place them into safe adoptive homes or into the permanent care of loving relatives. In addition, PASS cuts by one-third the time that an abused and neglected child must wait in order to be placed in such adoptive homes. In response to a candid and focused look at today's foster care crisis,

the bill also seeks to rescue children from the legal limbo of the current system by requiring States to take the necessary legal steps to free for adoption those children who have been forced to linger in the system for a year or more. PASS also prevents further abuse of children in the foster care system by requiring criminal records checks for all foster and adoptive parents. PASS is about helping the individual child but, equally as importantly, fixing the system.

It is always the right time to focus on the needs of children—especially those unfortunate enough to find themselves in the sometimes dysfunctional labyrinth of the abuse and neglect system. Unfortunately, however, reform has never been more necessary. President Clinton's ''Adoption 2002 Report'' found that there are currently half a million children in temporary foster care placements. One hundred thousand of those children should be adopted, but less than half of that number are legally eligible to become part of an adoptive family. In my home State of West Virginia alone, referrals to Child Protective Services are expected to rise to an all-time high of 17,000 this year. Foster care placements have jumped from 2,900 children in January 1996 to 3,113 children in January 1997. These staggering figures reveal a foster care crisis of unprecedented proportions.

PASS is the first step in a vital, ongoing effort to put children at the very top of our national agenda. It is time that we provide all children with their most profound wish: to live in a safe and loving home with caretakers who treat them with respect and dignity. If we are unable to address this most fundamental need, these children will not be able to grow, learn, and provide a secure place for their own families. It is unthinkable to deny abused and neglected children such vital opportunities.

Mr. BOND. Mr. President, there may not be many things in life on which there is a consensus but I think we all can agree on the vital importance of ensuring the safety of abused and neglected children and moving them out of the foster care system more rapidly and into permanent homes. I am proud to join with my colleagues in this bipartisan effort to develop the new, consensus legislation called the Promotion of Adoption, Safety, and Support for Abused and Neglected Children [PASS] Act.

The reality is that all too often children simply languish in the foster care system. Nationwide, there are more than 500,000 children in foster care. In Missouri, there are 10,361 children in the foster care system. Since 1975, the number of reported incidents of abuse and neglect has increased from less than 10,000 to 52,964 in 1995, an all-time high and frightening statistic.

Federal law has hindered State child welfare agencies from moving more quickly to place children who are in foster care because of abuse and neglect into permanent homes.

The PASS Act will provide incentives to increase adoptions and reduce by one third the amount of time a child lingers in foster care waiting for a permanency plan, with a review required every six months so that foster care is truly viewed as a temporary care system for our most vulnerable children.

The bill clarifies ''reasonable efforts'' and establishes a federal standard so that the health and safety of the child is the primary concern, above family reunification interest. There are some parents for whom reunification with their children is not reasonable—certainly sustained abuse or neglect or danger of physical harm would fit that category. In those cases, we need to move swiftly to get the children out of harm's way and then quickly to get them into permanent homes.

Just count the number of cases of child abuse and neglect that has been reported over the past few months. One too many! A little, five-year old Kansas City girl named Angel Hart was beaten and drowned to death by her mother's boyfriend because she could not recite the alphabet.

Under the PASS Act, States are encouraged to enact laws that would make it easier to terminate parental rights in abusive cases and prevent abused and neglected children from returning to homes in which their health and safety are at risk. In addition, this legislation promotes adoption of all special needs children and ensures health coverage for special needs children who are adopted.

I am very optimistic that Congress will move this bill forward this year. There are far too many innocent lives at stake and no child should be denied a loving home. Unfortunately, for thousands of kids now caught in permanent limbo in the foster care system, that is exactly what is happening. The PASS Act will improve child safety and permanency, enabling some children to return home safely and others to move to adoptive families more quickly.

By Mr. McCAIN (for himself, Mr. GORTON, Mr. HOLLINGS, and Mr. FORD):

S. 1196. A bill to amend title 49, United States Code, to require the National Transportation Safety Board and individual foreign air carriers to address the needs of families of passengers involved in aircraft accidents involving foreign air carriers; to the Committee on Commerce, Science, and Transportation.

THE FOREIGN AIR CARRIER FAMILY SUPPORT ACT

Mr. McCAIN. Mr. President, I am pleased to join with my colleagues, Senator GORTON, Senator HOLLINGS and Senator FORD, to introduce the Foreign Air Carrier Family Support Act. This bill would require foreign air carriers to implement disaster family assistance plans should an accident involving their carriers occur on American soil. I would like to recognize my colleagues in the House, especially Representative UNDERWOOD from Guam, who introduced the companion bill in the House of Representatives earlier this week.

The legislation, if enacted, would build on the family assistance provisions that we enacted last year as part of the Federal Aviation Reauthorization Act of 1996. Let me be clear about one point. Domestic air carriers are already operating under the same legislative requirements set out in the legislation before us today.

The need for extending the requirements to foreign air carriers came into a clear focus with the tragic crash of Korean Air Flight 801 in Guam. I do not intend to single out Korean Air for blame. An accident of this magnitude, involving the loss of more than 200 lives, in rough and isolated terrain, is bound to create mass confusion and hysteria. Even so, coverage of the accident made us all acutely aware of the criticisms made by the family members, and the pain they suffered in relation to the search and rescue efforts, as well as the media involvement following the accident.

The U.S. civil, military and Federal personnel at the scene should be commended for their contributions toward the search and rescue efforts. I also praise their attempts to console and assist family members on Guam, as well as those who traveled to the accident site from South Korea and the continental United States. Without a doubt, though, their efforts would have been more productive had there been a prearranged plan in effect. Greater coordination would have made things easier not only for the victims' family members, but also for the National Transportation Safety Board [NTSB] officials and military personnel who were on-site and who had to respond immediately in an emotional and potentially hazardous situation.

The Foreign Air Carrier Family Support Act would require a foreign air carrier to provide the Secretary of Transportation and the Chairman of the NTSB with a plan for addressing the needs of the families of passengers involved in an aircraft accident that involves an aircraft under the control of that foreign air carrier, and that involves a significant loss of life. The Secretary of Transportation could not grant permission for the foreign air carrier to operate in the United States unless the Secretary had received a sufficient family assistance plan.

The family assistance plan required of the foreign air carrier would include a reliable, staffed toll-free number for the passengers' families, and a process for expedient family notification prior to public notice of the passengers' identities. An NTSB employee would serve as director of family support services, with the assistance of an independent nonprofit organization with experience in disasters and post-trauma communication with families. The foreign air

carrier would provide these family liaisons with updated passenger lists following the crash. The legislation would require that the carrier consult and coordinate with the families on the disposition of remains and personal effects.

This is important legislation. It is critical, given the increasing global nature of aviation. As we work to promote and implement open skies agreements with foreign countries, these countries' carriers will have increasing freedom to operate in the United States and its territories.

I plan to bring this legislation before the Commerce Committee for markup as early as next week. Unfortunate but true, we have already seen the positive effects of the congressionally mandated family assistance provisions, as they relate to domestic air carriers. I urge my colleagues to support extending these assistance provisions to foreign carriers operating in the United States.

Mr. GORTON. Mr. President, I rise to join my distinguished colleagues, Senator MCCAIN, Senator HOLLINGS, and Senator FORD to introduce the Foreign Air Carrier Family Support Act. This act will provide assistance to the families of aviation accident victims who were flying on foreign airlines operating in the United States, assistance that is now provided in the event of the crash of a domestic airline. I would also take this opportunity to recognize Representative UNDERWOOD of Guam who recently introduced the companion bill in the House with Representative DUNCAN and Representative LIPINSKI.

The recent tragic crash of Korean Air Flight 801 in Guam, which took the lives of more than 200 people, clearly shows the need for this legislation. As we all know, the news of an air disaster spreads quickly around the world, with pictures and reports about the crash. The media is often at the sight of crash as soon as, if not before, the rescue teams.

You can imagine how devastating it was for the family members of those flying on Flight 801, as it would be for any family members, to receive media reports about a crash just after it happened. Anyone in such a situation wants to know as quickly as possible what has happened to their loved ones. That is why the Congress passed the Aviation Disaster Family Assistance Act of 1996, which obligates domestic air carriers to have disaster support plans in place. It is why we now need to extend this type of plan to foreign air carriers in the event that they have an accident on American soil.

Despite the best efforts of rescue personnel and National Transportation Safety Board personnel, it is clear that family members would have been better served if an accident plan had been in effect following the crash of flight 801. Coverage of the accident made us aware that family members suffered a great deal of pain in relation to the search and rescue efforts. We have, sadly enough, already seen the positive effects of family assistance plans for the accidents of domestic air carriers.

Simply stated, the bill would require that following an accident resulting in a significant loss of life, the foreign airline would have a plan in place to publicize a toll-free number, have staff available to take calls, have an up-to-date list of passengers, and have a process to notify families—in person if possible—before any public notification that a family member was onboard the crashed aircraft. A National Transportation Safety Board employee would serve as the director of family support services, with the assistance of an independent nonprofit organization with experience in disasters and post-trauma communication with families. The legislation also requires the Secretary of Transportation to refuse a foreign air carrier a permit to operate in the U.S. if the carrier does not have a plan in place.

As Senator MCCAIN indicated, he plans to bring this legislation before the Commerce Committee for markup as early as next week. I will work with Senator MCCAIN to see that we move this legislation as expeditiously as possible.

I hope that it will never be necessary for the plans required under this legislation to be used. However, should a foreign air carrier have an accident in the United States, we should extend to the family members of victims the consideration and compassion that this legislation provides. I would urge my colleagues to join me in supporting this bill.

Mr. HOLLINGS. Mr. President, I rise to join my colleagues, Senators MCCAIN, GORTON, and FORD in introducing the Foreign Air Carrier Family Support Act, which will assign to foreign air carriers the statutory duty to provide support to the families of victims of aircraft accidents.

Last month, 228 people died in the crash of Korean Air flight 801 in Guam. The United States, as a policy matter, has decided that our air carriers must be prepared to work with the families of victims. In fact, we require our carriers to file plans covering items like toll-free phone lines, notification of families of the accident, consultation on the disposition of the remains, and the return of family possessions.

These changes came about following the crash of TWA flight 800 last July. It was clear, following the crash, that the families of the victims needed assistance, and in a coordinated way. The National Transportation Safety Board representatives worked night and day to let the families know what was going on, but the carriers, too, have a responsibility and those responsibilities, for U.S. carriers, were statutorily imposed. The bill today will make sure that foreign carriers like Korean Air will have similar responsibilities for crashes that occur in the United States.

I urge my colleagues to support the bill.

Mr. FORD. Mr. President, I want to join my colleagues in sponsoring the Foreign Air Carrier Family Support Act. The bill, which I hope will be considered shortly by the Commerce Committee, is intended to close a loophole in law. Last year, we passed legislation requiring U.S. air carriers to file plans with the Secretary and NTSB outlining how they would address the needs of the families of victims of aviation disasters. The bill today will require foreign airlines that serve the United States. In light of the tragic crash in Guam, this bill will make sure that carriers like Korean Air are prepared to deal with the families of victims when a crash occurs on U.S. soil.

The bill is supported by the administration and I hope that we can pass it quickly.

By Mrs. FEINSTEIN:

S. 1197. A bill to reform the financing of Federal elections; to the Committee on Rules and Administration.

THE CAMPAIGN FINANCE REFORM ACT OF 1997

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation on campaign spending reform.

I recognize that this is not the first bill introduced in Congress on this issue. In fact, at last count, there were 85 bills introduced in either the House or the Senate on campaign finance reform—17 of them in the Senate alone.

Frankly, I would be quite satisfied if the bill I am introducing today was tabled in favor of a floor vote on the McCain-Feingold bill, of which I am a cosponsor.

Last week, all 45 Democrats in the Senate pledged to vote for McCain-Feingold if given the opportunity. Combined with the three Republican cosponsors of the bill, this legislation needs only three more votes for passage. Surely there are three more Republicans who will support this bill.

But we are not there yet, and I believe strongly that action must be taken on this subject now. Today. This Congress. This session.

- This Congress has spent $10 million in taxpayer funds investigating wrongdoing in the last election cycle.
- Eighty-four Members of this Congress have called for special prosecutors.
- We've spent 6 months in public hearings decrying how bad the system is, how bad soft money is, and how badly we need reform.

There is nothing to hide behind if this Congress does not act on reform.

I do not believe Members of this body can or should be able to take a pass on reform based on disagreements with McCain-Feingold, or based on an all-or-nothing attitude. Therefore, I offer my legislation as a bill that contains the common denominators—the basic elements—of reform that many of us profess to agree on.

Let me state clearly; I am a cosponsor of McCain-Feingold and will vote

for McCain-Feingold if it comes to the floor for approval, as I believe it should.

My legislation is an alternative, focussed on what I, and what most of my colleagues, have said are the most pressing areas in need of reform: the elimination of soft money, greater disclosure on contributions, and regulation of dollars now unregulated.

The cornerstone of any campaign reform bill must address the issue of soft money. After all the charges and disclosures about the abuse of soft money in federal campaigns, we would be hard-pressed to explain to the public why we did not take action at least on this issue.

However, just banning soft money—for which there appears to be sufficient support in both Houses—cannot be our only action. A simple ban on soft money will force the shifting of these dollars into unregulated independent expenditure campaigns where huge amounts of anonymous money is used to influence campaigns and—most commonly—to attack candidates.

Between $135 and $150 million was spent on so-called issue ads in 1996—about 35 percent of the $400 million spent on all campaign advertising in 1996, according to a new study released yesterday by the Annenberg Center at the University of Pennsylvania. The study—the most comprehensive on this issue to date—showed that, compared with other forms of political advertising and coverage, the content of issue ads were the highest in ''pure attack.''

To this end, I have prepared this small package of measures—many of which appear in other bills—which, taken together, is a step on the road to spending reform, and would be a solid step forward in the battle to decrease the flood of unregulated money in campaigns.

Specifically, this bill would:

Ban soft money to national parties. During the last election, both parties spent a combined total of over $270 million in soft money. Democrats spent $122 million and Republicans spent almost $150 million. Over the first 6 months of this year, both parties have raised $34 million in soft money, with Republicans out-pacing Democrats $23 to $11 million.

Change the definition of ''express advocacy'' to include any communication that uses a candidate's name or picture within 60 days of an election as ''express advocacy''. Only ''hard'' dollars—limited in amount and fully disclosed—could be used to fund independent campaigns of a candidate's name or image is used in express advocacy for or against a candidate.

Change the personal contribution limit from $1,000 per election to $2,000 per election and index those contribution limits for inflation in the future. The $1,000 per election limits have not been changed since 1974. That was 23 years ago and, as every candidate knows, the cost of printing postage and buying media has more than quadrupled in that time.

Increase the disclosure requirements so that any group or individual spending more than $10,000 up to 20 days prior to an election would have to report that to the FEC within 48 hours. This threshold drops to $1,000 within 20 days of an election.

Implement a policy whereby if a person is not eligible to vote in U.S. elections, he or she would not be permitted to contribute to candidates or parties.

Lower the threshold for reporting contributions to candidates from $200 to $50. This increases disclosure.

Allow the FEC to seek an injunction in U.S. District Court if it has evidence that a violation of campaign laws is about to occur.

Permit the FEC to refer matters to the Attorney General for prosecution if any significant evidence of criminal wrongdoing exists.

I believe a bill containing these elements is doable this year and I offer it as a package for the consideration of this body.

In closing, it is my sincere hope we will move to enact meaningful campaign finance reform this year. If we can't act now, after all that has been said and done this year, I'm afraid we never will. The American people deserve more than lip service on campaign reform.

I implore the majority leader to bring the McCain-Feingold bill to the floor and allow us to debate it, amend it, and vote on it. If we can't agree on the McCain-Feingold bill, then let us vote on an alternative such as mine. Either way, let us have at it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1197

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Bipartisan Campaign Reform Act of 1997''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—BAN ON SOFT MONEY OF POLITICAL PARTY COMMITTEES

Sec. 101. Soft money of political party committees.
Sec. 102. State party grassroots funds.
Sec. 103. Reporting requirements.

TITLE II—INDEPENDENT EXPENDITURES; SOFT MONEY

Sec. 201. Express advocacy.
Sec. 202. Reporting requirements for certain independent expenditures.
Sec. 203. Soft money of persons other than political parties.

TITLE III—ENFORCEMENT

Sec. 301. Filing of reports using computers and facsimile machines.
Sec. 302. Audits.
Sec. 303. Authority to seek injunction.
Sec. 304. Reporting requirements for contributions of $50 or more.
Sec. 305. Increase in penalty for knowing and willful violations.
Sec. 306. Prohibition of contributions by individuals not qualified to register to vote.
Sec. 307. Use of candidates' names.
Sec. 308. Prohibition of false representation to solicit contributions.
Sec. 309. Expedited procedures.
Sec. 310. Reference of suspected violation to the attorney general.

TITLE IV—MISCELLANEOUS

Sec. 401. Contribution limits; indexing.
Sec. 402. Use of contributed amounts for certain purposes.
Sec. 403. Campaign advertising.
Sec. 404. Limit on congressional use of the franking privilege.

TITLE V—CONSTITUTIONALITY; EFFECTIVE DATE; REGULATIONS

Sec. 501. Severability.
Sec. 502. Review of constitutional issues.
Sec. 503. Effective date.
Sec. 504. Regulations.

TITLE I—BAN ON SOFT MONEY OF POLITICAL PARTY COMMITTEES

SEC. 101. SOFT MONEY OF POLITICAL PARTY COMMITTEES.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following:

''SEC. 324. SOFT MONEY OF PARTY COMMITTEES.

''(a) NATIONAL COMMITTEES.—

''(1) ALL CONTRIBUTIONS, DONATIONS, TRANSFERS, AND SPENDING TO BE SUBJECT TO THIS ACT.—A national committee of a political party (including a national congressional campaign committee of a political party), an entity that is directly or indirectly established, financed, maintained, or controlled by a national committee or its agent, an entity acting on behalf of a national committee, and an officer or agent acting on behalf of any such committee or entity (but not including an entity regulated under subsection (b)) shall not solicit or receive any contributions, donations, or transfers of funds, or spend any funds, that are not subject to the limitations, prohibitions, and reporting requirements of this Act.

''(2) DONATION LIMIT.—In addition to the amount of contributions that a person may make to a national committee of a political party under section 315, a person may make donations of anything of value to a national committee of a political party (including a national congressional campaign committee of a political party), an entity that is directly or indirectly established, financed, maintained, or controlled by a national committee or its agent, an entity acting on behalf of a national committee, and an officer or agent acting on behalf of any such committee or entity (but not including an entity regulated under subsection (b)) in an aggregate amount not exceeding $25,000 during the 24 months preceding the date of a general election for Federal office.

''(b) STATE, DISTRICT, AND LOCAL COMMITTEES.—

''(1) IN GENERAL.—Any amount that is expended or disbursed by a State, district, or local committee of a political party (including an entity that is directly or indirectly established, financed, maintained, or controlled by a State, district, or local committee of a political party and an officer or agent acting on behalf of any such committee or entity) during a calendar year in which a Federal election is held, for any activity that might affect the outcome of a Federal election, including any voter registration or get-out-the-vote activity, any generic campaign activity, and any communication that refers to a candidate (regardless of whether a candidate for State or local office is also mentioned or identified) shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

''(2) ACTIVITY EXCLUDED FROM PARAGRAPH (1).—

''(A) IN GENERAL.—Paragraph (1) shall not apply to an expenditure or disbursement made by a State, district, or local committee of a political party for—

''(i) a contribution to a candidate for State or local office if the contribution is not designated or otherwise earmarked to pay for an activity described in paragraph (1);

''(ii) the costs of a State, district, or local political convention;

''(iii) the non-Federal share of a State, district, or local party committee's administrative and overhead expenses (but not including the compensation in any month of any individual who spends more than 20 percent of the individual's time on activity during the month that may affect the outcome of a Federal election) except that for purposes of this paragraph, the non-Federal share of a party committee's administrative and overhead expenses shall be determined by applying the ratio of the non-Federal disbursements to the total Federal expenditures and non-Federal disbursements made by the committee during the previous presidential election year to the committee's administrative and overhead expenses in the election year in question;

''(iv) the costs of grassroots campaign materials, including buttons, bumper stickers, and yard signs that name or depict only a candidate for State or local office; and

''(v) the cost of any campaign activity conducted solely on behalf of a clearly identified candidate for State or local office, if the candidate activity is not an activity described in paragraph (1).

''(B) FUNDRAISING COSTS.—Any amount spent by a national, State, district, or local committee, by an entity that is established, financed, maintained, or controlled by a State, district, or local committee of a political party, or by an agent or officer of any such committee or entity to raise funds that are used, in whole or in part, to pay the costs of an activity described in paragraph (1) shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

''(c) TAX-EXEMPT ORGANIZATIONS.—A national, State, district, or local committee of a political party (including a national congressional campaign committee of a political party), an entity that is directly or indirectly established, financed, maintained, or controlled by any such national, State, district, or local committee or its agent, an agent acting on behalf of any such party committee, and an officer or agent acting on behalf of any such party committee or entity), shall not solicit any funds for or make any donations to an organization that is exempt from Federal taxation under section 501(c) of the Internal Revenue Code of 1986.

''(d) CANDIDATES.—

''(1) IN GENERAL.—A candidate, individual holding Federal office, or agent of a candidate or individual holding Federal office shall not—

''(A) solicit, receive, transfer, or spend funds in connection with an election for Federal office unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act;

''(B) solicit, receive, or transfer funds that are to be expended in connection with any election other than a Federal election unless the funds—

''(i) are not in excess of the amounts permitted with respect to contributions to candidates and political committees under section 315(a) (1) and (2); and

''(ii) are not from sources prohibited by this Act from making contributions with respect to an election for Federal office; or

''(C) solicit, receive, or transfer any funds on behalf of any person that are not subject to the limitations, prohibitions, and reporting requirements of the Act if the funds are for use in financing any campaign-related activity or any communication that refers to a clearly identified candidate for Federal office.

''(2) EXCEPTION.—Paragraph (1) does not apply to the solicitation or receipt of funds by an individual who is a candidate for a State or local office if the solicitation or receipt of funds is permitted under State law for the individual's State or local campaign committee.''.

SEC. 102. STATE PARTY GRASSROOTS FUNDS.

(a) INDIVIDUAL CONTRIBUTIONS.—Section 315(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)) is amended—

(1) in subparagraph (B) by striking ''or'' at the end;

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following:

''(C) to—

''(i) a State Party Grassroots Fund established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $20,000;

''(ii) any other political committee established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $5,000;

except that the aggregate contributions described in this subparagraph that may be made by a person to the State Party Grassroots Fund and all committees of a State Committee of a political party in any State in any calendar year shall not exceed $20,000; or''.

(b) LIMITS.—

(1) IN GENERAL.—Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)) is amended by striking paragraph (3) and inserting the following:

''(3) OVERALL LIMITS.—

''(A) INDIVIDUAL LIMIT.—No individual shall make contributions during any calendar year that, in the aggregate, exceed $30,000.

''(B) CALENDAR YEAR.—No individual shall make contributions during any calendar year—

''(i) to all candidates and their authorized political committees that, in the aggregate, exceed $25,000; or

''(ii) to all political committees established and maintained by State committees of a political party that, in the aggregate, exceed $20,000.

''(C) NONELECTION YEARS.—For purposes of subparagraph (B)(i), any contribution made to a candidate or the candidate's authorized political committees in a year other than the calendar year in which the election is held with respect to which the contribution is made shall be treated as being made during the calendar year in which the election is held.''.

(c) DEFINITIONS.—Section 301 of the Federal Election Campaign Act of 1970 (2 U.S.C. 431) is amended by adding at the end the following:

''(20) GENERIC CAMPAIGN ACTIVITY.—The term 'generic campaign activity' means a campaign activity that promotes a political party and does not refer to any particular Federal or non-Federal candidate.

''(21) STATE PARTY GRASSROOTS FUND.—The term 'State Party Grassroots Fund' means a separate segregated fund established and maintained by a State committee of a political party solely for purposes of making expenditures and other disbursements described in section 325(d).''.

(d) STATE PARTY GRASSROOTS FUNDS.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) (as amended by section 101) is amended by adding at the end the following:

''SEC. 325. STATE PARTY GRASSROOTS FUNDS.

''(a) DEFINITION.—In this section, the term 'State or local candidate committee' means a committee established, financed, maintained, or controlled by a candidate for other than Federal office.

''(b) TRANSFERS.—Notwithstanding section 315(a)(4), no funds may be transferred by a State committee of a political party from its State Party Grassroots Fund to any other State Party Grassroots Fund or to any other political committee, except a transfer may be made to a district or local committee of the same political party in the same State if the district or local committee—

''(1) has established a separate segregated fund for the purposes described in subsection (d); and

''(2) uses the transferred funds solely for those purposes.

''(c) AMOUNTS RECEIVED BY GRASSROOTS FUNDS FROM STATE AND LOCAL CANDIDATE COMMITTEES.—

''(1) IN GENERAL.—Any amount received by a State Party Grassroots Fund from a State or local candidate committee for expenditures described in subsection (d) that are for the benefit of that candidate shall be treated as meeting the requirements of 324(b)(1) and section 304(e) if—

''(A) the amount is derived from funds which meet the requirements of this Act with respect to any limitation or prohibition as to source or dollar amount specified in section 315(a) (1)(A) and (2)(A)(i); and

''(B) the State or local candidate committee—

''(i) maintains, in the account from which payment is made, records of the sources and amounts of funds for purposes of determining whether those requirements are met; and

''(ii) certifies that the requirements were met.

''(2) DETERMINATION OF COMPLIANCE.—For purposes of paragraph (1)(A), in determining whether the funds transferred meet the requirements of this Act described in paragraph (1)(A)—

''(A) a State or local candidate committee's cash on hand shall be treated as consisting of the funds most recently received by the committee; and

''(B) the committee must be able to demonstrate that its cash on hand contains funds meeting those requirements sufficient to cover the transferred funds.

''(3) REPORTING.—Notwithstanding paragraph (1), any State Party Grassroots Fund that receives a transfer described in paragraph (1) from a State or local candidate committee shall be required to meet the reporting requirements of this Act, and shall submit to the Commission all certifications received, with respect to receipt of the transfer from the candidate committee.

''(d) DISBURSEMENTS AND EXPENDITURES.—A State committee of a political party may make disbursements and expenditures from its State Party Grassroots Fund only for—

''(1) any generic campaign activity;

''(2) payments described in clauses (v), (x), and (xii) of paragraph (8)(B) and clauses (iv), (viii), and (ix) of paragraph (9)(B) of section 301;

''(3) subject to the limitations of section 315(d), payments described in clause (xii) of paragraph (8)(B), and clause (ix) of paragraph (9)(B), of section 301 on behalf of candidates other than for President and Vice President;

''(4) voter registration; and

''(5) development and maintenance of voter files during an even-numbered calendar year.''.

SEC. 103. REPORTING REQUIREMENTS.

(a) REPORTING REQUIREMENTS.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by section 202) is amended by adding at the end the following:

''(e) POLITICAL COMMITTEES.—

''(1) NATIONAL AND CONGRESSIONAL POLITICAL COMMITTEES.—The national committee of a political party, any congressional campaign committee of a political party, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period, whether or not in connection with an election for Federal office.

''(2) OTHER POLITICAL COMMITTEES TO WHICH SECTION 324 APPLIES.—A political committee (not described in paragraph (1)) to which section 324(b)(1) applies shall report all receipts and disbursements made for activities described in section 324(b) (1) and (2)(iii).

''(3) OTHER POLITICAL COMMITTEES.—Any political committee to which paragraph (1) or (2) does not apply shall report any receipts or disbursements that are used in connection with a Federal election.

''(4) ITEMIZATION.—If a political committee has receipts or disbursements to which this subsection applies from any person aggregating in excess of $200 for any calendar year, the political committee shall separately itemize its reporting for such person in the same manner as required in paragraphs (3)(A), (5), and (6) of subsection (b).

''(5) REPORTING PERIODS.—Reports required to be filed under this subsection shall be filed for the same time periods required for political committees under subsection (a).''.

(b) BUILDING FUND EXCEPTION TO THE DEFINITION OF CONTRIBUTION.—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)) is amended—

(1) by striking clause (viii); and

(2) by redesignating clauses (ix) through (xiv) as clauses (viii) through (xiii), respectively.

(c) REPORTS BY STATE COMMITTEES.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by subsection (a)) is amended by adding at the end the following:

''(f) FILING OF STATE REPORTS.—In lieu of any report required to be filed by this Act, the Commission may allow a State committee of a political party to file with the Commission a report required to be filed under State law if the Commission determines such reports contain substantially the same information.''.

(d) OTHER REPORTING REQUIREMENTS.—

(1) AUTHORIZED COMMITTEES.—Section 304(b)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(4)) is amended—

(A) by striking ''and'' at the end of subparagraph (H);

(B) by inserting ''and'' at the end of subparagraph (I); and

(C) by adding at the end the following new subparagraph:

''(J) in the case of an authorized committee, disbursements for the primary election, the general election, and any other election in which the candidate participates;''.

(2) NAMES AND ADDRESSES.—Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by inserting '', and the election to which the operating expenditure relates'' after ''operating expenditure''.

TITLE II—INDEPENDENT EXPENDITURES; SOFT MONEY

SEC. 201. EXPRESS ADVOCACY.

(a) DEFINITION OF EXPENDITURE.—Section 301(9)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(A)) is amended—

(1) by striking ''and'' at the end of clause (i);

(2) by striking the period at the end of clause (ii) and inserting a semicolon; and

(3) by adding at the end the following:

''(iii) any payment during an election year (or in a nonelection year, during the period beginning on the date on which a vacancy for Federal office occurs and ending on the date of the special election for that office) for a communication that is made through any broadcast medium, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising by a national, State, district, or local committee of a political party, including a congressional campaign committee of a party, that refers to a clearly identified candidate; and

''(iv) any payment for a communication that contains express advocacy.''.

(b) DEFINITION OF INDEPENDENT EXPENDITURE.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by striking paragraph (17) and inserting the following:

''(17) INDEPENDENT EXPENDITURE.—

''(A) IN GENERAL.—The term 'independent expenditure' means an expenditure that—

''(i) contains express advocacy; and

''(ii) is made without cooperation or consultation with any candidate, or any authorized committee or agent of such candidate, and which is not made in concert with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate.''.

(b) DEFINITION OF EXPRESS ADVOCACY.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) (as amended by section 102(c)) is amended by adding at the end the following:

''(22) EXPRESS ADVOCACY.—

''(A) IN GENERAL.—The term 'express advocacy' includes—

''(i) a communication that conveys a message that advocates the election or defeat of a clearly identified candidate for Federal office by using an expression such as 'vote for,' 'elect,' 'support,' 'vote against,' 'defeat,' 'reject,' '(name of candidate) for Congress', 'vote pro-life,' or 'vote pro-choice', accompanied by a listing or picture of a clearly identified candidate described as 'pro-life' or 'pro-choice,' 'reject the incumbent', or a similar expression;

''(ii) a communication that is made through a broadcast medium, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising that involves aggregate disbursements of $10,000 or more, that refers to a clearly identified candidate, that a reasonable person would understand as advocating the election or defeat of the candidate, and that is made within 60 days before the date of a primary election (and is targeted to the State in which the primary is occurring), or 60 days before a general election; or

''(iii) a communication that is made through a broadcast medium, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising that involves aggregate disbursements of $10,000 or more, that refers to a clearly identified candidate, that a reasonable person would understand as advocating the election or defeat of a candidate, that is made before the date that is 30 days before the date of a primary election, or 60 days before the date of a general election, and that is made for the purpose of advocating the election or defeat of the candidate, as shown by 1 or more factors such as a statement or action by the person making the communication, the targeting or placement of the communication, or the use by the person making the communication of polling, demographic, or other similar data relating to the candidate's campaign or election.

''(B) EXCLUSION.—The term 'express advocacy' does not include the publication or distribution of a communication that is limited solely to providing information about the voting record of elected officials on legislative matters and that a reasonable person would not understand as advocating the election or defeat of a particular candidate.''.

SEC. 202. REPORTING REQUIREMENTS FOR CERTAIN INDEPENDENT EXPENDITURES.

Section 304(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(c)) is amended—

(1) in paragraph (2), by striking the undesignated matter after subparagraph (C);

(2) by redesignating paragraph (3) as paragraph (7); and

(3) by inserting after paragraph (2), as amended by paragraph (1), the following:

''(d) TIME FOR REPORTING CERTAIN EXPENDITURES.—

''(1) EXPENDITURES AGGREGATING $1,000.—

''(A) INITIAL REPORT.—A person (including a political committee) that makes or obligates to make independent expenditures aggregating $1,000 or more after the 20th day, but more than 24 hours, before an election shall file a report describing the expenditures within 24 hours after that amount of independent expenditures has been made.

''(B) ADDITIONAL REPORTS.—After a person files a report under subparagraph (A), the person shall file an additional report each time that independent expenditures aggregating an additional $1,000 are made or obligated to be made with respect to the same election as that to which the initial report relates.

''(2) EXPENDITURES AGGREGATING $10,000.—

''(A) INITIAL REPORT.—A person (including a political committee) that makes or obligates to make independent expenditures aggregating $10,000 or more at any time up to and including the 20th day before an election shall file a report describing the expenditures within 48 hours after that amount of independent expenditures has been made or obligated to be made.

''(B) ADDITIONAL REPORTS.—After a person files a report under subparagraph (A), the person shall file an additional report each time that independent expenditures aggregating an additional $10,000 are made or obligated to be made with respect to the same election as that to which the initial report relates.

''(3) PLACE OF FILING; CONTENTS.—A report under this subsection—

''(A) shall be filed with the Commission; and

''(B) shall contain the information required by subsection (b)(6)(B)(iii), including the name of each candidate whom an expenditure is intended to support or oppose.''.

SEC. 203. SOFT MONEY OF PERSONS OTHER THAN POLITICAL PARTIES.

Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by section 103(c)) is amended by adding at the end the following:

''(g) ELECTION ACTIVITY OF PERSONS OTHER THAN POLITICAL PARTIES.—

''(1) IN GENERAL.—A person other than a committee of a political party that makes aggregate disbursements totaling in excess of $10,000 for activities described in paragraph (2) shall file a statement with the Commission—

''(A) within 48 hours after the disbursements are made; or

''(B) in the case of disbursements that are made within 20 days of an election, within 24 hours after the disbursements are made.

''(2) ACTIVITY.—The activity described in this paragraph is—

''(A) any activity described in section 316(b)(2)(A) that refers to any candidate for Federal office, any political party, or any Federal election; and

''(B) any activity described in subparagraph (B) or (C) of section 316(b)(2).

''(3) ADDITIONAL STATEMENTS.—An additional statement shall be filed each time additional disbursements aggregating $10,000 are made by a person described in paragraph (1).

''(4) APPLICABILITY.—This subsection does not apply to—

''(A) a candidate or a candidate's authorized committees; or

''(B) an independent expenditure.

''(5) CONTENTS.—A statement under this section shall contain such information about the disbursements as the Commission shall prescribe, including—

''(A) the name and address of the person or entity to whom the disbursement was made;

''(B) the amount and purpose of the disbursement; and

''(C) if applicable, whether the disbursement was in support of, or in opposition to, a candidate or a political party, and the name of the candidate or the political party.''.

TITLE III—ENFORCEMENT

SEC. 301. FILING OF REPORTS USING COMPUTERS AND FACSIMILE MACHINES.

Section 302(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)) is amended by striking paragraph (11) and inserting at the end the following:

''(11) FILING REPORTS.—

''(A) COMPUTER ACCESSIBILITY.—The Commission may prescribe regulations under which persons required to file designations, statements, and reports under this Act—

''(i) are required to maintain and file a designation, statement, or report for any calendar year in electronic form accessible by computers if the person has, or has reason to expect to have, aggregate contributions or expenditures in excess of a threshold amount determined by the Commission; and

''(ii) may maintain and file a designation, statement, or report in that manner if not required to do so under regulations prescribed under clause (i).

''(B) FACSIMILE MACHINE.—The Commission shall prescribe regulations which allow persons to file designations, statements, and reports required by this Act through the use of facsimile machines.

''(C) VERIFICATION OF SIGNATURE.—In prescribing regulations under this paragraph, the Commission shall provide methods (other than requiring a signature on the document being filed) for verifying designations, statements, and reports covered by the regulations. Any document verified under any of the methods shall be treated for all purposes (including penalties for perjury) in the same manner as a document verified by signature.''.

SEC. 302. AUDITS.

(a) RANDOM AUDITS.—Section 311(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(b)) is amended—

(1) by inserting ''(1)'' before ''The Commission''; and

(2) by adding at the end the following:

''(2) RANDOM AUDITS.—

''(A) IN GENERAL.—Notwithstanding paragraph (1), the Commission may conduct random audits and investigations to ensure voluntary compliance with this Act.

''(B) LIMITATION.—The Commission shall not conduct an audit or investigation of a candidate's authorized committee under subparagraph (A) until the candidate is no longer a candidate for the office sought by the candidate in an election cycle.

''(C) APPLICABILITY.—This paragraph does not apply to an authorized committee of a candidate for President or Vice President subject to audit under section 9007 or 9038 of the Internal Revenue Code of 1986.''.

(b) EXTENSION OF PERIOD DURING WHICH CAMPAIGN AUDITS MAY BE BEGUN.—Section 311(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(b)) is amended by striking ''6 months'' and inserting ''12 months''.

SEC. 303. AUTHORITY TO SEEK INJUNCTION.

Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended—

(1) by adding at the end the following:

''(13) AUTHORITY TO SEEK INJUNCTION.—

''(A) IN GENERAL.—If, at any time in a proceeding described in paragraph (1), (2), (3), or (4), the Commission believes that—

''(i) there is a substantial likelihood that a violation of this Act is occurring or is about to occur;

''(ii) the failure to act expeditiously will result in irreparable harm to a party affected by the potential violation;

''(iii) expeditious action will not cause undue harm or prejudice to the interests of others; and

''(iv) the public interest would be best served by the issuance of an injunction;

the Commission may initiate a civil action for a temporary restraining order or a preliminary injunction pending the outcome of the proceedings described in paragraphs (1), (2), (3), and (4).

''(B) VENUE.—An action under subparagraph (A) shall be brought in the United States district court for the district in which the defendant resides, transacts business, or may be found, or in which the violation is occurring, has occurred, or is about to occur.'';

(2) in paragraph (7), by striking ''(5) or (6)'' and inserting ''(5), (6), or (13)''; and

(3) in paragraph (11), by striking ''(6)'' and inserting ''(6) or (13)''.

SEC. 304. REPORTING REQUIREMENTS FOR CONTRIBUTIONS OF $50 OR MORE.

Section 304(b)(3)(A) of the Federal Election Campaign Act at 1971 (2 U.S.C. 434(b)(3)(A) is amended—

(1) by striking ''$200'' and inserting ''$50''; and

(2) by striking the semicolon and inserting '', except that in the case of a person who makes contributions aggregating at least $50 but not more than $200 during the calendar year, the identification need include only the name and address of the person''.

SEC. 305. INCREASE IN PENALTY FOR KNOWING AND WILLFUL VIOLATIONS.

Section 309(a)(5)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)(B)) is amended by striking ''the greater of $10,000 or an amount equal to 200 percent'' and inserting ''the greater of $15,000 or an amount equal to 300 percent''.

SEC. 306. PROHIBITION OF CONTRIBUTIONS BY INDIVIDUALS NOT QUALIFIED TO REGISTER TO VOTE.

(a) PROHIBITION.—Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e) is amended—

(1) in the heading by adding ''AND INDIVIDUALS NOT QUALIFIED TO REGISTER TO VOTE'' at the end; and

(2) in subsection (a)—

(A) by striking ''(a) It shall'' and inserting the following:

''(a) PROHIBITIONS.—

''(1) FOREIGN NATIONALS.—It shall''; and

(B) by adding at the end the following:

''(2) INDIVIDUALS NOT QUALIFIED TO REGISTER TO VOTE.—It shall be unlawful for an individual who is not qualified to register to vote in a Federal election to make a contribution, or to promise expressly or impliedly to make a contribution, in connection with a Federal election; or for any person to solicit, accept, or receive a contribution in connection with a Federal election from an individual who is not qualified to register to vote in a Federal election.''.

(b) INCLUSION IN DEFINITION OF IDENTIFICATION.—Section 301(13) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(13)) is amended—

(1) in subparagraph (A)—

(A) by striking ''and'' the first place it appears; and

(B) by inserting '', and an affirmation that the individual is an individual who is not prohibited by section 319 from making a contribution'' after ''employer''; and

(2) in subparagraph (B) by inserting ''and an affirmation that the person is a person that is not prohibited by section 319 from making a contribution'' after ''such person''.

SEC. 307. USE OF CANDIDATES' NAMES.

Section 302(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(e)) is amended by striking paragraph (4) and inserting the following:

''(4)(A) The name of each authorized committee shall include the name of the candidate who authorized the committee under paragraph (1).

''(B) A political committee that is not an authorized committee shall not—

''(i) include the name of any candidate in its name, or

''(ii) except in the case of a national, State, or local party committee, use the name of any candidate in any activity on behalf of such committee in such a context as to suggest that the committee is an authorized committee of the candidate or that the use of the candidate's name has been authorized by the candidate.''.

SEC. 308. PROHIBITION OF FALSE REPRESENTATION TO SOLICIT CONTRIBUTIONS.

Section 322 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441h) is amended—

(1) by inserting after ''SEC. 322.'' the following: ''(a)''; and

(2) by adding at the end the following:

''(b) No person shall solicit contributions by falsely representing himself as a candidate or as a representative of a candidate, a political committee, or a political party.''.

SEC. 309. EXPEDITED PROCEDURES.

Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) (as amended by section 303) is amended by adding at the end the following:

''(14)(A) If the complaint in a proceeding was filed within 60 days immediately preceding a general election, the Commission may take action described in this subparagraph.

''(B) If the Commission determines, on the basis of facts alleged in the complaint and other facts available to the Commission, that there is clear and convincing evidence that a violation of this Act has occurred, is occurring, or is about to occur and it appears that the requirements for relief stated in paragraph (13)(A) (ii), (iii), and (iv) are met, the Commission may—

''(i) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

''(ii) if the Commission determines that there is insufficient time to conduct proceedings before the election, immediately seek relief under paragraph (13)(A).

''(C) If the Commission determines, on the basis of facts alleged in the complaint and other facts available to the Commission, that the complaint is clearly without merit, the Commission may—

''(i) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

''(ii) if the Commission determines that there is insufficient time to conduct proceedings before the election, summarily dismiss the complaint.''.

SEC. 310. REFERENCE OF SUSPECTED VIOLATION TO THE ATTORNEY GENERAL.

Section 309(a)(5) of Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended by striking subparagraph (C) and inserting the following:

''(C) REFERRAL TO THE ATTORNEY GENERAL.—The Commission may at any time, by an affirmative vote of 4 of its members, refer a possible violation of this Act or chapter 95 or 96 of the Internal Revenue Code of 1986 to the Attorney General of the United States, without regard to any limitations set forth in this section.''.

TITLE IV—MISCELLANEOUS

SEC. 401. CONTRIBUTION LIMITS; INDEXING.

(a) INCREASE IN CANDIDATE CONTRIBUTION LIMIT.—Section 315(a)(1)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)(A)) is amended by striking ''$1,000'' and inserting ''$2,000''.

(b) INDEXING OF CANDIDATE CONTRIBUTION LIMIT.—Section 315(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(c)) is amended—

(1) in the second sentence of paragraph (1), by striking ''subsection (b) and subsection (d)'' and inserting ''subsections (a)(1)(A), (b), and (d)''; and

(2) in paragraph (2)(B), by striking ''means the calendar year 1974.'' and inserting ''means—

''(i) for purposes of subsections (b) and (d), calendar year 1974; and

''(ii) for purposes of subsection (a)(1)(A), calendar year 1997.''.

SEC. 402. USE OF CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by striking section 313 and inserting the following:

''SEC. 313. USE OF CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES.

''(a) PERMITTED USES.—A contribution accepted by a candidate, and any other amount received by an individual as support for activities of the individual as a holder of Federal office, may be used by the candidate or individual—

''(1) for expenditures in connection with the campaign for Federal office of the candidate or individual;

''(2) for ordinary and necessary expenses incurred in connection with duties of the individual as a holder of Federal office;

''(3) for contributions to an organization described in section 170(c) of the Internal Revenue Code of 1986; or

''(4) for transfers to a national, State, or local committee of a political party.

''(b) PROHIBITED USE.—

''(1) IN GENERAL.—A contribution or amount described in subsection (a) shall not be converted by any person to personal use.

''(2) CONVERSION TO PERSONAL USE.—For the purposes of paragraph (1), a contribution or amount shall be considered to be converted to personal use if the contribution or amount is used to fulfill any commitment, obligation, or expense of a person that would exist irrespective of the candidate's election campaign or individual's duties as a holder of Federal officeholder, including—

''(A) a home mortgage, rent, or utility payment;

''(B) a clothing purchase;

''(C) a noncampaign-related automobile expense;

''(D) a country club membership;

''(E) a vacation or other noncampaign-related trip;

''(F) a household food item;

''(G) a tuition payment;

''(H) admission to a sporting event, concert, theater, or other form of entertainment not associated with an election campaign; and

''(G) dues, fees, and other payments to a health club or recreational facility.''.

SEC. 403. CAMPAIGN ADVERTISING.

Section 318 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking ''Whenever'' and inserting ''Whenever a political committee makes a disbursement for the purpose of financing any communication through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising, or whenever'';

(ii) by striking ''an expenditure'' and inserting ''a disbursement''; and

(iii) by striking ''direct''; and

(B) in paragraph (3), by inserting ''and permanent street address'' after ''name''; and

(2) by adding at the end the following:

''(c) Any printed communication described in subsection (a) shall be—

''(1) of sufficient type size to be clearly readable by the recipient of the communication;

''(2) contained in a printed box set apart from the other contents of the communication; and

''(3) consist of a reasonable degree of color contrast between the background and the printed statement.

''(d)(1) Any broadcast or cablecast communication described in subsection (a)(1) or subsection (a)(2) shall include, in addition to the requirements of those subsections, an audio statement by the candidate that identifies the candidate and states that the candidate has approved the communication.

''(2) If a broadcast or cablecast communication described in paragraph (1) is broadcast or cablecast by means of television, the communication shall include, in addition to the audio statement under paragraph (1), a written statement which—

''(A) appears at the end of the communication in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds; and

''(B) is accompanied by a clearly identifiable photographic or similar image of the candidate.

''(e) Any broadcast or cablecast communication described in subsection (a)(3) shall include, in addition to the requirements of those subsections, in a clearly spoken manner, the following statement: '_____ is responsible for the content of this advertisement.' (with the blank to be filled in with the name of the political committee or other person paying for the communication and the name of any connected organization of the payor). If broadcast or cablecast by means of television, the statement shall also appear in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.''.

SEC. 404. LIMIT ON CONGRESSIONAL USE OF THE FRANKING PRIVILEGE.

Section 3210(a)(6)(A) of title 39, United States Code, is amended to read as follows:

''(A) A Member of Congress shall not mail any mass mailing as franked mail during a year in which there will be an election for the seat held by the Member during the period between January 1 of that year and the date of the general election for that Office, unless the Member has made a public announcement that the Member will not be a candidate for reelection to that year or for election to any other Federal office.''.

TITLE V—CONSTITUTIONALITY; EFFECTIVE DATE; REGULATIONS

SEC. 501. SEVERABILITY.

If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

SEC. 502. REVIEW OF CONSTITUTIONAL ISSUES.

An appeal may be taken directly to the Supreme Court of the United States from any final judgment, decree, or order issued by any court ruling on the constitutionality of any provision of this Act or amendment made by this Act.

SEC. 503. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act take effect on the date that is 60 days after the date of enactment of this Act.

SEC. 504. REGULATIONS.

The Federal Election Commission shall prescribe any regulations required to carry out this Act and the amendments made by this Act not later than 270 days after the effective date of this Act.

ADDITIONAL COSPONSORS

S. 10

At the request of Mr. HATCH, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 10, a bill to reduce violent juvenile crime, promote accountability by juvenile criminals, punish and deter violent gang crime, and for other purposes.

S. 89

At the request of Ms. SNOWE, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 89, a bill to prohibit discrimination against individuals and their family members on the basis of genetic information, or a request for genetic services.

S. 232

At the request of Mr. HARKIN, the name of the Senator from New Jersey [Mr. TORRICELLI] was added as a cosponsor of S. 232, a bill to amend the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on account of sex, race, or national origin, and for other purposes.

S. 290

At the request of Mr. MURKOWSKI, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of S. 290, a bill to establish a visa waiver pilot program for nationals of Korea who are traveling in tour groups to the United States.

S. 294

At the request of Mrs. HUTCHISON, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 294, a bill to amend chapter 51 of title 18, United States Code, to establish Federal penalties for the killing or attempted killing of a law enforcement officer of the District of Columbia, and for other purposes.

S. 474

At the request of Mr. KYL, the names of the Senator from Missouri [Mr. ASHCROFT] and the Senator from Missouri [Mr. BOND] were added as cosponsors of S. 474, a bill to amend sections 1081 and 1084 of title 18, United States Code.

S. 657

At the request of Mr. DASCHLE, the names of the Senator from Washington [Mrs. MURRAY], the Senator from Maine [Ms. COLLINS], the Senator from Florida [Mr. MACK], and the Senator from Oregon [Mr. WYDEN] were added as cosponsors of S. 657, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation.

S. 852

At the request of Mr. LOTT, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of S. 852, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 1021

At the request of Mr. HAGEL, the names of the Senator from Arizona [Mr. MCCAIN] and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of S. 1021, a bill to amend title 5, United States Code, to provide that consideration may not be denied to preference eligibles applying for certain positions in the competitive service, and for other purposes.

S. 1050

At the request of Mr. JEFFORDS, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 1050, a bill to assist in implementing the Plan of Action adopted by the World Summit for Children.

S. 1089

At the request of Mr. SPECTER, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 1089, a bill to terminate the effectiveness of certain amendments to the foreign repair station rules of the Federal Aviation Administration, and for other purposes.

S. 1177

At the request of Mr. WARNER, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 1177, a bill to prohibit the exhibition of B–2 and F–117 aircraft in public air shows not sponsored by the Armed Forces.

SENATE RESOLUTION 94

At the request of Mr. WARNER, the names of the Senator from Mississippi [Mr. LOTT] and the Senator from Michigan [Mr. ABRAHAM] were added as cosponsors of Senate Resolution 94, A resolution commending the American Medical Association on its 150th anniversary, its 150 years of caring for the United States, and its continuing effort to uphold the principles upon which Nathan Davis, M.D. and his colleagues founded the American Medical Association to ''promote the science and art of medicine and the betterment of public health.''

AMENDMENT NO. 1196

At the request of Mr. HUTCHINSON, the names of the Senator from Alabama [Mr. SHELBY], the Senator from Oregon [Mr. SMITH], the Senator from Colorado [Mr. ALLARD], and the Senator from Idaho [Mr. KEMPTHORNE] were added as cosponsors of Amendment No. 1196 proposed to H.R. 2107, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

AMENDMENT NO. 1218

At the request of Mr. TORRICELLI, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of amendment No. 1218 proposed to H.R. 2107, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

AMENDMENTS SUBMITTED

THE DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

STEVENS (AND DODD) AMENDMENT NO. 1219

Mr. STEVENS (for himself and Mr. DODD) proposed an amendment to the bill (H.R. 2107) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. 3 . It is the sense of the Senate that, inasmuch as there is disagreement as to what extent, if any, Federal funding for the arts is appropriate, and what modifications to the mechanism for such funding may be necessary; and further, inasmuch as there is a role for the private sector to supplement the Federal, State and local partnership in support of the arts, hearings should be conducted and legislation addressing these issues should be brought before the full Senate for debate and passage during this Congress.

ENZI (AND OTHERS) AMENDMENT NO. 1220

(Ordered to lie on the table.)

Mr. ENZI (for himself, Mr. BROWNBACK, and Mr. COATS) submitted an amendment intended to be proposed by them to an amendment intended to be the bill, H.R. 2107, supra; as follows:

At the end of the amendment, insert the following new section:

SEC. . LIMITATIONS ON CERTAIN INDIAN GAMING OPERATIONS.

(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) CLASS III GAMING.—The term ''class III gaming'' has the meaning provided that term in section 4(8) of the Indian Gaming Regulatory Act (25 U.S.C. 2703(8)).

(2) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning provided that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450(e)).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Department of the Interior.

(4) TRIBAL-STATE COMPACT.—The term ''Tribal-State compact'' means a Tribal-State compact referred to in section 11(d) of the Indian Gaming Regulatory Act (25 U.S.C. 2710(d)).

(b) CLASS III GAMING COMPACTS.—

(1) IN GENERAL.—

(A) PROHIBITION.—During fiscal year 1998, the Secretary may not expend any funds made available under this Act to review or approve any initial Tribal-State compact for class III gaming entered into on or after the date of enactment of this Act except for a Tribal-State compact which has been approved by the State's Governor and State Legislature.

(B) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to prohibit the review or approval by the Secretary of a renewal or revision of, or amendment to a Tribal-State compact that is not covered under subparagraph (A).

(2) TRIBAL-STATE COMPACTS.—During fiscal year 1998, notwithstanding any other provision of law, no Tribal-State compact for class III gaming shall be considered to have been approved by the Secretary by reason of the failure of the Secretary to approve or disapprove that compact. This provision shall not apply to any Tribal-State compact which has been approved by the State's Governor and State Legislature.

ENZI (AND OTHERS) AMENDMENT NO. 1221

Mr. ENZI (for himself, Mr. BROWNBACK, Mr. COATS, Mr. LUGAR, Mr. BRYAN, Mr. BOND, Mr. SESSIONS, and Mr. ASHCROFT) proposed an amendment to the bill, H.R. 2107, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . LIMITATIONS ON CERTAIN INDIAN GAMING OPERATIONS.

(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) CLASS III GAMING.—the term ''class III gaming'' has the meaning provided that term in section 4(8) of the Indian Gaming Regulatory Act (25 U.S.C. 2703(8)).

(2) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning provided that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450(e)).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Department of the Interior.

(4) TRIBAL-STATE COMPACT.—The term ''Tribal-State compact'' means a Tribal-State compact referred to in section 11(d) of the Indian Gaming Regulatory Act (25 U.S.C. 2710(d)).

(b) CLASS III GAMING COMPACTS.—

(1) IN GENERAL.—

(A) PROHIBITED.—During fiscal year 1998, the Secretary many not expend any funds made available under this Act to review or approve any initial Tribal-State compact for class III gaming entered into on or after the date of enactment of this Act except for a Tribal-State compact or form of compact which has been approved by the State's Governor and State Legislature.

(B) RULE CONSTRUCTION.—Nothing in this paragraph may be construed to prohibit the review or approval by the Secretary of a renewal or revision of, or amendment to a

Tribal-State compact that is not covered under subparagraph (A).

(2) TRIBAL-STATE COMPACTS.—During fiscal year 1998, notwithstanding any other provision of law, no Tribal-State compact for class III gaming shall be considered to have been approved by the Secretary by reason of the failure of the Secretary to approve or disapprove that compact. This provision shall not apply to any Tribal-State compact or form of compact which has been approved by the State's Governor and State Legislature.

BRYAN (AND REID) AMENDMENT NO. 1222

Mr. BRYAN (for himself and Mr. REID) proposed an amendment to amendment No. 1221 proposed by Mr. ENZI to the bill, H.R. 2107, supra; as follows:

At the end of the amendment, add the following new section:

"SEC. . SENSE OF THE SENATE CONCERNING INDIAN GAMING.

"It is the Sense of the Senate that the United States Department of Justice should vigorously enforce the provisions of the Indian Gaming Regulatory Act requiring an approved Tribal-State gaming impact prior to the initiation of class III gaming on Indian lands."

KYL (AND OTHERS) AMENDMENT NO. 1223

Mr. KYL (for himself, Mr. CAMPBELL, and Mr. HATCH) proposed an amendment to the bill, H.R. 2107, supra; as follows:

At the appropriate place in title I, insert the following:

"SEC. 1 . In addition to the amounts made available to the Bureau of Indian Affairs under this title, $4,840,000 shall be made available to the Bureau of Indian Affairs to be used for Bureau of Indian Affairs special law enforcement efforts to reduce gang violence.

On page 96, line 9, strike "$5,840,000" and insert "$1,000,000".

BUMPERS (AND OTHERS) AMENDMENT NO. 1224

Mr. BUMPERS (for himself, Mr. GREGG, and Ms. LANDRIEU) proposed an amendment to the bill, H.R. 2107, supra, as follows:

Add the following at the end of the pending Committee amendment as amended:

"(c)(1) Each person producing locatable minerals (including associated minerals) from any mining claim located under the general mining laws, or mineral concentrates derived from locatable minerals produced from any mining claim located under the general mining laws, as the case may be, shall pay a royalty of 5 percent of the net smelter return from the production of such locatable minerals or concentrates, as the case may be.

"(2) Each person responsible for making royalty payments under this section shall make such payments to the Secretary of the Interior not later than 30 days after the end of the calendar month in which the mineral or mineral concentrates are produced and first place in marketable condition, consistent with prevailing practices in the industry.

"(3) All persons holding mining claims located under the general mining laws shall provide to the Secretary such information as determined necessary by the Secretary to ensure compliance with this section, including, but not limited to, quarterly reports, records, documents, and other data. Such reports may also include, but not be limited to, pertinent technical and financial data relating to the quantity, quality, and amount of all minerals extracted from the mining claim.

"(4) The Secretary is authorized to conduct such audits of all persons holding mining claims located under the general mining laws as he deems necessary for the purposes of ensuring compliance with the requirements of this subsection.

"(5) Any person holding mining claims located under the general mining laws who knowingly or willfully prepares, maintains, or submits false, inaccurate, or misleading information required by this section, or fails or refuses to submit such information, shall be subject to a penalty imposed by the Secretary.

"(6) This subsection shall take effect with respect to minerals produced from a mining claim in calendar months beginning after enactment of this Act.

"(d)(1) Any person producing hardrock minerals from a mine that was within a mining claim that has subsequently been patented under the general mining laws shall pay a reclamation fee to the Secretary under this subsection. The amount of such fee shall be equal to a percentage of the net proceeds from such mine. The percentage shall be based upon the ratio of the net proceeds to the gross proceeds related to such production in accordance with the following table:

Net proceeds as percentage of gross proceeds:	*Rate*[1]
Less than 10	2.00
10 or more but less than 18	2.50
18 or more but less than 26	3.00
26 or more but less than 34	3.50
34 or more but less than 42	4.00
42 or more but less than 50	4.50
50 or more	5.00

[1] Rate of fee as percentage of net proceeds.

"(2) Gross proceeds of less than $500,000 from minerals produced in any calendar year shall be exempt from the reclamation fee under this subsection for that year if such proceeds are from one or more mines located in a single patented claim or on two or more contiguous patented claims.

"(3) The amount of all fees payable under this subsection for any calendar year shall be paid to the Secretary within 60 days after the end of such year.

"(e) Receipts from the fees collected under subsections and (d) shall be paid into an Abandoned Minerals Mine Reclamation Fund.

"(f)(1) There is established on the books of the Treasury of the United States an interest-bearing fund to be known as the Abandoned Minerals Mine Reclamation Fund (hereinafter referred to in this section as the "Fund"). The Fund shall be administered by the Secretary.

"(2) The Secretary shall notify the Secretary of the Treasury as to what portion of the Fund is not, in his judgement, required to meet current withdrawals. The Secretary of the Treasury shall invest such portion of the Fund in public debt securities with maturities suitable for the needs of such Fund and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketplace obligations of the United States of comparable maturities. The income on such investments shall be credited to, and form a part of, the Fund.

"(3) The Secretary is, subject to appropriations, authorized to use moneys in the Fund for the reclamation and restoration of land and water resources adversely affected by past mineral (other than coal and fluid minerals) and mineral material mining, including but not limited to, any of the following:

"(A) Reclamation and restoration of abandoned surface mined areas.

"(B) Reclamation and restoration of abandoned milling and processing areas.

"(C) Sealing, filling, and grading abandoned deep mine entries.

"(D) Planting of land adversely affected by past mining to prevent erosion and sedimentation.

"(E) Prevention, abatement, treatment and control of water pollution created by abandoned mine drainage.

"(F) Control of surface subsidence due to abandoned deep mines.

"(G) Such expenses as may be necessary to accomplish the purposes of this section.

"(4) Land and waters eligible for reclamation expenditures under this section shall be those within the boundaries of States that have lands subject to the general mining laws—

"(A) which were mined or processed for minerals and mineral materials or which were affected by such mining or processing, and abandoned or left in an inadequate reclamation status prior to the date of enactment of this title;

"(B) for which the Secretary makes a determination that there is no continuing reclamation responsibility under State or Federal laws; and

"(C) for which it can be established that such lands do not contain minerals which could economically be extracted through the reprocessing or remining of such lands.

"(5) Sites and areas designated for remedial action pursuant to the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7901 and following) or which have been listed for remedial action pursuant to the Comprehensive Environmental Response Compensation and Liability Act of 1980 (42 U.S.C. 9601 and following) shall not be eligible for expenditures from the Fund under this section.

"(g) As used in this Section:

"(1) The term "gross proceeds" means the value of any extracted hardrock mineral which was:

(A) sold;

(B) exchanged for any thing or service;

(C) removed from the country in a form ready for use or sale; or

(D) initially used in a manufacturing process or in providing a service.

"(2) The term "net proceeds" means gross proceeds less the sum of the following deductions:

(A) The actual cost of extracting the mineral.

(B) The actual cost of transporting the mineral to the place or places of reduction, refining and sale.

(C) The actual cost of reduction, refining and sale.

(D) The actual cost of marketing and delivering the mineral and the conversion of the mineral into money.

(E) The actual cost of maintenance and repairs of:

(i) All machinery, equipment, apparatus and facilities used in the mine.

(ii) All milling, refining, smelting and reduction works, plants and facilities.

(iii) All facilities and equipment for transportation.

(F) The actual cost of fire insurance on the machinery, equipment, apparatus, works, plants and facilities mentioned in subsection (E).

(G) Depreciation of the original capitalized cost of the machinery, equipment, apparatus, works, plants and facilities mentioned in subsection (E).

(H) All money expended for premiums for industrial insurance, and the actual cost of hospital and medical attention and accident benefits and group insurance for all employees.

(I) The actual cost of developmental work in or about the mine or upon a group of mines when operated as a unit.

(J) All royalties and severance taxes paid to the Federal government or State governments.

''(3) The term ''hardrock minerals'' means any mineral other than a mineral that would be subject to disposition under any of the following if located on land subject to the general mining laws:

(A) the Mineral Leasing Act (30 U.S.C. 181 and following);

(B) the Geothermal Steam Act of 1970 (30 U.S.C. 100 and following);

(C) the Act of July 31, 1947, commonly known as the Materials Act of 1947 (30 U.S.C. 601 and following); or

(D) the Mineral Leasing for Acquired Lands Act (30 U.S.C. 351 and following).

''(4) The term ''Secretary'' means the Secretary of the Interior.

''(5) The term ''patented mining claim'' means an interest in land which has been obtained pursuant to sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36 and 37) for placer claims, or section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims.

''(6) The term ''general mining laws'' means those Acts which generally comprise Chapters 2, 12A, and 16, and sections 161 and 162 of title 30 of the United States Code.''

BENNETT (AND HATCH) AMENDMENT NO. 1225

Mr. GORTON (for Mr. BENNETT, for himself and Mr. HATCH) proposed an amendment to the bill, H.R. 2107, supra; as follows:

On page 5, line 17, strike ''$9,400,000'' and insert ''$8,600,000'' and on page 65, line 18, strike ''$160,269,000,'' and insert ''$161,069,000,'' and on page 65, line 23, after ''205'' insert '', of which $800,000 shall be available for the design and engineering of the Trappers Loop Connector Road in the Wasatch-Cache National Forest''.

DEWINE AMENDMENT NO. 1226

Mr. GORTON (for Mr. DEWINE) proposed an amendment to the bill, H.R. 2107, supra; as follows:

At the end of title III, insert the following:

SEC. . (a) In providing services of awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term ''underserved population'' means a population of individuals who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term ''poverty line'' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

GRAHAM AMENDMENT NO. 1227

Mr. GORTON (for Mr. GRAHAM) proposed an amendment to the bill, H.R. 2107, supra; as follows:

On page 63, between liens 8 and 9, insert the following:

SEC. . YOUTH ENVIRONMENTAL SERVICE PROGRAM.

Not later than 180 days after the date of enactment of this Act, the Secretary of Interior, in consultation with the Attorney General, shall—

(1) submit to Congress a report identifying at least 20 sites on Federal land that are potentially suitable and promising for activities of the Youth Environmental Service program to be administered in accordance with the Memorandum of Understanding signed by the Secretary of the Interior and the Attorney General in February 1994; and

(2) provide a copy of the report to the appropriate State and local law enforcement agencies in the States and localities in which the 20 prospective sites are located.

REID (AND BRYAN) AMENDMENT NO. 1228

Mr. REID (for himself and Mr. BRYAN) proposed an amendment to the bill, H.R. 2107, supra; as follows:

At the appropriate place insert the following: No funds provided in this or any other Act may be expended to develop a rulemaking process relevant to amending the National Indian Gaming Commission's definition regulations located at 25 CFR 502.7 and 502.8.

BINGAMAN (AND MURKOWSKI) AMENDMENT NO. 1229

Mr. BINGAMAN (for himself and Mr. MURKOWSKI) proposed an amendment to the bill, H.R. 2107, supra; as follows:

On page 80, strike line 14 and all that follows through page 81, line 6 and insert the following:

''STRATEGIC PETROLEUM RESERVE

''(INCLUDING TRANSFER OF FUNDS)

''for necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy and Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $207,500,000, to remain available until expended, of which $207,500,000 shall be repaid from the ''SPR Operating Fund'' from amounts made available from sales under this heading: *Provided*, That, consistent with Public Law 104–106, proceeds in excess of $2,000,000,000 from the sale of the Naval Petroleum Reserve Numbered 1 shall be deposited into the ''SPR Operating Fund'', and are hereby appropriated, to remain available until expended, for repayments under this heading and for operations of, or acquisition, transportation, and injection of petroleum products into, the Strategic Petroleum Reserve: *Provided further*, That if the Secretary of Energy finds that the proceeds from the sale of the Naval Petroleum Reserve Numbered 1 will not be at least $2,207,500,000 in fiscal year 1998, the Secretary, notwithstanding section 161 of the Energy Policy and Conservation Act of 1975, shall draw down and sell oil from the Strategic Petroleum Reserve in fiscal year 1998, and deposit the proceeds into the ''SPR Operating Fund'', in amounts sufficient to make deposits into the fund total $207,500,000 in that fiscal year: *Provided further*, That the amount of $2,000,000,000 in the first proviso and the amount of $2,207,500,000 in the second proviso shall be adjusted by the Director of the Office of Management and Budget to amounts not to exceed $2,415,000,000 and $2,622,500,000, respectively, only to the extent that an adjustment is necessary to avoid a sequestration, or any increase in a sequestration due to this section, under the procedures prescribed in the Budget Enforcement Act of 1990, as amended. *Provided further*, That the Secretary of Energy, notwithstanding section 161 of the Energy Policy and Conservation Act of 1975, shall draw down and sell oil from the Strategic Petroleum Reserve in fiscal year 1998 sufficient to deposit $15,000,000 into the General Fund of the Treasury of the United States, and shall transfer such amount to the General Fund: *Provided further*, That proceeds deposited into the ''SPR Operating Fund'' under this heading shall, upon receipt, be transferred to the Strategic Petroleum Reserve account for operations and activities of the Strategic Petroleum Reserve and to satisfy the requirements specified under this heading.''

MURRAY (AND OTHERS) AMENDMENT NO. 1230

Mr. GORTON (for Mrs. MURRAY, for herself, Mr. GORTON, and Mr. MURKOWSKI) proposed an amendment to the bill, H.R. 2107, supra; as follows:

At the end of Title III, add the following:

SEC. . Within 90 days of enactment of this legislation, the Forest Service shall complete its export policy and procedures on the use of Alaskan Western Red Cedar. In completing this policy, the Forest Service shall evaluate the costs & benefits of a pricing policy that offers any Alaskan Western Red Cedar in excess of domestic processing needs in Alaska first to United States domestic processors.

MCCAIN (AND OTHERS) AMENDMENT NO. 1231

Mr. MCCAIN (for himself, Mr. STEVENS, and Mr. MURKOWSKI) proposed an amendment to the bill, H.R. 2107, supra; as follows:

On page 63, between lines 8 and 9, insert the following:

SEC. . DISPOSITION OF CERTAIN OIL LEASE REVENUE.

(a) DEPOSIT IN FUND.—One half of the amounts awarded by the Supreme Court to the United States in the case of United States of America v. State of Alaska (117 S. Ct. 1888) shall be deposited in a fund in the Treasury of the United States to be known as the ''National Parks and Environmental Improvement Fund'' (referred to in this section as the ''Fund'').

(b) INVESTMENTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest amounts in the Fund in interest bearing obligations of the United States.

(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(4) CREDITS TO FUND.—The interest earned from investments of the Fund shall be covered into and form a part of the Fund.

(c) TRANSFER AND AVAILABILITY OF AMOUNTS EARNED.—Each year, interest earned and covered into the Fund in the previous fiscal year shall be available for appropriation, to the extent provided in subsequent appropriations bills, as follows:

(1) 40 percent of such amounts shall be available for National Park capital projects in the National Park System that comply with the criteria stated in subsection (d); and

(2) 40 percent of such amounts shall be available for the state-side matching grant under section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–8); and

(3) 20 percent of such amounts shall be made available to the Secretary of Commerce for the purpose of carrying out marine research activities in accordance with subsection (e).

(d) CAPITAL PROJECTS.—

(1) IN GENERAL.—Funds available under subsection (c)(2) may be used for the design, construction, repair or replacement of high priority National Park Service facilities directly related to enhancing the experience of park visitors, including natural, cultural, recreational and historic resources protection projects.

(2) LIMITATION.—A project referred to in paragraph (1) shall be consistent with—

(A) the laws governing the National Park System;

(B) any law governing the unit of the National Park System in which the project is undertaken; and

(C) the general management plan for the unit.

(3) NOTIFICATION OF CONGRESS.—The Secretary shall submit with the annual budget submission to Congress a list of high priority projects proposed to be funded under paragraph (1) during the fiscal year covered by such budget submission.

(e) MARINE RESEARCH ACTIVITIES.—(1) Funds available under subsection (c)(3) shall be used by the Secretary of Commerce according to this subsection to provide grants to federal, state, private or foreign organizations or individuals to conduct research activities on or relating to the fisheries or marine ecosystems in the north Pacific Ocean, Bering Sea, and Arctic Ocean (including any lesser related bodies of water).

(2) Research priorities and grant requests shall be reviewed and recommended for Secretarial approval by a board to be known as the North Pacific Research Board (referred to in this subsection as the ''Board''). The Board shall seek to avoid duplicating other research activities, and shall place a priority on cooperative research efforts designed to address pressing fishery management or marine ecosystem information needs.

(3) The Board shall be comprised of the following representatives or their designees:

(A) the Secretary of Commerce, who shall be a co-chair of the Board;

(B) the Secretary of State;

(C) the Secretary of the Interior;

(D) the Commandant of the Coast Guard;

(E) the Director of the Office of Naval Research;

(F) the Alaska Commissioner of Fish and Game, who shall also be a co-chair of the Board;

(G) the Chairman of the North Pacific Fishery Management Council;

(H) the Chairman of the Arctic Research Commission;

(I) the Director of the Oil Spill Recovery Institute;

(J) the Director of the Alaska SeaLife Center;

(K) five members nominated by the Governor of Alaska and appointed by the Secretary of Commerce, one of whom shall represent fishing interests, one of whom shall represent Alaska Natives, one of whom shall represent environmental interests, one of whom shall represent academia, and one of whom shall represent oil and gas interests; and

(L) three members nominated by the Governor of Washington and appointed by the Secretary of Commerce; and

(M) one member nominated by the Governor of Oregon and appointed by the Secretary of Commerce.

The members of the Board shall be individuals knowledgeable by education, training, or experience regarding fisheries or marine ecosystems in the north Pacific Ocean, Bering Sea, or Arctic Ocean. Three nominations shall be submitted for each member to be appointed under subparagraphs (K), (L), and (M). Board members appointed under subparagraphs (K), (L), and (M) shall serve for three year terms, and may be reappointed.

(4)(A) The Secretary of Commerce shall review and administer grants recommended by the Board. If the Secretary does not approve a grant recommended by the Board, the Secretary shall explain in writing the reasons for not approving such grant, and the amount recommended to be used for such grant shall be available only for other grants recommended by the Board.

(B) Grant recommendations and other decisions of the Board shall be by majority vote, with each member having one vote. The Board shall establish written criteria for the submission of grant requests through a competitive process and for deciding upon the award of grants. Grants shall be recommended by the Board on the basis of merit in accordance with the priorities established by the Board. The Secretary shall provide the Board such administrative and technical support as is necessary for the effective functioning of the Board. The Board shall be considered an advisory panel established under section 302(g) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) for the purposes of section 302(i)(1) of such Act, and the other procedural matters applicable to advisory panels under section 302(i) of such Act shall apply to the Board to the extent practicable. Members of the Board may be reimbursed for actual expenses incurred in performance of their duties for the Board. Not more than 5 percent of the funds provided to the Secretary of Commerce under paragraph (1) may be used to provide support for the Board and administer grants under this subsection.

MURKOWSKI (AND THOMAS) AMENDMENT NO. 1232

Mr. MURKOWSKI (for himself and Mr. THOMAS) proposed an amendment to amendment No. 1231 proposed by Mr. MCCAIN to the bill, H.R. 2107, supra; as follows:

In the amendment proposed by the Senator from Arizona strike all after ''(a) DEPOSIT IN FUND.—'' and insert in lieu thereof:

''All of the amounts awarded by the Supreme Court to the United States in the case of *United States of America* v. *State of Alaska* (117 S. Ct. 1888) shall be deposited in a fund in the Treasury of the United States to be known as the ''Parks and Environmental Improvement Fund'' (referred to in this section as the ''Fund'').

(b) INVESTMENTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest amounts in the Fund in interest bearing obligations of the United States.

(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(4) CREDITS TO FUND.—The interest earned from investments of the Fund shall be covered into, and form a part of, the Fund.

(c) TRANSFER AND AVAILABILITY OF AMOUNTS EARNED.—Each year, interest earned and covered into the Fund in the previous fiscal year shall be available for appropriation, to the extent provided in subsequent appropriations bills, as follows:

(1) 40 percent of such amounts shall be available for National Park capital projects in the National Park System that comply with the criteria stated in subsection (d);

(2) 40 percent shall be available for the state-side matching grant program under section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8); and

(3) 20 percent shall be made available to the Secretary of Commerce for the purpose of carrying out marine research activities in accordance with subsection (e).

(d) CAPITAL PROJECTS.—

(1) IN GENERAL.—Funds available under subsection (c)(1) may be used for the design, construction, repair or replacement of high priority National Park Service facilities directly related to enhancing the experience of park visitors, including natural, cultural, recreation and historic resources protection projects.

(2) LIMITATION.—A project referred to in paragraph (1) shall be consistent with—

(A) the laws governing the National Park System;

(B) any law governing the unit of the National Park System in which the project is undertaken; and

(C) the general management plan for the unit.

(3) NOTIFICATION OF CONGRESS.—The Secretary shall submit with the annual budget submission to Congress a list of high priority projects to be funded under paragraph (1) during the fiscal year covered by such budget submission.

(e) MARINE RESEARCH ACTIVITIES.—

(1) Funds available under subsection (c)(3) shall be used by the Secretary of Commerce according to this subsection to provide grants to federal, state, private or foreign organizations or individuals to conduct research activities on or relating to the fisheries or marine ecosystems in the north Pacific Ocean, Bering Sea, and Arctic Ocean (including any lesser related bodies of water).

(2) Research priorities and grant requests shall be reviewed and recommended for Secretarial approval by a board to be known as the North Pacific Research Board (the Board). The Board shall seek to avoid duplicating other research activities, and shall place a priority on cooperative research efforts designed to address pressing fishery management or marine ecosystem information needs.

(3) The Board shall be comprised of the following representatives or their designees:

(A) the Secretary of Commerce, who shall be a co-chair of the Board;

(B) the Secretary of State;

(C) the Secretary of the Interior;

(D) the Commandant of the Coast Guard;

(E) the Director of the Office of Naval Research;

(F) the Alaska Commissioner of Fish and Game, who shall also be a co-chair of the Board;

(G) the Chairman of the North Pacific Fishery Management Council;

(H) the Chairman of the Arctic Research Commission;

(I) the Director of the Oil Spill Recovery Institute;

(J) the Director of Alaska SeaLife Center; and

(K) five members appointed by the Governor of Alaska and appointed by the Secretary of Commerce, one of whom shall represent fishing interests, one of whom shall represent Alaska Natives, one of whom shall represent environmental interests, one of whom shall represent academia, and one of whom shall represent oil and gas interests.

The members of the Board shall be individuals knowledgeable by education, training, or experience regarding fisheries or marine ecosystems in the north Pacific Ocean, Bering Sea, or Arctic Ocean. The Governor of Alaska shall submit three nominations for member appointed under subparagraph (K). Board members appointed under subparagraph (K) shall serve for a three year term and may be reappointed.

(4)(A) The Secretary of Commerce shall review and administer grants recommended by the Board. If the Secretary does not approve a grant recommended by the Board, the Secretary shall explain in writing the reasons for not approving such grant, and the amount recommended to be used for such grant shall be available only for grants recommended by the Board.

(B) Grant recommendations and other decisions of the Board shall be by majority vote, with each member having one vote. The Board shall establish written criteria for the submission of grant requests through a competitive process and for deciding upon the award of grants. Grants shall be recommended by the Board on the basis of merit in accordance with priorities established by the Board. The Secretary shall provide the Board with such administrative and technical support as is necessary for the effective functioning of the Board. The Board shall be considered an advisory panel established under section 302(g) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) for the purposes of section 302(i)(1) of such Act, and the other procedural matters applicable to advisory panels under section 302(i) of such Act shall apply to the Board to the extent practicable. Members of the Board may be reimbursed for actual expenses incurred in performance of their duties for the Board. Not more than 5 percent of the funds provided to the Secretary of Commerce under paragraph (1) may be used to provide support for the Board and administer grants under this subsection.

(f) FINANCIAL ASSISTANCE TO THE STATES.—Section 6(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8(b)) is amended—

(1) APPORTIONMENT AMONG STATES; NOTIFICATION.—

(A) By striking paragraphs (1), (2), and (3) and inserting the following:

''(1) Sixty percent shall be apportioned equally among the several States;

''(2) Twenty percent shall be apportioned on the basis of the proportion which the population of each State bears to the total population of the United States; and

''(3) Twenty percent shall be apportioned on the basis of the urban population in each State (as defined by Metropolitan Statistical Areas).''

(2) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively, and inserting after paragraph (3) the following:

''(4) The total allocation to an individual State under paragraphs (1) through (3) shall not exceed 10 percent of the total amount allocated to the several States in any one year.

(g) FUNDS FOR INDIAN TRIBES.—Section 6(b)(6) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8(b)(6)) (as so redesignated) is amended—

(1) by inserting ''(A)'' after ''(6)''; and

(2) by adding at the end the following new subparagraph:

''(B) For the purposes of paragraph (1), all federally recognized Indian tribes and Alaska Native Corporations (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602) shall be treated collectively as one State, and shall receive shares of the apportionment under paragraph (1) in accordance with a competitive grant program established by the Secretary by rule. Such rule shall ensure that in each fiscal year no single tribe or Alaska Native Corporation receives more than 10 percent of the total amount made available to all Indian tribes and Alaska Native Corporations pursuant to the apportionment under paragraph (1). Funds received by an Indian tribe or Alaska Native Corporation under this subparagraph may be expended only for the purposes specified in subsection (a). Receipt in any given year of an apportionment under this section shall not prevent an Indian tribe or Alaska Native Corporation from receiving grants for other purposes under than regular apportionment of the State in which it is located.''

THE PUBLIC HOUSING REFORM AND RESPONSIBILITY ACT OF 1997

MACK AMENDMENT NO. 1233

(Ordered to lie on the table.)

Mr. MACK submitted an amendment intended to be proposed by him to the bill (S. 462) A bill to reform and consolidate the public and assisted housing programs of the United States, and to redirect primary responsibility for these programs from the Federal Government to States and localities, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Public Housing Reform and Responsibility Act of 1997''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.
Sec. 4. Effective date.
Sec. 5. Proposed regulations; technical recommendations.
Sec. 6. Elimination of obsolete documents.
Sec. 7. Annual reports.

TITLE I—PUBLIC HOUSING

Sec. 101. Declaration of policy.
Sec. 102. Membership on board of directors.
Sec. 103. Rental payments.
Sec. 104. Definitions.
Sec. 105. Contributions for lower income housing projects.
Sec. 106. Public housing agency plan.
Sec. 107. Contract provisions and requirements.
Sec. 108. Expansion of powers for dealing with public housing agencies in substantial default.
Sec. 109. Public housing site-based waiting lists.
Sec. 110. Public housing capital and operating funds.
Sec. 111. Community service and self-sufficiency.
Sec. 112. Repeal of energy conservation; consortia and joint ventures.
Sec. 113. Repeal of modernization fund.
Sec. 114. Eligibility for public and assisted housing.
Sec. 115. Demolition and disposition of public housing.
Sec. 116. Repeal of family investment centers; voucher system for public housing.
Sec. 117. Repeal of family self-sufficiency; homeownership opportunities.
Sec. 118. Revitalizing severely distressed public housing.
Sec. 119. Mixed-finance and mixed-ownership projects.
Sec. 120. Conversion of distressed public housing to tenant-based assistance.
Sec. 121. Public housing mortgages and security interests.
Sec. 122. Linking services to public housing residents.
Sec. 123. Prohibition on use of amounts.
Sec. 124. Pet ownership.
Sec. 125. City of Indianapolis flexible grant demonstration.

TITLE II—SECTION 8 RENTAL ASSISTANCE

Sec. 201. Merger of the certificate and voucher programs.
Sec. 202. Repeal of Federal preferences.
Sec. 203. Portability.
Sec. 204. Leasing to voucher holders.
Sec. 205. Homeownership option.
Sec. 206. Law enforcement and security personnel in public housing.
Sec. 207. Technical and conforming amendments.
Sec. 208. Implementation.
Sec. 209. Definition.
Sec. 210. Effective date.
Sec. 211. Recapture and reuse of annual contribution contract project reserves under the tenant-based assistance program.

TITLE III—SAFETY AND SECURITY IN PUBLIC AND ASSISTED HOUSING

Sec. 301. Screening of applicants.
Sec. 302. Termination of tenancy and assistance.
Sec. 303. Lease requirements.
Sec. 304. Availability of criminal records for public housing resident screening and eviction.
Sec. 305. Definitions.
Sec. 306. Conforming amendments.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Public housing flexibility in the CHAS.
Sec. 402. Determination of income limits.
Sec. 403. Demolition of public housing.
Sec. 404. National Commission on Housing Assistance Program Costs.
Sec. 405. Technical correction of public housing agency opt-out authority.
Sec. 406. Review of drug elimination program contracts.
Sec. 407. Treatment of public housing agency repayment agreement.
Sec. 408. Ceiling rents for certain section 8 properties.
Sec. 409. Sense of Congress.
Sec. 410. Other repeals.
Sec. 411. Guarantee of loans for acquisition of property.
Sec. 412. Prohibition on use of assistance for employment relocation activities.
Sec. 413. Use of HOME funds for public housing modernization.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) there exists throughout the Nation a need for decent, safe, and affordable housing;

(2) the inventory of public housing units owned and operated by public housing agencies, an asset in which the Federal Government has invested approximately $90,000,000,000, has traditionally provided

rental housing that is affordable to low-income persons;

(3) despite serving this critical function, the public housing system is plagued by a series of problems, including the concentration of very poor people in very poor neighborhoods and disincentives for economic self-sufficiency;

(4) the Federal method of overseeing every aspect of public housing by detailed and complex statutes and regulations aggravates the problem and places excessive administrative burdens on public housing agencies;

(5) the interests of low-income persons, and the public interest, will best be served by a reformed public housing program that—

(A) consolidates many public housing programs into programs for the operation and capital needs of public housing;

(B) streamlines program requirements;

(C) vests in public housing agencies that perform well the maximum feasible authority, discretion, and control with appropriate accountability to both public housing residents and localities; and

(D) rewards employment and economic self-sufficiency of public housing residents; and

(6) voucher and certificate programs under section 8 of the United States Housing Act of 1937 are successful for approximately 80 percent of applicants, and a consolidation of the voucher and certificate programs into a single, market-driven program will assist in making section 8 tenant-based assistance more successful in assisting low-income families in obtaining affordable housing and will increase housing choice for low-income families.

(b) PURPOSES.—The purposes of this Act are—

(1) to consolidate the various programs and activities under the public housing programs administered by the Secretary in a manner designed to reduce Federal overregulation;

(2) to redirect the responsibility for a consolidated program to States, localities, public housing agencies, and public housing residents;

(3) to require Federal action to overcome problems of public housing agencies with severe management deficiencies; and

(4) to consolidate and streamline tenant-based assistance programs.

SEC. 3. DEFINITIONS.

In this Act:

(1) PUBLIC HOUSING AGENCY.—The term ''public housing agency'' has the same meaning as in section 3 of the United States Housing Act of 1937.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development.

SEC. 4. EFFECTIVE DATE.

(a) IN GENERAL.—Except with respect to any provision or amendment identified by the Secretary under subsection (b) and as otherwise specifically provided in this Act or the amendments made by this Act, this Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

(b) EXCEPTION.—

(1) DETERMINATION.—Not later than 2 months after the date of enactment of this Act, the Secretary shall identify any provision of this Act, or any amendment made by this Act, the implementation of which, in the determination of the Secretary—

(A) requires a substantial exercise of discretion, such that there exists a significant risk of litigation;

(B) requires a need for uniform interpretation; or

(C) is otherwise problematic, such that immediate implementation is inappropriate.

(2) NOTICE.—

(A) IN GENERAL.—Notwithstanding any other provision of law, not later than 6 months after the date on which the Secretary makes any identification under paragraph (1), the Secretary shall implement each provision or amendment so identified by notice published in the Federal Register, which notice shall—

(i) include such requirements as may be necessary to implement the provision or amendment; and

(ii) invite public comments on those requirements.

(B) EFFECTIVE DATE OF NOTICE.—The notice published under paragraph (2) may, in the discretion of the Secretary, take effect upon publication.

(3) FINAL REGULATIONS.—Not later than 12 months after the date of enactment of this Act, the Secretary shall issue such final regulations as may be necessary, taking into account any comments received under paragraph (2)(A)(ii), to implement each provision or amendment identified under paragraph (1).

SEC. 5. PROPOSED REGULATIONS; TECHNICAL RECOMMENDATIONS.

(a) PROPOSED REGULATIONS.—Not later than 9 months after the date of enactment of this Act, the Secretary shall submit to Congress proposed regulations that the Secretary determines are necessary to carry out the United States Housing Act of 1937, as amended by this Act.

(b) TECHNICAL RECOMMENDATIONS.—Not later than 9 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking and Financial Services of the House of Representatives, recommended technical and conforming legislative changes necessary to carry out this Act and the amendments made by this Act.

SEC. 6. ELIMINATION OF OBSOLETE DOCUMENTS.

Effective 1 year after the date of enactment of this Act, no rule, regulation, or order (including all handbooks, notices, and related requirements) pertaining to public housing or section 8 tenant-based programs issued or promulgated under the United States Housing Act of 1937 before the date of enactment of this Act may be enforced by the Secretary.

SEC. 7. ANNUAL REPORTS.

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall submit a report to Congress on—

(1) the impact of the amendments made by this Act on—

(A) the demographics of public housing residents and families receiving tenant-based assistance under the United States Housing Act of 1937; and

(B) the economic viability of public housing agencies; and

(2) the effectiveness of the rent policies established by this Act and the amendments made by this Act on the employment status and earned income of public housing residents.

TITLE I—PUBLIC HOUSING

SEC. 101. DECLARATION OF POLICY.

Section 2 of the United States Housing Act of 1937 (42 U.S.C. 1437) is amended to read as follows:

''SEC. 2. DECLARATION OF POLICY.

''It is the policy of the United States to promote the general welfare of the Nation by employing the funds and credit of the Nation, as provided in this title—

''(1) to assist States and political subdivisions of States to remedy the unsafe housing conditions and the acute shortage of decent and safe dwellings for low-income families;

''(2) to assist States and political subdivisions of States to address the shortage of housing affordable to low-income families; and

''(3) consistent with the objectives of this title, to vest in public housing agencies that perform well, the maximum amount of responsibility and flexibility in program administration, with appropriate accountability to both public housing residents and localities.''.

SEC. 102. MEMBERSHIP ON BOARD OF DIRECTORS.

Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended—

(1) by redesignating the second section designated as section 27 (as added by section 903(b) of Public Law 104–193 (110 Stat. 2348)) as section 28; and

(2) by adding at the end the following:

''SEC. 29. MEMBERSHIP ON BOARD OF DIRECTORS.

''(a) REQUIRED MEMBERSHIP.—Except as provided in subsection (b), the membership of the board of directors of each public housing agency shall contain not less than 1 member—

''(1) who is a resident who directly receives assistance from the public housing agency; and

''(2) who may, if provided for in the public housing agency plan (as developed with appropriate notice and opportunity for comment by the resident advisory board) be elected by the residents directly receiving assistance from the public housing agency.

''(b) EXCEPTION.—Subsection (a) shall not apply to any public housing agency—

''(1) that is located in a State that requires the members of the board of directors of a public housing agency to be salaried and to serve on a full-time basis; or

''(2) with less than 300 units, if—

''(A) the public housing agency has provided reasonable notice to the resident advisory board of the opportunity of not less than 1 resident described in subsection (a) to serve on the board of directors of the public housing agency pursuant to that subsection; and

''(B) within a reasonable time after receipt by the resident advisory board of notice under subparagraph (A), the public housing agency has not been notified of the intention of any resident to participate on the board of directors.

''(c) NONDISCRIMINATION.—No person shall be prohibited from serving on the board of directors or similar governing body of a public housing agency because of the residence of that person in a public housing project.''.

SEC. 103. RENTAL PAYMENTS.

(a) IN GENERAL.—Section 3(a)(1)(A) of the United States Housing Act of 1937 (42 U.S.C. 1437a(a)(1)(A)) is amended by inserting before the semicolon the following: '' or, if the family resides in public housing, an amount established by the public housing agency, which shall not exceed 30 percent of the monthly adjusted income of the family''.

(b) AUTHORITY OF PUBLIC HOUSING AGENCIES.—Section 3(a)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437a(a)(2)) is amended to read as follows:

''(2) AUTHORITY OF PUBLIC HOUSING AGENCIES.—

''(A) IN GENERAL.—Notwithstanding paragraph (1), a public housing agency may adopt ceiling rents that reflect the reasonable market value of the housing, but that are not less than—

''(i) 75 percent of the monthly cost to operate the housing of the public housing agency; and

''(ii) the monthly cost to make a deposit to a replacement reserve (in the sole discretion of the public housing agency).

''(B) MINIMUM RENT.—Notwithstanding paragraph (1), a public housing agency may provide that each family residing in a public housing project or receiving tenant-based or project-based assistance under section 8 shall pay a minimum monthly rent in an amount not to exceed $25 per month.

''(C) POLICE OFFICERS.—

''(i) IN GENERAL.—Notwithstanding any other provision of law and subject to clause (ii), a public housing agency may, in accordance with the public housing agency plan, allow a police officer who is not otherwise eligible for residence in public housing to reside in a public housing unit. The number and location of units occupied by police officers under this clause, and the terms and conditions of their tenancies, shall be determined by the public housing agency.

''(ii) INCREASED SECURITY.—A public housing agency may take the actions authorized in clause (i) only for the purpose of increasing security for the residents of a public housing project.

''(iii) DEFINITION.—In this subparagraph, the term 'police officer' means any person determined by a public housing agency to be, during the period of residence of that person in public housing, employed on a full-time basis as a duly licensed professional police officer by a Federal, State, or local government or by any agency thereof (including a public housing agency having an accredited police force).

''(D) EXCEPTION TO INCOME LIMITATIONS FOR CERTAIN PUBLIC HOUSING AGENCIES.—

''(i) DEFINITION OF OVER-INCOME FAMILY.—In this subparagraph, the term 'over-income family' means an individual or family that is not a low-income family or a very low-income family.

''(ii) AUTHORIZATION.—Notwithstanding any other provision of law, a public housing agency that manages less than 250 units may, on a month-to-month basis, lease a unit in a public housing project to an over-income family in accordance with this subparagraph, if there are no eligible families applying for residence in that public housing project for that month.

''(iii) TERMS AND CONDITIONS.—The number and location of units occupied by over-income families under this subparagraph, and the terms and conditions of those tenancies, shall be determined by the public housing agency, except that—

''(I) rent for a unit shall be in an amount that is equal to not less than the costs to operate the unit;

''(II) if an eligible family applies for residence after an over-income family moves in to the last available unit, the over-income family shall vacate the unit not later than the date on which the month term expires; and

''(III) if a unit is vacant and there is no one on the waiting list, the public housing agency may allow an over-income family to gain immediate occupancy in the unit, while simultaneously providing reasonable public notice of the availability of the unit.

''(E) ENCOURAGEMENT OF SELF-SUFFICIENCY.—Each public housing agency shall develop a rental policy that encourages and rewards employment and economic self-sufficiency.''.

(c) REGULATIONS.—

(1) IN GENERAL.—The Secretary shall, by regulation, after notice and an opportunity for public comment, establish such requirements as may be necessary to carry out section 3(a)(2)(A) of the United States Housing Act of 1937, as amended by this section.

(2) TRANSITION RULE.—

(A) IN GENERAL.—Subject to subparagraph (B), prior to the issuance of final regulations under paragraph (1), a public housing agency may implement ceiling rents, which shall be—

(i) determined in accordance with section 3(a)(2)(A) of the United States Housing Act of 1937 (amended by subsection (b) of this section);

(ii) equal to the 95th percentile of the rent paid for a unit of comparable size by residents in the same public housing project or a group of comparable projects totaling 50 units or more; or

(iii) equal to the fair market rent for the area in which the unit is located.

(B) MINIMUM AMOUNT.—The amount of any ceiling rent implemented by a public housing agency under this paragraph may not be less than 75 percent of the monthly cost to operate the housing.

SEC. 104. DEFINITIONS.

(a) DEFINITIONS.—

(1) SINGLE PERSONS.—Section 3(b)(3) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)) is amended—

(A) in subparagraph (A), by striking the third sentence; and

(B) in subparagraph (B), in the second sentence, by striking ''regulations of the Secretary'' and inserting ''public housing agency plan''.

(2) ADJUSTED INCOME.—Section 3(b)(5) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(5)) is amended to read as follows:

''(5) ADJUSTED INCOME.—The term 'adjusted income' means the income that remains after excluding—

''(A) $480 for each member of the family residing in the household (other than the head of the household or the spouse of the head of the household)—

''(i) who is under 18 years of age; or

''(ii) who is—

''(I) 18 years of age or older; and

''(II) a person with disabilities or a full-time student;

''(B) $400 for an elderly or disabled family;

''(C) the amount by which the aggregate of—

''(i) medical expenses for an elderly or disabled family; and

''(ii) reasonable attendant care and auxiliary apparatus expenses for each family member who is a person with disabilities, to the extent necessary to enable any member of the family (including a member who is a person with disabilities) to be employed;

exceeds 3 percent of the annual income of the family;

''(D) child care expenses, to the extent necessary to enable another member of the family to be employed or to further his or her education; and

''(E) any other adjustments to earned income that the public housing agency determines to be appropriate, as provided in the public housing agency plan.''.

(b) DISALLOWANCE OF EARNED INCOME FROM PUBLIC HOUSING RENT DETERMINATIONS.—

(1) IN GENERAL.—Section 3 of the United States Housing Act of 1937 (42 U.S.C. 1437a) is amended—

(A) by striking the undesignated paragraph at the end of subsection (c)(3) (as added by section 515(b) of the Cranston-Gonzalez National Affordable Housing Act); and

(B) by adding at the end the following:

''(d) DISALLOWANCE OF EARNED INCOME FROM PUBLIC HOUSING RENT DETERMINATIONS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the rent payable under subsection (a) by a family—

''(A) that—

''(i) occupies a unit in a public housing project; or

''(ii) receives assistance under section 8; and

''(B) whose income increases as a result of employment of a member of the family who was previously unemployed for 1 or more years (including a family whose income increases as a result of the participation of a family member in any family self-sufficiency or other job training program);

may not be increased as a result of the increased income due to such employment during the 18-month period beginning on the date on which the employment is commenced.

''(2) PHASE-IN OF RATE INCREASES.—After the expiration of the 18-month period referred to in paragraph (1), rent increases due to the continued employment of the family member described in paragraph (1)(B) shall be phased in over a subsequent 3-year period.

''(3) OVERALL LIMITATION.—Rent payable under subsection (a) shall not exceed the amount determined under subsection (a).

''(e) INDIVIDUAL SAVINGS ACCOUNTS.—

''(1) IN GENERAL.—In lieu of a disallowance of earned income under subsection (d), upon the request of a family that qualifies under subsection (d), a public housing agency may establish an individual savings account in accordance with this subsection for that family.

''(2) DEPOSITS TO ACCOUNT.—The public housing agency shall deposit in any savings account established under this subsection an amount equal to the total amount that otherwise would be applied to the family's rent payment under subsection (a) as a result of employment.

''(3) WITHDRAWAL FROM ACCOUNT.—Amounts deposited in a savings account established under this subsection may only be withdrawn by the family for the purpose of—

''(A) purchasing a home;

''(B) paying education costs of family members;

''(C) moving out of public or assisted housing; or

''(D) paying any other expense authorized by the public housing agency for the purpose of promoting the economic self-sufficiency of residents of public and assisted housing.''.

(2) APPLICABILITY OF AMENDMENT.—

(A) PUBLIC HOUSING.—Notwithstanding the amendment made by paragraph (1), any resident of public housing participating in the program under the authority contained in the undesignated paragraph at the end of section 3(c)(3) of the United States Housing Act of 1937, as that section existed on the day before the date of enactment of this Act, shall be governed by that authority after that date.

(B) SECTION 8.—The amendment made by paragraph (1) shall apply to tenant-based assistance provided under section 8 of the United States Housing Act of 1937, with funds appropriated on or after October 1, 1997.

(c) DEFINITIONS OF TERMS USED IN REFERENCE TO PUBLIC HOUSING.—

(1) IN GENERAL.—Section 3(c) of the United States Housing Act of 1937 (42 U.S.C. 1437a(c)) is amended—

(A) in paragraph (1), by inserting ''and of the fees and related costs normally involved in obtaining non-Federal financing and tax credits with or without private and nonprofit partners'' after ''carrying charges''; and

(B) in paragraph (2), in the first sentence, by striking ''security personnel),'' and all that follows through the period and inserting the following: ''security personnel), service coordinators, drug elimination activities, or financing in connection with a public housing project, including projects developed with non-Federal financing and tax credits, with or without private and nonprofit partners.''.

(2) TECHNICAL CORRECTION.—Section 622(c) of the Housing and Community Development Act of 1992 (Public Law 102–550; 106 Stat. 3817)

is amended by striking ''.'' and inserting ''paragraph (3)''.

(3) NEW DEFINITIONS.—Section 3(c) of the United States Housing Act of 1937 (42 U.S.C. 1437a(c)) is amended by adding at the end the following:

''(6) PUBLIC HOUSING AGENCY PLAN.—The term 'public housing agency plan' means the plan of the public housing agency prepared in accordance with section 5A.

''(7) DISABLED HOUSING.—The term 'disabled housing' means any public housing project, building, or portion of a project or building, that is designated by a public housing agency for occupancy exclusively by disabled persons or families.

''(8) ELDERLY HOUSING.—The term 'elderly housing' means any public housing project, building, or portion of a project or building, that is designated by a public housing agency exclusively for occupancy exclusively by elderly persons or families, including elderly disabled persons or families.

''(9) MIXED-FINANCE PROJECT.—The term 'mixed-finance project' means a public housing project that meets the requirements of section 30.

''(10) CAPITAL FUND.—The term 'Capital Fund' means the fund established under section 9(c).

''(11) OPERATING FUND.—The term 'Operating Fund' means the fund established under section 9(d).''.

SEC. 105. CONTRIBUTIONS FOR LOWER INCOME HOUSING PROJECTS.

(a) IN GENERAL.—Section 5 of the United States Housing Act of 1937 (42 U.S.C. 1437c) is amended by striking subsections (h) through (l).

(b) CONFORMING AMENDMENTS.—The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended—

(1) in section 21(d), by striking ''section 5(h) or'';

(2) in section 25(l)(1), by striking ''and for sale under section 5(h)''; and

(3) in section 307, by striking ''section 5(h) and''.

SEC. 106. PUBLIC HOUSING AGENCY PLAN.

(a) IN GENERAL.—Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by inserting after section 5 the following:

''SEC. 5A. PUBLIC HOUSING AGENCY PLANS.

''(a) 5-YEAR PLAN.—

''(1) IN GENERAL.—Subject to paragraph (2), not less than once every 5 fiscal years, each public housing agency shall submit to the Secretary a plan that includes, with respect to the 5 fiscal years immediately following the date on which the plan is submitted—

''(A) a statement of the mission of the public housing agency for serving the needs of low-income and very low-income families in the jurisdiction of the public housing agency during those fiscal years; and

''(B) a statement of the goals and objectives of the public housing agency that will enable the public housing agency to serve the needs identified pursuant to subparagraph (A) during those fiscal years.

''(2) INITIAL PLAN.—The initial 5-year plan submitted by a public housing agency under this subsection shall be submitted for the 5-year period beginning with the first fiscal year following the date of enactment of the Public Housing Reform and Responsibility Act of 1997 for which the public housing agency receives assistance under this Act.

''(b) ANNUAL PLAN.—

''(1) IN GENERAL.—Each public housing agency shall submit to the Secretary a public housing agency plan under this subsection for each fiscal year for which the public housing agency receives assistance under sections 8(o) and 9.

''(2) UPDATES.—For each fiscal year after the initial submission of a plan under this section by a public housing agency, the public housing agency may comply with requirements for submission of a plan under this subsection by submitting an update of the plan for the fiscal year.

''(c) PROCEDURES.—

''(1) IN GENERAL.—The Secretary shall establish requirements and procedures for submission and review of plans, including requirements for timing and form of submission, and for the contents of those plans.

''(2) CONTENTS.—The procedures established under paragraph (1) shall provide that a public housing agency shall—

''(A) consult with the resident advisory board established under subsection (e) in developing the plan; and

''(B) ensure that the plan under this section is consistent with the applicable comprehensive housing affordability strategy (or any consolidated plan incorporating that strategy) for the jurisdiction in which the public housing agency is located, in accordance with title I of the Cranston-Gonzalez National Affordable Housing Act and contains a certification by the appropriate State or local official that the plan meets the requirements of this paragraph and a description of the manner in which the applicable contents of the public housing agency plan are consistent with the comprehensive housing affordability strategy.

''(d) CONTENTS.—An annual public housing agency plan under this section for a public housing agency shall contain the following information relating to the upcoming fiscal year for which the assistance under this Act is to be made available:

''(1) NEEDS.—A statement of the housing needs of low-income and very low-income families residing in the jurisdiction served by the public housing agency, and of other low-income and very low-income families on the waiting list of the agency (including housing needs of elderly families and disabled families), and the means by which the public housing agency intends, to the maximum extent practicable, to address those needs.

''(2) FINANCIAL RESOURCES.—A statement of financial resources available to the agency and the planned uses of those resources.

''(3) ELIGIBILITY, SELECTION, AND ADMISSIONS POLICIES.—A statement of the policies governing eligibility, selection, admissions (including any preferences), assignment, and occupancy of families with respect to public housing dwelling units and housing assistance under section 8(o).

''(4) RENT DETERMINATION.—A statement of the policies of the public housing agency governing rents charged for public housing dwelling units and rental contributions of assisted families under section 8(o).

''(5) OPERATION AND MANAGEMENT.—A statement of the rules, standards, and policies of the public housing agency governing maintenance and management of housing owned and operated by the public housing agency (which shall include measures necessary for the prevention or eradication of infestation by cockroaches), and management of the public housing agency and programs of the public housing agency.

''(6) GRIEVANCE PROCEDURE.—A statement of the grievance procedures of the public housing agency.

''(7) CAPITAL IMPROVEMENTS.—With respect to public housing developments owned or operated by the public housing agency, a plan describing the capital improvements necessary to ensure long-term physical and social viability of the developments.

''(8) DEMOLITION AND DISPOSITION.—With respect to public housing developments owned or operated by the public housing agency—

''(A) a description of any housing to be demolished or disposed of; and

''(B) a timetable for that demolition or disposition.

''(9) DESIGNATION OF HOUSING FOR ELDERLY AND DISABLED FAMILIES.—With respect to public housing developments owned or operated by the public housing agency, a description of any developments (or portions thereof) that the public housing agency has designated or will designate for occupancy by elderly and disabled families in accordance with section 7.

''(10) CONVERSION OF PUBLIC HOUSING.—With respect to public housing owned or operated by a public housing agency—

''(A) a description of any building or buildings that the public housing agency is required to convert to tenant-based assistance under section 31 or that the public housing agency voluntarily converts under section 22;

''(B) an analysis of those buildings required under that section for conversion; and

''(C) a statement of the amount of grant amounts to be used for rental assistance or other housing assistance.

''(11) HOMEOWNERSHIP ACTIVITIES.—A description of any homeownership programs of the public housing agency and the requirements for participation in and the assistance available under those programs.

''(12) ECONOMIC SELF-SUFFICIENCY AND COORDINATION WITH WELFARE AND OTHER APPROPRIATE AGENCIES.—A description of—

''(A) any programs relating to services and amenities provided or offered to assisted families;

''(B) any policies or programs of the public housing agency for the enhancement of the economic and social self-sufficiency of assisted families; and

''(C) how the public housing agency will comply with the requirements of subsections (c) and (d) of section 12.

''(13) SAFETY AND CRIME PREVENTION.—A description of policies established by the public housing agency that increase or maintain the safety of public housing residents.

''(14) CERTIFICATION.—An annual certification by the public housing agency that the public housing agency will carry out the public housing agency plan in conformity with title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990, and will affirmatively further the goal of fair housing.

''(15) ANNUAL AUDIT.—The results of the most recent fiscal year audit of the public housing agency.

''(e) RESIDENT ADVISORY BOARD.—

''(1) IN GENERAL.—Except as provided in paragraph (3), each public housing agency shall establish 1 or more resident advisory boards in accordance with this subsection, the membership of which shall adequately reflect and represent the residents of the dwelling units owned, operated, or assisted by the public housing agency.

''(2) PURPOSE.—Each resident advisory board established under this subsection shall assist and make recommendations regarding the development of the public housing agency plan. The public housing agency shall consider the recommendations of the resident advisory boards in preparing the final public housing agency plan, and shall include a copy of those recommendations in the public housing agency plan submitted to the Secretary under this section.

''(3) WAIVER.—The Secretary may waive the requirements of this subsection with respect to the establishment of resident advisory boards, if the public housing agency demonstrates to the satisfaction of the Secretary that there exists a resident council or other resident organization of the public housing agency that—

''(A) adequately represents the interests of the residents of the public housing agency; and

''(B) has the ability to perform the functions described in paragraph (2).

''(f) PUBLICATION OF NOTICE.—

''(1) IN GENERAL.—Not later than 45 days before the date of a hearing conducted under paragraph (2) by the governing body of a public housing agency, the public housing agency shall publish a notice informing the public that—

''(A) the proposed public housing agency plan is available for inspection at the principal office of the public housing agency during normal business hours; and

''(B) a public hearing will be conducted to discuss the public housing agency plan and to invite public comment regarding that plan.

''(2) PUBLIC HEARING.—Each public housing agency shall, at a location that is convenient to residents, conduct a public hearing, as provided in the notice published under paragraph (1).

''(3) ADOPTION OF PLAN.—After conducting the public hearing under paragraph (2), and after considering all public comments received and, in consultation with the resident advisory board, making any appropriate changes in the public housing agency plan, the public housing agency shall—

''(A) adopt the public housing agency plan; and

''(B) submit the plan to the Secretary in accordance with this section.

''(g) AMENDMENTS AND MODIFICATIONS TO PLANS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), nothing in this section shall preclude a public housing agency, after submitting a plan to the Secretary in accordance with this section, from amending or modifying any policy, rule, regulation, or plan of the public housing agency, except that no such significant amendment or modification may be adopted or implemented—

''(A) other than at a duly called meeting of commissioners (or other comparable governing body) of the public housing agency that is open to the public; and

''(B) until notification of the amendment or modification is provided to the Secretary and approved in accordance with subsection (h)(2).

''(2) CONSISTENCY.—Each significant amendment or modification to a public housing agency plan submitted to the Secretary under this section shall—

''(A) meet the consistency requirement of subsection (c)(2);

''(B) be subject to the notice and public hearing requirements of subsection (f); and

''(C) be subject to approval by the Secretary in accordance with subsection (h)(2).

''(h) TIMING OF PLANS.—

''(1) IN GENERAL.—

''(A) INITIAL SUBMISSION.—Each public housing agency shall submit the initial plan required by this section, and any amendment or modification to the initial plan, to the Secretary at such time and in such form as the Secretary shall require.

''(B) ANNUAL SUBMISSION.—Not later than 60 days prior to the start of the fiscal year of the public housing agency, after initial submission of the plan required by this section in accordance with subparagraph (A), each public housing agency shall annually submit to the Secretary a plan update, including any amendments or modifications to the public housing agency plan.

''(2) REVIEW AND APPROVAL.—

''(A) REVIEW.—Subject to subparagraph (B), after submission of the public housing agency plan or any amendment or modification to the plan to the Secretary, to the extent that the Secretary considers such action to be necessary to make determinations under this subparagraph, the Secretary shall review the public housing agency plan (including any amendments or modifications thereto) to determine whether the contents of the plan—

''(i) set forth the information required by this section to be contained in a public housing agency plan;

''(ii) are consistent with information and data available to the Secretary, including the approved comprehensive housing affordability strategy under title I of the Cranston-Gonzalez National Affordable Housing Act of the jurisdiction in which the public housing agency is located; and

''(iii) are prohibited by or inconsistent with any provision of this title or other applicable law.

''(B) EXCEPTION.—

''(i) IN GENERAL.—Except as provided in clause (ii), the Secretary may, by regulation, provide that 1 or more elements of a public housing agency plan shall be reviewed only if the element is challenged.

''(ii) INAPPLICABILITY TO CERTAIN PROVISIONS.—Notwithstanding clause (i), the Secretary shall review the information submitted under paragraphs (7) and (14) of subsection (d).

''(C) APPROVAL.—

''(i) IN GENERAL.—Except as provided in paragraph (3)(B), not later than 60 days after the date on which a public housing agency plan is submitted in accordance with this section (or, with respect to the initial provision of notice under this subparagraph, not later than 75 days after the date on which the initial public housing agency plan is submitted in accordance with this section), the Secretary shall provide written notice to the public housing agency if the plan has been disapproved, stating with specificity the reasons for the disapproval.

''(ii) FAILURE TO PROVIDE NOTICE OF DISAPPROVAL.—If the Secretary does not provide notice of disapproval under clause (i) before the expiration of the period described in clause (i), the public housing agency plan shall be deemed to be approved by the Secretary.

''(3) SECRETARIAL DISCRETION.—

''(A) IN GENERAL.—The Secretary may require such additional information as the Secretary determines to be appropriate for each public housing agency that is—

''(i) at risk of being designated as troubled under section 6(j); or

''(ii) designated as troubled under section 6(j).

''(B) TROUBLED AGENCIES.—The Secretary shall provide explicit written approval or disapproval, in a timely manner, for a public housing agency plan submitted by any public housing agency designated by the Secretary as a troubled public housing agency under section 6(j).

''(C) ADVISORY BOARD CONSULTATION ENFORCEMENT.—Following a written request by the resident advisory board that documents a failure on the part of the public housing agency to provide adequate notice and opportunity for comment under subsection (f), and upon a Secretarial finding of good cause within the time period provided for in paragraph (2)(B) of this subsection, the Secretary may require the public housing agency to adequately remedy that failure prior to a final approval of the public housing agency plan under this section.

''(4) STREAMLINED PLAN.—In carrying out this section, the Secretary may establish a streamlined public housing agency plan for—

''(A) public housing agencies that are determined by the Secretary to be high performing public housing agencies;

''(B) public housing agencies with less than 250 public housing units that have not been designated as troubled under section 6(j); and

''(C) public housing agencies that only administer tenant-based assistance and that do not own or operate public housing.

''(5) COMPLIANCE WITH PLAN.—

''(A) IN GENERAL.—In providing assistance under this title, a public housing agency shall comply with the rules, standards, and policies established in the public housing agency plan of the public housing agency approved under this section.

''(B) INVESTIGATION AND ENFORCEMENT.—In carrying out this title, the Secretary shall—

''(i) provide an appropriate response to any complaint concerning noncompliance by a public housing agency with the applicable public housing agency plan; and

''(ii) if the Secretary determines, based on a finding of the Secretary or other information available to the Secretary, that a public housing agency is not complying with the applicable public housing agency plan, take such actions as the Secretary determines to be appropriate to ensure such compliance.''.

(b) IMPLEMENTATION.—

(1) INTERIM RULE.—Not later than 120 days after the date of enactment of this Act, the Secretary shall issue an interim rule to require the submission of an interim public housing agency plan by each public housing agency, as required by section 5A of the United States Housing Act of 1937 (as added by subsection (a) of this section).

(2) FINAL REGULATIONS.—Not later than 1 year after the date of enactment of this Act, in accordance with the negotiated rulemaking procedures set forth in subchapter III of chapter 5 of title 5, United States Code, the Secretary shall promulgate final regulations implementing section 5A of the United States Housing Act of 1937 (as added by subsection (a) of this section).

(c) AUDIT AND REVIEW; REPORT.—

(1) AUDIT AND REVIEW.—Not later than 1 year after the effective date of final regulations promulgated under subsection (b)(2), in order to determine the degree of compliance with public housing agency plans approved under section 5A of the United States Housing Act of 1937 (as added by subsection (a) of this section) by public housing agencies, the Comptroller General of the United States shall conduct—

(A) a review of a representative sample of the public housing agency plans approved under such section 5A before that date; and

(B) an audit and review of the public housing agencies submitting those plans.

(2) REPORT.—Not later than 2 years after the date on which public housing agency plans are initially required to be submitted under section 5A of the United States Housing Act of 1937 (as added by subsection (a) of this section) the Comptroller General of the United States shall submit to Congress a report, which shall include—

(A) a description of the results of each audit and review under paragraph (1); and

(B) any recommendations for increasing compliance by public housing agencies with their public housing agency plans approved under section 5A of the United States Housing Act of 1937 (as added by subsection (a) of this section).

SEC. 107. CONTRACT PROVISIONS AND REQUIREMENTS.

(a) CONDITIONS.—Section 6(a) of the United States Housing Act of 1937 (42 U.S.C. 1437d(a)) is amended—

(1) in the first sentence, by inserting '', in a manner consistent with the public housing agency plan'' before the period; and

(2) by striking the second sentence.

(b) REPEAL OF FEDERAL PREFERENCES; REVISION OF MAXIMUM INCOME LIMITS; CERTIFICATION OF COMPLIANCE WITH REQUIREMENTS;

NOTIFICATION OF ELIGIBILITY.—Section 6(c) of the United States Housing Act of 1937 (42 U.S.C. 1437d(c)) is amended to read as follows:

''(c) ACCOUNTING SYSTEM FOR RENTAL COLLECTIONS AND COSTS.—

''(1) ESTABLISHMENT.—Each public housing agency that receives grant amounts under this title shall establish and maintain a system of accounting for rental collections and costs (including administrative, utility, maintenance, repair, and other operating costs) for each project.

''(2) ACCESS TO RECORDS.—Each public housing agency shall make available to the general public the information required pursuant to paragraph (1) regarding collections and costs.

''(3) EXEMPTION.—The Secretary may permit authorities owning or operating fewer than 500 dwelling units to comply with the requirements of this subsection by accounting on an agency-wide basis.''.

(c) EXCESS FUNDS.—Section 6(e) of the United States Housing Act of 1937 (42 U.S.C. 1437d(e)) is amended to read as follows:

''(e) [Reserved.]''.

(d) PERFORMANCE INDICATORS FOR PUBLIC HOUSING AGENCIES.—Section 6(j) of the United States Housing Act of 1937 (42 U.S.C. 1437d(j)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B)—

(i) by striking ''obligated'' and inserting ''provided''; and

(ii) by striking ''unexpended'' and inserting ''unobligated by the public housing agency'';

(B) in subparagraph (D), by striking ''energy'' and inserting ''utility'';

(C) by redesignating subparagraph (H) as subparagraph (L); and

(D) by inserting after subparagraph (G) the following:

''(H) The extent to which the public housing agency—

''(i) coordinates, promotes, or provides effective programs and activities to promote the economic self-sufficiency of public housing residents; and

''(ii) provides public housing residents with opportunities for involvement in the administration of the public housing.

''(I) The extent to which the public housing agency implements—

''(i) effective screening and eviction policies; and

''(ii) other anticrime strategies;

including the extent to which the public housing agency coordinates with local government officials and residents in the development and implementation of these strategies.

''(J) The extent to which the public housing agency is providing acceptable basic housing conditions.

''(K) The extent to which the public housing agency successfully meets the goals and carries out the activities and programs of the public housing agency plan under section 5(A).'';

(2) in paragraph (2)(A)(i), by inserting after the first sentence the following: ''The Secretary may use a simplified set of indicators for public housing agencies with less than 250 public housing units.''; and

(3) by adding at the end the following:

''(5)(A) To the extent that the Secretary determines such action to be necessary in order to ensure the accuracy of any certification made under this section, the Secretary shall require an independent auditor to review documentation or other information maintained by a public housing agency or resident management corporation pursuant to this section to substantiate each certification submitted by the agency or corporation relating to the performance of that agency or corporation.

''(B) The Secretary may withhold, from assistance otherwise payable to the agency or corporation under section 9, amounts sufficient to pay for the reasonable costs of any review under this paragraph.''.

(e) DRUG-RELATED AND CRIMINAL ACTIVITY.—Section 6(k) of the United States Housing Act of 1937 (42 U.S.C. 1437d(k)) is amended, in the matter following paragraph (6)—

(1) by striking ''drug-related'' and inserting ''violent or drug-related''; and

(2) by inserting ''or any activity resulting in a felony conviction,'' after ''on or off such premises,''.

(f) LEASES.—Section 6(l) of the United States Housing Act of 1937 (42 U.S.C. 1437d(l)) is amended—

(1) in paragraph (3), by striking ''not be less than'' and all that follows through the end of paragraph (3) and inserting: ''be the period of time required under State or local law, except that the public housing agency may provide such notice within a reasonable time which does not exceed the lesser of—

''(A) the period provided under applicable State or local law; or

''(B) 30 days—

''(i) if the health or safety of other tenants, public housing agency employees, or persons residing in the immediate vicinity of the premises is threatened; or

''(ii) in the event of any drug-related or violent criminal activity or any felony conviction;'';

(2) in paragraph (6), by striking ''and'' at the end;

(3) by redesignating paragraph (7) as paragraph (8); and

(4) by inserting after paragraph (6) following:

''(7) provide that any occupancy in violation of section 7(e)(1) or the furnishing of any false or misleading information pursuant to section 7(e)(2) shall be cause for termination of tenancy; and''.

(g) PUBLIC HOUSING ASSISTANCE TO FOSTER CARE CHILDREN.—Section 6(o) of the United States Housing Act of 1937 (42 U.S.C. 1437d(o)) is amended by striking ''Subject'' and all that follows through '', in'' and inserting ''In''.

(h) PREFERENCE FOR AREAS WITH INADEQUATE SUPPLY OF VERY LOW-INCOME HOUSING.—Section 6(p) of the United States Housing Act of 1937 (42 U.S.C. 1437d(p)) is amended to read as follows:

''(p) [Reserved.]''.

(i) TRANSITION RULE RELATING TO PREFERENCES.—During the period beginning on the date of enactment of this Act and ending on the date on which the initial public housing agency plan of a public housing agency is approved under section 5A of the United States Housing Act of 1937 (as added by this Act) the public housing agency may establish local preferences for making available public housing under the United States Housing Act of 1937 and for providing tenant-based assistance under section 8 of that Act.

SEC. 108. EXPANSION OF POWERS FOR DEALING WITH PUBLIC HOUSING AGENCIES IN SUBSTANTIAL DEFAULT.

(a) IN GENERAL.—Section 6(j)(3) of the United States Housing Act of 1937 (42 U.S.C. 1437d) is amended—

(1) in subparagraph (A)—

(A) by striking clause (i) and inserting the following:

''(i) solicit competitive proposals from other public housing agencies and private housing management agents that, in the discretion of the Secretary, may be selected by existing public housing residents through administrative procedures established by the Secretary; if appropriate, these proposals shall provide for such agents to manage all, or part, of the housing administered by the public housing agency or all or part of the other programs of the agency;'';

(B) by striking clause (iv) and inserting the following:

''(v) require the agency to make other arrangements acceptable to the Secretary and in the best interests of the public housing residents and families assisted under section 8 for managing all, or part, of the public housing administered by the agency or of the programs of the agency.''; and

(C) by inserting after clause (iii) the following:

''(iv) take possession of all or part of the public housing agency, including all or part of any project or program of the agency, including any project or program under any other provision of this title; and''; and

(2) by striking subparagraphs (B) through (D) and inserting the following:

''(B)(i) If a public housing agency is identified as troubled under this subsection, the Secretary shall notify the agency of the troubled status of the agency.

''(ii)(I) Upon the expiration of the 1-year period beginning on the later of the date on which the agency receives notice from the Secretary of the troubled status of the agency under clause (i) and the date of enactment of the Public Housing Reform and Responsibility Act of 1997, the Secretary shall—

''(aa) in the case of a troubled public housing agency with 1,250 or more units, petition for the appointment of a receiver pursuant to subparagraph (A)(ii); or

''(bb) in the case of a troubled public housing agency with fewer than 1,250 units, either petition for the appointment of a receiver pursuant to subparagraph (A)(ii), or take possession of the public housing agency (including all or part of any project or program of the agency) pursuant to subparagraph (A)(iv) and appoint, on a competitive or noncompetitive basis, an individual or entity as an administrative receiver to assume the responsibilities of the Secretary for the administration of all or part of the public housing agency (including all or part of any project or program of the agency).

''(II) During the period between the date on which a petition is filed under item (aa) and the date on which a receiver assumes responsibility for the management of the public housing agency under that item, the Secretary may take possession of the public housing agency (including all or part of any project or program of the agency) pursuant to subparagraph (A)(iv) and may appoint, on a competitive or noncompetitive basis, an individual or entity as an administrative receiver to assume the responsibilities of the Secretary for the administration of all or part of the public housing agency (including all or part of any project or program of the agency).

''(C) If a receiver is appointed pursuant to subparagraph (A)(ii), in addition to the powers accorded by the court appointing the receiver, the receiver—

''(i) may abrogate any contract to which the United States or an agency of the United States is not a party that, in the receiver's written determination (which shall include the basis for such determination), substantially impedes correction of the substantial default, but only after the receiver determines that reasonable efforts to renegotiate such contract have failed;

''(ii) may demolish and dispose of all or part of the assets of the public housing agency (including all or part of any project of the agency) in accordance with section 18, including disposition by transfer of properties to resident-supported nonprofit entities;

''(iii) if determined to be appropriate by the Secretary, may seek the establishment, as permitted by applicable State and local law, of 1 or more new public housing agencies;

''(iv) if determined to be appropriate by the Secretary, may seek consolidation of all or part of the agency (including all or part of any project or program of the agency), as permitted by applicable State and local laws, into other well-managed public housing agencies with the consent of such well-managed agencies; and

''(v) shall not be required to comply with any State or local law relating to civil service requirements, employee rights (except civil rights), procurement, or financial or administrative controls that, in the receiver's written determination (which shall include the basis for such determination), substantially impedes correction of the substantial default.

''(D)(i) If the Secretary takes possession of all or part of the public housing agency, including all or part of any project or program of the agency, pursuant to subparagraph (A)(iv), the Secretary—

''(I) may abrogate any contract to which the United States or an agency of the United States is not a party that, in the written determination of the Secretary (which shall include the basis for such determination), substantially impedes correction of the substantial default, but only after the Secretary determines that reasonable efforts to renegotiate such contract have failed;

''(II) may demolish and dispose of all or part of the assets of the public housing agency (including all or part of any project of the agency) in accordance with section 18, including disposition by transfer of properties to resident-supported nonprofit entities;

''(III) may seek the establishment, as permitted by applicable State and local law, of 1 or more new public housing agencies;

''(IV) may seek consolidation of all or part of the agency (including all or part of any project or program of the agency), as permitted by applicable State and local laws, into other well-managed public housing agencies with the consent of such well-managed agencies;

''(V) shall not be required to comply with any State or local law relating to civil service requirements, employee rights (except civil rights), procurement, or financial or administrative controls that, in the Secretary's written determination (which shall include the basis for such determination), substantially impedes correction of the substantial default; and

''(VI) shall, without any action by a district court of the United States, have such additional authority as a district court of the United States would have the authority to confer upon a receiver to achieve the purposes of the receivership.

''(ii) If the Secretary, pursuant to subparagraph (B)(ii)(II), appoints an administrative receiver to assume the responsibilities of the Secretary for the administration of all or part of the public housing agency (including all or part of any project or program of the agency), the Secretary may delegate to the administrative receiver any or all of the powers given the Secretary by this subparagraph, as the Secretary determines to be appropriate.

''(iii) Regardless of any delegation under this subparagraph, an administrative receiver may not seek the establishment of 1 or more new public housing agencies pursuant to clause (i)(III) or the consolidation of all or part of an agency into other well-managed agencies pursuant to clause (i)(IV), unless the Secretary first approves an application by the administrative receiver to authorize such action.

''(E) The Secretary may make available to receivers and other entities selected or appointed pursuant to this paragraph such assistance as the Secretary determines in the discretion of the Secretary is necessary and available to remedy the substantial deterioration of living conditions in individual public housing developments or other related emergencies that endanger the health, safety, and welfare of public housing residents or families assisted under section 8. A decision made by the Secretary under this paragraph is not subject to review in any court of the United States, or in any court of any State, territory, or possession of the United States.

''(F) In any proceeding under subparagraph (A)(ii), upon a determination that a substantial default has occurred, and without regard to the availability of alternative remedies, the court shall appoint a receiver to conduct the affairs of all or part of the public housing agency in a manner consistent with this Act and in accordance with such further terms and conditions as the court may provide. The receiver appointed may be another public housing agency, a private management corporation, or any other person or appropriate entity. The court shall have power to grant appropriate temporary or preliminary relief pending final disposition of the petition by the Secretary.

''(G) The appointment of a receiver pursuant to this paragraph may be terminated, upon the petition of any party, when the court determines that all defaults have been cured or the public housing agency is capable again of discharging its duties.

''(H) If the Secretary (or an administrative receiver appointed by the Secretary) takes possession of a public housing agency (including all or part of any project or program of the agency), or if a receiver is appointed by a court, the Secretary or receiver shall be deemed to be acting not in the official capacity of that person or entity, but rather in the capacity of the public housing agency, and any liability incurred, regardless of whether the incident giving rise to that liability occurred while the Secretary or receiver was in possession of all or part of the public housing agency (including all or part of any project or program of the agency), shall be the liability of the public housing agency.''.

(b) APPLICABILITY.—The provisions of, and duties and authorities conferred or confirmed by, the amendments made by subsection (a) shall apply with respect to any action taken before, on, or after the effective date of this Act and shall apply to any receiver appointed for a public housing agency before the date of enactment of this Act.

(c) TECHNICAL CORRECTION REGARDING APPLICABILITY TO SECTION 8.—Section 8(h) of the United States Housing Act of 1937 is amended by inserting ''(except as provided in section 6(j)(3))'' after ''6''.

SEC. 109. PUBLIC HOUSING SITE-BASED WAITING LISTS.

Section 6 of the United States Housing Act of 1937 is amended by adding at the end the following:

''(s) SITE-BASED WAITING LISTS.—

''(1) IN GENERAL.—A public housing agency may establish, in accordance with guidelines established by the Secretary, procedures for maintaining waiting lists for admissions to public housing developments of the agency, which may include a system under which applicants may apply directly at or otherwise designate the development or developments in which they seek to reside.

''(2) CIVIL RIGHTS.—Any procedures established under paragraph (1) shall comply with title VI of the Civil Rights Act of 1964, the Fair Housing Act, and other applicable civil rights laws.

''(3) NOTICE REQUIRED.—Any system described in paragraph (1) shall provide for the full disclosure by the public housing agency to each applicant of any option available to the applicant in the selection of the development in which to reside.''.

SEC. 110. PUBLIC HOUSING CAPITAL AND OPERATING FUNDS.

(a) IN GENERAL.—Section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) is amended to read as follows:

''SEC. 9. PUBLIC HOUSING CAPITAL AND OPERATING FUNDS.

''(a) IN GENERAL.—Except for assistance provided under section 8 of this Act or as otherwise provided in the Public Housing Reform and Responsibility Act of 1997, all programs under which assistance is provided for public housing under this Act on the day before October 1, 1998, shall be merged, as appropriate, into either—

''(1) the Capital Fund established under subsection (c); or

''(2) the Operating Fund established under subsection (d).

''(b) USE OF EXISTING FUNDS.—With the exception of funds made available pursuant to section 8 or section 20(f) and funds made available for the urban revitalization demonstration program authorized under the Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Acts—

''(1) funds made available to the Secretary for public housing purposes that have not been obligated by the Secretary to a public housing agency as of October 1, 1998, shall be made available, for the period originally provided in law, for use in either the Capital Fund or the Operating Fund, as appropriate; and

''(2) funds made available to the Secretary for public housing purposes that have been obligated by the Secretary to a public housing agency but that, as of October 1, 1998, have not been obligated by the public housing agency, may be made available by that public housing agency, for the period originally provided in law, for use in either the Capital Fund or the Operating Fund, as appropriate.

''(c) CAPITAL FUND.—

''(1) IN GENERAL.—The Secretary shall establish a Capital Fund for the purpose of making assistance available to public housing agencies to carry out capital and management activities, including—

''(A) the development and modernization of public housing projects, including the redesign, reconstruction, and reconfiguration of public housing sites and buildings and the development of mixed-finance projects;

''(B) vacancy reduction;

''(C) addressing deferred maintenance needs and the replacement of dwelling equipment;

''(D) planned code compliance;

''(E) management improvements;

''(F) demolition and replacement;

''(G) resident relocation;

''(H) capital expenditures to facilitate programs to improve the empowerment and economic self-sufficiency of public housing residents and to improve resident participation;

''(I) capital expenditures to improve the security and safety of residents; and

''(J) homeownership activities.

''(2) ESTABLISHMENT OF CAPITAL FUND FORMULA.—The Secretary shall develop a formula for providing assistance under the Capital Fund, which may take into account—

''(A) the number of public housing dwelling units owned or operated by the public housing agency and the percentage of those units that are occupied by very low-income families;

''(B) if applicable, the reduction in the number of public housing units owned or operated by the public housing agency as a result of any conversion to a system of tenant-based assistance;

''(C) the costs to the public housing agency of meeting the rehabilitation and modernization needs, and meeting the reconstruction,

development, replacement housing, and demolition needs of public housing dwelling units owned and operated by the public housing agency;

''(D) the degree of household poverty served by the public housing agency;

''(E) the costs to the public housing agency of providing a safe and secure environment in public housing units owned and operated by the public housing agency;

''(F) the ability of the public housing agency to effectively administer the Capital Fund distribution of the public housing agency; and

''(G) any other factors that the Secretary determines to be appropriate.

''(3) CONDITION ON USE OF THE CAPITAL FUND FOR DEVELOPMENT AND MODERNIZATION.—

''(A) DEVELOPMENT.—Any public housing developed using amounts provided under this subsection shall be operated for a 40-year period under the terms and conditions applicable to public housing during that period, beginning on the date on which the development (or stage of development) becomes available for occupancy.

''(B) MODERNIZATION.—Any public housing, or portion thereof, that is modernized using amounts provided under this subsection shall be maintained and operated for a 20-year period under the terms and conditions applicable to public housing during that period, beginning on the latest date on which modernization is completed.

''(C) APPLICABILITY OF LATEST EXPIRATION DATE.—Public housing subject to this paragraph or to any other provision of law mandating the operation of the housing as public housing or under the terms and conditions applicable to public housing for a specified length of time shall be maintained and operated as required until the latest expiration date.

''(d) OPERATING FUND.—

''(1) IN GENERAL.—The Secretary shall establish an Operating Fund for the purpose of making assistance available to public housing agencies for the operation and management of public housing, including—

''(A) procedures and systems to maintain and ensure the efficient management and operation of public housing units (including amounts sufficient to pay for the reasonable costs of review by an independent auditor of the documentation or other information maintained pursuant to section 6(j)(5) by a public housing agency or resident management corporation to substantiate the performance of that agency or corporation);

''(B) activities to ensure a program of routine preventative maintenance;

''(C) anticrime and antidrug activities, including the costs of providing adequate security for public housing residents;

''(D) activities related to the provision of services, including service coordinators for elderly persons or persons with disabilities;

''(E) activities to provide for management and participation in the management and policymaking of public housing by public housing residents;

''(F) the costs associated with the operation and management of mixed-finance projects, to the extent appropriate (including the funding of an operating reserve to ensure affordability for low-income and very low-income families in lieu of the availability of operating funds for public housing units in a mixed-finance project);

''(G) the reasonable costs of insurance;

''(H) the reasonable energy costs associated with public housing units, with an emphasis on energy conservation; and

''(I) the costs of administering a public housing work program under section 12, including the costs of any related insurance needs.

''(2) ESTABLISHMENT OF OPERATING FUND FORMULA.—The Secretary shall establish a formula for providing assistance under the Operating Fund, which may take into account—

''(A) standards for the costs of operation and reasonable projections of income, taking into account the character and location of the public housing project and characteristics of the families served, or the costs of providing comparable services as determined with criteria or a formula representing the operations of a prototype well-managed public housing project;

''(B) the number of public housing dwelling units owned and operated by the public housing agency, the percentage of those units that are occupied by very low-income families, and, if applicable, the reduction in the number of public housing units as a result of any conversion to a system of tenant-based assistance;

''(C) the degree of household poverty served by a public housing agency;

''(D) the extent to which the public housing agency provides programs and activities designed to promote the economic self-sufficiency and management skills of public housing residents;

''(E) the number of dwelling units owned and operated by the public housing agency that are chronically vacant and the amount of assistance appropriate for those units;

''(F) the costs of the public housing agency associated with anticrime and antidrug activities, including the costs of providing adequate security for public housing residents;

''(G) the ability of the public housing agency to effectively administer the Operating Fund distribution of the public housing agency; and

''(H) any other factors that the Secretary determines to be appropriate.

''(e) LIMITATIONS ON USE OF FUNDS.—

''(1) IN GENERAL.—Each public housing agency may use not more than 20 percent of the Capital Fund distribution of the public housing agency for activities that are eligible for assistance under the Operating Fund under subsection (d), if the public housing agency plan provides for such use.

''(2) NEW CONSTRUCTION.—

''(A) IN GENERAL.—A public housing agency may not use any of the Capital Fund or Operating Fund distributions of the public housing agency for the purpose of constructing any public housing unit, if such construction would result in a net increase in the number of public housing units owned or operated by the public housing agency on the date of enactment of the Public Housing Reform and Responsibility Act of 1997, including any public housing units demolished as part of any revitalization effort.

''(B) EXCEPTION.—

''(i) IN GENERAL.—Notwithstanding subparagraph (A), a public housing agency may use the Capital Fund or Operating Fund distributions of the public housing agency for the construction and operation of housing units that are available and affordable to low-income families in excess of the limitations on new construction set forth in subparagraph (A), except that the formulas established under subsections (c)(2) and (d)(2) shall not provide additional funding for the specific purpose of allowing construction and operation of housing in excess of those limitations.

''(ii) EXCEPTION.—Notwithstanding clause (i), subject to reasonable limitations set by the Secretary, the formulae established under subsections (c)(2) and (d)(2) may provide additional funding for the operation and modernization costs (but not the initial development costs) of housing in excess of amounts otherwise permitted under this paragraph if—

''(I) those units are part of a mixed-finance project or otherwise leverage significant additional private or public investment; and

''(II) the estimated cost of the useful life of the project is less than the estimated cost of providing tenant-based assistance under section 8(o) for the same period of time.

''(f) DIRECT PROVISION OF OPERATING AND CAPITAL ASSISTANCE.—

''(1) IN GENERAL.—The Secretary shall directly provide operating and capital assistance under this section to a resident management corporation managing a public housing development pursuant to a contract under this section, but only if—

''(A) the resident management corporation petitions the Secretary for the release of the funds

''(B) the contract provides for the resident management corporation to assume the primary management responsibilities of the public housing agency; and

''(C) the Secretary determines that the corporation has the capability to effectively discharge such responsibilities.

''(2) USE OF ASSISTANCE.—Any operating and capital assistance provided to a resident management corporation pursuant to this subsection shall be used for purposes of operating the public housing developments of the agency and performing such other eligible activities with respect to public housing as may be provided under the contract.

''(3) RESPONSIBILITY OF PUBLIC HOUSING AGENCY.—If the Secretary provides direct funding to a resident management corporation under this subsection, the public housing agency shall not be responsible for the actions of the resident management corporation.

''(g) TECHNICAL ASSISTANCE.—To the extent approved in advance in appropriations Acts, the Secretary may make grants or enter into contracts in accordance with this subsection for purposes of providing, either directly or indirectly—

''(1) technical assistance to public housing agencies, resident councils, resident organizations, and resident management corporations, including assistance relating to monitoring and inspections;

''(2) training for public housing agency employees and residents;

''(3) data collection and analysis; and

''(4) training, technical assistance, and education to assist public housing agencies that are—

''(A) at risk of being designated as troubled under section 6(j) from being so designated; and

''(B) designated as troubled under section 6(j) in achieving the removal of that designation.

''(h) EMERGENCY RESERVE.—

''(1) IN GENERAL.—

''(A) SET-ASIDE.—In each fiscal year, the Secretary shall set aside not more than 2 percent of the amount made available for use under the capital fund to carry out this section for that fiscal year for use in accordance with this subsection.

''(B) USE OF FUNDS.—Amounts set aside under this paragraph shall be available to the Secretary for use in connection with—

''(i) emergencies and other disasters;

''(ii) housing needs resulting from any settlement of litigation; and

''(iii) the Operation Safe Home program, except that amounts set aside under this clause may not exceed $10,000,000 in any fiscal year.

''(2) LIMITATION.—With respect to any fiscal year, the Secretary may carry over not more than a total of $25,000,000 in unobligated amounts set aside under this subsection for use in connection with the activities described in paragraph (1)(B) during the succeeding fiscal year.

''(3) REPORTS.—The Secretary and the Office of Inspector General shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking and Financial Services of the House of Representatives regarding the feasibility of transferring the authority to administer the program functions implemented to reduce violent crime in public housing under Operation Safe Home to the Office of Public and Indian Housing or to the Department of Justice.

''(4) PUBLICATION.—The Secretary shall publish the use of any amounts allocated under this subsection relating to emergencies (other disasters and housing needs resulting from any settlement of litigation) in the Federal Register.

''(5) ELIGIBLE USES.—In carrying out this subsection, the Secretary may use amounts set aside under this subsection for—

''(A) any eligible use under the Operating Fund or the Capital Fund established by this section; or

''(B) the provision of tenant-based assistance in accordance with section 8.

''(i) PENALTY FOR SLOW EXPENDITURE OF CAPITAL FUNDS.—

''(1) IN GENERAL.—

''(A) TIME PERIOD.—Except as provided in paragraph (2), and subject to subparagraph (B) of this paragraph, a public housing agency shall obligate any assistance received under this section not later than 24 months after, as applicable—

''(i) the date on which the funds become available to the agency for obligation in the case of modernization; or

''(ii) the date on which the agency accumulates adequate funds to undertake comprehensive modernization, substantial rehabilitation, or new construction of units.

''(B) EXTENSION OF TIME PERIOD.—The Secretary—

''(i) may, extend the time period described in subparagraph (A) , for such period of time as the Secretary determines to be necessary, if the Secretary determines that the failure of the public housing agency to obligate assistance in a timely manner is attributable to—

''(I) litigation;

''(II) obtaining approvals of a Federal, State, or local government;

''(III) complying with environmental assessment and abatement requirements;

''(IV) relocating residents;

''(V) an event beyond the control of the public housing agency; or

''(VI) any other reason established by the Secretary by notice published in the Federal Register;

''(ii) shall disregard the requirements of subparagraph (A) with respect to any unobligated amounts made available to a public housing agency, to the extent that the total of those amounts does not exceed 10 percent of the original amount made available to the public housing agency; and

''(iii) may, with the prior approval of the Secretary, extend the period of time described in subparagraph (A), for an additional period not to exceed 12 months, based on—

''(I) the size of the public housing agency;

''(II) the complexity of capital program of the public housing agency;

''(III) any limitation on the ability of the public housing agency to obligate the Capital Fund distributions of the public housing agency in a timely manner as a result of State or local law; or

''(IV) such other factors as the Secretary determines to be relevant.

''(C) EFFECT OF FAILURE TO COMPLY.—

''(i) IN GENERAL.—A public housing agency shall not be awarded assistance under this section for any month during any fiscal year in which the public housing agency has funds unobligated in violation of subparagraph (A) or (B).

''(ii) EFFECT OF FAILURE TO COMPLY.—During any fiscal year described in clause (i), the Secretary shall withhold all assistance that would otherwise be provided to the public housing agency. If the public housing agency cures its default during the year, it shall be provided with the share attributable to the months remaining in the year.

''(iii) REDISTRIBUTION.—The total amount of any funds not provided public housing agencies by operation of this subparagraph shall be distributed to high-performing agencies, as determined under section 6(j).

''(2) EXCEPTION.—

''(A) IN GENERAL.—Subject to subparagraph (B), if the Secretary has consented, before the date of enactment of the Public Housing Reform and Responsibility Act of 1997, to an obligation period for any agency longer than provided under paragraph (1)(A), a public housing agency that obligates its funds before the expiration of that period shall not be considered to be in violation of paragraph (1)(A).

''(B) FISCAL YEAR 1995.—Notwithstanding subparagraph (A)—

''(i) any funds appropriated to a public housing agency for fiscal year 1995, or for any preceding fiscal year, shall be fully obligated by the public housing agency not later than September 30, 1998; and

''(ii) any funds appropriated to a public housing agency for fiscal year 1996 or 1997 shall be fully obligated by the public housing agency not later than September 30, 1999.

''(3) EXPENDITURE OF AMOUNTS.—

''(A) IN GENERAL.—A public housing agency shall spend any assistance received under this section not later than 4 years (plus the period of any extension approved by the Secretary under paragraph (1)(B)) after the date on which funds become available to the agency for obligation.

''(B) ENFORCEMENT.—The Secretary shall enforce the requirement of subparagraph (A) through default remedies up to and including withdrawal of the funding.

''(4) RIGHT OF RECAPTURE.—Any obligation entered into by a public housing agency shall be subject to the right of the Secretary to recapture the obligated amounts for violation by the public housing agency of the requirements of this subsection.''.

(b) IMPLEMENTATION; EFFECTIVE DATE; TRANSITION PERIOD.—

(1) IMPLEMENTATION.—Not later than 1 year after the date of enactment of this Act, in accordance with the negotiated rulemaking procedures set forth in subchapter III of chapter 5 of title 5, United States Code, the Secretary shall establish the formulas described in subsections (c)(3) and (d)(2) of section 9 of the United States Housing Act of 1937, as amended by this section.

(2) EFFECTIVE DATE.—The formulas established under paragraph (1) shall be effective only with respect to amounts made available under section 9 of the United States Housing Act of 1937, as amended by this section, in fiscal year 1999 or in any succeeding fiscal year.

(3) TRANSITION PERIOD.—

(A) IN GENERAL.—Subject to subparagraph (B), prior to the effective date described in paragraph (2), the Secretary shall provide that each public housing agency shall receive funding under sections 9 and 14 of the United States Housing Act of 1937, as those sections existed on the day before the date of enactment of this Act.

(B) QUALIFICATION.—If a public housing agency establishes a rental amount that is less than 30 percent of the monthly adjusted income of the family under section 3(a)(1)(A) of the United States Housing Act of 1937 (as amended by section 103(a) of this Act), or a rental amount that is based on an adjustment to income under section 3(b)(5)(E) (as amended by section 104(a)(2) of this Act), the Secretary shall not take into account any reduction of or increase in the per unit dwelling rental income of the public housing agency resulting from the use of that rental amount in calculating the contributions for the public housing agency for the operation of the public housing under section 9 of the United States Housing Act of 1937 (as in existence on the day before the date of enactment of this Act).

SEC. 111. COMMUNITY SERVICE AND SELF-SUFFICIENCY.

Section 12 of the United States Housing Act of 1937 (42 U.S.C. 1437j) is amended by adding at the end the following:

''(c) COMMUNITY SERVICE AND SELF-SUFFICIENCY REQUIREMENT.—

''(1) MINIMUM REQUIREMENT.—Notwithstanding any other provision of law, each adult resident of a public housing project shall—

''(A) contribute not less than 8 hours per month of community service (not to include any political activity) within the community in which that adult resides; or

''(B) participate in a self-sufficiency program (as that term is defined in subsection (d)(1)) for not less than 8 hours per month.

''(2) INCLUSION IN PLAN.—Each public housing agency shall include in the public housing agency plan a detailed description of the manner in which the public housing agency intends to implement and administer paragraph (1).

''(3) EXEMPTIONS.—The Secretary may provide an exemption from paragraph (1) for any adult who—

''(A) has attained age 62;

''(B) is a blind or disabled individual, as defined under section 216(i)(1) or 1614 of the Social Security Act (42 U.S.C. 416(i)(1); 1382c) and who is unable to comply with this section, or a primary caretaker of that individual;

''(C) is engaged in a work activity (as that term is defined in subsection (d)(1)(C)); or

''(D) meets the requirements for being exempted from having to engage in a work activity under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) or under any other welfare program of the State in which the public housing agency is located.

''(4) GEOGRAPHIC LOCATION; PROHIBITION AGAINST REPLACEMENT OF EMPLOYEES.—

''(A) GEOGRAPHIC LOCATION.—The requirement described in paragraph (1) may include community service or participation in a self-sufficiency program performed at a location not owned by the public housing agency.

''(B) PROHIBITION AGAINST REPLACEMENT OF EMPLOYEES.—In carrying out this subsection, a public housing agency may not—

''(i) substitute community service or participation in a self-sufficiency program, as described in paragraph (1), for work performed by a public housing employee; or

''(ii) supplant a job at any location at which community work requirements under section 111 are fulfilled.

''(d) SELF-SUFFICIENCY.—

''(1) DEFINITIONS.—In this section—

''(A) the term 'covered family' means a family that—

''(i) receives benefits for welfare or public assistance from a State or other public agency under a program for which the Federal, State, or local law relating to the program requires, as a condition of eligibility for assistance under the program, participation of a member of the family in a self-sufficiency program; and

''(ii) resides in a public housing dwelling unit or is provided tenant-based assistance;

''(B) the term 'self-sufficiency program' means any program designed to encourage, assist, train, or facilitate the economic independence of participants and their families or to provide work for participants, including programs for job training, employment counseling, work placement, basic skills training, education, workfare and apprenticeship; and

''(C) the term 'work activities' has the meaning given that term in section 407(d) of the Social Security Act (42 U.S.C. 607(d)) (as in effect on and after July 1, 1997).

''(2) COMPLIANCE.—

''(A) SANCTIONS.—Notwithstanding any other provision of law, if the welfare or public assistance benefits of a covered family are reduced under a Federal, State, or local law regarding such an assistance program because of any failure of any member of the family to comply with the conditions under the assistance program requiring participation in a self-sufficiency program or a work activities requirement, or because of an act of fraud by any member of the family under the law or program, the amount required to be paid by the family as a monthly contribution toward rent may not be decreased, during the period of the reduction, as a result of any decrease in the income of the family (to the extent that the decrease in income is a result of the benefits reduction).

''(B) REVIEW.—Any covered family that is affected by the operation of this paragraph shall have the right to review the determination under this paragraph through the administrative grievance procedure for the public housing agency.

''(C) NOTICE.—Subparagraph (A) shall not apply to any covered family before the public housing agency providing assistance under this Act on behalf of the family obtains written notification from the relevant welfare or public assistance agency specifying that the family's benefits have been reduced because of noncompliance with self-sufficiency program or an applicable work activities requirement and the level of such reduction.

''(D) NO APPLICATION OF REDUCTIONS BASED ON TIME LIMIT FOR ASSISTANCE.—For purposes of this paragraph, a reduction in benefits as a result of the expiration of a lifetime time limit for a family receiving welfare or public assistance benefits shall not be considered to be a failure to comply with the conditions under the assistance program requiring participation in a self-sufficiency program or a work activities requirement.

''(3) OCCUPANCY RIGHTS.—This subsection may not be construed to authorize any public housing agency to limit the duration of tenancy in a public housing dwelling unit or of tenant-based assistance.

''(4) COOPERATION AGREEMENTS FOR SELF-SUFFICIENCY ACTIVITIES.—

''(A) REQUIREMENT.—To the maximum extent practicable, a public housing agency providing public housing dwelling units or tenant-based assistance for covered families shall enter into such cooperation agreements, with State, local, and other agencies providing assistance to covered families under welfare or public assistance programs, as may be necessary, to provide for such agencies to transfer information to facilitate administration of subsection (c) or paragraph (2) of this subsection, and other information regarding rents, income, and assistance that may assist a public housing agency or welfare or public assistance agency in carrying out its functions.

''(B) CONTENTS.—A public housing agency shall seek to include in a cooperation agreement under this paragraph requirements and provisions designed to target assistance under welfare and public assistance programs to families residing in public and other assisted housing developments, which may include providing for self-sufficiency services within such housing, providing for services designed to meet the unique employment-related needs of residents of such housing, providing for placement of workfare positions on-site in such housing, and such other elements as may be appropriate.

''(C) CONFIDENTIALITY.—This paragraph may not be construed to authorize any release of information that is prohibited by, or in contravention of, any other provision of Federal, State, or local law.''.

SEC. 112. REPEAL OF ENERGY CONSERVATION; CONSORTIA AND JOINT VENTURES.

Section 13 of the United States Housing Act of 1937 (42 U.S.C. 1437k) is amended to read as follows:

''SEC. 13. CONSORTIA, JOINT VENTURES, AFFILIATES, AND SUBSIDIARIES OF PUBLIC HOUSING AGENCIES.

''(a) CONSORTIA.—

''(1) IN GENERAL.—Any 2 or more public housing agencies may participate in a consortium for the purpose of administering any or all of the housing programs of those public housing agencies in accordance with this section.

''(2) EFFECT.—With respect to any consortium described in paragraph (1)—

''(A) any assistance made available under this title to each of the public housing agencies participating in the consortium shall be paid to the consortium; and

''(B) all planning and reporting requirements imposed upon each public housing agency participating in the consortium with respect to the programs operated by the consortium shall be consolidated.

''(3) RESTRICTIONS.—

''(A) AGREEMENT.—Each consortium described in paragraph (1) shall be formed and operated in accordance with a consortium agreement, and shall be subject to the requirements of a joint public housing agency plan, which shall be submitted by the consortium in accordance with section 5A.

''(B) MINIMUM REQUIREMENTS.—The Secretary shall specify minimum requirements relating to the formation and operation of consortia and the minimum contents of consortium agreements under this paragraph.

''(b) JOINT VENTURES.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, a public housing agency, in accordance with the public housing agency plan, may—

''(A) form and operate wholly owned or controlled subsidiaries (which may be nonprofit corporations) and other affiliates, any of which may be directed, managed, or controlled by the same persons who constitute the board of commissioners or other similar governing body of the public housing agency, or who serve as employees or staff of the public housing agency; or

''(B) enter into joint ventures, partnerships, or other business arrangements with, or contract with, any person, organization, entity, or governmental unit—

''(i) with respect to the administration of the programs of the public housing agency, including any program that is subject to this title; or

''(ii) for the purpose of providing or arranging for the provision of supportive or social services.

''(2) USE OF AND TREATMENT INCOME.—Any income generated under paragraph (1)—

''(A) shall be used for low-income housing or to benefit the residents of the public housing agency; and

''(B) shall not result in any decrease in any amount provided to the public housing agency under this title.

''(3) AUDITS.—The Comptroller General of the United States, the Secretary, and the Inspector General of the Department of Housing and Urban Development may conduct an audit of any activity undertaken under paragraph (1) at any time.''.

SEC. 113. REPEAL OF MODERNIZATION FUND.

(a) IN GENERAL.—Section 14 of the United States Housing Act of 1937 (42 U.S.C. 14371) is repealed.

(b) CONFORMING AMENDMENTS.—The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended—

(1) in section 5(c)(5), by striking ''for use under section 14 or'';

(2) in section 5(c)(7)—

(A) in subparagraph (A)—

(i) by striking clause (iii); and

(ii) by redesignating clauses (iv) through (x) as clauses (iii) through (ix), respectively; and

(B) in subparagraph (B)—

(i) by striking clause (iii); and

(ii) by redesignating clauses (iv) through (x) as clauses (iii) through (ix), respectively;

(3) in section 6(j)(1)—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraphs (C) through (H) as subparagraphs (B) through (G), respectively;

(4) in section 6(j)(2)(A)—

(A) in clause (i), by striking ''The Secretary shall also designate,'' and all that follows through the period at the end; and

(B) in clause (iii), by striking ''(including designation as a troubled agency for purposes of the program under section 14)'';

(5) in section 6(j)(2)(B)—

(A) in clause (i), by striking ''and determining that an assessment under this subparagraph will not duplicate any review conducted under section 14(p)''; and

(B) in clause (ii)—

(i) by striking ''(I) the agency's comprehensive plan prepared pursuant to section 14 adequately and appropriately addresses the rehabilitation needs of the agency's inventory, (II)'' and inserting ''(I)''; and

(ii) by striking ''(III)'' and inserting ''(II)'';

(6) in section 6(j)(3)—

(A) in clause (ii), by adding ''and'' at the end;

(B) by striking clause (iii); and

(C) by redesignating clause (iv) as clause (iii);

(7) in section 6(j)(4)—

(A) in subparagraph (D), by adding ''and'' at the end;

(B) in subparagraph (E), by striking ''; and'' at the end and inserting a period; and

(C) by striking subparagraph (F);

(8) in section 20—

(A) by striking subsection (c) and inserting the following:

''(c) [Reserved.]''; and

(B) by striking subsection (f) and inserting the following:

''(f) [Reserved.]'';

(9) in section 21(a)(2)—

(A) by striking subparagraph (A); and

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively;

(10) in section 21(a)(3)(A)(v), by striking ''the building or buildings meet the minimum safety and livability standards applicable under section 14, and'';

(11) in section 25(b)(1), by striking ''From amounts reserved'' and all that follows through ''the Secretary may'' and inserting the following: ''To the extent approved in appropriations Acts, the Secretary may'';

(12) in section 25(e)(2)—

(A) by striking ''The Secretary'' and inserting ''To the extent approved in appropriations Acts, the Secretary''; and

(B) by striking ''available annually from amounts under section 14'';

(13) in section 25(e), by striking paragraph (3);

(14) in section 25(f)(2)(G)(i), by striking ''including—'' and all that follows through ''an explanation'' and inserting ''including an explanation'';

(15) in section 25(i)(1), by striking the second sentence; and

(16) in section 202(b)(2)—

(A) by striking ''(b) FINANCIAL ASSISTANCE.—'' and all that follows through ''The Secretary may,'' and inserting the following:

''(b) FINANCIAL ASSISTANCE.—The Secretary may''; and

(B) by striking paragraph (2).

SEC. 114. ELIGIBILITY FOR PUBLIC AND ASSISTED HOUSING.

Section 16 of the United States Housing Act of 1937 (42 U.S.C. 1437n) is amended to read as follows:

''SEC. 16. ELIGIBILITY FOR PUBLIC AND ASSISTED HOUSING.

''(a) INCOME ELIGIBILITY FOR PUBLIC HOUSING.—

''(1) IN GENERAL.—Of the dwelling units of a public housing agency, including public housing units in a designated mixed-finance project, made available for occupancy in any fiscal year of the public housing agency—

''(A) not less than 40 percent shall be occupied by families whose incomes do not exceed 30 percent of the area median income for those families;

''(B) not less than 70 percent shall be occupied by families whose incomes do not exceed 60 percent of the area median income for those families; and

''(C) any remaining dwelling units may be made available for families whose incomes do not exceed 80 percent of the area median income for those families.

''(2) ESTABLISHMENT OF DIFFERENT STANDARDS.—Notwithstanding paragraph (1), if approved by the Secretary, a public housing agency, in accordance with the public housing agency plan, may for good cause establish and implement an admission standard other than the standard described in paragraph (1).

''(3) PROHIBITION OF CONCENTRATION OF LOW-INCOME FAMILIES.—A public housing agency may not, in complying with the requirements under paragraph (1), concentrate very low-income families (or other families with relatively low incomes) in public housing dwelling units in certain public housing developments or certain buildings within developments.

''(4) MIXED-INCOME HOUSING STANDARD.—Each public housing agency plan submitted by a public housing agency shall include a plan for achieving a diverse income mix among residents in each public housing project of the public housing agency and among the scattered site public housing of the public housing agency.

''(b) INCOME ELIGIBILITY FOR CERTAIN ASSISTED HOUSING.—

''(1) TENANT-BASED ASSISTANCE.—Of the dwelling units receiving tenant-based assistance under section 8 made available for occupancy in any fiscal year of the public housing agency—

''(A) not less than 65 percent shall be occupied by families whose incomes do not exceed 30 percent of the area median income for those families;

''(B) not less than 90 percent shall be occupied by families whose incomes do not exceed 60 percent of the area median income for those families; and

''(C) any remaining dwelling units may be made available for families whose incomes do not exceed 80 percent of the area median income for those families.

''(2) ESTABLISHMENT OF DIFFERENT STANDARDS.—Notwithstanding paragraph (1), if approved by the Secretary, a public housing agency, in accordance with the public housing agency plan, may for good cause establish and implement an admission standard other than the standard described in paragraph (1).

''(3) PROJECT-BASED ASSISTANCE.—Of the total number of dwelling units in a project receiving assistance under section 8, other than assistance described in paragraph (1), that are made available for occupancy by eligible families in any year (as determined by the Secretary)—

''(A) not less than 40 percent shall be occupied by families whose incomes do not exceed 30 percent of the area median income;

''(B) not less than 70 percent shall be occupied by families whose incomes do not exceed 60 percent of the area median income; and

''(C) any remaining dwelling units may be made available for families whose incomes do not exceed 80 percent of the area median income for those families.

''(c) DEFINITION OF AREA MEDIAN INCOME.—In this section, the term 'area median income' means the median income of an area, as determined by the Secretary, with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than the percentages specified in subsections (a) and (b) if the Secretary determines that such variations are necessary because of unusually high or low family incomes.''.

SEC. 115. DEMOLITION AND DISPOSITION OF PUBLIC HOUSING.

(a) IN GENERAL.—Section 18 of the United States Housing Act of 1937 (42 U.S.C. 1437p) is amended to read as follows:

''SEC. 18. DEMOLITION AND DISPOSITION OF PUBLIC HOUSING.

''(a) APPLICATIONS FOR DEMOLITION AND DISPOSITION.—Except as provided in subsection (b), not later than 60 days after receiving an application by a public housing agency for authorization, with or without financial assistance under this title, to demolish or dispose of a public housing project or a portion of a public housing project (including any transfer to a resident-supported nonprofit entity), the Secretary shall approve the application, if the public housing agency certifies—

''(1) in the case of—

''(A) an application proposing demolition of a public housing project or a portion of a public housing project, that—

''(i) the project or portion of the public housing project is obsolete as to physical condition, location, or other factors, making it unsuitable for housing purposes; and

''(ii) no reasonable program of modifications is cost-effective to return the public housing project or portion of the project to useful life; and

''(B) an application proposing the demolition of only a portion of a public housing project, that the demolition will help to assure the viability of the remaining portion of the project;

''(2) in the case of an application proposing disposition of a public housing project or other real property subject to this title by sale or other transfer, that—

''(A) the retention of the property is not in the best interests of the residents or the public housing agency because—

''(i) conditions in the area surrounding the public housing project adversely affect the health or safety of the residents or the feasible operation of the project by the public housing agency; or

''(ii) disposition allows the acquisition, development, or rehabilitation of other properties that will be more efficiently or effectively operated as low-income housing;

''(B) the public housing agency has otherwise determined the disposition to be appropriate for reasons that are—

''(i) in the best interests of the residents and the public housing agency;

''(ii) consistent with the goals of the public housing agency and the public housing agency plan; and

''(iii) otherwise consistent with this title; or

''(C) for property other than dwelling units, the property is excess to the needs of a public housing project or the disposition is incidental to, or does not interfere with, continued operation of a public housing project;

''(3) that the public housing agency has specifically authorized the demolition or disposition in the public housing agency plan, and has certified that the actions contemplated in the public housing agency plan comply with this section;

''(4) that the public housing agency—

''(A) will provide for the payment of the actual and reasonable relocation expenses of each resident to be displaced;

''(B) will ensure that each displaced resident is offered comparable housing—

''(i) that meets housing quality standards; and

''(ii) which may include—

''(I) tenant-based assistance;

''(II) project-based assistance; or

''(III) occupancy in a unit operated or assisted by the public housing agency at a rental rate paid by the resident that is comparable to the rental rate applicable to the unit from which the resident is vacated;

''(C) will provide any necessary counseling for residents who are displaced; and

''(D) will not commence demolition or complete disposition until all residents residing in the unit are relocated;

''(5) that the net proceeds of any disposition will be used—

''(A) unless waived by the Secretary, for the retirement of outstanding obligations issued to finance the original public housing project or modernization of the project; and

''(B) to the extent that any proceeds remain after the application of proceeds in accordance with subparagraph (A), for the provision of low-income housing or to benefit the residents of the public housing agency; and

''(6) that the public housing agency has complied with subsection (c).

''(b) DISAPPROVAL OF APPLICATIONS.—The Secretary shall disapprove an application submitted under subsection (a) if the Secretary determines that—

''(1) any certification made by the public housing agency under that subsection is clearly inconsistent with information and data available to the Secretary or information or data requested by the Secretary; or

''(2) the application was not developed in consultation with—

''(A) residents who will be affected by the proposed demolition or disposition; and

''(B) each resident advisory board and resident council, if any, that will be affected by the proposed demolition or disposition.

''(c) RESIDENT OPPORTUNITY TO PURCHASE IN CASE OF PROPOSED DISPOSITION.—

''(1) IN GENERAL.—In the case of a proposed disposition of a public housing project or portion of a project, the public housing agency shall, in appropriate circumstances, as determined by the Secretary, initially offer the property to any eligible resident organization, eligible resident management corporation, or nonprofit organization acting on behalf of the residents, if that entity has expressed an interest, in writing, to the public housing agency in a timely manner, in purchasing the property for continued use as low-income housing.

''(2) TIMING.—

''(A) THIRTY-DAY NOTICE.—A resident organization, resident management corporation, or other resident-supported nonprofit entity

referred to in paragraph (1) may express interest in purchasing property that is the subject of a disposition, as described in paragraph (1), during the 30-day period beginning on the date of notification of a proposed sale of the property.

''(B) SIXTY-DAY NOTICE.—If an entity expresses written interest in purchasing a property, as provided in subparagraph (A), no disposition of the property shall occur during the 60-day period beginning on the date of receipt of that written notice, during which time that entity shall be given the opportunity to obtain a firm commitment for financing the purchase of the property.

''(d) REPLACEMENT UNITS.—Notwithstanding any other provision of law, replacement housing units for public housing units demolished in accordance with this section may be built on the original public housing location or in the same neighborhood as the original public housing location if the number of those replacement units is fewer than the number of units demolished.''.

(b) HOMEOWNERSHIP REPLACEMENT PLAN.—

(1) IN GENERAL.—Section 304(g) of the United States Housing Act of 1937 (42 U.S.C. 1437aaa–3(g)), as amended by section 1002(b) of the Emergency Supplemental Appropriations for Additional Disaster Assistance, for Anti-terrorism Initiatives, for Assistance in the Recovery from the Tragedy that Occurred At Oklahoma City, and Rescissions Act, 1995 (Public Law 104–19; 109 Stat. 236), is amended to read as follows:

''(g) [Reserved.]''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective with respect to any plan for the demolition, disposition, or conversion to homeownership of public housing that is approved by the Secretary after September 30, 1995.

(c) UNIFORM RELOCATION AND REAL PROPERTY ACQUISITION ACT.—The Uniform Relocation and Real Property Acquisition Act shall not apply to activities under section 18 of the United States Housing Act of 1937, as amended by this section.

SEC. 116. REPEAL OF FAMILY INVESTMENT CENTERS; VOUCHER SYSTEM FOR PUBLIC HOUSING.

(a) IN GENERAL.—Section 22 of the United States Housing Act of 1937 (42 U.S.C. 1437t) is amended to read as follows:

''SEC. 22. VOUCHER SYSTEM FOR PUBLIC HOUSING.

''(a) IN GENERAL.—

''(1) AUTHORIZATION.—A public housing agency may convert any public housing project (or portion thereof) owned and operated by the public housing agency to a system of tenant-based assistance in accordance with this section.

''(2) REQUIREMENTS.—In converting to a tenant-based system of assistance under this section, the public housing agency shall develop a conversion assessment and plan under subsection (b) in consultation with the appropriate public officials, with significant participation by the residents of the project (or portion thereof), which assessment and plan shall—

''(A) be consistent with and part of the public housing agency plan; and

''(B) describe the conversion and future use or disposition of the public housing project, including an impact analysis on the affected community.

''(b) CONVERSION ASSESSMENT AND PLAN.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Public Housing Reform and Responsibility Act of 1997, each public housing agency shall assess the status of each public housing project owned and operated by that public housing agency, and shall submit to the Secretary an assessment that includes—

''(A) a cost analysis that demonstrates whether or not the cost (both on a net present value basis and in terms of new budget authority requirements) of providing tenant-based assistance under section 8 for the same families in substantially similar dwellings over the same period of time is less expensive than continuing public housing assistance in the public housing project proposed for conversion for the remaining useful life of the project;

''(B) an analysis of the market value of the public housing project proposed for conversion both before and after rehabilitation, and before and after conversion;

''(C) an analysis of the rental market conditions with respect to the likely success of tenant-based assistance under section 8 in that market for the specific residents of the public housing project proposed for conversion, including an assessment of the availability of decent and safe dwellings renting at or below the payment standard established for tenant-based assistance under section 8 by the public housing agency;

''(D) the impact of the conversion to a system of tenant-based assistance under this section on the neighborhood in which the public housing project is located; and

''(E) a plan that identifies actions, if any, that the public housing agency would take with regard to converting any public housing project or projects (or portions thereof) of the public housing agency to a system of tenant-based assistance.

''(2) STREAMLINED ASSESSMENT.—At the discretion of the Secretary or at the request of a public housing agency, the Secretary may waive any or all of the requirements of paragraph (1) or otherwise require a streamlined assessment with respect to any public housing project or class of public housing projects.

''(3) IMPLEMENTATION OF CONVERSION PLAN.—

''(A) IN GENERAL.—A public housing agency may implement a conversion plan only if the conversion assessment under this section demonstrates that the conversion—

''(i) will not be more expensive than continuing to operate the public housing project (or portion thereof) as public housing; and

''(ii) will principally benefit the residents of the public housing project (or portion thereof) to be converted, the public housing agency, and the community.

''(B) DISAPPROVAL.—The Secretary shall disapprove a conversion plan only if—

''(i) the plan is plainly inconsistent with the conversion assessment under subsection (b);

''(ii) there is reliable information and data available to the Secretary that contradicts that conversion assessment; or

''(iii) the plan otherwise fails to meet the requirements of this subsection.

''(c) OTHER REQUIREMENTS.—To the extent approved by the Secretary, the funds used by the public housing agency to provide tenant-based assistance under section 8 shall be added to the annual contribution contract administered by the public housing agency.''.

(b) SAVINGS PROVISION.—The amendment made by subsection (a) does not affect any contract or other agreement entered into under section 22 of the United States Housing Act of 1937, as that section existed on the day before the date of enactment of this Act.

SEC. 117. REPEAL OF FAMILY SELF-SUFFICIENCY; HOMEOWNERSHIP OPPORTUNITIES.

(a) IN GENERAL.—Section 23 of the United States Housing Act of 1937 (42 U.S.C. 1437u) is amended to read as follows:

''SEC. 23. PUBLIC HOUSING HOMEOWNERSHIP OPPORTUNITIES.

''(a) IN GENERAL.—Notwithstanding any other provision of law, a public housing agency may, in accordance with this section—

''(1) sell any public housing unit in any public housing project of the public housing agency to—

''(A) the low-income residents of the public housing agency; or

''(B) any organization serving as a conduit for sales to those persons; and

''(2) provide assistance to public housing residents to facilitate the ability of those residents to purchase a principal residence.

''(b) RIGHT OF FIRST REFUSAL.—In making any sale under this section, the public housing agency shall initially offer the public housing unit at issue to the resident or residents occupying that unit, if any, or to an organization serving as a conduit for sales to any such resident.

''(c) SALE PRICES, TERMS, AND CONDITIONS.—Any sale under this section may involve such prices, terms, and conditions as the public housing agency may determine in accordance with procedures set forth in the public housing agency plan.

''(d) PURCHASE REQUIREMENTS.—

''(1) IN GENERAL.—Each resident that purchases a dwelling unit under subsection (a) shall, as of the date on which the purchase is made—

''(A) intend to occupy the property as a principal residence; and

''(B) submit a written certification to the public housing agency that such resident will occupy the property as a principal residence for a period of not less than 12 months beginning on that date.

''(2) RECAPTURE.—Except for good cause, as determined by a public housing agency in the public housing agency plan, if, during the 1-year period beginning on the date on which any resident acquires a public housing unit under this section, that public housing unit is resold, the public housing agency shall recapture 75 percent of the amount of any proceeds from that resale that exceed the sum of—

''(A) the original sale price for the acquisition of the property by the qualifying resident;

''(B) the costs of any improvements made to the property after the date on which the acquisition occurs; and

''(C) any closing costs incurred in connection with the acquisition.

''(e) PROTECTION OF NONPURCHASING RESIDENTS.—If a public housing resident does not exercise the right of first refusal under subsection (b) with respect to the public housing unit in which the resident resides, the public housing agency shall—

''(1) ensure that either another public housing unit or rental assistance under section 8 is made available to the resident; and

''(2) provide for the payment of the actual and reasonable relocation expenses of the resident.

''(f) NET PROCEEDS.—The net proceeds of any sales under this section remaining after payment of all costs of the sale and any unassumed, unpaid indebtedness owed in connection with the dwelling units sold under this section unless waived by the Secretary, shall be used for purposes relating to low-income housing and in accordance with the public housing agency plan.

''(g) HOMEOWNERSHIP ASSISTANCE.—From amounts distributed to a public housing agency under section 9, or from other income earned by the public housing agency, the public housing agency may provide assistance to public housing residents to facilitate the ability of those residents to purchase a principal residence, including a residence other than a residence located in a public housing project.''.

(b) CONFORMING AMENDMENTS.—The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended—

(1) in section 8(y)(7)(A)—

(A) by striking ''(ii)'' and inserting '', and (ii)''; and

(B) by striking '', and (iii)'' and all that follows before the period at the end; and

(2) in section 25(1)(2)—

(A) in the first sentence, by striking '', consistent with the objectives of the program under section 23,''; and

(B) by striking the second sentence.

(c) SAVINGS PROVISION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section do not affect any contract or other agreement entered into under section 23 of the United States Housing Act of 1937, as that section existed on the day before the date of enactment of this Act.

(2) EXCEPTION.—Section 23(d)(3) of the United States Housing Act of 1937, as in existence on the day before the date of enactment of this Act, shall not apply to any contract or other agreement after the date of enactment of this Act.

SEC. 118. REVITALIZING SEVERELY DISTRESSED PUBLIC HOUSING.

Section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v) is amended to read as follows:

"SEC. 24. REVITALIZING SEVERELY DISTRESSED PUBLIC HOUSING.

''(a) IN GENERAL.—To the extent provided in advance in appropriations Acts, the Secretary may make grants to public housing agencies for the purposes of—

''(1) enabling the demolition of obsolete public housing projects or portions thereof;

''(2) revitalizing sites (including remaining public housing units) on which such public housing projects are located;

''(3) the provision of replacement housing, which will avoid or lessen concentrations of very low-income families; and

''(4) the provision of tenant-based assistance under section 8 for use as replacement housing.

''(b) COMPETITION.—The Secretary shall make grants under this section on the basis of a competition, which shall be based on such factors as—

''(1) the need for additional resources for addressing a severely distressed public housing project;

''(2) the need for affordable housing in the community;

''(3) the supply of other housing available and affordable to a family receiving tenant-based assistance under section 8; and

''(4) the local impact of the proposed revitalization program.

''(c) TERMS AND CONDITIONS.—The Secretary may impose such terms and conditions on recipients of grants under this section as the Secretary determines to be appropriate to carry out the purposes of this section, except that such terms and conditions shall be similar to the terms and conditions of either—

''(1) the urban revitalization demonstration program authorized under the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Acts; or

''(2) section 24 of the United States Housing Act of 1937, as such section existed before the date of enactment of the Public Housing Reform and Responsibility Act of 1997.

''(d) ALTERNATIVE MANAGEMENT.—The Secretary may require any recipient of a grant under this section to make arrangements with an entity other than the public housing agency to carry out the purposes for which the grant was awarded, if the Secretary determines that such action is necessary for the timely and effective achievement of the purposes for which the grant was awarded.

''(e) SUNSET.—No grant may be made under this section on or after October 1, 2000.''.

SEC. 119. MIXED-FINANCE AND MIXED-OWNERSHIP PROJECTS.

(a) IN GENERAL.—Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following:

"SEC. 30. MIXED-FINANCE AND MIXED-OWNERSHIP PROJECTS.

''(a) IN GENERAL.—A public housing agency may own, operate, assist, or otherwise participate in 1 or more mixed-finance projects in accordance with this section.

''(b) REQUIREMENTS.—

''(1) MIXED-FINANCE PROJECT.—In this section, the term 'mixed-finance project' means a project that meets the requirements of paragraph (2) and that is occupied both by 1 or more very low-income families and by 1 or more families that are not very low-income families.

''(2) STRUCTURE OF PROJECTS.—Each mixed-finance project shall be developed—

''(A) in a manner that ensures that units are made available in the project, by master contract, individual lease, or equity interest for occupancy by eligible families identified by the public housing agency for a period of not less than 20 years;

''(B) in a manner that ensures that the number of public housing units bears approximately the same proportion to the total number of units in the mixed-finance project as the value of the total financial commitment provided by the public housing agency bears to the value of the total financial commitment in the project, or shall not be less than the number of units that could have been developed under the conventional public housing program with the assistance; and

''(C) in accordance with such other requirements as the Secretary may prescribe by regulation.

''(3) TYPES OF PROJECTS.—The term 'mixed-finance project' includes a project that is developed—

''(A) by a public housing agency or by an entity affiliated with a public housing agency;

''(B) by a partnership, a limited liability company, or other entity in which the public housing agency (or an entity affiliated with a public housing agency) is a general partner, managing member, or otherwise participates in the activities of that entity;

''(C) by any entity that grants to the public housing agency a right of first refusal to acquire the public housing project within the applicable period of time after initial occupancy of the public housing project in accordance with section 42(i)(7) of the Internal Revenue Code of 1986; or

''(D) in accordance with such other terms and conditions as the Secretary may prescribe by regulation.

''(c) TAXATION.—

''(1) IN GENERAL.—A public housing agency may elect to have all public housing units in a mixed-finance project subject to local real estate taxes, except that such units shall be eligible at the discretion of the public housing agency for the taxing requirements under section 6(d).

''(2) LOW-INCOME HOUSING TAX CREDIT.—With respect to any unit in a mixed-finance project that is assisted pursuant to the low-income housing tax credit under section 42 of the Internal Revenue Code of 1986, the rents charged to the residents may be set at levels not to exceed the amounts allowable under that section.

''(d) RESTRICTION.—No assistance provided under section 9 shall be used by a public housing agency in direct support of any unit rented to a family that is not a low-income family.

''(e) EFFECT OF CERTAIN CONTRACT TERMS.—If an entity that owns or operates a mixed-finance project under this section enters into a contract with a public housing agency, the terms of which obligate the entity to operate and maintain a specified number of units in the project as public housing units in accordance with the requirements of this Act for the period required by law, such contractual terms may provide that, if, as a result of a reduction in appropriations under section 9, or any other change in applicable law, the public housing agency is unable to fulfill its contractual obligations with respect to those public housing units, that entity may deviate, under procedures and requirements developed through regulations by the Secretary, from otherwise applicable restrictions under this Act regarding rents, income eligibility, and other areas of public housing management with respect to a portion or all of those public housing units, to the extent necessary to preserve the viability of those units while maintaining the low-income character of the units to the maximum extent practicable.''.

(b) REGULATIONS.—The Secretary shall issue such regulations as may be necessary to promote the development of mixed-finance projects, as that term is defined in section 30 of the United States Housing Act of 1937 (as added by this Act).

SEC. 120. CONVERSION OF DISTRESSED PUBLIC HOUSING TO TENANT-BASED ASSISTANCE.

(a) IN GENERAL.—Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following:

"SEC. 31. CONVERSION OF DISTRESSED PUBLIC HOUSING TO TENANT-BASED ASSISTANCE.

''(a) IDENTIFICATION OF UNITS.—Each public housing agency shall identify all public housing projects of the public housing agency—

''(1) that are on the same or contiguous sites;

''(2) that the public housing agency determines to be distressed, which determination shall be made in accordance with guidelines established by the Secretary, which guidelines shall take into account the criteria established in the Final Report of the National Commission on Severely Distressed Public Housing (August 1992);

''(3) identified as distressed housing under paragraph (2) for which the public housing agency cannot assure the long-term viability as public housing through reasonable modernization expenses, density reduction, achievement of a broader range of family income, or other measures; and

''(4) for which the estimated cost, during the remaining useful life of the project, of continued operation and modernization as public housing exceeds the estimated cost, during the remaining useful life of the project, of providing tenant-based assistance under section 8 for all families in occupancy, based on appropriate indicators of cost (such as the percentage of total development costs required for modernization).

''(b) CONSULTATION.—Each public housing agency shall consult with the appropriate public housing residents and the appropriate unit of general local government in identifying any public housing projects under subsection (a).

''(c) REMOVAL OF UNITS FROM THE INVENTORIES OF PUBLIC HOUSING AGENCIES.—

''(1) IN GENERAL.—

''(A) DEVELOPMENT OF PLAN.—Each public housing agency shall develop and, to the extent provided in advance in appropriations Acts, carry out a 5-year plan in conjunction with the Secretary for the removal of public housing units identified under subsection (a) from the inventory of the public housing agency and the annual contributions contract.

''(B) APPROVAL OF PLAN.—The plan required under subparagraph (A) shall—

''(i) be included as part of the public housing agency plan;

''(ii) be certified by the relevant local official to be in accordance with the comprehensive housing affordability strategy under title I of the Housing and Community Development Act of 1992; and

''(iii) include a description of any disposition and demolition plan for the public housing units.

''(2) EXTENSIONS.—The Secretary may extend the 5-year deadline described in paragraph (1) by not more than an additional 5 years if the Secretary makes a determination that the deadline is impracticable.

''(3) DETERMINATION OF SECRETARY.—

''(A) FAILURE TO IDENTIFY PROJECTS.—If the Secretary determines, based on a plan submitted under this subsection, that a public housing agency has failed to identify 1 or more public housing projects that the Secretary determines should have been identified under subsection (a), the Secretary may designate the public housing projects to be removed from the inventory of the public housing agency pursuant to this section.

''(B) ERRONEOUS IDENTIFICATION OF PROJECTS.—If the Secretary determines, based on a plan submitted under this subsection, that a public housing agency has identified 1 or more public housing projects that should not have been identified pursuant to subsection (a), the Secretary shall—

''(i) require the public housing agency to revise the plan of the public housing agency under this subsection; and

''(ii) prohibit the removal of any such public housing project from the inventory of the public housing agency under this section.

''(d) CONVERSION TO TENANT-BASED ASSISTANCE.—

''(1) IN GENERAL.—To the extent approved in advance in appropriations Acts, the Secretary shall make authority available to a public housing agency to provide assistance under this Act to families residing in any public housing project that is removed from the inventory of the public housing agency and the annual contributions contract pursuant to this section.

''(2) PLAN REQUIREMENTS.—Each plan under subsection (c) shall require the agency—

''(A) to notify each family residing in the public housing project, consistent with any guidelines issued by the Secretary governing such notifications, that—

''(i) the public housing project will be removed from the inventory of the public housing agency;

''(ii) the demolition will not commence until each resident residing in the public housing project is relocated; and

''(iii) each family displaced by such action will be offered comparable housing—

''(I) that meets housing quality standards; and

''(II) which may include—

''(aa) tenant-based assistance;

''(bb) project-based assistance; or

''(cc) occupancy in a unit operated or assisted by the public housing agency at a rental rate paid by the family that is comparable to the rental rate applicable to the unit from which the family is vacated;

''(B) to provide any necessary counseling for families displaced by such action; and

''(C) to provide any actual and reasonable relocation expenses for families displaced by such action.

''(e) REMOVAL BY SECRETARY.—The Secretary shall take appropriate actions to ensure removal of any public housing project identified under subsection (a) from the inventory of a public housing agency, if the public housing agency fails to adequately develop a plan under subsection (c) with respect to that project, or fails to adequately implement such plan in accordance with the terms of the plan.

''(f) ADMINISTRATION.—

''(1) IN GENERAL.—The Secretary may require a public housing agency to provide to the Secretary or to public housing residents such information as the Secretary considers to be necessary for the administration of this section.

''(2) APPLICABILITY OF SECTION 18.—Section 18 does not apply to the demolition of public housing projects removed from the inventory of the public housing agency under this section.''.

(b) CONFORMING AMENDMENT.—Section 202 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (42 U.S.C. 1437l note) is repealed.

SEC. 121. PUBLIC HOUSING MORTGAGES AND SECURITY INTERESTS.

Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following:

''SEC. 32. PUBLIC HOUSING MORTGAGES AND SECURITY INTERESTS.

''(a) GENERAL AUTHORIZATION.—The Secretary may, upon such terms and conditions as the Secretary may prescribe, authorize a public housing agency to mortgage or otherwise grant a security interest in any public housing project or other property of the public housing agency.

''(b) TERMS AND CONDITIONS.—

''(1) CRITERIA FOR APPROVAL.—In making any authorization under subsection (a), the Secretary may consider—

''(A) the ability of the public housing agency to use the proceeds of the mortgage or security interest for low-income housing uses;

''(B) the ability of the public housing agency to make payments on the mortgage or security interest; and

''(C) such other criteria as the Secretary may specify.

''(2) TERMS AND CONDITIONS OF MORTGAGES AND SECURITY INTERESTS OBTAINED.—Each mortgage or security interest granted under this section shall be—

''(A) for a term that—

''(i) is consistent with the terms of private loans in the market area in which the public housing project or property at issue is located; and

''(ii) does not exceed 30 years; and

''(B) subject to conditions that are consistent with the conditions to which private loans in the market area in which the subject project or other property is located are subject.

''(3) NO FEDERAL LIABILITY.—No action taken under this section shall result in any liability to the Federal Government.''.

SEC. 122. LINKING SERVICES TO PUBLIC HOUSING RESIDENTS.

Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following:

''SEC. 33. SERVICES FOR PUBLIC HOUSING RESIDENTS.

''(a) IN GENERAL.—To the extent provided in advance in appropriations Acts, the Secretary may make grants to public housing agencies on behalf of public housing residents, or directly to resident management corporations, resident councils, or resident organizations (including nonprofit entities supported by residents), for the purposes of providing a program of supportive services and resident empowerment activities to assist public housing residents in becoming economically self-sufficient.

''(b) ELIGIBLE ACTIVITIES.—Grantees under this section may use such amounts only for activities on or near the property of the public housing agency or public housing project that are designed to promote the self-sufficiency of public housing residents, including activities relating to—

''(1) physical improvements to a public housing project in order to provide space for supportive services for residents;

''(2) the provision of service coordinators or a congregate housing services program for elderly disabled individuals, nonelderly disabled individuals, or temporarily disabled individuals;

''(3) the provision of services related to work readiness, including education, job training and counseling, job search skills, business development training and planning, tutoring, mentoring, adult literacy, computer access, personal and family counseling, health screening, work readiness health services, transportation, and child care;

''(4) economic and job development, including employer linkages and job placement, and the start-up of resident microenterprises, community credit unions, and revolving loan funds, including the licensing, bonding, and insurance needed to operate such enterprises;

''(5) resident management activities and resident participation activities; and

''(6) other activities designed to improve the economic self-sufficiency of residents.

''(c) FUNDING DISTRIBUTION.—

''(1) IN GENERAL.—Except for amounts provided under subsection (d), the Secretary may distribute amounts made available under this section on the basis of a competition or a formula, as appropriate.

''(2) FACTORS FOR DISTRIBUTION.—Factors for distribution under paragraph (1) shall include—

''(A) the demonstrated capacity of the applicant to carry out a program of supportive services or resident empowerment activities;

''(B) the ability of the applicant to leverage additional resources for the provision of services; and

''(C) the extent to which the grant will result in a high quality program of supportive services or resident empowerment activities.

''(d) MATCHING REQUIREMENT.—The Secretary may not make any grant under this section to any applicant unless the applicant supplements each dollar made available under this section with funds from sources other than this section, in an amount equal to not less than 25 percent of the grant amount, including—

''(1) funds from other Federal sources;

''(2) funds from any State or local government sources;

''(3) funds from private contributions; and

''(4) the value of any in-kind services or administrative costs provided to the applicant.

''(e) FUNDING FOR RESIDENT COUNCILS.—Of amounts appropriated for activities under this section, not less than 25 percent shall be provided directly to resident councils, resident organizations, and resident management corporations.''.

SEC. 123. PROHIBITION ON USE OF AMOUNTS.

Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following:

''SEC. 34. PROHIBITION ON USE OF AMOUNTS.

''None of the amounts made available to the Department of Housing and Urban Development to carry out this Act, that are obligated to State or local governments, public housing agencies, housing finance agencies, or other public or quasi-public housing agencies, may be used to indemnify contractors or subcontractors of the government or agency against costs associated with judgments of infringement of intellectual property rights.''.

SEC. 124. PET OWNERSHIP.

Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following:

"SEC. 35. PET OWNERSHIP IN FEDERALLY ASSISTED RENTAL HOUSING.

''(a) OWNERSHIP CONDITIONS.—

''(1) IN GENERAL.—A resident of a dwelling unit in federally assisted rental housing may own 1 or more common household pets or have 1 or more common household pets present in the dwelling unit of such resident, subject to the reasonable requirements of the owner of the federally assisted rental housing, if the resident maintains each pet responsibly and in accordance with applicable State and local public health, animal control, and animal anti-cruelty laws and regulations.

''(2) REQUIREMENTS.—The reasonable requirements described in paragraph (1) may include—

''(A) requiring payment of a nominal fee, a pet deposit, or both, by residents owning or having pets present, to cover the reasonable operating costs to the project relating to the presence of pets and to establish an escrow account for additional costs not otherwise covered, respectively;

''(B) limitations on the number of animals in a unit, based on unit size; and

''(C) prohibitions on—

''(i) certains breeds or types of animals that are determined to be dangerous; and

''(ii) individual animals, based on certain factors, including the size and weight of the animal.

''(b) PROHIBITION AGAINST DISCRIMINATION.—No owner of federally assisted rental housing may restrict or discriminate against any person in connection with admission to, or continued occupancy of, such housing by reason of the ownership of common household pets by, or the presence of such pets in the dwelling unit of, such person.

''(c) DEFINITIONS.—In this section:

''(1) FEDERALLY ASSISTED RENTAL HOUSING.—The term 'federally assisted rental housing' means any public housing project or any rental housing receiving project-based assistance under—

''(A) the new construction and substantial rehabilitation program under section 8(b)(2) of this Act (as in effect before October 1, 1983);

''(B) the property disposition program under section 8(b);

''(C) the moderate rehabilitation program under section 8(e)(2) of this Act (as it existed prior to October 1, 1991);

''(D) section 23 of this Act (as in effect before January 1, 1975);

''(E) the rent supplement program under section 101 of the Housing and Urban Development Act of 1965;

''(F) section 8 of this Act, following conversion from assistance under section 101 of the Housing and Urban Development Act of 1965; or

''(G) loan management assistance under section 8 of this Act.

''(2) OWNER.—The term 'owner' means, with respect to federally assisted rental housing, the entity or private person, including a cooperative or public housing agency, that has the legal right to lease or sublease dwelling units in such housing (including a manager of such housing having such right).

''(d) REGULATIONS.—This section shall take effect upon the date of the effectiveness of regulations issued by the Secretary to carry out this section. Such regulations shall be issued after notice and opportunity for public comment in accordance with the procedure under section 553 of title 5, United States Code, applicable to substantive rules (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section).''.

SEC. 125. CITY OF INDIANAPOLIS FLEXIBLE GRANT DEMONSTRATION.

Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following:

"SEC. 36. CITY OF INDIANAPOLIS FLEXIBLE GRANT DEMONSTRATION.

''(a) DEFINITIONS.—In this section:

''(1) COVERED HOUSING ASSISTANCE.—The term 'covered housing assistance' means—

''(A)(i) operating assistance under section 9 of the United States Housing Act of 1937 (as in existence on the day before the effective date of the Public Housing Reform and Responsibility Act of 1997), modernization assistance under section 14 of the United States Housing Act of 1937 (as in existence on the day before the effective date of the Public Housing Reform and Responsibility Act of 1997); and

''(ii) assistance for the certificate and voucher programs under section 8 of the United States Housing Act of 1937 (as in existence on the day before the effective date of the Public Housing Reform and Responsibility Act of 1997);

''(B) assistance for public housing under the Capital and Operating Funds established under section 9; and

''(C) tenant-based rental assistance under section 8.

''(2) CITY.—The term 'City' means the city of Indianapolis, Indiana.

''(b) PURPOSE.—The Secretary shall carry out a demonstration program in accordance with this section under which the City, in coordination with the public housing agency of the City—

''(1) may receive and combine program allocations of covered housing assistance; and

''(2) shall have the flexibility to design creative approaches for providing and administering Federal housing assistance that—

''(A) provide incentives to low-income families with children whose head of the household is employed, seeking employment, or preparing for employment by participating in a job training or educational program, or any program that otherwise assists individuals in obtaining employment and attaining economic self-sufficiency;

''(B) reduce costs of Federal housing assistance and achieve greater cost-effectiveness in Federal housing assistance expenditures;

''(C) increase the stock of affordable housing and housing choices for low-income families;

''(D) increase homeownership among low-income families; and

''(E) achieve such other purposes with respect to low-income families, as determined by the City in coordination with the public housing agency.

''(c) PROGRAM ALLOCATION.—In each fiscal year, the amount made available to the City under this section shall be equal to the sum of the amounts that would otherwise be made available to the public housing agency of the City under the provisions of this Act described in subparagraphs (A) through (C) of subsection (a)(1).

''(d) APPLICABILITY OF PROGRAM REQUIREMENTS.—

''(1) IN GENERAL.—In each fiscal year of the demonstration program under this section, amounts made available to the City under this section shall be subject to the same terms and conditions as those amounts would be subject if made available under the provisions of this Act pursuant to which covered housing assistance is otherwise made available to the public housing agency of the City under this Act, except that—

''(A) the Secretary may waive any such term or condition to the extent that the Secretary determines such action to be appropriate to carry out the demonstration program under this section; and

''(B) the City may combine the amounts made available and use the amounts for any activity eligible under each such program under section 8 or 9.

''(2) NUMBER OF FAMILIES ASSISTED.—In carrying out the demonstration program under this section, the City shall assist substantially the same total number of eligible low-income families as would have otherwise been served by the public housing agency of the City.

''(3) PROTECTION OF RECIPIENTS.—Nothing is this section shall be construed to authorize the termination of assistance to any recipient of assistance under this Act before the date of enactment of this section, as a result of the implementation of the demonstration program under this section.

''(e) PLAN REQUIREMENT.—In carrying out this section, the Secretary may establish a streamlined public housing agency plan and planning process for the City in accordance with section 5A.

''(f) EFFECT ON ABILITY TO COMPETE FOR OTHER CATEGORICAL PROGRAMS.—Nothing in this section shall be construed to affect the ability of the City (or the public housing agency of the City) to compete or otherwise apply for or receive assistance under any other housing assistance program administered by the Secretary.

''(g) PERFORMANCE STANDARDS.—The Secretary and the City shall collectively establish standards for evaluating the performance of the City in meeting the goals set forth in subsection (b) including—

''(1) moving dependent low-income families to economic self-sufficiency;

''(2) reducing the per-family cost of providing housing assistance;

''(3) expanding the stock of affordable housing and housing choices of low-income families;

''(4) increasing the number of homeownership opportunities for low-income families; and

''(5) any other performance goals established by the Secretary and the City.

''(h) RECORDS AND REPORTS.—

''(1) RECORDS.—The City shall maintain such records as the Secretary may require in order to—

''(A) document the amounts received by the City under this Act, and the disposition of those amounts under the demonstration program under this section;

''(B) ensure compliance by the City with this section; and

''(C) evaluate the performance of the City under the demonstration program under this section.

''(2) REPORTS.—

''(A) IN GENERAL.—The City shall annually submit to the Secretary a report in a form and at a time specified by the Secretary.

''(B) CONTENTS.—Each report under this paragraph shall include—

''(i) documentation of the use of funds made available to the City under this section;

''(ii) such data as the Secretary may request to assist the Secretary in evaluating the demonstration program under this section; and

''(iii) a description and analysis of the effect of assisted activities in addressing the objectives of the demonstration program under this section.

''(3) ACCESS TO DOCUMENTS BY THE SECRETARY AND COMPTROLLER GENERAL.—The Secretary and the Comptroller General of the United States, or any duly authorized representative of the Secretary or the Comptroller General, shall have access for the purpose of audit and examination to any books, documents, papers, and records maintained by the City that relate to the demonstration program under this section.

''(i) PERFORMANCE REVIEW AND EVALUATION.—

''(1) PERFORMANCE REVIEW.—Based on the performance standards established under

subsection (g), the Secretary shall monitor the performance of the City in providing assistance under this section.

''(2) STATUS REPORT.—Not later than 60 days after the last day of the second year of the demonstration program under this section, the Secretary shall submit to Congress an interim report on the status of the demonstration program and the progress of the City in achieving the purposes of the demonstration program under subsection (b).

''(3) TERMINATION AND EVALUATION.—

''(A) TERMINATION.—The demonstration program under this section shall terminate not less than 2 and not more than 5 years after the date on which the program is commenced under this section.

''(B) EVALUATION.—Not later than 6 months after the termination of the demonstration program under this section, the Secretary shall submit to Congress a final report, which shall include—

''(i) an evaluation the effectiveness of the activities carried out under the demonstration program under this section; and

''(ii) any findings and recommendations of the Secretary for any appropriate legislative action.''.

TITLE II—SECTION 8 RENTAL ASSISTANCE

SEC. 201. MERGER OF THE CERTIFICATE AND VOUCHER PROGRAMS.

(a) IN GENERAL.—Section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) is amended to read as follows:

''(o) VOUCHER PROGRAM.—

''(1) PAYMENT STANDARD.—

''(A) IN GENERAL.—The Secretary may provide assistance to public housing agencies for tenant-based assistance using a payment standard established in accordance with subparagraph (B). The payment standard shall be used to determine the monthly assistance that may be paid for any family, as provided in paragraph (2).

''(B) ESTABLISHMENT OF PAYMENT STANDARD.—Except as provided under subparagraph (D), the payment standard shall not exceed 110 percent of the fair market rental established under subsection (c) and shall be not less than 90 percent of that fair market rental.

''(C) SET-ASIDE.—The Secretary may set aside not more than 5 percent of the budget authority available under this subsection as an adjustment pool. The Secretary shall use amounts in the adjustment pool to make adjusted payments to public housing agencies under subparagraph (A), to ensure continued affordability, if the Secretary determines that additional assistance for such purpose is necessary, based on documentation submitted by a public housing agency.

''(D) APPROVAL.—The Secretary may require a public housing agency to submit the payment standard of the public housing agency to the Secretary for approval, if the payment standard is less than 90 percent of the fair market rent or exceeds 110 percent of the fair market rent.

''(E) REVIEW.—The Secretary—

''(i) shall monitor rent burdens and review any payment standard that results in a significant percentage of the families occupying units of any size paying more than 30 percent of adjusted income for rent; and

''(ii) may require a public housing agency to modify the payment standard of the public housing agency based on the results of that review.

''(2) AMOUNT OF MONTHLY ASSISTANCE PAYMENT.—

''(A) FAMILIES RECEIVING TENANT-BASED ASSISTANCE; RENT DOES NOT EXCEED PAYMENT STANDARD.—For a family receiving tenant-based assistance under this title, if the rent for that family (including the amount allowed for tenant-paid utilities) does not exceed the payment standard established under paragraph (1), the monthly assistance payment to that family shall be equal to the amount by which the rent exceeds the greatest of the following amounts, rounded to the nearest dollar:

''(i) Thirty percent of the monthly adjusted income of the family.

''(ii) Ten percent of the monthly income of the family.

''(iii) If the family is receiving payments for welfare assistance from a public agency and a part of those payments, adjusted in accordance with the actual housing costs of the family, is specifically designated by that agency to meet the housing costs of the family, the portion of those payments that is so designated.

''(B) FAMILIES RECEIVING TENANT-BASED ASSISTANCE; RENT EXCEEDS PAYMENT STANDARD.—For a family receiving tenant-based assistance under this title, if the rent for that family (including the amount allowed for tenant-paid utilities) exceeds the payment standard established under paragraph (1), the monthly assistance payment to that family shall be equal to the amount by which the applicable payment standard exceeds the greatest of the following amounts, rounded to the nearest dollar:

''(i) Thirty percent of the monthly adjusted income of the family.

''(ii) Ten percent of the monthly income of the family.

''(iii) If the family is receiving payments for welfare assistance from a public agency and a part of those payments, adjusted in accordance with the actual housing costs of the family, is specifically designated by that agency to meet the housing costs of the family, the portion of those payments that is so designated.

''(C) FAMILIES RECEIVING PROJECT-BASED ASSISTANCE.—For a family receiving project-based assistance under this title, the rent that the family is required to pay shall be determined in accordance with section 3(a)(1), and the amount of the housing assistance payment shall be determined in accordance with subsection (c)(3) of this section.

''(3) FORTY PERCENT LIMIT.—At the time a family initially receives tenant-based assistance under this title with respect to any dwelling unit, the total amount that a family may be required to pay for rent may not exceed 40 percent of the monthly adjusted income of the family.

''(4) ELIGIBLE FAMILIES.—At the time a family initially receives assistance under this subsection, a family shall qualify as—

''(A) a very low-income family;

''(B) a family previously assisted under this title;

''(C) a low-income family that meets eligibility criteria specified by the public housing agency;

''(D) a family that qualifies to receive a voucher in connection with a homeownership program approved under title IV of the Cranston-Gonzalez National Affordable Housing Act; or

''(E) a family that qualifies to receive a voucher under section 223 or 226 of the Low-Income Housing Preservation and Resident Homeownership Act of 1990.

''(5) ANNUAL REVIEW OF FAMILY INCOME.—Each public housing agency shall, not less frequently than annually, conduct a review of the family income of each family receiving assistance under this subsection.

''(6) SELECTION OF FAMILIES.—

''(A) IN GENERAL.—Each public housing agency may establish local preferences consistent with the public housing agency plan submitted by the public housing agency under section 5A, including a preference for families residing in public housing who are victims of a crime of violence (as that term is defined in section 16 of title 18, United States Code) that has been reported to an appropriate law enforcement agency.

''(B) SELECTION OF TENANTS.—The selection of tenants shall be made by the owner of the dwelling unit, subject to the annual contributions contract between the Secretary and the public housing agency.

''(7) LEASE.—Each housing assistance payment contract entered into by the public housing agency and the owner of a dwelling unit—

''(A) shall provide that the screening and selection of families for those units shall be the function of the owner;

''(B) shall provide that the lease between the tenant and the owner shall be for a term of not less than 1 year, except that the public housing agency may approve a shorter term for an initial lease between the tenant and the dwelling unit owner if the public housing agency determines that such shorter term would improve housing opportunities for the tenant and if such shorter term is considered to be an acceptable local market practice;

''(C) shall provide that the dwelling unit owner shall offer leases to tenants assisted under this subsection that—

''(i) are in a standard form used in the locality by the dwelling unit owner; and

''(ii) contain terms and conditions that—

''(I) are consistent with State and local law; and

''(II) apply generally to tenants in the property who are not assisted under this section;

''(D) shall provide that the dwelling unit owner may not terminate the tenancy of any person assisted under this subsection during the term of a lease that meets the requirements of this section unless the owner determines, on the same basis and in the same manner as would apply to a tenant in the property who does not receive assistance under this subsection, that—

''(i) the tenant has committed a serious or repeated violation of the terms and conditions of the lease;

''(ii) the tenant has violated applicable Federal, State, or local law; or

''(iii) other good cause for termination of the tenancy exists;

''(E) shall provide that any termination of tenancy under this subsection shall be preceded by the provision of written notice by the owner to the tenant specifying the grounds for that action, and any relief shall be consistent with applicable State and local law; and

''(F) may include any addenda appropriate to set forth the provisions of this title.

''(8) INSPECTION OF UNITS BY PUBLIC HOUSING AGENCIES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), for each dwelling unit for which a housing assistance payment contract is established under this subsection, the public housing agency shall—

''(i) inspect the unit before any assistance payment is made to determine whether the dwelling unit meets housing quality standards for decent safe housing established—

''(I) by the Secretary for purposes of this subsection; or

''(II) by local housing codes or by codes adopted by public housing agencies that—

''(aa) meet or exceed housing quality standards; and

''(bb) do not severely restrict housing choice; and

''(ii) make not less than annual inspections during the contract term.

''(B) LEASING OF UNITS OWNED BY PUBLIC HOUSING AGENCY.—If an eligible family assisted under this subsection leases a dwelling unit (other than public housing) that is

owned by a public housing agency administering assistance under this subsection, the Secretary shall require the unit of general local government, or another entity approved by the Secretary, to make inspections and rent determinations as required by this paragraph.

''(9) VACATED UNITS.—If an assisted family vacates a dwelling unit for which rental assistance is provided under a housing assistance contract before the expiration of the term of the lease for the unit, rental assistance pursuant to such contract may not be provided for the unit after the month during which the unit was vacated.

''(10) RENT.—

''(A) REASONABLE MARKET RENT.—The rent for dwelling units for which a housing assistance payment contract is established under this subsection shall be reasonable in comparison with rents charged for comparable dwelling units in the private, unassisted, local market, or for comparable dwelling units that are in the assisted, local market.

''(B) NEGOTIATED RENT.—A public housing agency shall, at the request of a family receiving tenant-based assistance under this subsection, assist that family in negotiating a reasonable rent with a dwelling unit owner. A public housing agency shall review the rent for a unit under consideration by the family (and all rent increases for units under lease by the family) to determine whether the rent (or rent increase) requested by the owner is reasonable. If a public housing agency determines that the rent (or rent increase) for a dwelling unit is not reasonable, the public housing agency shall not make housing assistance payments to the owner under this subsection with respect to that unit.

''(C) UNITS EXEMPT FROM LOCAL RENT CONTROL.—If a dwelling unit for which a housing assistance payment contract is established under this subsection is exempt from local rent control provisions during the term of that contract, the rent for that unit shall be reasonable in comparison with other units in the market area that are exempt from local rent control provisions.

''(D) TIMELY PAYMENTS.—Each public housing agency shall make timely payment of any amounts due to a dwelling unit owner under this subsection. The housing assistance payment contract between the owner and the public housing agency may provide for penalties for the late payment of amounts due under the contract, which shall be imposed on the public housing agency in accordance with generally accepted practices in the local housing market.

''(E) PENALTIES.—Unless otherwise authorized by the Secretary, each public housing agency shall pay any penalties from administrative fees collected by the public housing agency, except that no penalty shall be imposed if the late payment is due to factors that the Secretary determines are beyond the control of the public housing agency.

''(11) MANUFACTURED HOUSING.—

''(A) IN GENERAL.—A public housing agency may make assistance payments in accordance with this subsection on behalf of a family that utilizes a manufactured home as a principal place of residence. Such payments may be made for the rental of the real property on which the manufactured home owned by any such family is located.

''(B) RENT CALCULATION.—

''(i) CHARGES INCLUDED.—For assistance pursuant to this paragraph, the rent for the space on which a manufactured home is located and with respect to which assistance payments are to be made shall include maintenance and management charges and tenant-paid utilities.

''(ii) PAYMENT STANDARD.—The public housing agency shall establish a payment standard for the purpose of determining the monthly assistance that may be paid for any family under this paragraph. The payment standard may not exceed an amount approved or established by the Secretary.

''(iii) MONTHLY ASSISTANCE PAYMENT.—The monthly assistance payment under this paragraph shall be determined in accordance with paragraph (2).

''(12) CONTRACT FOR ASSISTANCE PAYMENTS.—

''(A) IN GENERAL.—If the Secretary enters into an annual contributions contract under this subsection with a public housing agency pursuant to which the public housing agency will enter into a housing assistance payment contract with respect to an existing structure under this subsection—

''(i) the housing assistance payment contract may not be attached to the structure unless the owner agrees to rehabilitate or newly construct the structure other than with assistance under this Act, and otherwise complies with this section; and

''(ii) the public housing agency may approve a housing assistance payment contract for such existing structure for not more than 15 percent of the funding available for tenant-based assistance administered by the public housing agency under this section.

''(B) EXTENSION OF CONTRACT TERM.—In the case of a housing assistance payment contract that applies to a structure under this paragraph, a public housing agency may enter into a contract with the owner, contingent upon the future availability of appropriated funds for the purpose of renewing expiring contracts for assistance payments, as provided in appropriations Acts, to extend the term of the underlying housing assistance payment contract for such period as the Secretary determines to be appropriate to achieve long-term affordability of the housing. The contract shall obligate the owner to have such extensions of the underlying housing assistance payment contract accepted by the owner and the successors in interest of the owner.

''(C) RENT CALCULATION.—For project-based assistance under this paragraph, housing assistance payment contracts shall establish rents and provide for rent adjustments in accordance with subsection (c).

''(D) ADJUSTED RENTS.—With respect to rents adjusted under this paragraph—

''(i) the adjusted rent for any unit shall be reasonable in comparison with rents charged for comparable dwelling units in the private, unassisted, local market, or for comparable dwelling units that are in the assisted local market; and

''(ii) the provisions of subsection (c)(2)(C) do not apply.

''(13) INAPPLICABILITY TO TENANT-BASED ASSISTANCE.—Subsection (c) does not apply to tenant-based assistance under this subsection.

''(14) HOMEOWNERSHIP OPTION.—

''(A) IN GENERAL.—A public housing agency providing assistance under this subsection may, at the option of the agency, provide assistance for homeownership under subsection (y).

''(B) ALTERNATIVE ADMINISTRATION.—A public housing agency may contract with a nonprofit organization to administer a homeownership program under subsection (y).

''(15) RENTAL VOUCHERS FOR RELOCATION OF WITNESSES AND VICTIMS OF CRIME.—

''(A) IN GENERAL.—Of amounts made available for assistance under this subsection in each fiscal year, the Secretary, in consultation with the Inspector General, shall make available such sums as may be necessary for the relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to requests from law enforcement or prosecution agencies.

''(B) VICTIMS OF CRIME.—

''(i) IN GENERAL.—Of amounts made available for assistance under this section in each fiscal year, the Secretary shall make available such sums as may be necessary for the relocation of families residing in public housing who are victims of a crime of violence (as that term is defined in section 16 of title 18, United States Code) that has been reported to an appropriate law enforcement agency.

''(ii) NOTICE.—A public housing agency that receives amounts under this subparagraph shall establish procedures for providing notice of the availability of that assistance to families that may be eligible for that assistance.''.

(b) CONFORMING AMENDMENT.—Section 8(f)(6) of the United States Housing Act (42 U.S.C. 1437f(f)(6)) is amended by striking ''(d)(2)'' and inserting ''(o)(12)''.

SEC. 202. REPEAL OF FEDERAL PREFERENCES.

(a) SECTION 8 EXISTING AND MODERATE REHABILITATION.—Section 8(d)(1)(A) of the United States Housing Act of 1937 (42 U.S.C. 1437f(d)(1)(A)) is amended to read as follows:

''(A) the selection of tenants shall be the function of the owner, subject to the annual contributions contract between the Secretary and the agency, except that with respect to the certificate and moderate rehabilitation programs only, for the purpose of selecting families to be assisted, the public housing agency may establish local preferences, consistent with the public housing agency plan submitted by the public housing agency under section 5A;''.

(b) SECTION 8 NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION.—

(1) REPEAL.—Section 545(c) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437f note) is amended to read as follows:

''(c) [Reserved.]''.

(2) PROHIBITION.—The provisions of section 8(e)(2) of the United States Housing Act of 1937, as in existence on the day before October 1, 1983, that require tenant selection preferences shall not apply with respect to—

(A) housing constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of the United States Housing Act of 1937, as in existence on the day before October 1, 1983; or

(B) projects financed under section 202 of the Housing Act of 1959, as in existence on the day before the date of enactment of the Cranston-Gonzalez National Affordable Housing Act.

(c) RENT SUPPLEMENTS.—Section 101(k) of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s(k)) is amended to read as follows:

''(k) [Reserved.]''.

(d) CONFORMING AMENDMENTS.—

(1) UNITED STATES HOUSING ACT OF 1937.—The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended—

(A) in section 6(o), by striking ''preference rules specified in'' and inserting ''written selection criteria established pursuant to'';

(B) in section 8(d)(2)(A), by striking the last sentence; and

(C) in section 8(d)(2)(H), by striking ''Notwithstanding subsection (d)(1)(A)(i), an'' and inserting ''An''.

(2) CRANSTON-GONZALEZ NATIONAL AFFORDABLE HOUSING ACT.—The Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704 et seq.) is amended—

(A) in section 455(a)(2)(D)(iii), by striking ''would qualify for a preference under'' and inserting ''meet the written selection criteria established pursuant to''; and

(B) in section 522(f)(6)(B), by striking ''any preferences for such assistance under section

8(d)(1)(A)(i)'' and inserting ''the written selection criteria established pursuant to section 8(d)(1)(A)''.

(3) LOW-INCOME HOUSING PRESERVATION AND RESIDENT HOMEOWNERSHIP ACT OF 1990.—The second sentence of section 226(b)(6)(B) of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4116(b)(6)(B)) is amended by striking ''requirement for giving preferences to certain categories of eligible families under'' and inserting ''written selection criteria established pursuant to''.

(4) HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1992.—Section 655 of the Housing and Community Development Act of 1992 (42 U.S.C. 13615) is amended by striking ''preferences for occupancy'' and all that follows before the period at the end and inserting ''selection criteria established by the owner to elderly families according to such written selection criteria, and to near-elderly families according to such written selection criteria, respectively''.

(5) REFERENCES IN OTHER LAW.—Any reference in any Federal law other than any provision of any law amended by paragraphs (1) through (5) of this subsection or section 201 to the preferences for assistance under section 8(d)(1)(A)(i) or 8(o)(3)(B) of the United States Housing Act of 1937, as those sections existed on the day before the effective date of this title, shall be considered to refer to the written selection criteria established pursuant to section 8(d)(1)(A) or 8(o)(6)(A), respectively, of the United States Housing Act of 1937, as amended by this subsection and section 201 of this Act.

SEC. 203. PORTABILITY.

Section 8(r) of the United States Housing Act of 1937 (42 U.S.C. 1437f(r)) is amended—

(1) in paragraph (1)—

(A) by striking ''assisted under subsection (b) or (o)'' and inserting ''receiving tenant-based assistance under subsection (o)''; and

(B) by striking ''the same State'' and all that follows before the semicolon and inserting ''any area in which a program is being administered under this section'';

(2) in paragraph (2), by striking the last sentence;

(3) in paragraph (3)—

(A) by striking ''(b) or''; and

(B) by adding at the end the following: ''The Secretary shall establish procedures for the compensation of public housing agencies that issue vouchers to families that move into or out of the jurisdiction of the public housing agency under portability procedures. The Secretary may reserve amounts available for assistance under subsection (o) to compensate those public housing agencies.''; and

(4) by adding at the end the following:

''(5) LEASE VIOLATIONS.—A family may not receive a voucher from a public housing agency and move to another jurisdiction under the tenant-based assistance program if the family has moved out of the assisted dwelling unit of the family in violation of a lease.''.

SEC. 204. LEASING TO VOUCHER HOLDERS.

Section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)) is amended to read as follows:

''(t) [Reserved.]''.

SEC. 205. HOMEOWNERSHIP OPTION.

(a) IN GENERAL.—Section 8(y) of the United States Housing Act of 1937 (42 U.S.C. 1437f(y)) is amended—

(1) in paragraph (1)—

(A) by striking ''A family receiving'' and all that follows through ''if the family'' and inserting the following: ''A public housing agency providing tenant-based assistance on behalf of an eligible family under this section may provide assistance for an eligible family that purchases a dwelling unit (including a unit under a lease-purchase agreement) that will be owned by 1 or more members of the family, and will be occupied by the family, if the family'';

(B) in subparagraph (A), by inserting before the semicolon '', or owns or is acquiring shares in a cooperative''; and

(C) in subparagraph (B)—

(i) by striking ''(i) participates'' and all that follows through ''(ii) demonstrates'' and inserting ''demonstrates''; and

(ii) by inserting '', except that the Secretary may provide for the consideration of public assistance in the case of an elderly family or a disabled family'' after ''other than public assistance'';

(2) by striking paragraph (2) and inserting the following:

''(2) DETERMINATION OF AMOUNT OF ASSISTANCE.—

''(A) MONTHLY EXPENSES DO NOT EXCEED PAYMENT STANDARD.—If the monthly homeownership expenses, as determined in accordance with requirements established by the Secretary, do not exceed the payment standard, the monthly assistance payment shall be the amount by which the homeownership expenses exceed the highest of the following amounts, rounded to the nearest dollar:

''(i) Thirty percent of the monthly adjusted income of the family.

''(ii) Ten percent of the monthly income of the family.

''(iii) If the family is receiving payments for welfare assistance from a public agency, and a portion of those payments, adjusted in accordance with the actual housing costs of the family, is specifically designated by that agency to meet the housing costs of the family, the portion of those payments that is so designated.

''(B) MONTHLY EXPENSES EXCEED PAYMENT STANDARD.—If the monthly homeownership expenses, as determined in accordance with requirements established by the Secretary, exceed the payment standard, the monthly assistance payment shall be the amount by which the applicable payment standard exceeds the highest of the following amounts, rounded to the nearest dollar:

''(i) Thirty percent of the monthly adjusted income of the family.

''(ii) Ten percent of the monthly income of the family.

''(iii) If the family is receiving payments for welfare assistance from a public agency and a part of those payments, adjusted in accordance with the actual housing costs of the family, is specifically designated by that agency to meet the housing costs of the family, the portion of those payments that is so designated.'';

(3) by striking paragraphs (3) and (4) and inserting the following:

''(3) INSPECTIONS AND CONTRACT CONDITIONS.—

''(A) IN GENERAL.—Each contract for the purchase of a unit to be assisted under this section shall—

''(u) provide for pre-purchase inspection of the unit by an independent professional; and

''(ii) require that any cost of necessary repairs be paid by the seller.

''(B) ANNUAL INSPECTIONS NOT REQUIRED.—The requirement under subsection (o)(8)(A)(ii) for annual inspections shall not apply to units assisted under this section.

''(4) OTHER AUTHORITY OF THE SECRETARY.—The Secretary may—

''(A) limit the term of assistance for a family assisted under this subsection; and

''(B) modify the requirements of this subsection as the Secretary determines to be necessary to make appropriate adaptations for lease-purchase agreements.'';

(4) by striking paragraph (5); and

(5) by redesignating paragraphs (6) through (8) as paragraphs (5) through (7), respectively.

(b) DEMONSTRATION.—

(1) IN GENERAL.—With the consent of the affected public housing agencies, the Secretary may carry out (or contract with 1 or more entities to carry out) a demonstration program under section 8(y) of the United States Housing Act of 1937 (42 U.S.C. 1437f(y)) to expand homeownership opportunities for low-income families.

(2) REPORT.—The Secretary shall report annually to Congress on activities conducted under this subsection.

SEC. 206. LAW ENFORCEMENT AND SECURITY PERSONNEL IN PUBLIC HOUSING.

Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) is amended by adding at the end the following:

''(cc) LAW ENFORCEMENT AND SECURITY PERSONNEL.—

''(1) IN GENERAL.—Notwithstanding any other provision of this Act, in the case of assistance attached to a structure, for the purpose of increasing security for the residents of a public housing project, an owner may admit, and assistance may be provided to, police officers and other security personnel who are not otherwise eligible for assistance under the Act).

''(2) RENT REQUIREMENTS.—With respect to any assistance provided by an owner under this subsection, the Secretary may—

''(A) permit the owner to establish such rent requirements and other terms and conditions of occupancy that the Secretary considers to be appropriate; and

''(B) require the owner to submit an application for those rent requirements, which application shall include such information as the Secretary, in the discretion of the Secretary, determines to be necessary.''.

SEC. 207. TECHNICAL AND CONFORMING AMENDMENTS.

(a) LOWER INCOME HOUSING ASSISTANCE.—Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) is amended—

(1) in subsection (a), by striking the second and third sentences;

(2) in subsection (b)—

(A) in the subsection heading, by striking ''RENTAL CERTIFICATES AND''; and

(B) in the first undesignated paragraph—

(i) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary''; and

(ii) by striking the second sentence;

(3) in subsection (c)—

(A) in paragraph (3)—

(i) by striking ''(A)''; and

(ii) by striking subparagraph (B);

(B) in the first sentence of paragraph (4), by striking ''or by a family that qualifies to receive'' and all that follows through ''1990'';

(C) by striking paragraph (5) and redesignating paragraph (6) as paragraph (5);

(D) by striking paragraph (7) and redesignating paragraphs (8) through (10) as paragraphs (6) through (8), respectively;

(E) effective on October 1, 1997, in paragraph (7), as redesignated, by striking ''housing certificates or vouchers under subsection (b) or'' and inserting ''a voucher under subsection''; and

(F) in paragraph (8), as redesignated, by striking ''(9)'' and inserting ''(7)'';

(4) in subsection (d)—

(A) in paragraph (1)(B)(iii), by striking ''drug-related criminal activity on or near such premises'' and inserting ''violent or drug-related criminal activity on or off such premises, or any activity resulting in a felony conviction'';

(B) in paragraph (2)—

(i) in subparagraph (A), by striking the third sentence and all that follows through the end of the subparagraph; and

(ii) by striking subparagraphs (B) through (E) and redesignating subparagraphs (F) through (H) as subparagraphs (B) through (D), respectively;

(5) in subsection (f)—

(A) in paragraph (6), by striking ''(d)(2)'' and inserting ''(o)(11)''; and

(B) in paragraph (7)—

(i) by striking ''(b) or''; and

(ii) by inserting before the period the following: ''and that provides for the eligible family to select suitable housing and to move to other suitable housing'';

(6) by striking subsection (j) and inserting the following:

''(j) [Reserved.]'';

(7) by striking subsection (n) and inserting the following:

''(n) [Reserved.]'';

(8) in subsection (q)—

(A) in the first sentence of paragraph (1), by striking ''certificate and housing voucher programs under subsections (b) and (o)'' and inserting ''voucher program under this section'';

(B) in paragraph (2)(A)(i), by striking ''certificate and housing voucher programs under subsections (b) and (o)'' and inserting ''voucher program under this section''; and

(C) in paragraph (2)(B), by striking ''certificate and housing voucher programs under subsections (b) and (o)'' and inserting ''voucher program under this section'';

(9) in subsection (u)—

(A) in paragraph (2), by striking '', certificates''; and

(B) by striking ''certificates or'' each place that term appears; and

(10) in subsection (x)(2), by striking ''housing certificate assistance'' and inserting ''tenant-based assistance''.

(b) PUBLIC HOUSING HOMEOWNERSHIP AND MANAGEMENT OPPORTUNITIES.—Section 21(b)(3) of the United States Housing Act of 1937 (42 U.S.C. 1437s(b)(3)) is amended—

(1) in the first sentence, by striking ''(at the option of the family) a certificate under section 8(b)(1) or a housing voucher under section 8(o)'' and inserting ''tenant-based assistance under section 8''; and

(2) by striking the second sentence.

(c) DOCUMENTATION OF EXCESSIVE RENT BURDENS.—Section 550(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437f note) is amended—

(1) in paragraph (1), by striking ''assisted under the certificate and voucher programs established'' and inserting ''receiving tenant-based assistance'';

(2) in the first sentence of paragraph (2)—

(A) by striking '', for each of the certificate program and the voucher program'' and inserting ''for the tenant-based assistance under section 8''; and

(B) by striking ''participating in the program'' and inserting ''receiving tenant-based assistance''; and

(3) in paragraph (3), by striking ''assistance under the certificate or voucher program'' and inserting ''tenant-based assistance under section 8 of the United States Housing Act of 1937''.

(d) GRANTS FOR COMMUNITY RESIDENCES AND SERVICES.—Section 861(b)(1)(D) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12910(b)(1)(D)) is amended by striking ''certificates or vouchers'' and inserting ''assistance''.

(e) SECTION 8 CERTIFICATES AND VOUCHERS.—Section 931 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437c note) is amended by striking ''assistance under the certificate and voucher programs under sections 8(b) and (o) of such Act'' and inserting ''tenant-based assistance under section 8 of the United States Housing Act of 1937''.

(f) ASSISTANCE FOR DISPLACED RESIDENTS.—Section 223(a) of the Housing and Community Development Act of 1987 (12 U.S.C. 4113(a)) is amended by striking ''assistance under the certificate and voucher programs under sections 8(b) and 8(o)'' and inserting ''tenant-based assistance under section 8''.

(g) RURAL HOUSING PRESERVATION GRANTS.—Section 533(a) of the Housing Act of 1949 (42 U.S.C. 1490m(a)) is amended in the second sentence by striking ''assistance payments as provided by section 8(o)'' and inserting ''tenant-based assistance as provided under section 8''.

(h) REPEAL OF MOVING TO OPPORTUNITIES FOR FAIR HOUSING DEMONSTRATION.—Section 152 of the Housing and Community Development Act of 1992 (42 U.S.C. 1437f note) is repealed.

(i) PREFERENCES FOR ELDERLY FAMILIES AND PERSONS.—Section 655 of the Housing and Community Development Act of 1992 (42 U.S.C. 13615) is amended by striking ''the first sentence of section 8(o)(3)(B)'' and inserting ''section 8(o)(6)(A)''.

(j) ASSISTANCE FOR TROUBLED MULTIFAMILY HOUSING PROJECTS.—Section 201(m)(2)(A) of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1715z–1a(m)(2)(A)) is amended by striking ''section 8(b)(1)'' and inserting ''section 8''.

(k) MANAGEMENT AND DISPOSITION OF MULTIFAMILY HOUSING PROJECTS.—Section 203(g)(2) of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z–11(g)(2)) is amended by striking ''8(o)(3)(B)'' and inserting ''8(o)(6)(A)''.

SEC. 208. IMPLEMENTATION.

In accordance with the negotiated rulemaking procedures set forth in subchapter III of chapter 5 of title 5, United States Code, the Secretary shall issue such regulations as may be necessary to implement the amendments made by this title after notice and opportunity for public comment.

SEC. 209. DEFINITION.

In this title, the term ''public housing agency'' has the same meaning as section 3 of the United States Housing Act of 1937, except that such term shall also include any other nonprofit entity serving more than 1 local government jurisdiction that was administering the section 8 tenant-based assistance program pursuant to a contract with the Secretary or a public housing agency prior to the date of enactment of this Act.

SEC. 210. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this title shall become effective not later than 1 year after the date of enactment of this Act.

(b) CONVERSION ASSISTANCE.—

(1) IN GENERAL.—The Secretary may provide for the conversion of assistance under the certificate and voucher programs under subsections (b) and (o) of section 8 of the United States Housing Act of 1937, as those sections existed on the day before the effective date of the amendments made by this title, to the voucher program established by the amendments made by this title.

(2) CONTINUED APPLICABILITY.—The Secretary may apply the provisions of the United States Housing Act of 1937, or any other provision of law amended by this title, as those provisions existed on the day before the effective date of the amendments made by this title, to assistance obligated by the Secretary before that effective date for the certificate or voucher program under section 8 of the United States Housing Act of 1937, if the Secretary determines that such action is necessary for simplification of program administration, avoidance of hardship, or other good cause.

SEC. 211. RECAPTURE AND REUSE OF ANNUAL CONTRIBUTION CONTRACT PROJECT RESERVES UNDER THE TENANT-BASED ASSISTANCE PROGRAM.

Section 8(d) of the United States Housing Act of 1937 is amended by adding at the end the following:

''(5) RECAPTURE AND REUSE OF ANNUAL CONTRIBUTION CONTRACT PROJECT RESERVES.—

''(A) RECAPTURE.—To the extent that the Secretary determines that the amount in the annual contribution contract reserve account under a contract with a public housing agency for tenant-based assistance under this section is in excess of the amount needed by the public housing agency, the Secretary shall recapture such excess amount.

''(B) REUSE.—The Secretary may hold any amounts under this paragraph in reserve until needed to amend or renew an annual contributions contract with any public housing agency.''.

TITLE III—SAFETY AND SECURITY IN PUBLIC AND ASSISTED HOUSING

SEC. 301. SCREENING OF APPLICANTS.

(a) INELIGIBILITY BECAUSE OF PAST EVICTIONS.—

(1) IN GENERAL.—Any household or member of a household evicted from federally assisted housing (as that term is defined in section 305(1)) by reason of drug-related criminal activity (as that term is defined in section 305(3)) or for other serious violations of the terms or conditions of the lease shall not be eligible for federally assisted housing—

(A) in the case of eviction by reason of drug-related criminal activity, for a period of not less than 3 years from the date of the eviction unless the evicted member of the household successfully completes a rehabilitation program; and

(B) for other evictions, for a reasonable period of time as determined by the public housing agency or owner of the federally assisted housing, as applicable.

(2) WAIVER.—The requirements of subparagraphs (A) and (B) of paragraph (1) may be waived if the circumstances leading to eviction no longer exist.

(b) INELIGIBILITY OF ILLEGAL DRUG USERS AND ALCOHOL ABUSERS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a public housing agency shall establish standards that prohibit admission to the program or admission to federally assisted housing for any household with a member—

(A) who the public housing agency determines is engaging in the illegal use of a controlled substance; or

(B) with respect to whom the public housing agency determines that it has reasonable cause to believe that such household member's illegal use (or pattern of illegal use) of a controlled substance, or abuse (or pattern of abuse) of alcohol would interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

(2) OWNERS OF FEDERALLY ASSISTED HOUSING.—The Secretary may require any owner of federally assisted housing to establish admission standards under this subsection.

(3) CONSIDERATION OF REHABILITATION.—In determining whether, pursuant to paragraph (1)(B), to deny admission to the program or to federally assisted housing to any household based on a pattern of illegal use of a controlled substance or a pattern of abuse of alcohol by a household member, a public housing agency may consider whether such household member—

(A) has successfully completed a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable);

(B) has otherwise been rehabilitated successfully and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable); or

(C) is participating in a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable).

(c) PROCEDURE FOR RECEIPT OF INFORMATION FROM A DRUG ABUSE TREATMENT FACILITY ABOUT THE CURRENT ILLEGAL USE OF A CONTROLLED SUBSTANCE.—

(1) DEFINITIONS.—In this subsection:

(A) DRUG ABUSE TREATMENT FACILITY.—The term ''drug abuse treatment facility'' means—

(i) an entity other than a general medical care facility; or

(ii) an identified unit within a general medical care facility which holds itself out as providing, and provides, diagnosis, treatment, or referral for treatment with respect to the illegal use of a controlled substance.

(B) CONTROLLED SUBSTANCE.—The term ''controlled substance'' has the meaning given the term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(C) CURRENTLY ENGAGING IN THE ILLEGAL USE OF A CONTROLLED SUBSTANCE.—The term ''currently engaging in the illegal use of a controlled substance'' means the illegal use of a controlled substance that occurred recently enough to justify a reasonable belief that an applicant's illegal use of a controlled substance is current or that continuing illegal use of a controlled substance by the applicant is a real and ongoing problem.

(2) AUTHORITY.—Notwithstanding any other provision of law other than the Public Health Service Act (42 U.S.C. 201 et seq.), a public housing agency may require each person who applies for admission to public housing to sign 1 or more forms of written consent authorizing the public housing agency to receive information from a drug abuse treatment facility that is solely related to whether the applicant is currently engaging in the illegal use of a controlled substance.

(3) RESTRICTIONS TO PROTECT THE CONFIDENTIALITY OF AN APPLICANT'S RECORDS.—

(A) LIMITATION ON THE KIND AND AMOUNT OF INFORMATION REQUESTED ON FORM OF WRITTEN CONSENT.—In a form of written consent, a public housing agency may request only whether the drug abuse treatment facility has reasonable cause to believe that the applicant is currently engaging in the illegal use of a controlled substance.

(B) RECORDS MANAGEMENT.—Each public housing agency that receives information under this subsection from a drug abuse treatment facility shall establish and implement a system of records management that ensures that any information received by the public housing agency under this subsection—

(i) is maintained confidentially in accordance with section 543 of the Public Health Service Act (12 U.S.C. 290dd–2);

(ii) is not misused or improperly disseminated; and

(iii) is destroyed, as applicable—

(I) not later than 5 business days after the date on which the public housing agency gives final approval for an application for admission; or

(II) if the public housing agency denies the application for admission, in a timely manner after the date on which the statute of limitations for the commencement of a civil action from the applicant based upon that denial of admission has expired.

(C) EXPIRATION OF WRITTEN CONSENT.—In addition to the requirements of subparagraph (B), an applicant's signed written consent shall expire automatically after the public housing agency has made a final decision to either approve or deny the applicant's application for admittance to public housing.

(4) RESTRICTIONS TO PROHIBIT THE DISCRIMINATORY TREATMENT OF APPLICANTS.—

(A) FORMS SIGNED.—A public housing agency may only require an applicant for admission to public housing to sign 1 or more forms of written consent under this subsection if the public housing agency requires all such applicants to sign the same form or forms of written consent.

(B) CIRCUMSTANCES OF INQUIRY.—A public housing agency may only make an inquiry to a drug abuse treatment facility under this subsection if—

(i) the public housing agency makes the same inquiry with respect to all applicants; or

(ii) the public housing agency only makes the same inquiry with respect to each and every applicant with respect to whom—

(I) the public housing agency receives information from the criminal record of the applicant that indicates evidence of a prior arrest or conviction; or

(II) the public housing agency receives information from the records of prior tenancy of the applicant that demonstrates that the applicant—

(aa) engaged in the destruction of property;

(bb) engaged in violent activity against another person; or

(cc) interfered with the right of peaceful enjoyment of the premises of another tenant.

(5) FEE PERMITTED.—A drug abuse treatment facility may charge a public housing agency a reasonable fee for information provided under this subsection.

(6) DISCLOSURE PERMITTED BY DRUG ABUSE TREATMENT FACILITIES.—A drug abuse treatment facility shall not be liable for damages based on any information required to be disclosed pursuant to this subsection if such disclosure is consistent with section 543 of the Public Health Service Act (42 U.S.C. 290dd–2).

(7) PUBLIC HOUSING AGENCIES NOT REQUIRED TO MAKE INQUIRIES TO DRUG ABUSE TREATMENT FACILITIES.—A public housing agency shall not be liable for damages based on its decision not to require each person who applies for admission to public housing to sign 1 or more forms of written consent authorizing the public housing agency to receive information from a drug abuse treatment facility under this subsection.

(8) EFFECTIVE DATE.—This subsection shall take effect upon enactment and without the necessity of guidance from, or any regulation issued by, the Secretary.

(d) STUDY AND REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study, and submit to the Committee on Banking, Housing, and Urban Affairs of the Senate a report that includes information relating to—

(1) the proportion of United States public housing agencies that screen applicants for drug and alcohol addiction;

(2) the extent, if any, to which the screening described in paragraph (1), alone or in combination with other initiatives, has reduced crime in public housing; and

(3) the relative value of different types of information used by public housing agencies in the screening process described in paragraph (1), including criminal records, credit histories, tenancy records, and information from drug abuse treatment facilities on current illegal drug use of applicants (as that term is defined in subsection (c)(1)).

(e) AUTHORITY TO REQUIRE ACCESS TO CRIMINAL RECORDS.—A public housing agency may require, as a condition of providing admission to the public housing program or assisted housing program under the jurisdiction of the public housing agency, that each adult member of the household provide a signed, written authorization for the public housing agency to obtain records described in section 304 regarding such member of the household from the National Crime Information Center, police departments, and other law enforcement agencies.

(f) INELIGIBILITY OF SEXUALLY VIOLENT PREDATORS FOR ADMISSION TO PUBLIC HOUSING.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a public housing agency shall prohibit admission to public or assisted housing of any family that includes any individual who is a sexually violent predator.

(2) DEFINITION.—In this subsection, the term 'sexually violent predator' means an individual who—

(A) is a sexually violent predator (as that term is defined in section 170101(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(a)(3))); and

(B) is subject to a registration requirement under section 170101(a)(1)(B) or 170102(c) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(a)(1)(B), 14072(c)), as provided under section 170101(b)(6)(B) or 170102(d)(2), respectively, of that Act.

SEC. 302. TERMINATION OF TENANCY AND ASSISTANCE.

(a) TERMINATION OF TENANCY AND ASSISTANCE FOR ILLEGAL DRUG USERS AND ALCOHOL ABUSERS.—Notwithstanding any other provision of law, a public housing agency or an owner of federally assisted housing, as applicable, shall establish standards or lease provisions for continued assistance or occupancy in federally assisted housing that allow a public housing agency or the owner, as applicable, to terminate the tenancy or assistance for any household with a member—

(1) who the public housing agency or owner determines is engaging in the illegal use of a controlled substance; or

(2) whose illegal use of a controlled substance, or whose abuse of alcohol, is determined by the public housing agency or owner to interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

(b) TERMINATION OF ASSISTANCE FOR SERIOUS OR REPEATED LEASE VIOLATION.—Notwithstanding any other provision of law, the public housing agency must terminate tenant-based assistance for all household members if the household is evicted from assisted housing for serious or repeated violation of the lease.

SEC. 303. LEASE REQUIREMENTS.

In addition to any other applicable lease requirements, each lease for a dwelling unit in federally assisted housing shall provide that, during the term of the lease—

(1) the owner may not terminate the tenancy except for serious or repeated violation of the terms and conditions of the lease, violation of applicable Federal, State, or local law, or other good cause; and

(2) grounds for termination of tenancy shall include any activity, engaged in by the resident, any member of the resident's household, any guest, or any other person under the control of any member of the household, that—

(A) threatens the health or safety of, or right to peaceful enjoyment of the premises by, other residents or employees of the public housing agency, owner, or other manager of the housing;

(B) threatens the health or safety of, or right to peaceful enjoyment of their residences by, persons residing in the immediate vicinity of the premises; or

(C) is drug-related or violent criminal activity on or off the premises, or any activity resulting in a felony conviction.

SEC. 304. AVAILABILITY OF CRIMINAL RECORDS FOR PUBLIC HOUSING RESIDENT SCREENING AND EVICTION.

(a) IN GENERAL.—

(1) PROVISION OF INFORMATION.—Notwithstanding any other provision of law other than paragraph (2), upon the request of a public housing agency, the National Crime Information Center, a police department, and any other law enforcement agency shall provide to the public housing agency information regarding the criminal conviction records of an adult applicant for, or residents of, the public housing program or assisted housing program under the jurisdiction of the public housing agency for purposes of applicant screening, lease enforcement, and eviction, but only if the public housing agency requests such information and presents to such Center, department, or agency a written authorization, signed by such applicant, for the release of such information to such public housing agency.

(2) EXCEPTION.—A law enforcement agency described in paragraph (1) shall provide information under this paragraph relating to any criminal conviction of a juvenile only to the extent that the release of such information is authorized under the law of the applicable State, tribe, or locality.

(b) INFORMATION REGARDING CRIMES COMMITTED BY SEXUALLY VIOLENT PREDATORS AND CRIMES AGAINST CHILDREN.—

(1) DEFINITION OF APPROPRIATE LAW ENFORCEMENT AGENCY.—In this subsection, the term ''appropriate law enforcement agency'' means—

(A) the Federal Bureau of Investigation;

(B) a State law enforcement agency designated as a registration agency under a State registration program under subtitle A of title XVII of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071 et seq.); or

(C) any local law enforcement agency authorized by a State law enforcement agency described in subparagraph (B).

(2) PROVISION OF INFORMATION.—Notwithstanding any other provision of law other than subsection (a)(2), the appropriate law enforcement agency shall provide to a public housing agency any information collected under the national database established pursuant to section 170102 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14072), or under a State registration program under subtitle A of title XVII of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071 et seq.), as applicable, regarding an adult who is an applicant for, or a resident of, federally assisted housing, for purposes of applicant screening, lease enforcement, or eviction, if the public housing agency—

(A) requests the information; and

(B) presents to the appropriate law enforcement agency a written authorization, signed by the adult at issue, for the release of that information to the public housing agency or other owner of the federally assisted housing.

(c) OPPORTUNITY TO DISPUTE.—Before an adverse action is taken with regard to assistance for public housing on the basis of a criminal record, the public housing agency shall provide the resident or applicant with a copy of the criminal record and an opportunity to dispute the accuracy and relevance of that record.

(d) RECORDS MANAGEMENT.—Each public housing agency that receives criminal record information under this section shall establish and implement a system of records management that ensures that any criminal record received by the agency is—

(1) maintained confidentially;

(2) not misused or improperly disseminated; and

(3) destroyed in a timely fashion, once the purpose for which the record was requested has been accomplished.

(e) FEE.—A public housing agency may be charged a reasonable fee for information provided under this section.

(f) DEFINITION OF ADULT.—In this section, the term ''adult'' means a person who is 18 years of age or older, or who has been convicted of a crime as an adult under any Federal, State, or tribal law.

SEC. 305. DEFINITIONS.

In this title:

(1) FEDERALLY ASSISTED HOUSING.—The term ''federally assisted housing'' means a unit in—

(A) public housing under the United States Housing Act of 1937;

(B) housing assisted under section 8 of the United States Housing Act of 1937 including both tenant-based assistance and project-based assistance;

(C) housing that is assisted under section 202 of the Housing Act of 1959 (as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act);

(D) housing that is assisted under section 202 of the Housing Act of 1959 (as in existence immediately before the date of enactment of the Cranston-Gonzalez National Affordable Housing Act); and

(E) housing that is assisted under section 811 of the Cranston-Gonzalez National Affordable Housing Act.

(2) DRUG-RELATED CRIMINAL ACTIVITY.—The term ''drug-related criminal activity'' means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use, of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

(3) OWNER.—The term ''owner'' means, with respect to federally assisted housing, the entity or private person, including a cooperative or public housing agency, that has the legal right to lease or sublease dwelling units in such housing.

SEC. 306. CONFORMING AMENDMENTS.

Section 6 of the United States Housing Act of 1937 (42 U.S.C. 1437d) is amended—

(1) in subsection (l) (as amended by section 107(f) of this Act)—

(A) by striking paragraphs (4) and (5);

(B) by striking the last sentence; and

(C) by redesignating paragraphs (6) through (8) as paragraphs (4) through (6), respectively;

(2) by striking subsections (q) and (r); and

(3) by redesignating subsection (s) (as added by section 109 of this Act) as subsection (q).

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. PUBLIC HOUSING FLEXIBILITY IN THE CHAS.

Section 105(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705(b)) is amended—

(1) by redesignating the second paragraph designated as paragraph (17) (as added by section 681(2) of the Housing and Community Development Act of 1992) as paragraph (20);

(2) by redesignating paragraph (17) (as added by section 220(b)(3) of the Housing and Community Development Act of 1992) as paragraph (19);

(3) by redesignating the second paragraph designated as paragraph (16) (as added by section 220(c)(1) of the Housing and Community Development Act of 1992) as paragraph (18);

(4) in paragraph (16)—

(A) by striking the period at the end and inserting a semicolon; and

(B) by striking ''(16)'' and inserting ''(17)'';

(5) by redesignating paragraphs (11) through (15) as paragraphs (12) through (16), respectively; and

(6) by inserting after paragraph (10) the following:

''(11) describe the manner in which the plan of the jurisdiction will help address the needs of public housing and is consistent with the local public housing agency plan under section 5A of the United States Housing Act of 1937;''.

SEC. 402. DETERMINATION OF INCOME LIMITS.

(a) IN GENERAL.—Section 3(b)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(2)) is amended—

(1) in the fourth sentence—

(A) by striking ''County,'' and inserting ''and Rockland Counties''; and

(B) by inserting ''each'' before ''such county''; and

(2) in the fifth sentence, by striking ''County'' each place that term appears and inserting ''and Rockland Counties''.

(b) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary shall issue regulations implementing the amendments made by subsection (a).

SEC. 403. DEMOLITION OF PUBLIC HOUSING.

Notwithstanding any other provision of law, beginning on the date of enactment of this Act, the public housing projects described in section 415 of the Department of Housing and Urban Development—Independent Agencies Appropriations Act, 1988 (as in existence on April 25, 1996) shall be eligible for demolition under—

(1) section 9 of the United States Housing Act of 1937, as amended by this Act; and

(2) section 14 of the United States Housing Act of 1937, as that section existed on the day before the date of enactment of this Act.

SEC. 404. NATIONAL COMMISSION ON HOUSING ASSISTANCE PROGRAM COSTS.

(a) DEFINITIONS.—In this section—

(1) the term ''Commission'' means the National Commission on Housing Assistance Program Costs established in subsection (b);

(2) the term ''Federal assisted housing programs'' means—

(A) the public housing program under the United States Housing Act of 1937;

(B) the certificate program for rental assistance under section 8(b)(1) of the United States Housing Act of 1937;

(C) the voucher program for rental assistance under section 8(o) of the United States Housing Act of 1937;

(D) the programs for project-based assistance under section 8 of the United States Housing Act of 1937;

(E) the rental assistance payments program under section 521(a)(2)(A) of the Housing Act of 1949;

(F) the program for housing for the elderly under section 202 of the Housing Act of 1959;

(G) the program for housing for persons with disabilities under section 811 of the Cranston-Gonzalez National Affordable Housing Act;

(H) the program for financing housing by a loan or mortgage insured under section 221(d)(3) of the National Housing Act that bears interest at a rate determined under the proviso of section 221(d)(5) of such Act;

(I) the program under section 236 of the National Housing Act;

(J) the program for constructed or substantial rehabilitation under section 8(b)(2) of the United States Housing Act of 1937, as in effect before October 1, 1983; and

(K) any other program for housing assistance administered by the Secretary of Housing and Urban Development or the Secretary of Agriculture, under which occupancy in the housing assisted or housing assistance provided is based on income, as the Commission may determine; and

(3) the term ''Secretary'' means the Secretary of Housing and Urban Development.

(b) ESTABLISHMENT; PURPOSE.—

(1) ESTABLISHMENT.—There is established a commission to be known as the ''National Commission on Housing Assistance Program Costs''.

(2) PURPOSE.—The purpose of the Commission shall be to provide an objective and independent accounting and analysis of the full cost to the Federal Government, public housing agencies, State and local governments, and other entities, per assisted household, of the Federal assisted housing programs, taking into account the qualitative differences among Federal assisted housing programs in accordance with applicable standards of the Department of Housing and Urban Development.

(c) MEMBERSHIP.—

(1) APPOINTMENT.—The Commission shall be composed of 12 members, of whom—

(A) 1 member shall be the Inspector General of the Department of Housing and Urban Development;

(B) 2 members shall be appointed by the Secretary;

(C) 2 members shall be appointed by the Chairman and Ranking Minority Member of the Subcommittee on Housing Opportunity and Community Development of the Committee on Banking, Housing, and Urban Affairs of the Senate and the Chairman and Ranking Minority Member of the Subcommittee on VA, HUD, and Independent Agencies of the Committee on Appropriations of the Senate;

(D) 2 members shall be appointed by the Chairman and Ranking Minority Member of the Subcommittee on Housing and Community Opportunity of the Committee on Banking and Financial Services of the House of Representatives and the Chairman and Ranking Minority Member of the Subcommittee on VA, HUD, and Independent Agencies of the Committee on Appropriations of the House of Representatives;

(E) 1 member shall be appointed by the Majority Leader of the Senate;

(F) 1 member shall be appointed by the Majority Leader of the House of Representatives;

(G) 1 member shall be appointed by the Minority Leader of the Senate;

(H) 1 member shall be appointed by the Minority Leader of the House of Representatives; and

(I) 1 member shall be an ex-officio member appointed by the Comptroller General of the United States, from among officers and employees of the General Accounting Office.

(2) INITIAL APPOINTMENTS.—The initial members of the Commission shall be appointed not later than 90 days after the date of enactment of this Act.

(3) QUALIFICATIONS.—The members of the Commission appointed under paragraph (1)—

(A) shall all be experts in the field of accounting, economics, cost analysis, finance, or management; and

(B) shall include—

(i) 1 individual who is a distinguished academic engaged in teaching or research;

(ii) 1 individual who is a business leader, financial officer, or management expert; and

(iii) 1 individual who is—

(I) a financial expert employed in the private sector; and

(II) knowledgeable about housing and real estate issues.

(4) ADDITIONAL QUALIFICATIONS.—In selecting members of the Commission for appointment, the individual making the appointment shall ensure that each member selected is able to analyze the Federal assisted housing programs on an objective basis, and that no individual is appointed to the Commission if that individual has a personal financial interest, professional association, or business interest in any Federal assisted housing program, such that it would pose a conflict of interest if that individual were appointed to the Commission.

(d) ORGANIZATION.—

(1) CHAIRPERSON.—The Commission shall elect a chairperson from among members of the Commission.

(2) QUORUM.—A majority of the members of the Commission shall constitute a quorum for the transaction of business, but a lesser number may hold hearings.

(3) VOTING.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each member of the Commission shall be entitled to 1 vote, which shall be equal to the vote of every other member of the Commission.

(B) EXCEPTION.—The member of the Commission appointed pursuant to subsection (c)(1)(I) shall be a nonvoting member of the Commission.

(4) VACANCIES.—Any vacancy on the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(5) PROHIBITION ON ADDITIONAL PAY.—Members of the Commission shall serve without compensation.

(6) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(e) FUNCTIONS.—

(1) IN GENERAL.—The Commission shall—

(A) analyze the full cost to the Federal Government, public housing agencies, State and local governments, and other parties, per assisted household, of the Federal assisted housing programs, and shall conduct the analysis on a nationwide and regional basis and in a manner such that accurate per unit cost comparisons may be made between Federal assisted housing programs, including grants, direct subsidies, tax concessions, Federal mortgage insurance liability, periodic renovation and rehabilitation, and modernization costs, demolition costs, and other ancillary costs such as security; and

(B) measure and evaluate qualitative differences among Federal assisted housing programs in accordance with applicable standards of the Department of Housing and Urban Development.

(2) FINAL REPORT.—Not later than 24 months after the initial members of the Commission are appointed pursuant to subsection (c)(2), the Commission shall submit to the Secretary and to the Congress a final report which shall contain the results of the analysis and estimates required under paragraph (1).

(3) LIMITATION.—The Commission may not make any recommendations regarding Federal housing policy.

(f) POWERS.—

(1) HEARINGS.—The Commission may, for the purpose of carrying out this section, hold such hearings and sit and act at such times and places as the Commission may find advisable.

(2) RULES AND REGULATIONS.—The Commission may adopt such rules and regulations as may be necessary to establish its procedures and to govern the manner of its operations, organization, and personnel.

(3) ASSISTANCE FROM FEDERAL AGENCIES.—

(A) INFORMATION.—The Commission may request from any department or agency of the United States, and such department or agency shall provide to the Commission in a timely fashion, such data and information as the Commission may require to carry out this section.

(B) ADMINISTRATIVE SUPPORT.—The General Services Administration shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(C) PERSONNEL DETAILS AND TECHNICAL ASSISTANCE.—Upon the request of the chairperson of the Commission, the Secretary shall, to the extent possible and subject to the discretion of the Secretary—

(i) detail any of the personnel of the Department of Housing and Urban Development, on a nonreimbursable basis, to assist the Commission in carrying out its duties under this section; and

(ii) provide the Commission with technical assistance in carrying out its duties under this section.

(4) INFORMATION FROM LOCAL HOUSING AND MANAGEMENT AUTHORITIES.—The Commission shall have access, for the purpose of carrying out its functions under this section, to any books, documents, papers, and records of a local housing and management authority that are pertinent to this section and assistance received pursuant to this section.

(5) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

(6) CONTRACTING.—The Commission may, to the extent and in such amounts as are provided in appropriations Acts, enter into contracts necessary to carry out its duties under this section.

(7) STAFF.—

(A) EXECUTIVE DIRECTOR.—The Commission shall appoint an executive director of the Commission who shall be compensated at a rate fixed by the Commission, not to exceed the rate established for level V of the Executive Schedule under title 5, United States Code.

(B) PERSONNEL.—In addition to the executive director, the Commission may appoint and fix the compensation of such personnel as it deems advisable, in accordance with the provisions of title 5, United States Code, governing appointments to the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(C) LIMITATION.—Subparagraphs (A) and (B) shall be effective only to the extent and in such amounts as are provided in appropriations Acts.

(D) SELECTION CRITERIA.—In appointing an executive director and staff, the Commission shall ensure that the individuals appointed can conduct any functions they may have regarding the Federal assisted housing programs on an objective basis and that no such individual has a personal financial or business interest in any such program.

(8) ADVISORY COMMITTEE.—The Commission shall be considered an advisory committee within the meaning of the Federal Advisory Committee Act (5 U.S.C. App.).

(g) FUNDING.—Of any amounts made available to the Department of Housing and Urban Development for each of fiscal years 1998 and 1999, there shall be available $4,500,000 to carry out this section.

(h) SUNSET.—The Commission shall terminate upon the expiration of the 24-month period beginning on the date on which the initial members of the Commission are appointed pursuant to subsection (c)(2).

SEC. 405. TECHNICAL CORRECTION OF PUBLIC HOUSING AGENCY OPT-OUT AUTHORITY.

Section 214(h)(2)(A) of the Housing and Community Development Act of 1980 (42 U.S.C. 1436(h)(2)(A)) is amended by striking ''this section'' and inserting ''paragraph (1) of this subsection''.

SEC. 406. REVIEW OF DRUG ELIMINATION PROGRAM CONTRACTS.

(a) REQUIREMENT.—The Secretary shall investigate all security contracts awarded by grantees under the Public and Assisted Housing Drug Elimination Act of 1990 (42 U.S.C. 11901 et seq.) that are public housing agencies that own or operate more than 4,500 public housing dwelling units—

(1) to determine whether the contractors under such contracts have complied with all laws and regulations regarding prohibition of discrimination in hiring practices;

(2) to determine whether such contracts were awarded in accordance with the applicable laws and regulations regarding the award of such contracts;

(3) to determine how many such contracts were awarded under emergency contracting procedures;

(4) to evaluate the effectiveness of the contracts; and

(5) to provide a full accounting of all expenses under the contracts.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall complete the investigation required under subsection (a) and submit a report to Congress regarding the findings under the investigation. With respect to each such contract, the report shall—

(1) state whether the contract was made and is operating, or was not made or is not operating, in full compliance with applicable laws and regulations; and

(2) for each contract that the Secretary determines is in such compliance issue a personal certification of such compliance by the Secretary.

(c) ACTIONS.—For each contract that is described in the report under subsection (b) as not made or not operating in full compliance with applicable laws and regulations, the Secretary shall promptly take any actions available under law or regulation that are necessary—

(1) to bring such contract into compliance; or

(2) to terminate the contract.

(d) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 407. TREATMENT OF PUBLIC HOUSING AGENCY REPAYMENT AGREEMENT.

(a) LIMITATION ON SECRETARY.—During the 2-year period beginning on the date of the enactment of this Act, if the Housing Authority of the City of Las Vegas, Nevada, is otherwise in compliance with the Repayment Lien Agreement and Repayment Plan approved by the Secretary on February 12, 1997, the Secretary of Housing and Urban Development shall not take any action that has the effect of reducing the inventory of senior citizen housing owned by such housing authority that does not receive assistance from the Department of Housing and Urban Development.

(b) ALTERNATIVE REPAYMENT OPTIONS.—During the period referred to in subsection (a), the Secretary shall assist the housing authority referred to in such subsection to identify alternative repayment options to the plan referred to in such subsection and to execute an amended repayment plan that will not adversely affect the housing referred to in such subsection.

(c) RULE OF CONSTRUCTION.—This section may not be construed to alter—

(1) any lien held by the Secretary pursuant to the agreement referred to in subsection (a); or

(2) the obligation of the housing authority referred to in subsection (a) to close all remaining items contained in the Inspector General audits numbered 89 SF 1004 (issued January 20, 1989), 93 SF 1801 (issued October 30, 1993), and 96 SF 1002 (issued February 23, 1996).

SEC. 408. CEILING RENTS FOR CERTAIN SECTION 8 PROPERTIES.

Notwithstanding any other provision of law, upon the request of the owner of the project, the Secretary may establish ceiling rents for the Marshall Field Garden Apartments Homes in Chicago, Illinois, if the ceiling rents are, in the determination of the Secretary, equivalent to rents for comparable properties.

SEC. 409. SENSE OF CONGRESS.

It is the sense of Congress that, each public housing agency involved in the selection of residents under the United States Housing Act of 1937 (including section 8 of that Act) should, consistent with the public housing agency plan of the public housing agency, consider preferences for individuals who are victims of domestic violence.

SEC. 410. OTHER REPEALS.

The following provisions of law are repealed:

(1) REPORT REGARDING FAIR HOUSING OBJECTIVES.—Section 153 of the Housing and Community Development Act of 1992 (42 U.S.C. 1437f note).

(2) SPECIAL PROJECTS FOR ELDERLY OR HANDICAPPED FAMILIES.—Section 209 of the Housing and Community Development Act of 1974 (42 U.S.C. 1438).

(3) LOCAL HOUSING ASSISTANCE PLANS.—Subsection (c) of section 213 of the Housing and Community Development Act of 1974 (42 U.S.C. 1439(c)).

(4) MISCELLANEOUS PROVISIONS.—Subsections (b)(1), (c), and (d) of section 326 of the Housing and Community Development Amendments of 1981 (Public Law 97–35, 95 Stat. 406; 42 U.S.C. 1437f note).

(5) PUBLIC HOUSING CHILDHOOD DEVELOPMENT.—Section 222 of the Housing and Urban-Rural Recovery Act of 1983 (12 U.S.C. 1701z–6 note).

(6) INDIAN HOUSING CHILDHOOD DEVELOPMENT.—Section 518 of the Cranston-Gonzalez National Affordable Housing Act (12 U.S.C. 1701z–6 note).

(7) PUBLIC HOUSING ONE-STOP PERINATAL SERVICES DEMONSTRATION.—Section 521 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437t note).

(8) PUBLIC HOUSING MINCS DEMONSTRATION.—Section 522 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437f note).

(9) PUBLIC HOUSING ENERGY EFFICIENCY DEMONSTRATION.—Section 523 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437g note).

(10) PUBLIC AND ASSISTED HOUSING YOUTH SPORTS PROGRAMS.—Section 520 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 11903a).

SEC. 411. GUARANTEE OF LOANS FOR ACQUISITION OF PROPERTY.

Notwithstanding section 108(b) of the Housing and Community Development Act of 1974 (42 U.S.C. 5308(b)), with respect to any eligible public entity (or any public agency designated by an eligible public entity) receiving assistance under that section (in this section referred to as the ''issuer''), a guarantee or commitment to guarantee may be made with respect to any note or other obligation under such section 108 if the issuer's total outstanding notes or obligations guaranteed under that section (excluding any amount defeased under the contract entered into under section 108(d)(1)(A) of the Housing and Community Development Act of 1974 (42 U.S.C. 5308(d)(1)(A))) would thereby exceed an amount equal to 5 times the amount of the grant approval for the issuer pursuant to section 106 or 107 of the Housing and Community Development Act of 1974, if the issuer's total outstanding notes or obligations guaranteed under that section (excluding any amount defeased under the contract entered into under section 108(d)(1)(A) of the Housing and Community Development Act of 1974 (42 U.S.C. 5308(d)(1)(A))) would not thereby exceed an amount equal to 6 times the amount of the grant approval for the issuer pursuant to section 106 or 107 of the Housing and Community Development Act of 1974, if the additional grant amount is used only for the purpose of acquiring or transferring the ownership of the production facility located at the following address in order to maintain production: One Prince Avenue, Lowell, Massachusetts 01852.

SEC. 412. PROHIBITION ON USE OF ASSISTANCE FOR EMPLOYMENT RELOCATION ACTIVITIES.

Section 105 of the Housing and Community Development Act of 1974 (42 U.S.C. 5305) is amended by adding at the end the following:

''(h) PROHIBITION ON USE OF ASSISTANCE FOR EMPLOYMENT RELOCATION ACTIVITIES.—Notwithstanding any other provision of law, no amount from a grant under section 106 made in fiscal year 1997 or any succeeding fiscal year may be used to directly assist in the relocation of any industrial or commercial plant, facility, or operation, from 1 area to another area, if the relocation is likely to result in an increase in the unemployment rate in the labor market area from which the relocation occurs.''.

SEC. 413. USE OF HOME FUNDS FOR PUBLIC HOUSING MODERNIZATION.

Notwithstanding section 212(d)(5) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12742(d)(5)), amounts made available to the City of Bismarck, North Dakota, under subtitle A of title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12741 et seq.) for fiscal year 1998, 1999, 2000, 2001, or 2002, may be used to carry out activities authorized under section 14 of the United States Housing Act of 1937 (42 U.S.C. 14371) for the purpose of modernizing the Crescent Manor public housing project located at 107 East Bowen Avenue, in Bismarck, North Dakota, if—

(1) the Burleigh County Housing Authority (or any successor public housing agency that owns or operates the Crescent Manor public housing project) has obligated all other Federal assistance made available to that public housing agency for that fiscal year; or

(2) the Secretary of Housing and Urban Development authorizes the use of those amounts for the purpose of modernizing that public housing project, which authorization may be made with respect to 1 or more of those fiscal years.

THE DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

SMITH OF OREGON (AND WYDEN) AMENDMENT NO. 1234

Mr. GORTON (for Mr. SMITH of Oregon, for himself and Mr. WYDEN) proposed an amendment to the bill, H.R. 2107, supra; as follows:

On page 127, at the end of Title III add the following general provision:

SEC. 3 .Of the fund appropriated and designated an emergency requirement in Title II, Chapter 5 of Public Law 104–134, under the heading ''Forest Service, Construction,'' $4,000,000 shall be available for the reconstruction of the Oakridge Ranger Station, on the Willamette National Forest in Oregon: *Provided*, That the amount shall be available only to the extent an official request, that includes designation of the amount as an emergency requirement as defined by the

Balanced Budget and Emergency Control Act of 1985, as amended, is transmitted by the President to Congress; *Provider further*, That reconstruction of the facility is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

McCAIN AMENDMENT NO. 1235

Mr. GORTON (for Mr. MCCAIN) proposed an amendment to the bill, H.R. 2107, supra; as follows:

On page 134, beginning on line 2, strike ''*Provided*'' and all that follows through ''heading'' on line 8 and insert the following: ''*Provided*, That the Secretary of the Interior and the Secretary of Agriculture, after consultation with the heads of the National Park Service, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Forest Service, shall jointly submit to Congress a report listing the lands and interests in land, in order of priority, that the Secretaries propose for acquisition or exchange using funds provided under this heading; *Provided further*, That in determining the order of priority, the Secretaries shall consider with respect to each property the following: the natural resources located on the property; the degree to which a natural resource on the property is threatened; the length of time required to consummate the acquisition or exchange; the extent to which an increase in the cost of the property makes timely completion of the acquisition or exchange advisable; the extent of public support for the acquisition or exchange (including support of local governments and members of the public); the total estimated costs associated with the acquisition or exchange, including the costs of managing the lands to be acquired; the extent of current Federal ownership of property in the region; and such other factors as the Secretaries consider appropriate, which factors shall be described in the report in detail; *Provided further*, That the report shall describe the relative weight accorded to each such factor in determining the priority of acquisitions and exchanges''.

On page 134, line 12, strike ''a project list to be submitted by the Secretary'' and insert ''the report of the Secretaries''.

MACK (AND GRAHAM) AMENDMENT NO. 1236

Mr. GORTON (for Mr. MACK, for himself and Mr. GRAHAM) proposed an amendment to the bill, H.R. 2107, supra; as follows:

On page 152, between lines 13 and 14, insert the following:

TITLE VII—MICCOSUKEE SETTLEMENT

SEC. 701. SHORT TITLE.

This title may be cited as the ''Miccosukee Settlement Act of 1997''.

SEC. 702. CONGRESSIONAL FINDINGS.

Congress finds that:

(1) There is pending before the United States District Court for the Southern District of Florida a lawsuit by the Miccosukee Tribe that involves the taking of certain tribal lands in connection with the construction of highway Interstate 75 by the Florida Department of Transportation.

(2) The pendency of the lawsuit referred to in paragraph (1) clouds title of certain lands used in the maintenance and operation of the highway and hinders proper planning for future maintenance and operations.

(3) The Florida Department of Transportation, with the concurrence of the Board of Trustees of the Internal Improvements Trust Fund of the State of Florida, and the Miccosukee Tribe have executed an agreement for the purpose of resolving the dispute and settling the lawsuit.

(4) The agreement referred to in paragraph (3) requires the consent of Congress in connection with contemplated land transfers.

(5) The Settlement Agreement is in the interest of the Miccosukee Tribe, as the Tribe will receive certain monetary payments, new reservation lands to be held in trust by the United States, and other benefits.

(6) Land received by the United States pursuant to the Settlement Agreement is in consideration of Miccosukee Indian Reservation lands lost by the Miccosukee Tribe by virtue of transfer to the Florida Department of Transportation under the Settlement Agreement.

(7) The United States lands referred to in paragraph (6) will be held in trust by the United States for the use and benefit of the Miccosukee Tribe as Miccosukee Indian Reservation lands in compensation for the consideration given by the Tribe in the Settlement Agreement.

(8) Congress shares with the parties to the Settlement Agreement a desire to resolve the dispute and settle the lawsuit.

SEC. 703. DEFINITIONS.

In this title:

(1) BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENTS TRUST FUND.—The term ''Board of Trustees of the Internal Improvements Trust Fund'' means the agency of the State of Florida holding legal title to and responsible for trust administration of certain lands of the State of Florida, consisting of the Governor, Attorney General, Commissioner of Agriculture, Commissioner of Education, Controller, Secretary of State, and Treasurer of the State of Florida, who are Trustees of the Board.

(2) FLORIDA DEPARTMENT OF TRANSPORTATION.—The term ''Florida Department of Transportation'' means the executive branch department and agency of the State of Florida that—

(A) is responsible for the construction and maintenance of surface vehicle roads, existing pursuant to section 20.23, Florida Statutes; and

(B) has the authority to execute the Settlement Agreement pursuant to section 334.044, Florida Statutes.

(3) LAWSUIT.—The term ''lawsuit'' means the action in the United States District Court for the Southern District of Florida, entitled Miccosukee Tribe of Indians of Florida v. State of Florida and Florida Department of Transportation. et. al., docket No. 91–285–Civ–Paine.

(4) MICCOSUKEE LANDS.—The term ''Miccosukee lands'' means lands that are—

(A) held in trust by the United States for the use and benefit of the Miccosukee Tribe as Miccosukee Indian Reservation lands; and

(B) identified pursuant to the Settlement Agreement for transfer to the Florida Department of Transportation.

(5) MICCOSUKEE TRIBE; TRIBE.—The terms ''Miccosukee Tribe'' and ''Tribe'' mean the Miccosukee Tribe of Indians of Florida, a tribe of American Indians recognized by the United States and organized under section 16 of the Act of June 18, 1934 (48 Stat. 987, chapter 576; 25 U.S.C. 476) and recognized by the State of Florida pursuant to chapter 285, Florida Statutes.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(7) SETTLEMENT AGREEMENT; AGREEMENT.—The terms ''Settlement Agreement'' and ''Agreement'' mean the assemblage of documents entitled ''Settlement Agreement'' (with incorporated exhibits) that—

(A) addresses the lawsuit; and

(B)(i) was signed on August 28, 1996, by Ben G. Watts (Secretary of the Florida Department of Transportation) and Billy Cypress (Chairman of the Miccosukee Tribe); and

(ii) after being signed, as described in clause (i), was concurred in by the Board of Trustees of the Internal Improvements Trust Fund of the State of Florida.

(8) STATE OF FLORIDA.—The term ''State of Florida'' means—

(A) all agencies or departments of the State of Florida, including the Florida Department of Transportation and the Board of Trustees of the Internal Improvements Trust Fund; and

(B) the State of Florida as a governmental entity.

SEC. 704. AUTHORITY OF SECRETARY.

As Trustee for the Miccosukee Tribe, the Secretary shall—

(1)(A) aid and assist in the fulfillment of the Settlement Agreement at all times and in a reasonable manner; and

(B) to accomplish the fulfillment of the Settlement Agreement in accordance with subparagraph (A), cooperate with and assist the Miccosukee Tribe;

(2) upon finding that the Settlement Agreement is legally sufficient and that the State of Florida has the necessary authority to fulfill the Agreement—

(A) sign the Settlement Agreement on behalf of the United States; and

(B) ensure that an individual other that the Secretary who is a representative of the Bureau of Indian Affairs also signs the Settlement Agreement;

(3) upon finding that all necessary conditions precedent to the transfer of Miccosukee land to the Florida Department of Transportation as provided in the Settlement Agreement have been or will be met so that the Agreement has been or will be fulfilled, but for the execution of that land transfer and related land transfers—

(A) transfer ownership of the Miccosukee land to the Florida Department of Transportation in accordance with the Settlement Agreement, including in the transfer solely and exclusively that Miccosukee land identified in the Settlement Agreement for transfer to the Florida Department of Transportation; and

(B) in conjunction with the land transfer referred to in subparagraph (A), transfer no land other than the land referred to in that subparagraph to the Florida Department of Transportation; and

(4) upon finding that all necessary conditions precedent to the transfer of Florida lands from the State of Florida to the United States have been or will be met so that the Agreement has been or will be fulfilled but for the execution of that land transfer and related land transfers, receive and accept in trust for the use and benefit of the Miccosukee Tribe ownership of all land identified in the Settlement Agreement for transfer to the United States.

SEC. 705. MICCOSUKKE INDIAN RESERVATION LANDS.

The lands transferred and held in trust for the Miccosukee Tribe under section 704(4) shall be Miccosukee Indian Reservation lands.

BINGAMAN (AND DOMENICI) AMENDMENT NO. 1237

Mr. GORTON (for BINGAMAN for himself and Mr. DOMENICI) proposed an amendment to the bill, H.R. 2107, supra; as follows:

On page 86, line 11, insert before the period, '': *Provided further*, That an amount not to exceed $200,000 shall be available to fund the Office of Navajo Uranium Workers for health

screening and epidemiologic follow up of uranium miners and mill workers, to be derived from funds otherwise available for administrative and travel expenses''.

MOSELEY-BRAUN AMENDMENT NO. 1238

Mr. GORTON (for Ms. MOSELEY-BRAUN) proposed an amendment to the bill, H.R. 2107, supra; as follows:

On page 17, between lines 22 and 23, insert the following:

(REPROGRAMMING)

Of unobligated amounts previously made available for the Jefferson National Expansion Memorial, $838,000 shall be made available for the U–505 National Historic Landmark.

DOMENICI (AND KYL) AMENDMENT NO. 1239

Mr. GORTON (for Mr. DOMENICI, for himself and Mr. KYL) proposed an amendment to the bill, H.R. 2107, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . IMPLEMENTATION OF NEW GUIDELINES ON NATIONAL FORESTS IN ARIZONA AND NEW MEXICO.

(a) Notwithstanding any other provision of law, none of the funds made available under this or any other Act may be used for the purposes of executing any adjustments to annual operating plans, allotment management plans, or terms and conditions of existing grazing permits on National Forests in Arizona and New Mexico, which are or may be deemed necessary to achieve compliance with 1996 amendments to the applicable forest plans, until March 1, 1998, or such time as the Forest Service publishes a schedule for implementing proposed changes, whichever occurs first.

(b) Nothing in this section shall be interpreted to preclude the expenditure of funds for the development of annual operating plans, allotment management plans, or in developing modifications to grazing permits in cooperation with the permittee.

(c) Nothing in this section shall be interpreted to change authority or preclude the expenditure of funds pursuant to section 504 of the 1995 Rescissions Act (Public Law 104–19).

STEVENS AMENDMENT NO. 1240

Mr. GORTON (for Mr. STEVENS) proposed an amendment to the bill, H.R. 2107, supra; as follows:

Insert at the appropriate place:

SEC. . PAYMENTS FOR ENTITLEMENT LAND.

Section 6901(2)(A)(i) of title 31, United States Code, is amended by inserting ''(other than in Alaska)'' after ''city'' the first place such term appears.

GORTON (AND BYRD) AMENDMENT NO. 1241

Mr. GORTON (for himself and Mr. BYRD) proposed an amendment to the bill, H.R. 2107, supra; as follows:

On page 11, line 11, strike ''$43,053,000'' and insert ''$42,053,000''.

On page 15, line 25, strike ''$1,249,409,000'' and insert ''$1,250,429,000''.

On page 17, line 8, strike ''$167,894,000'' and insert ''$173,444,000''.

On page 17, line 18, strike ''$1,000,000'' and insert ''$5,000,000''.

On page 18, line 7, strike ''$125,690,000'' and insert ''$126,690,000''.

On page 28, line 22, strike ''$1,527,024,000'' and insert ''$1,529,024,000''.

On page 64, line 16, strike ''$1,346,215,000'' and insert ''$1,341,045,000''.

On page 65, line 18, strike ''$160,269,000'' and insert ''$154,869,000''.

On page 79, line 20, strike ''$627,357,000'' and insert ''$629,357,000''.

REID AMENDMENT NO. 1242

Mr. REID proposed an amendment to the bill, H.R. 2107, supra; as follows:

At the appropriate place, insert the following:

SEC. . CONVEYANCE OF LAND TO LANDER COUNTY, NEVADA.

(a) CONVEYANCE.—Not later than the date that is 120 days after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall convey to Lander County, Nevada, without consideration, all right, title, and interest of the United States, subject to all valid existing rights and to the rights of way described in subsection (b), in the property described as T. 32 N., R. 45 E., sec. 18, lots 3, 4, 11, 12, 16, 17, 18, 19, 20 and 21, Mount Diablo Meridian.

(b) RIGHTS-OF-WAY.—The property conveyed under subsection (a) shall be subject to—

(1) the right-of-way for Interstate 80;

(2) the 33-foot wide right-of-way for access to the Indian cemetery included under Public Law 90–71 (81 Stat. 173); and

(3) the following rights-of-way granted by the Secretary of the Interior:

NEV–010937 (powerline).
NEV–066891 (powerline).
NEV–35345 (powerline).
N–7636 (powerline).
N–56088 (powerline).
N–57541 (fiber optic cable).
N–55974 (powerline).

(c) The property described in this section shall be used for public purposes and should the property be sold or used for other than public purposes, the property shall revert to the United States.

ABRAHAM (AND OTHERS) AMENDMENT NO. 1243

Mr. GORTON (for Mr. ABRAHAM, for himself, Mr. LEVIN, Mr. HATCH, and Mr. DOMENICI) proposed an amendment to the bill, H.R. 2107, supra; as follows:

On page 5, line 8, strike ''$120,000,000'' and insert ''$124,000,000''.

On page 64, line 16, strike ''$1,346,215,000'' and insert ''$1,342,215,000''.

BRYAN (AND REID) AMENDMENT NO. 1244

Mr. REID (for Mr. BRYAN, for himself and Mr. REID) proposed an amendment to the bill, H.R. 2107, supra; as follows:

At the appropriate place add the following new section:

''SEC. . Conveyance of Certain Bureau of Land Management Lands in Clark County, Nevada—

(a) FINDINGS.—Congress finds that—

(1) certain landowners who own property adjacent to land managed by the Bureau of Land Management in the North Decatur Boulevard area of Las Vegas, Nevada, bordering on North Las Vegas, have been adversely affected by certain erroneous private land surveys that the landowners believed were accurate;

(2) the landowners have occupied or improved their property in good faith reliance on the erroneous surveys of the properties;

(3) the landowners believed that their entitlement to occupancy was finally adjudicated by a Judgment and Decree entered by the Eighth Judicial District Court of Nevada on October 26, 1989;

(4) errors in the private surveys were discovered in connection with a dependent resurvey and section subdivision conducted by the Bureau of Land Management in 1990, which established accurate boundaries between certain Federally owned properties and private properties; and

(5) the Secretary has authority to sell, and it is appropriate that the Secretary should sell, at fair market value, the properties described in section 2(b) to the adversely affected landowners.

(b) CONVEYANCE OF PROPERTIES.

(1) PURCHASE OFFERS—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the city of Las Vegas, Nevada, on behalf of the owners of real property located adjacent to the properties described in paragraph (2), may submit to the Secretary of the Interior, acting through the Director of the Bureau of Land Management (referred to in this Act as the 'Secretary'), a written offer to purchase the properties.

(B) INFORMATION TO ACCOMPANY OFFER—An offer under subparagraph (A) shall be accompanied by—

(i) a description of each property offered to be purchased;

(ii) information relating to the claim of ownership of the property based on an erroneous land survey; and

(iii) such other information as the Secretary may require.

(2) DESCRIPTION OF PROPERTIES—The properties described in this paragraph, containing 68.60 acres, more or less, are—

(A) Government lots 22, 23, 26, and 27 in sec. 18, T. 19 S., R 61 E., Mount Diablo Meridian;

(B) Government lots 20, 21, and 24 in sec. 19, T. 19 S., R. 61 E., Mount Diablo Meridian; and

(C) Government lot 1 in sec. 24, T. 19 S., R. 60 E., Mount Diablo Meridian.

(3) CONVEYANCE—

(A) IN GENERAL—Subject to the condition stated in subparagraph (B), the Secretary shall convey to the city of Las Vegas, Nevada, all right, title, and interest of the United States in and to the properties offered to be purchased under paragraph (1) on payment by the city of the fair market value of the properties, based on an appraisal of the fair market value as of December 1, 1982, approved by the Secretary.

(B) CONDITION—Properties shall be conveyed under subparagraph (A) subject to the condition that the city convey the properties to the landowners who were adversely affected by reliance on erroneous surveys as described in subsection (a).

MURKOWSKI AMENDMENT NO. 1245

Mr. MURKOWSKI proposed an amendment to the bill, H.R. 2107, supra; as follows:

At the appropriate place insert the following:

''SEC. . Notwithstanding any other provision of law, in payment for facilities, equipment, and interests destroyed by the Federal Government at the Stampede Mine Site within the boundaries of Denali National Park, (1) the Secretary of the Interior, within existing funds designated by this Act for expenditure for Departmental Management, shall by September 15, 1998: (A) provide funds, subject to an appraisal in accordance with standard appraisal methods, not to exceed $500,000 to the University of Alaska Fairbanks, School of Mineral Engineering;

and, (B) shall remove mining equipment at the Stampede Mine Site identified by the School of Mineral Engineering to a site specified by the School of Mineral Engineering; and (2) the Secretary of the Army shall provide, at no cost, two six by six vehicles, in excellent operating conditions, or equivalent equipment to the University of Alaska Fairbanks, School of Mineral Engineering and shall construct a bridge across the Bull River to the Golden Zone Mine Site to allow ingress and egress for the activities conducted by the School of Mineral Engineering. Upon transfer of the funds, mining equipment, and the completion of all work designated by this section, the University of Alaska Fairbanks, School of Mineral Engineering shall convey all remaining rights and interests in the Stampede Mine Site to the Secretary of the Interior.''

MURKOWSKI AMENDMENT NO. 1246

Mr. GORTON (for Mr. MURKOWSKI) proposed an amendment to the bill, H.R. 2107, supra; as follows:

At the appropriate place add the following new section:

''SEC. . DELETE SECTION 103(C)(7) OF PUBLIC LAW 104–333 AND REPLACE THE FOLLOWING:

''(7) STAFF.—Notwithstanding any other provisions of law, the Trust is authorized to appoint and fix the compensation and duties and terminate the services of an executive director of such other officers and employees as it deems necessary without regard to the provisions of title 5, United States Code or other laws related to the appointment, compensation or termination of federal employees.''.

THE RELIGIOUS WORKERS ACT OF 1997

HATCH (AND KENNEDY) AMENDMENT NO. 1247

Mr. JEFFORDS (for Mr. HATCH, for himself and Mr. KENNEDY) proposed an amendment to the bill (S. 1198) to amend the Immigration and Nationality Act to provide permanent authority for entry into the United States of certain religious workers; as follows;

At the end of the bill, add the following:

SECTION 3. WAIVER OF NONIMMIGRANT VISA FEES FOR CERTAIN CHARITABLE PURPOSES.

Section 281 of the Immigration and Nationality Act (8 U.S.C. 1351) is amended by adding at the end the following new sentence: ''Subject to such criteria as the Secretary of State may prescribe, including the duration of stay of the alien and the financial burden upon the charitable organization, the Secretary of State shall waive or reduce the fee for application and issuance of a non-immigrant visa for any alien coming to the United States primarily for, or in activities related to, a charitable purpose involving health or nursing care, the provision of food or housing, job training, or any other similar direct service or assistance to poor or otherwise needy individuals in the United States.''.

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR–301, Russell Senate Office Building, on Thursday, September 25, 1997 at 9:30 a.m. to conduct a hearing on Capitol security issues.

For further information concerning this hearing, please contact Ed Edens of the Rules Committee staff at 224–6678.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management.

The hearing will take place Thursday, September 25, 1997 at 2:00 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on the following bills: S. 799, a bill to direct the Secretary of the Interior to transfer to the personal representative of the estate of Fred Steffens of Big Horn County, Wyoming, certain land compromising the Steffens family property; S. 814, a bill to direct the Secretary of the Interior to transfer to John R. and Margaret J. Lowe of Big Horn County, Wyoming, certain land so as to correct an error in the patent issued to their predecessors in interest; H.R. 960, a bill to validate certain conveyances in the City of Tulare, Tulare County, California, and for other purposes.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Judy Brown or Mike Menge at (202) 224–6170.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Thursday, September 18, 1997 at 9:00 a.m. in SD–106 to examine the broad implications of the recently proposed tobacco settlement.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, September 18, 1997, at 9:30 a.m. on the nominations of Robert Mallett to be Deputy Secretary of Commerce and W. Scott Gould to be Assistant Secretary of Commerce.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, September 18, for purposes of conducting a full committee hearing which is scheduled to begin at 9:00 a.m. The purpose of this hearing is to consider the nominations of Ernest J. Moniz to be Under Secretary, Department of Energy; Michael Telson to be Chief Financial Officer, Department of Energy; Mary Anne Sullivan to be General Counsel, Department of Energy; Dan Reicher to be Assistant Secretary for Energy Efficiency and Renewable Energy, Department of Energy; Robert Gee to be Assistant Secretary for Policy and International Affairs, Department of Energy; and John Angell to be Assistant Secretary for Congressional and Intergovernmental Affairs, Department of Energy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 18, 1997, at 10:00 am to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GORTON. Mr. President, I ask Unanimous Consent on behalf of the Governmental Affairs Committee Special Investigation to meet on Thursday, September 18, at 10:00 a.m. for a hearing on campaign financing issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on the Judiciary, be authorized to hold an executive business meeting during the session of the Senate on Thursday, September 18, 1997, at 10:00 a.m., in room 226 of the Senate Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, September 18, 1997, at 2:00 p.m. until business is completed to hold a hearing in order to receive testimony relating to the contested Senate election in Louisiana in November, 1996.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. GORTON. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on:

Thursday, September 18, 1997 at 10:00 a.m. to hold an open hearing on China.

Thursday, September 18, 1997 at 2:30 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. GORTON. Mr. President, I ask unanimous consent that the Science, Technology and Space Subcommittee of the Committee on Commerce, Science and Transportation be authorized to meet on Thursday, September 18, 1997, at 2:00 p.m. on International Space Station.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

COMMEMORATING HISPANIC HERITAGE MONTH

• Mr. ABRAHAM. Mr. President, I rise today to honor one of the Nation's most vibrant communities: Hispanic-Americans, and join in celebrating September 15 through October 15, 1997, as Hispanic Heritage Month.

America is blessed with a wide variety of peoples and cultures. The Hispanic community, comprising cultures from Central and South America as well as Europe, has had an especially far-reaching impact on our Nation. From the arts and literature, to the sciences and business, the Hispanic community has helped shape America into a vibrant, dynamic society envied by the world.

It gives me great pleasure to acknowledge Hispanic Americans and their immigrant ancestors for their many significant and positive contributions to America. This country was built by immigrants—a great many of whom were of Hispanic descent. Hispanic individuals came to this country to seek opportunity, flee oppression, or find a better place to raise their families.

Many of these immigrants became successful in many disciplines, including business, education, entertainment, politics, and medicine. We know them, or their children or grandchildren, as pillars of our communities. And many immigrants went beyond the call of duty to serve their adopted homeland.

One such immigrant was Alfred Rascone, who immigrated to the United States from Mexico. At age 20, as a lawful permanent American resident, Mr. Rascone volunteered for military service in Vietnam as a paratrooper combat medic. On one fateful mission Mr. Rascone twice used his own body to shield wounded comrades from enemy guns. Severely wounded, he refused to be evacuated until all the wounded were safe. He kept tending the wounded until he collapsed, so hurt that a priest at the scene gave him last rites.

Mr. Rascone's comrades are to this day pursuing his proper recognition: the Congressional Medal of Honor.

Our Nation is much richer for having Alfred Rascone in it. He has the kind of character any American would do well to emulate. We can only gain by attracting more Alfred Rascones to our shores.

Across the Nation and in my home State of Michigan, events are taking place which demonstrate the rich Hispanic heritage in our country. These festivities will give every American the chance to participate in Hispanic culture. These events will educate, inform, and entertain, all with a distinctive cultural flair. Hispanic Heritage Month recognizes how important this community is to the United States, and I join my colleagues in looking forward to the many opportunities this month will provide.•

HALF THE WORLD'S POPULATION LIVES WITHOUT BASIC SANITATION

• Mr. LEAHY. Mr. President, Senator MCCONNELL and I have worked this year to bring more attention and resources to combat infectious diseases, which afflict many millions of people around the world and pose a serious public health threat to Americans both here and abroad. The scope of this problem was illustrated in a July 23 article in the New York Times, about the UNICEF 1997 ''Progress of Nations'' report which revealed that nearly half of the world population does not have access to basic sanitation.

For most Americans, it is hard to fathom living without something as basic as a clean toilet. Yet over 2 million children die each year from diseases and diarrhea directly related to a lack of basic sanitation. Some of the countries with populations suffering from the worst sanitation problems, including Haiti and Cambodia, have received millions of dollars in United States and international aid. Addressing these basic needs should be a priority of our assistance programs in these countries.

Mr. President, the United States cannot fund the infrastructure to provide clean water and sanitary sewer systems for the 3 billion people in the world who currently lack such basic necessities. That is beyond our means or responsibilities. However, we should do all we can. The developing countries themselves are investing approximately $200 billion a year on new infrastructure. The Agency for International Development is currently spending about $44 million on urban infrastructure projects in parts of Africa, Asia, Latin America, and Eastern Europe, among other regions. This has shrunk from the $150 million in loan guarantees that were available in 1993 for similar projects.

Epidemics that spread in unsanitary living conditions can and will become threats in the United States. Both the Senate and House fiscal year 1998 Foreign Operations appropriations bills provide additional money to combat infectious diseases. I am hopeful that with these additional resources, AID, the World Health Organization, the Center for Disease Control, and other government and international agencies and private organizations involved in this effort, will be able to develop a coherent plan to expand research, provide training and medicines to public health officials, and help establish the global surveillance and response system necessary to combat these diseases.•

TELECOMMUNICATIONS SUMMIT

• Mr. DOMENICI. Mr. President, for many rural communities in my home State of New Mexico, the wonders and advantages of the telecommunications explosion—Internet, telecommuting, wireless communications—remain an unfulfilled promise. Yet, my recent 2-week trip throughout rural New Mexico showed me signs that the telecommunications revolution has begun to take hold in our State. As I continue to make rural economic development in New Mexico my top economic priority, through an innovative program that we call rural payday, full use of telecommunications will play a key role.

Highlighting the relationship between the telecommunications revolution and rural economic development was a full-day Telecommunications Summit we organized in Albuquerque last month. Organized under the auspices of the Small Business Advocacy Council of New Mexico, which I established 3 years ago, this summit brought together more than 200 telecommunications professionals, businessmen, and scientists from throughout our State. Key to this summit was the help provided by personnel from Sandia National Laboratory, who generously gave of their time, immense talent, and expertise throughout the planning period of the summit and during the day-long event.

What all of us learned from this summit can be summarized easily:

First, for rural small business owners, intelligent and creative use of telecommunications can mean the difference between survival and failure;

Second, the Telecommunications Act of 1996 will continue to play an unpredictable and major role as rural communities try to use telecommunications to solidify their economic futures;

Third, the large telecommunications, Internet and wireless providers must do more to help rural communities try to use telecommunications to solidify their economic futures;

Fourth, basic telecommunications infrastructure remains a serious obstacle to rural economic development in many areas;

Fifth, potential for economic development using telecommunications is limited only by the users' imaginations;

Sixth, the unique expertise of the national laboratories in New Mexico hold the potential to help spread economic development throughout our State and, by example, beyond the borders of our State.

During my trip in August, I saw many examples of how telecommunications helps small businesses thrive. Let me give you two examples.

In Socorro, NM, Don Tripp of Tripp's Incorporated has expanded his operations by establishing a virtual call center for his sales associates. By capitalizing on advances in telecommunications, Tripp was able to provide many of his employees with the option of telecommuting. This approach has worked well and Tripp's Inc. has moved forward with a happier, more productive and flexible work force.

An example of using the talents of the national laboratories to help foster rural economic development is the recently-developed New Mexico Arts Database in Santa Fe, NM. With the aid of Los Alamos National Laboratory, many New Mexico artists and artisans will soon be able to sell their art over the Internet. No longer will these artists be limited to traditional, and very expensive, outlets or by location. Their art will become accessible via the Internet to potential customers throughout the world.

We hope to coordinate these and other innovative approaches to rural economic development through the Rural Payday, Inc., organization I mentioned earlier. This initiative will focus on attracting and encouraging telecommunications-related businesses, and businesses that can use telecommunications tools more innovatively, to New Mexico. Such businesses as 1–800 call centers, automatic data processing satellite offices, more traditional businesses that can expand into rural New Mexico using new communications tools, and telemedicine firms, to name a few, can become realities for small and rural New Mexico. If we get the cooperation of the major telecommunications firm in infrastructure and basic communications services, a serious problem that rural America must face, we can revive smalltown America. I was glad to see that the major telecommunications providers in our State were at least willing to meet with potential customers from rural areas and try to work out new approaches. More on this front needs to be done, and I pledge that I will push these major firms at every opportunity.

The New Mexico Telecommunications Summit, the first of its kind in our State, opened a little window on the future. With more cooperation between users and providers of telecommunications services, and with the continued good work of our small business community and our national laboratories, New Mexico has the chance to create a thriving rural economy that will expand in the 21st century.

I would like to recognize the many companies and individuals who made this event such a tremendous success. I would like to also thank every Small Business Advocacy Council member who took the time to attend and organize this conference. In addition, I thank especially Angela Atterbury and Paul Silverman for their tireless efforts in coordinating this event on behalf of the SBAC. And, Sandia and Los Alamos National Laboratories deserve credit for all their work at the Summit and the accompanying Business Applications Fair. Finally, thanks to the Internet, wireless and telecommunications providers who participated in this event. We need their help greatly in the future.●

A VICTORY FOR AMERICANS

● Mr. LAUTENBERG. Mr. President, in the House of Representatives yesterday an amendment that would have allowed foreign governments to export to the United States for commercial sale millions of lethal military weapons the U.S. previously made available to them was dropped from the Treasury Appropriations bill. I have vigorously opposed this amendment in the Senate, and have worked to keep it out of Senate Appropriations bills. I congratulate Representatives MCCARTHY, LOWEY, KENNEDY, SHAYS, and MALONEY for successfully working to delete the provision from the House bill.

As my colleagues may know, the amendment was originally adopted during the House Appropriations Committee markup of the Treasury, Postal Service, and General Government Appropriations bill for fiscal year 1998 without discussion or debate. Last year a similar amendment was slipped into the Senate version of the Commerce, Justice, State and the Judiciary Appropriations bill, but it was not included in the final version of the spending law.

It has been the policy of the Reagan, Bush, and Clinton Administration's not to permit these American made military weapons to be exported for commercial sale in the U.S. market. The Administration strongly opposed the amendment to allow foreign governments to export them for commercial sale. So did a coalition of fifty organizations, including the Coalition to Stop Gun Violence, Handgun Control, Inc., and the Violence Policy Center. I ask that a copy of a letter from these organizations be printed in the RECORD. I also ask that copies of editorials from the New York Times, the Washington Post, and the Times of Trenton, be printed in the RECORD at the conclusion of my remarks.

The weapons that would have flooded our streets had this amendment been approved were granted or sold to foreign governments, often at a discount, through military assistance programs, and some are even ''spoils of war.'' Their market value exceeds $1 billion. The State Department estimates that 2.5 million such weapons have been granted or sold to foreign governments since 1950. About 1.2 million are M–1 carbines, which are semiautomatic weapons that can easily be converted to illegal, fully automatic weapons. The weapons at issue are called ''curios or relics'' because they are considered to have historic value or are more than 50 years old. But they are not innocuous antiques. These military weapons may be old, but they are lethal. Ten American police officers have recently been killed with these dangerous weapons. And in just two years the weapons were traced to more than 1800 crimes nationwide.

Allowing the importation of large numbers of these lethal weapons would have undermined efforts to reduce gun violence in this country. It would have reduced the cost of the weapons, making them more accessible to criminals.

Enactment of the provision could also have provided a windfall for foreign governments at the expense of the U.S. taxpayer. Under the proposal, our government's ability to require foreign governments which received American manufactured weapons to return proceeds of the sales to the United States Treasury would have been severely limited. Consequently, countries that the U.S. assisted in times of need, such as South Korea and the Philippines, could have made a handsome profit off of our weapons. Even countries like Iran and Vietnam could have profited.

Allowing more than two million U.S.-origin military weapons to enter the United States would profit a limited number of arms importers but would not be in the overall interest of the American people. These weapons are not designed for hunting or for shooting competitions; they are designed for war. Our own Department of Defense does not sell these weapons on the commercial market for profit in the United States. Foreign countries should not be permitted to do so either.

I'm delighted that this provision has been dropped from the House version of the bill. I have introduced legislation, S. 723, to repeal a loophole in the Arms Export Control Act that could enable these weapons to enter the country under a future Administration. I hope the Congress will approve this bill.

In the meantime, Mr. President, this is a huge victory for the American taxpayer and a victory for all concerned about safety.

The material follows:

[From the New York Times, Sept. 9, 1997]

THE SURPLUS GUN INVASION

Gun dealers, with the enthusiastic support of the National Rifle Association, are once again trying to sneak through Congress a measure that could put 2.5 million more rifles and pistols onto American streets and provide a handsome subsidy for weapons importers and a few foreign governments. This bill, introduced with disgraceful stealth, should be pounced on by the Clinton Administration and all in Congress who are concerned about crime.

The bill is an amendment to the Treasury Department's appropriation, which may come to a vote in the House this week. It would allow countries that received American military surplus M–1 rifles, M–1 carbines and M1911 pistols to sell them to weapons dealers in the United States. The countries—allies and former allies such as the Philippines, South Korea, Iran and Turkey—got the guns free or at a discount or simply kept them after World War II, or the Korean and Vietnam wars. Current law requires them to pay the Pentagon if they sell the guns and bars Americans from importing

them. The new bill would change both provisions.

The N.R.A. argues that the guns are merely relics. But they are not too old to kill. In 1995 and 1996 the Bureau of Alcohol, Tobacco and Firearms traced these models to more than 1,800 crime sits. Senator Frank Lautenberg, the bill's main opponent, says these guns have killed at least 10 police officers since 1990. M–1 carbines can be converted to automatic firing, and all the M–1's are easily converted into illegal assault weapons.

Republicans attached a similar bill to an emergency spending measure last year but took it out under pressure from the White House. President Clinton should threaten to veto the Treasury appropriation if the measure remains.

[From the Washington Post, Aug. 4, 1997]

SURPLUS WEAPONS, SURPLUS DANGER

Gun sales are flat, so the nation's gun importers are looking to shake up the market. Once again they want permission to bring into the country an arsenal of as many as 2.5 million U.S. Army surplus weapons that were given or sold to foreign governments decades ago.

The industry classifies the guns as obsolete ''curios and relics'' of interest mostly to collectors and sports shooters. But they're not talking about a gentleman officer's pearl-handled revolvers. These are soldiers' M1 Garand rifles, M1 carbines and .45-caliber M1911 pistols; some can be converted to automatic or illegal assault weapons with parts that cost as little as $100. For public safety reasons, the Pentagon declines to transfer such surplus to commercial gun vendors, which is why the Clinton, Bush and Reagan administrations have enforced a policy of keeping the overseas weapons out.

This week, the gun importers, cheered on by the National Rifle Association, quietly persuaded a House appropriations panel to approve language to prevent the State, Justice and Treasury departments from denying the importers' applications. It's a slap at the country's efforts to reduce gun violence.

To introduce a flood of these historical weapons is to risk driving down the price of firearms and putting more within the reach of street criminals. It isn't simply gun-control groups but the Bureau of Alcohol, Tobacco and Firearms that warns of an increased use of these kinds of weapons against police around the country. In 1995–96 alone, 304 U.S. military surplus M1 rifles and 99 surplus pistols were traced to crime scenes. At least nine law enforcement officers have been killed by M1 rifles or M1911 pistols since 1990, according to Sen. Frank Lautenberg (D–N.J.), who has introduced legislation to cement the import ban in law by reconciling some contradictory statutes.

The State Department says that weapons transfers—even for outdated guns—should remain an executive branch prerogative to be handled country by country. Why should the governments of Turkey, Italy or Pakistan collect a windfall from U.S. gun importers when the products they are trading originally were supplied by the U.S. government? Why should Vietnam and Iran be allowed to earn currency from U.S.-made weaponry they took as ''spoils of war.'' President Clinton last year headed off a similar effort to allow in the surplus weapons and should be counted on to do so again.

STEALTH AMENDMENT SNEAKS IN WEAPONS

LAUTENBERG TRIES TO STOP PROVISION

Lobbyists for the National Rifle Association scored a big victory in August when they sneaked in a little clause in the House Appropriations bill allowing about 2.5 million guns to be imported into the United States.

This bill, which sets aside money for the Treasury, Postal Service and general government appropriations, is about to be up for a House vote and, unless this provision is changed, the U.S. market soon will be flooded with these dangerous weapons.

The guns are military weapons that were given or sold to friendly foreign governments, such as South Korea, Turkey, Iran and South Vietnam. They are called ''curios and relics'' since they were used in international battles or are at least 50 years old.

The NRA claims these weapons, M–1 Garand, M–1 carbine rifles and .45-caliber M1911 pistols, are collectibles for military-history buffs and do no damage.

Sen. Frank Lautenberg, D–N.J., who is leading the charge to remove the gun provision, thinks otherwise. He says they are dangerous weapons and cities 1995 and 1996 Bureau of Alcohol, Tobacco and Firearms statistics linking these particular models to 1,800 crimes, including the killing of at least 10 police officers in the past seven years. Those same statistics show New Jersey ranked seventh in the nation for crime scenes involving M–1 rifles and M1911 pistols.

Lautenberg says about 1.2 million of the weapons are M–1 carbines, semiautomatic weapons which easily are converted into fully automatic weapons.

The State Department, starting in the Reagan era, has forbidden foreign governments from exporting these guns into the United States for sale. It is inconceivable that under the Clinton administration, known for its anti-gun policies, this wise prohibition would be reversed.

Lautenberg, who successfully stopped a similar proposal in the Senate, says no one is paying attention to the provisions in the House bill. The sounds of silence soon may be overcome by the sounds of more needless weapons being fired in this country.

[From the Times, Sept. 14, 1997]

STOP THE GUN INVASION

Congress does its dirtiest work in the dark, with little or no debate. An outstanding example of this propensity was the $50 billion giveaway to the tobacco industry that Senate Majority Leader Trent Lott and House Speaker Newt Gingrich smuggled into the balanced-budget package at the last minute. The huge public protest that followed belated disclosure of that outrage was heard in Washington, and last week the Senate voted 95–3 to repeal the provision. Even Sen. Lott voted yes. Let's hope the lopsidedness of the Senate tally will help persuade the House to go along with the repealer.

Now a similar effort is needed to undo some major mischief committed in the House Appropriations Committee in the days before the August recess. An amendment to the Treasury Department funding bill, hurriedly approved with almost no discussion, would allow some 2.5 million surplus U.S. military rifles and pistols to enter this country. They would come from U.S. allies and former allies, such as the Philippines, South Korea, Turkey and even Iran and Vietnam, which got the guns free or at cost, during the various wars of this century. Present law requires these countries to pay the U.S. government if they sell the guns and prohibits Americans from importing them, but the stealth amendment to the appropriations bill would nullify those provisions. These foreign countries have no right to rake in a windfall from munitions originally supplied by the U.S. government—munitions that our own Department of Defense doesn't sell on the commercial market for profit in the U.S.

The amendment was pushed by—who else?—the National Rifle Association, along with gun wholesalers, who envision making significant profits importing M–1 Garand and M–1 carbine rifles and .45-caliber M1911 pistols. The NRA argues that the guns are ''curios or relics'' that veterans want to own as mementos. But as weapons made for the battlefield they also happen to be very lethal, and, if imported in quantity, they would be cheap—two attributes that would make them catnip to criminals. In 1995 and 1996 the Bureau of Alcohol, Tobacco and Firearms traced these models to more than 1,800 crime sites. Such guns have killed at least 10 police officers since 1990, including Franklin Township Sgt. Ippolito ''Lee'' Gonzalez, shot down two years ago with a M1911 wielded by the notorious parolee Robert ''Mudman'' Simon. The semiautomatic M–1 carbines are light, easy to carry, and easily convertible to illegal automatic weapons.

Last year a similar amendment was slipped into the Senate version of a departmental appropriations bill, but at the insistence of the White House the provision was removed. This year, Sen. Frank Lautenberg, D–N.J., one of the strongest advocates in Congress of a sensible national gun policy, was able to block similar legislation in the Senate, and he's leading the fight to keep the provision out of the final version of the Treasury appropriations bill that's sent to the White House. President Clinton, for his part, should make it clear that he's as opposed as ever to this terrible idea, and will veto any spending bill that includes it.

SEPTEMBER 8, 1997.

DEAR REPRESENTATIVE: In late-July, during mark-up of the Fiscal Year 1998 Treasury-Postal Service-General Government Appropriations bill, the Appropriations Committee accepted an amendment that would allow foreign governments to export to the United States for commercial sale, millions, of military weapons the United States previously made available to foreign countries through military assistance programs.

For a range of public health and safety national security, and taxpayer reasons, we strongly urge you vote to delete the provision from the Fiscal Year 1998 Treasry-Postal Service-General Government Appropriations bill.

Supporters of this amendment describe it as an innocuous measure which simply allows the importation of some obsolete ''curios and relics.'' In reality, the amendment would allow the import of an estimated 2.5 million weapons of war, including 1.2 million M1 carbines. The M1 carbine is a semi-automatic weapon that can be easily converted into automatic fire and comes equipped with a 15-30 round detachable magazine.

THIS IS A PUBLIC SAFETY ISSUE

Although the backers of the provision claim that these World War II era weapons are now harmless ''curios and relics'', in reality they remain deadly assault weapons. According to the Bureau of Alcohol, Tobacco, and Firearms, the M1 Carbine can easily be converted into a fully-automatic assault rifle. For this reason, the Department of Defense has refused to sell its surplus stocks of these weapons to civilian gun dealers and collectors in the United States.

According to Raymond W. Kelley, the Treasury Department's Under-Secretary for Enforcement, the inflow of these weapons will drive down the price of similar weapons, making them more accessible to criminals. Already, during 1995–1996, ATF has traced 1,172 M1911 pistols and 639 M1 rifles to crimes committed in the United States.

THIS IS A GOVERNMENT OVERSIGHT CONCERN

Nearly 2.5 million of these weapons were given or sold as ''security assistance'' to allied governments. Under United States law, recipients of American arms and military

aid must obtain permission from the United States government before re-transferring those arms to third parties. Setting a dangerous precedent, this amendment fundamentally undercuts the ability of the United States government to exercise its right of refusal on retransfer of United States arms.

The Reagan, Bush, and Clinton Administrations have all barred imports of these military weapons by the American public. The Appropriations bill explicitly overrides this policy, prohibiting the government from denying applications for the importation of ''U.S. origin ammunition and curio or relic firearms and parts.'' In effect, the provision would force the Administration to allow thousands of M1 assault rifles and M1911 pistols into circulation with the civilian population, thereby not only threatening public safety but also undermining governmental oversight and taxpayer accountability.

THIS IS ALSO A TAXPAYER CONCERN

The amendment also presents a windfall of millions of dollars to foreign governments and United States gun dealers. The amendment effectively terminates a requirement that allies reimburse the United States treasury if they sell United States-supplied weapons. According to ATF, each M1 Carbine, M1 Garand rifle, and M1911 pistol currently sells for about $300–500 in the United States market. The South Korean, Turkish, and Pakistani governments and militaries stand to make millions from the resale of these weapons. South Korea has 1.3 million M1 Garands and Carbines, while the Turkish military and police have 136,000 M1 Garands and 50,000 M1911 pistols. These weapons were originally given free, or sold at highly subsidized rates, or retrieved as ''spoils of war.'' The United States Department of Defense does not sell these lethal weapons on the commercial market for profit. Why should we allow foreign governments to do so?

Again, we strongly urge you vote to delete this provision from the Fiscal Year 1998 Treasury-Postal Service-General Government Appropriations bill.

Thank you.

American College of Physicians; American Friends Service Committee, James Matlack, Director, Washington Office; American Jewish Congress, David A. Harris, Director, Washington Office; American Public Health Association, Mohammad Akhter, M.D., Executive Director; Americans for Democratic Action, Amy Isaacs, National Director; British American Security Information Council, Dan Plesch, Director; Ceasefire New Jersey, Bryan Miller, Executive Director; Children's Defense Fund; Church of the Brethren, Washington Office, Heather Nolen, Coordinator; Church Women United, Ann Delorey, Legislative Director; Coalition to Stop Gun Violence, Michael K. Beard, President; Community Healthcare Association of New York State, Ina Labiner, Executive Director; Concerned Citizens of Bensonhurst, Inc., Adeline Michaels, President; Connecticut Coalition Against Gun Violence, Sue McCalley, Executive Director; Demilitarization for Democracy; Episcopal Peace Fellowship, Mary H. Miller, Executive Secretary; Federation of American Scientists, Jeremy J. Stone, President; Friends Committee on National Legislation, Edward (Ned) W. Stowe, Legislative Secretary; General Federation of Women's Clubs, Laurie Cooper, GFWIC Legislative Director; Handgun Control, Inc., Sarah Brady, Chair; Independent Action, Ralph Santora, Political Director; Iowans for the Prevention of Gun Violence, John Johnson, State Coordinator; Legal Community Against Violence, Barrie Becker, Executive Director; Lutheran Office for Government Affairs, ELCA, The Rev. Russ Siler; Mennonite Central Committee, Washington Office, J. Daryl Byler, Director; National Association of Children's Hospitals and Related Institutions, Stacy Collins, Associate Director, Child Health Improvement; National Association of Secondary School Principals, Stephen R. Yurek, General Counsel; National Black Police Association, Ronald E. Hampton, Executive Director; National Coalition Against Domestic Violence, Rita Smith, Executive Director; National Commission for Economic Conversion and Disarmament, Miriam Pemberton, Director; National Council of the Churches of Christ in the U.S., Albert M. Pennybacker, Director, Washington Office; National League of Cities; New Hampshire Ceasefire, Alex Herlihy, Co-Chair; New Yorkers Against Gun Violence, Barbara Hohlt, Chair; Orange County Citizens for the Prevention of Gun Violence, Mary Leigh Blek, Chair; Peace Action, Gordon S. Clark, Executive Director; Pennsylvanians Against Handgun Violence, Daniel J. Siegel, President; Physicians for Social Responsibility, Robert K. Musil, PhD., Executive Director; Presbyterian Church (U.S.A.), Washington Office, Elenora Giddings Ivory, Director; Project on Government Oversight, Danielle Brian, Executive Director; Saferworld, Peter J. Davies, U.S. Representative; Texans Against Gun Violence-Houston, Dave Smith, President; Unitarian Universalist Association of Congregations, The Rev. Meg A. Riley, Director, Washington Office for Faith In Action; U.S. Conference of Mayors; Unitarian Universalist Service Committee, Richard S. Scobie, Executive Director; Virginians Against Handgun Violence, Alice Mountjoy, President; WAND (Women's Action for New Directions), Susan Shaer, Executive Director; Westside Crime Prevention Program, Marjorie Cohen, Executive Director; YWCA of the U.S.A., Prema Mathai-Davis, Chief Executive Officer; 20/20 Vision, Robin Caiola, Executive Director.●

WESTLAND CHAMBER OF COMMERCE

● Mr. ABRAHAM. Mr. President, I rise today to pay tribute to the members of the Westland Chamber of Commerce on the occasion of their 35th anniversary. Since 1962, this organization has done a commendable job in reaching out to the community by supporting such programs as D.A.R.E., the Annual Jobs and Career Fair, and scholarships to local college-bound students. Through these and countless other programs, the Westland Chamber of Commerce has assisted local entrepreneurs as they begin and expand their businesses, and in so doing, has made a significant and substantive impact on the quality of life for residents in the Westland Community.

Mr. President, Westland is the 10th largest city in Michigan and was recently rated third in the top five shopping areas by the Michigan Retailers Association. Much of this success has been thanks, in part, to the chamber's work in promoting local businesses. The community of Westland is grateful for the tremendous support the chamber has given, and on behalf of the U.S. Senate, thanks is due to the chamber for making Michigan a better place.●

NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK

● Mr. SARBANES. Mr. President, this week, from September 14–20, has been designated National Historically Black Colleges and Universities Week, and I am pleased to take this opportunity to recognize the achievements of these fine institutions of higher education.

For more than 150 years, the 116 historically black colleges and universities [HBCU's] throughout our Nation have played a vital role in providing students with an exceptional education. These institutions have significantly increased educational access for thousands of economically and socially disadvantaged Americans, particularly young African-Americans. In turn, armed with this educational opportunity, these young people have risen to the challenges of our time and have become leaders not only of their own communities, but of our Nation as well.

While constituting only 3 percent of the Nation's colleges, HBCU's enroll 16 percent of all African-Americans students in higher education. Each year they award approximately 28 percent of all baccalaureate degrees earned by African-Americans nationwide and they continue to graduate the majority of African-Americans who go on to earn advanced degrees, including 75 percent of all African-American PhD's, 50 percent of all African-American attorneys, and 75 percent of all African-American military officers. The success of these institutions in providing educational opportunities for African-Americans in unparalleled.

My own State of Maryland is privileged to be served by four outstanding historically black colleges and universities: Bowie State University, Coppin State College, Morgan State University, and the University of Maryland Eastern Shore. These four institutions, all of which have undergone dramatic growth in recent years, have contributed significantly to the higher education system in Maryland.

Bowie State, one of the oldest black universities in the United States, is the Nation's first historically African-American institution to offer graduate programs in Europe. While providing high quality education to thousands of African-Americans, Coppin State has uniquely focused on serving the residents of inner-city Baltimore for almost 100 years. Morgan State annually ranks among the top 10 public campuses nationally in the number of baccalaureate recipients who pursue doctorate degrees. The University of

Maryland Eastern Shore, which celebrates its 111th anniversary this week, commits itself to combining an excellent education with an emphasis on meeting the needs of the region by providing a doctorate in marine-estuarine-environmental science and toxicology. These are just a few examples of the strong commitment HBCU's have demonstrated throughout the years in preparing our young people for the increasingly technological and global economy.

The extraordinary contributions of historically black colleges and universities in educating African-American students cannot be overstated. They are a valuable national resource which are being rightly honored for their exemplary tradition in the area of higher education. I am very pleased to join with them and citizens throughout the Nation in celebrating National Historically Black Colleges and Universities Week.●

CORRECTION TO SENATE BUDGET COMMITTEE OUTLAY ALLOCATIONS

● Mr. DOMENICI. Mr. President, I submit for the RECORD a technical correction to the Senate committee allocations under section 302 of the Congressional Budget Act.

The correction follows:

Senate Committee	Direct Spending Jurisdiction (In millions of dollars)	
	FY 1998	Total FY 1998–2002
Environment and Public Works:		
Budget Authority	25,437	124,266
Outlays	2,715	10,398●

ARMENIAN INDEPENDENCE DAY, SEPTEMBER 23, 1997

● Mr. ABRAHAM. Mr. President, I rise today to recognize the sixth anniversary of the Republic of Armenia. Through the devastating genocide committed by the Ottoman Turks to the search for independence, the people of Armenia have been steadfast in purpose and spirit. Today, we celebrate the event which happened on September 23, 1991, when Armenia declared its independence from the U.S.S.R. With its new-found independence, the Republic created radical free-market economic reforms, held the first free Presidential election, and is the only former Soviet Republic that is governed by a democratically elected leader with no ties to the Communist Party. Despite the hardships that the people of Armenia have endured, they continue to hold strong to the belief that independence and security are essential for the country to prosper. Oliver Wendell Holmes once said ''the great thing in this world is not so much where we stand, as in what direction we are moving.'' Although the Republic of Armenia continues to face an ongoing blockade by Turkey and Azerbaijan, I am convinced it is not where Armenia stands now but rather the perseverance which exists, that will lead Armenia into the future. Let it be known, that I encourage the citizens and Government of the Republic to remain faithful to the ideals of democracy and to continue to strengthen the relationship between Armenia and the United States.●

ORDERS FOR FRIDAY, SEPTEMBER 19, 1997

Mr. JEFFORDS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m., on Friday, September 19. I further ask that on Friday, immediately following the prayer, the routine requests through the morning hour be granted and that the Senate immediately resume consideration of S. 830, the FDA reform bill, with Senator KENNEDY being recognized until 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. I also ask consent that at 10:30 a.m., Senator DURBIN be recognized to debate his amendments under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. I further ask consent that at 12 noon, the Senate proceed to a period of morning business with Senators being permitted to speak up to 5 minutes, with the following exceptions: Senator COVERDELL or his designee, 90 minutes, from 12 noon until 1:30; Senator DASCHLE or his designee, 90 minutes from 1:30 until 3:00.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. JEFFORDS. Mr. President, tomorrow morning the Senate will resume consideration of S. 830, the FDA reform bill. Under the previous order, Senator KENNEDY will be recognized until 10:30 a.m. for debate only. As previously announced, there will be no rollcall votes on Friday.

Following Senator KENNEDY's remarks, Senator DURBIN will be recognized to offer his two amendments. Those amendments are ordered to be set aside with the votes occurring on Tuesday, September 23, at 9:30 a.m. In addition, following the debate on Senator DURBIN's amendments to the FDA reform, the Senate will proceed to a period of morning business.

I thank all Senators for their attention.

ORDER FOR ADJOURNMENT

Mr. JEFFORDS. Therefore, I ask unanimous consent that, following the remarks of Senator KENNEDY, as under the previous consent, the Senate stand in adjournment under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

FOOD AND DRUG ADMINISTRATION MODERNIZATION AND ACCOUNTABILITY ACT OF 1977

The Senate continued with the consideration of the bill.

Mr. KENNEDY. Mr. President, as I understand the agreement, we have an hour for the discussion of S. 830, which is the FDA reauthorization bill. Is that correct?

The PRESIDING OFFICER. That is correct, Senator.

Mr. KENNEDY. I thank the Chair. I will say this evening what I have said before, and that is to commend the chairman of our committee, Senator JEFFORDS, and the other members of our committee for working out, by and large, a commendable piece of legislation to bring pharmaceuticals onto the market safely and rapidly, and to assure that Americans would be able to have the benefits of advances in the areas of medical devices.

There is a very important provision which has been included in the bill and which I think poses a very significant threat to the health and safety of the American people. I want to take some time this evening to discuss the reasons why this particular provision should be eliminated from the bill or modified to retain existing protections available under the Food and Drug Act.

I will use the time that I have this evening to try to spell out for the Senate and for those who are watching these proceedings the dangers of this provision so that, hopefully, when the Senate has the opportunity to change this particular provision on Tuesday next it will do so. It is time to make the changes that will protect the American people, and it is important that we do so.

Mr. President, this is not just a provision that I have reservations about. We have put in the RECORD, and I will mention at this time once again, that the President of the United States has indicated that this is one of four major concerns that he has in this legislation because of its potential to adversely effect the public health.

It isn't only the President of the United States who has identified this particular provision as being a danger to the health of the American people, but it is the Patients' Coalition, which is made up of patients from all over this country, who review various pieces of legislation to ensure that the patients of this country are adequately protected: the Consumer Federation of America, the National Women's Health Network, the National Organization of Rare Disorders, the American Public Health Association, Consumers Union, Center for Women's Policy Studies, the National Parent Network on Disabilities, the National Association of Social Workers, and the list goes on and on and on.

That is why, Mr. President, this particular provision should be revised to protect the health of the American people. It does not do so now, and it has not since it has been reported out of the committee.

If this provision becomes law, it would force the Food and Drug Administration to approve unsafe or ineffective medical devices in cases where a manufacturer submits false or misleading information about the product. This issue goes to the heart of the role of the FDA, and it is an unconscionable provision. The result is that patients who rely on medical devices may well be exposed to dangerous products that could maim or kill.

Ninety-five percent of all devices approved by the FDA involve upgrades of existing devices. The upgrades are reviewed in what is called the 510(k) procedure under the statute. Under this procedure, the manufacturer of the device asks for an FDA approval based on the fact that the new device is substantially equivalent to an existing device that is already on the market and that has already been approved as safe and effective.

On this basis, the FDA usually quickly approves the new device. If the new device has significant technological changes, the manufacturer must submit the data to the FDA to show that the new device is as safe and as effective as the older device to which it is being compared. That is the current law.

In making these determinations under the current law, the FDA looks at the use of the earlier device and the claims that the manufacturer of the new device makes on the label for the new product. Sometimes, however, the new device has technological characteristics that make it clear that the device is intended to be used for a new purpose, a different purpose than the one the manufacturer claims on the proposed label.

All we are asking is that the FDA be able to act in these circumstances to assure that the device is safe. We want to prohibit false and misleading labels.

Mr. President, this is not a hypothetical case. A recent case demonstrates the basic problem.

A new biopsy needle for diagnosing breast cancer in women was submitted for approval to the FDA by the U.S. Surgical Corporation, a well-known manufacturer of medical devices. Compared to the existing biopsy needle, the new needle was huge, far larger than would normally be used in a biopsy. In fact, the tissue removed by the device was 50 times as large as the standard instrument would remove.

It was obvious to the FDA that the new needle would be used to remove small tumors, not just to perform a biopsy. In fact, the company marketed the device for that purpose in Canada. Yet, the corporation proposed to market the device with the old biopsy label, which gave no hint of the obvious new use of removing cancer cells. Under current law, the FDA has the authority in such cases to require the manufacturer to submit data on the safety and effectiveness of the needle for the new use, to be sure that it is capable of removing tumors without leaving some cancer cells in place.

Under this legislation, if the FDA said, ''Well, let us examine whether this particular medical device provides safety and protection for American women when that device is used to remove tumors,'' the FDA would not be permitted to do so. Under the old law, it would. Under the new law, it would not.

In this particular case the tissue removed by the device was 50 times as large as the standard instrument would remove. It was obvious to the FDA the new needle would be used to remove small tumors, not just to perform biopsies. In fact, videos were distributed in Canada demonstrating how to use the device to remove breast tumors. Yet, the corporation proposed to market the device with the old biopsy label which gave no hint of the obvious new use for removing tumors.

Under the current law, the FDA has the authority in such cases to require the manufacturer to submit the data on safety and effectiveness of the needle for the new use to be sure that it is capable of removing tumors without leaving some cancer cells in place. But not under the law that is before the U.S. Senate.

No woman would want to have a breast cancer removed by a medical device that cannot do the job safely and effectively. No Member of the Senate would want their wife or mother or sister or daughter put at risk by such a device. That is precisely what this bill does in changing the existing law that would permit the FDA to look behind the label to examine the safety and efficacy of a use clearly intended by the technological characteristics of the device.

The proponents of this legislation say no to an amendment when we have tried to ask that the FDA be able to look at the primary use of medical devices to make sure that when a company, such as the U.S. Surgical Corporation, is going to say that this is really just the old small needle, to permit the FDA to look behind it. They say, ''No. We've got the votes. Public be dammed.''

Unless the American people are going to pay attention to this issue, they will have the votes when we vote on this next Tuesday. But they should not have the votes on it. They should not have the votes on it if we are interested in protecting the American consumer, not only on this particular measure, this particular device, but on others as well.

The justification offered by the proponents of this provision is that the FDA, in its zeal to protect the public, has sometimes required manufacturers to offer data on safety and effectiveness on purely hypothetical, possible uses of the new device, uses never intended by the manufacturer.

If that is the goal of the provision, it goes too far because it puts public health at risk. No American should die or suffer serious injury because the FDA is forced to ignore false or misleading claims. That is what Senator REED's amendment next week will be, just prohibiting false and misleading claims. People will have a chance to vote on that up or down.

No American should die or suffer serious injury because the FDA is forced to ignore false or misleading claims. That is what this is about.

As I mentioned, the administration has singled out this proposal as one of the four in this legislation that merit a veto. It is strenuously opposed by a broad coalition of health and consumer groups. An obvious compromise can correct this defect so it achieves what the sponsors say is its legitimate purpose, without undermining health and safety. Under the compromise, the FDA will have the authority to look behind the label only in cases where the label is false or misleading.

This is a bare minimum requirement to protect public health. What possible justification can there be for the FDA to approve a device based on false or misleading labels? No ethical manufacturer would submit a device with a false or misleading label. No unethical manufacturer should get away with submitting one. And no Senator should vote to protect a false and misleading label.

The protection is already in the bill for the 5 percent of the devices that go through the traditional approval process. But for the 95 percent of the devices that go through the 510(k) procedures, the bill gives a license to lie to the FDA and harm the public.

Mr. President, a few days ago the public was made aware of the tragedy that resulted from the use of diet drugs in ways that had not been approved by the FDA as safe and effective. This so-called ''off-label'' use of fen/phen may well have caused serious and irreversible heart damage in tens of thousands of women who thought the drugs were safe. The legislation before us would actually encourage the use of off-label, unapproved uses of medical devices. We have seen in every newspaper in the country, we have heard on every radio station, every television, the dangers that the off-label use of fen/phen has posed for the American people. Now, just at the time that the country is looking at that, we are inviting the same kind of disaster for off-label use of medical devices.

It is shocking that this shameful provision has been so cavalierly included in the bill. It is incomprehensible that reputable device manufacturers are not prepared to support a compromise that allows the FDA to look behind the labels that are false and misleading.

Medical devices can heal, but they can also maim and kill. The history of medical devices is full of medical stories of unnecessary death and suffering.

But thanks to the authority the FDA now has, there are also many stories of lives saved by the vigilance of the FDA. What is incomprehensible about the bill before us is that it would take us backward in the direction of less protection of public health rather than more.

That isn't just Senator KENNEDY saying that, Mr. President. Those are the findings of our Secretary of HHS, the Patients' Coalition, Consumer Federation of America, National Women's Health Network, National Organization for Rare Disorders, the American Public Health Association, Consumers Union—the list goes on and on. They have reached the same kind of conclusion, Mr. President, that we are going backwards instead of advancing the interests of the public health.

The whole story of device regulation has been to provide the public greater protections since the mid-1970s.

Mr. President, let me just take a few moments and talk about what has happened previously in terms of medical devices that posed very important health threats, injury and death to American people when we were not attentive to the public health interests of the people of this country.

Two decades ago, the Dalkon Shield disaster led to the passage of a law giving the FDA greater authority over medical devices. At the time, this birth control device went on the market, the FDA had no authority to require manufacturers to show that devices are safe and effective before they are sold. In 1974, an FDA advisory committee recommended that the Dalkon Shield be taken off the market—after almost 3 million women had used it. The device was found to cause septic abortions and pelvic inflammatory disease. Hundreds of women had become sterile, and many required hysterectomies. According to the manufacturer's own estimates, 90,000 women in the United States alone were injured. The manufacturer, A.H. Robins, refused to halt distribution of the device, even though the FDA requested it, while the issue was reviewed by the advisory committee.

The Shiley heart valve disaster was so serious that it led to the enactment of further legislation. This mechanical heart valve was approved in 1979. It was developed by the Shiley Company. The Shiley Company was subsequently sold to Pfizer, which continued marketing the valve. It was taken off the market in 1986 because of its high breakage rate. By that time, as many as 30,000 of these devices had been implanted in heart patients in the United States. One hundred and ninety-five valves broke and 130 patients died. Thousands of other patients who had the defective valves in their hearts had to make an impossible choice—between undergoing a new operation to remove the device, or living with the knowledge that they had a dangerous device in their heart that could rupture and kill them at any moment. Depositions taken from company employees indicated that cracks in defective valves may have been concealed from customers.

Before the defective valve was withdrawn, the manufacturer had tried to introduce a new version with a 70 degree tilt instead of the 60 degree tilt approved by the FDA. The increased tilt was intended to improve blood flow and reduce the risk of clotting. The FDA's review found that the greater tilt increased the likelihood of metal fatigue and valve breakage, and the new version was not approved for use in the United States. Four thousand of the new devices were implanted in Europe. The failure rate was six times higher than for the earlier valve—causing at least 150 deaths.

In another example of a human and public health tragedy involving a medical device, the firm Telectronics marketed a pacemaker wire for use in the heart. Twenty-five thousand of these pacemakers were marketed, beginning in 1994, before it was discovered that the wire could break, cause damage to the wall of the heart, or even destroy the aorta.

The case of artificial jaw joints—referred to as TMJ devices—are another tragedy that devastated tens of thousands of patients, mostly women. These devices were implanted to assist patients with arthritic degeneration of the jaw joint, most with relatively mild discomfort. But the impact of the new joints, sold by a company called Vitek, was catastrophic. The new joints often disintegrated, leaving the victims disfigured and in constant, severe pain. To make matters worse, Vitek refused to notify surgeons of the problems with the joints, and FDA had to get a court order to stop distribution of the product. Similar problems were experienced with Dow Corning silicone jaw implants.

You see with this chart these dramatic, tragic, human disasters caused by unsafe, inadequately tested medical devices. Do we want less safety? Do we want less protection when we have seen these kinds of human tragedies take place, when there have been these instances?

Mr. President, another device disaster is the toxic shock syndrome from super absorbent materials in tampons. Most women would not think that a tampon could kill them, but they would be wrong. About 5 percent of toxic shock syndrome cases are fatal. What seemed like minor design changes, the absorbency of the material, resulted in enormous human tragedy. Women and their families deserve protections from unsafe medical devices. FDA should be strengthened, not crippled.

In yet another example, the FDA was able to block a device that involved a plastic lens implanted in the eye to treat near-sightedness. The device was widely marketed in France, but the FDA refused to approve it for use in the United States. Long-term use of the device was later shown to cause damage to the cornea, with possible blindness.

The angioplasty catheter marketed by the Bard Corporation turned out to be a dangerous device that the company sold with a reckless disregard for both the law and public health. The device was modified several times by the corporation without telling the FDA in advance, as required by the law. The company was prosecuted and pleaded guilty to 391 counts in the indictment, including mail fraud and lying to the government. Thirty-three cases of breakage occurred in a two-month period, leading to serious cardiac damage, emergency coronary bypass surgery, and even death.

Now, Mr. President, these tragedies resulted in expanded powers for the FDA to protect the public against dangerous devices and greater vigilance on the part of the agency. But this bill steps back by forcing the FDA to protect the public with one hand tied behind its back. This bill actually forces FDA to approve devices based on false and misleading labels.

I have already discussed the dangers of a breast cancer biopsy needle that would have been used to treat breast cancer without adequate evidence that it was effective. There are many other examples of the kind of dangerous devices that could be foisted on the American public, if the provision of the bill allowing false and misleading labels is allowed to stand. Under the provision, the FDA cannot look behind the manufacturer's proposed use to demand appropriate safety and effectiveness data, even if it is obvious that the device has been designed for an altogether different use than the manufacturer claims.

Surgical lasers are increasingly used for general cutting, in place of traditional instruments such as scalpels. In a recent case, a manufacturer called Trimedyne adapted the laser in a way that indicated it was clearly intended for prostate surgery. But it submitted an application to the FDA saying that the laser was only intended for general cutting. The label was clearly false, and the FDA was able to require adequate safety data before the product was allowed on the market. But under this bill, the FDA would be forced to approve the product, without requiring evidence that the device is safe and effective for prostate surgery.

Prostate surgery is a very common procedure affecting tens of thousands, if not hundreds of thousands of older men. Failed surgery can result in permanent incontinence and other devastating side effects. Do we really want surgical tools to be used to treat this common illness that may not be safe and effective? If this legislation passes unchanged, that is exactly the risk that large numbers of patients needing prostate surgery could face.

A further example involves digital mammography, an imaging technology that is becoming an alternative to conventional film mammography. The new

device is being tested for better diagnostic imaging of a potentially cancerous lump in the breast that has already been detected and shows great promise. But it is not known whether the new machine can be used effectively in screening for breast cancer when there are no symptoms. Under this bill, if a manufacturer seeks approval for a digital mammography machine that is clearly designed for breast cancer screening, not just for diagnosis, the FDA would be prohibited from requiring data to show that the machine is effective for screening. Does the Senate really want to support legislation that could result in women dying needlessly from undetected breast cancer? That is what this device provision could cause.

We know that there is more money that is going to be made by those particular companies that can get on the market faster than their competitor through this loophole. Is that what we are about in terms of trying to protect the public? The FDA is the principal agency of the government to protect the health and safety.

The various professionals in consumer organizations and patient organizations that spend every day trying to protect the public health understand the dangers that are involved in this provision. They are all saying why doesn't the Senate build in these protections?

But no. There is that majority in the United States Senate that would go ahead and accept this, and pass this legislation as it is without the adequate protections. And, unless the public is going to understand that this is something which is important and let their representatives understand that by Tuesday next, that is what will happen.

The President of the United States has had the courage to say no to this particular provision, because he understands, as the Secretary of Health and Education understands, and as the public health community understands the dangers to the American consumer if we let this provision continue.

Mr. President, I want to review as clearly as I can exactly what the bill that is before us, S. 830, does. It prohibits the FDA from reviewing the safety of a device for uses not listed by the manufacturer.

Senator REED's amendment will prohibit the FDA from reviewing the safety of a device for uses not listed by the manufacturer unless the label is ''false or misleading.'' You would think we would get 100 votes on that. Is the Senate going to say, ''OK, it is going to be all right for device manufacturers to have false and misleading labels?''

Other examples in the way that this provision could allow unsafe and ineffective devices abound. A stent designed to open the bile duct for gallstones could be modified in a way that clearly was designed to make it a treatment for blockages of the carotid artery. Without adequate testing, it could put patients at risk of stroke or death. But under this bill, the FDA would be prohibited from looking behind the label to the actual intended use of the device.

Mr. President, the vast majority of medical device manufacturers meet high ethical standards. Most devices are fully tested and evaluated by the FDA before they are marketed. But as many examples make clear, if the FDA does not have adequate authority to protect innocent patients, the result can be unnecessary death and injury to patients across the country. There is no justification—none whatever—for Congress to force the FDA to approve devices with false or misleading labels.

Each and every time amendments to medical device and pharmaceutical provisions have been approved by the Congress, Republican and Democrat, the public health and safety of the American people has been enhanced. There are provisions in this legislation that will do so. But not this provision. This provision, if left to stand, poses significant health risks to American consumers.

We ought to be making sure that when the FDA gives their stamp of approval, that devices are going to be safe and efficacious, and that every doctor in this country and every patient knows they are going to meet the highest safety standards. That ought to be our commitment to the American people.

But this particular provision does not do it. Rather than being a step forward, it is a significant and dangerous step backward. Unscrupulous manufacturers do not deserve a free ride at the expense of public health.

We have good legislation that is going to extend the PDUFA which is going to mean that we will have many excellent additional professional people to help to move various pharmaceutical products onto the market sooner.

The public health organizations know what is happening out there, and they have pleaded with all of us in the Senate and said, My God, for once put the profits of this handful of industries that is trying to circumvent the health and safety protections of the American people, put that aside and make sure, when you act next week, the roll will be called, act to protect the public here in the United States.

That is what this debate is about. That is what we will have a chance to vote on next week.

Mr. President, I believe my time is just about up. I thank the Chair. We will have an opportunity to go back to this tomorrow morning at 9:30 to add additional information. We hope we will hear from the American people if they care about assuring that their children are going to have safe medical devices, that their parents are going to have safe medical devices, that their daughters and their husbands, their grandparents are going to have safe medical devices. There is only one way to do it, and that is on next Tuesday when the rollcall comes, Senators will support the Reed amendment, which I welcome the opportunity to cosponsor, which will be the most important action we can take in the Senate on this legislation to protect the health and safety of the American people.

Mr. President, I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. Friday, September 19.

Thereupon, at 11:26 p.m., the Senate adjourned until Friday, September 19, 1997, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 18, 1997:

SECURITIES AND EXCHANGE COMMISSION

PAUL R. CAREY, OF NEW YORK, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR THE TERM EXPIRING JUNE 5, 2002, VICE STEVEN MARK HART WALLMAN, TERM EXPIRED.

LAURA S. UNGER, OF NEW YORK, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR THE TERM EXPIRING JUNE 5, 2001, VICE J. CARTER BEESE, JR., RESIGNED.

DEPARTMENT OF JUSTICE

JOSE GERADO TRONCOSO, OF NEVADA, TO BE U.S. MARSHAL FOR THE DISTRICT OF NEVADA FOR THE TERM OF 4 YEARS, VICE HERBERT LEE BROWN.

IN THE COAST GUARD

THE FOLLOWING CADETS OF THE U.S. COAST GUARD ACADEMY FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. COAST GUARD UNDER TITLE 14, UNITED STATES CODE, SECTION 211:

To be ensign

STEVEN C. ACOSTA, 0000
STERLING V. ADLAKHA, 0000
MARCIE L. ALBRIGHT, 0000
KATIE R. ALEXANDER, 0000
JEREMY J. ANDERSON, 0000
WILLIAM L. ARRITT, 0000
LEANNE M. BACON, 0000
MATTHEW J. BAER, 0000
ABRAHAM C. BANKS, 0000
GREGORY R. BARBIAUX, 0000
JONATHAN BATES, 0000
PAUL R. BEAVIS, 0000
SEAN C. BENNETT, 0000
CHANDLER BENSON, 0000
CHERYL A. BEREZNY, 0000
BRENT R. BERGAN, 0000
ALEX W. BERGMAN, 0000
JAMES B. BERNSTEIN, 0000
JASON M. BIGGAR, 0000
BRYAN R. BLACKMORE, 0000
ANNE M. BLANDFORD, 0000
ROBERT R. BOROWCZAK, 0000
JOHN B. BRADY, 0000
MARC BRANDT, 0000
THOMAS K. BRASTED, 0000
MARK A. BRAXTON, 0000
VERONICA A. BRECHT, 0000
JASON A. BRENNELL, 0000
JOSEPH D. BROWN, 0000
RANDALL E. BROWN, 0000
DAVID L. BURGER, 0000
KATRINA D. BURRITT, 0000
ERIN E. CALVERT, 0000
GREGG W. CASAD, 0000
GEORGE B. CATHEY, 0000
KEMBERLY B. CHAPMAN, 0000
SCOTT A. CLEMENTZ, 0000
JENNIFER J. COOK, 0000
THOMAS D. CRANE, 0000
CHARLES C. CULOTTA, 0000
KENNETH C. CUTLER, 0000
THOMAS C. D'ARCY, 0000
THOMAS W. DENUCCI, 0000
FREDERICK D. DETAR, 0000
ALEXANDER D. DODD, 0000
ROGER S. DOYLE, 0000
JOHN M. DUNLAP, 0000
REGINALD C. EISENHAUER, 0000
MEREDITH M. ENGELKE, 0000
BRIAN C. ERICKSON, 0000
ANTHONY S. ERICKSON, 0000
JOSHUA W. FANT, 0000
LOUIS B. FAULKNER, 0000
GREGORY J. FERRY, 0000

BENJAMIN E. FLEMING, 0000
AURORA I. FLEMING, 0000
ANTHONY T. FRATIANNE, 0000
MATTHEW J. FUNDERBURK, 0000
LAWRENCE D. GAILLARD, 0000
BRENT GARRIEPY, 0000
BENJAMIN A. GATES, 0000
EDWARD P. GERAGHTY, 0000
JENNIFER L. GIRTON, 0000
BENJAMIN M. GOLIGHTLY, 0000
JASON M. GOODMAN, 0000
JENNIFER A. GREEN, 0000
ROBERT M. GREEN, 0000
PATRICK A. GROVES, 0000
ANDREW L. GUEDRY, 0000
THOMAS J. HALL, 0000
MATTHEW W. HAMMOND, 0000
SEAN P. HANNIGAN, 0000
ALAN D. HANSEN, 0000
JUSTIN H. HARPER, 0000
REBECCA J. HEATHERINGTON, 0000
CASEY J. HEHR, 0000
ERIC A. HELGEN, 0000
BRIAN J. HENRY, 0000
EDWARD J. HERNAEZ, 0000
WESLEY H. HESTER, 0000
CURTIS G. HUNTINGTON, 0000
KRISTIN A. JAGMIN, 0000
CASSIE Q. JANSSEN, 0000
CRAIG T. JEANQUART, 0000
RAYMOND M. JEBSEN, 0000
ANDREW S. JOCA, 0000
SCOTT B. JONES, 0000
MICHAEL A. KEANE, 0000
CORINNA M. KELLICUT, 0000
PAUL W. KEMP, 0000
IBRAHIM M. KHALIL, 0000
MICHAEL E. KICKLIGHTER, 0000
JUSTIN A. KIMURA, 0000
ELIZABETH A. KIRNER, 0000
MICHAEL K. KLINGE, 0000
LISA E. KNOPF, 0000
DIRK L. KRAUSE, 0000
BRIAN C. KRAUTLER, 0000
JON M. KREISCHER, 0000
JEFFREY W. KUCK, 0000
MATTHEW F. LAMMER, 0000
JOHN J. LARKIN, 0000
JEREMY P. LAW, 0000
NINA C. LEONARD, 0000
MARCUS A. LINES, 0000
MONICA B. LOMASCOLO, 0000
NATALIE J. MAGNINO, 0000
DANA C. MANCINELLI, 0000
HEATHER R. MATTERN, 0000
BENJAMIN J. MAULE, 0000
BRYAN L. MAY, 0000
BENJAMIN E. MAYNARD, 0000
JAMES E. MCCOLLUM, 0000
IAIN L. MCCONNELL, 0000
MATTHEW V. MCGUAN, 0000
JOSEPH E. MEUSE, 0000
JOSHUA P. MILLER, 0000
JOHN MILLER, 0000
DEAN J. MILNE, 0000
CHRIS S. MOLAND, 0000
ROBERT W. MOORE, 0000
MATTHEW P. MOORE, 0000
STEPHANIE A. MORRISON, 0000
CRISTIAN A. MUNOZ, 0000
SEAN D. MURPHY, 0000
DAVID R. OJEDA, 0000
JEFFREY P. PACE, 0000
TIMOTHY D. PAYTON, 0000
ERIC D. PEACE, 0000
KRISTIAN B. PICKRELL, 0000
JEFFREY J. PILE, 0000
CHRISTOPHER M. PISARES, 0000
MICHAEL J. PLUMLEY, 0000
JESSICA L. PLUMMER, 0000
ERIC C. POPIEL, 0000
JODY T. POPP, 0000
JUAN M. POSADA, 0000
GABRIELLE E. POTTER, 0000
CLINTON J. PRINDLE, 0000
DAVID A. QUATTRO, 0000
CHRISTOPHER G. RAIA, 0000
ARTHUR L. RAY, 0000
KATIE B. RICHARDSON, 0000
ROGER G. ROBITAILLE, 0000
BRUST B. ROETHLER, 0000
PEDRO J. RUBIO, 0000
PAUL F. RUDICK, 0000
SHAUN R. RUFFELL, 0000
ROBERT G. SALEMBIER, 0000
STANTON C. SANCHEZ, 0000
DEANNA L. SAND, 0000
MICHAEL R. SARNOWSKI, 0000
JAMIE L. SCHOLZEN, 0000
RICHARD M. SCOTT, 0000
KELLY C. SEALS, 0000
JAMES T. SEARS, 0000
STEPHANIE M. SHERIDAN, 0000
KENNETH E. SHOVLIN, 0000
MICHAEL R. SINCLAIR, 0000
KELLY K. SKILES, 0000
JASON M. STAMPER, 0000
JOSHUA T. STEFFEN, 0000
ERICH V. STEIN, 0000
BLAKE D. STOCKWELL, 0000
JILL A. SWAYNOS, 0000
SCOTT G. SYRING, 0000
EVELYN L. TAYLOR, 0000
SHAD A. THOMAS, 0000
PATRICK M. THOMPSON, 0000
ALLEN L. THOMPSON, 0000
GREGORY M. TOZZI, 0000
JASON P. TRAVIS, 0000
NEIL P. TRAVIS, 0000
MELISSA M. TULIO, 0000
MICHAEL E. VANCE, 0000
DIANNA L. VANVALKENBURG, 0000
JOSEPH J. VEALENCIS, 0000
KRISTI L. WALKER, 0000
DANIEL R. WARREN, 0000
ZACHARY A. WEISS, 0000
TIMOTHY P. WIELAND, 0000
JERRED C. WILLIAMS, 0000
DARLENE D. WILSON, 0000
AMY E. WIRTS, 0000
CHRISTOPHER G. WOLFE, 0000
MARC A. ZLOMEK, 0000

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. NAVY UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be commander

FRANK P. ACHORN, JR., 0000
PETER J. ADAMS, 0000
WILLIAM B. ADAMS, 0000
STEPHEN T. AHLERS, 0000
ANDREW S. ALAMAR, 0000
MICHAEL E. ALLAIN, 0000
JOSE R. ALMAGUER, 0000
ROBERT J. AMAYA, 0000
CHRISTOPHER L. AMLING, 0000
EVAN A. APPLEQUIST, 0000
BRENDA A. ARMSTRONG, 0000
PETER M. ARN, 0000
LISA L. ARNOLD, 0000
ANDREW M. ASHE, 0000
BRADLEY R. AUFFARTH, 0000
SCOTT W. BAILEY, 0000
JOHN K. BAIRD, 0000
ROBERT W. BAIRD, 0000
ALAN T. BAKER, 0000
BRUCE C. BAKER, 0000
SHARON K. BAKER, 0000
GREGORY A. BARBER, 0000
WILLIAM B. BARBER, 0000
REGINA D.D. BARBOUR, 0000
WAYNE S. BARKER, 0000
DAVID G. BARNES, 0000
MICHAEL B. BAUMANN, 0000
WILLIE K. BEASLEY, 0000
JOHN BEAUREGARD, 0000
DONALD R. BENNETT, 0000
MARK F. BERNIER, 0000
BRIAN J. BILL, 0000
GEORGE J. BINGHAM, 0000
DAVID A. BITONTI, 0000
MICHAEL L. BLOUNT, 0000
JAMES A. BLUSTEIN, 0000
MICHAEL R. BONNETTE, 0000
MICHAEL J. BOOCK, 0000
LEWIS T. BOOKER, JR., 0000
DAVID M. BOONE, 0000
RICHARD R. BOSCO, 0000
GILBERT E. BOSWELL, 0000
JOHN M. BOSWORTH, JR., 0000
JIMMY D. BOWEN, 0000
JOHN D. BOYER, 0000
DAVID R. BRAJDIC, 0000
CHARLES H. BRAKHAGE, 0000
BARTON A. BRANSCUM, 0000
MICHAEL R. BRENYO, 0000
ROBERT W. BRINSKO, 0000
DWANE T. BRITTAIN, JR., 0000
DAVID G. BROADWATER, 0000
ROBERT C. BRONSON, JR., 0000
MARK E. BROUKER, 0000
BOOKER T. BROWN, 0000
DONALD L. BROWN, 0000
FORREST M. BROWN, JR., 0000
LAWRENCE R. BROWN, 0000
MITCHELL C. BROWN, 0000
TRACY L. BROWN, 0000
DAVID W. BRUMFIELD, 0000
ROBERT BUCKLEY, 0000
JUANITA BUDA, 0000
DAVID M. BURNES, 0000
ROBERT F. BUTLER, 0000
CARLOS D. BUZON, 0000
LINDA H. BYRNES, 0000
HERBERT F. BYRNS III, 0000
THOMAS A. CADE, 0000
DAVID S. CAFFREY, JR., 0000
DONNA L. CAIN, 0000
JOE P. CALDWELL, 0000
DAVID N. CALKINS, 0000
THOMAS J. CALLAN, 0000
LORI A. CARLSON, 0000
DELORIS J. CARNAHAN, 0000
DAVID D. CARRIER, 0000
JAMES F. CARROLL, 0000
ROBERT K. CARTER, 0000
STEVEN L. CASE, 0000
FRANCIS P. CASTALDO, 0000
MICHAEL R. CAUDILL, 0000
BRIAN M. CERWONKA, 0000
MARY W. CHAFFEE, 0000
DAVID W. CHAMBERS, 0000
JOHN M. CHANDLER, 0000
WILBUR K. CHAPMAN, 0000
MARK E. CHARIKER, 0000
ROBERT J. CHASTANET, 0000
DAVID O. CHILDERS, JR., 0000
MIN S. CHUNGPARK, 0000
BARTLEY G. CILENTO, JR., 0000
JEFFREY M. CLARK, 0000
JOHN H. CLARK, 0000
JULIA R. CLARK, 0000
ROBERT J. CLARK, 0000
RODERICK L. CLAYTON, 0000
EDWARD S. CLEMENTE, 0000
DANIEL P. CLIFFORD, 0000
WILLIAM B. COGAR, 0000
REY D. CONARD, 0000
DEBORAH M. CONWAY, 0000
JEFFREY A. CORNEIL, 0000
LEE L. CORNFORTH, 0000
MICHAEL F. CORNING, 0000
MARK S. COTTERELL, 0000
DALE P. COTTONGIM, 0000
JOHN D. COWAN, 0000
DAVID R. COZIER, 0000
PHILLIP A. CROCKETT, 0000
MICHELE H. CROSS, 0000
MASON CRUM, 0000
JAMES G. CRUZ, 0000
WILLIAM F. CUDDY, JR., 0000
ROBERT D. CULLOM, 0000
THEODORE J. CUNNINGHAM, 0000
THOMAS M. CUNNINGHAM, 0000
CHARLES H. CUTSHALL, 0000
THOMAS L. DANOS, 0000
ROBERT A. DATTOLO, 0000
GLORIANNE M. DAVIS, 0000
JAMES D. DAVIS, 0000
JOHN T. DAVIS, 0000
KEITH E. DAVIS, 0000
BRIAN S. DAWSON, 0000
JOHN A. DAY, JR., 0000
ELSA B. DEMBINSKI, 0000
KAREN E. DERRER, 0000
WAYNE M. DEUTSCH, 0000
HAROLD T. DEWEESE III, 0000
NANCY G. DIXON, 0000
RICHARD DOHODA, 0000
RICHARD J. DOWLING, 0000
DIANE L. DOYLE, 0000
JOHN E. DRAKE, 0000
ROBERT M. DRYER, 0000
KATHLEEN M. DULLY, 0000
TIMOTHY M. DUNLEVY, 0000
DAVID J. DUNN, 0000
JAMES C. DUNN II, 0000
KENNETH D. DUNSCOMB, 0000
JACK A. DYKSTRA, 0000
HOWARD G. EAGLE, 0000
TERRANCE K. EGLAND, 0000
DONNA L. EHRICH, 0000
DANIEL O. ELLERT, 0000
ANDREW T. ENGLE, 0000
DOROTHY E. ENGLER, 0000
PAUL H. EPHRON, 0000
JOSEPH A. ERLER, 0000
GREGORY P. ERNST, 0000
BYRON C. ESCOE, 0000
LINDA J. ETCHILL, 0000
MICHAEL M. FABISH, 0000
MARK E. FARRIS, 0000
FREDERICK C. FEHL III 0000
CHARLES S. FIELDS, JR., 0000
JONATHAN E. FINK, 0000
CARLA A. FISHER, 0000
STEVEN C. FISHER, 0000
DAVID L. FLEISCH, 0000
CHARLES W. FLEISHER, 0000
PETER FONSECA, 0000
SCOTT E. FOSTER, 0000
MILTON J. FOUST, JR., 0000
DANIEL E. FREDERICK, 0000
JOHN E. FREEMAN, 0000
TIMOTHY F. FRENCH, 0000
ROBERT A. FRICK, 0000
PAUL T. FULIGNI, 0000
JOHN S. FUQUA, 0000
MATTHEW K. GAGELIN, 0000
PAUL J. GAGNE, 0000
JAMES F. GALLAGHER, 0000
THOMAS A. GASKIN, 0000
RICHARD E. GERHARDT, 0000
BRIAN M. GILFEATHER, 0000
LOUIS G. GILLERAN, 0000
DOUGLAS R. GILLETT, 0000
BRUCE L. GILLINGHAM, 0000
THERESE R. GILMORE, 0000
CHRISTOPHER J. GIST, 0000
WILLIAM L. GOODMAN, 0000
JOHN R. GORDON, 0000
JEANETTE M. GORTHY, 0000
GERALD T. GRANT, 0000
JEFFERY R. GRAVES, 0000
KEVIN L. GREASON, 0000
ALMA B. GREEN, 0000
ARTHUR GREEN, JR., 0000
GORDON F. GREEN, 0000
JOSEPH W. GREEN, JR., 0000
PAUL B. GREENAWALT, 0000
KATHERINE L. GREGORY, 0000
GUERARD P. GRICE, 0000
NANCY C. GRIFFEE, 0000
VINCENT L. GRIFFITH, 0000
TAMARA M. GRIGSBY, 0000
WILLIAM G. GRIP, 0000
MILTON J. GRISHAM, JR., 0000
LYNDA D. GROSSMAN, 0000
JOHN P. GROSSMITH, 0000
GREGORY GULLAHORN, 0000
PARKE L. GUTHNER, 0000
FRED R. GUYER, 0000
DONGYEON P. HAN, 0000
MARK W. HANDY, 0000
TIMOTHY J. HANNON, 0000
WILLIAM C. HARGROVE, 0000
TODD J. HARKER, 0000
MARY M. HARRAHILL, 0000
ROBERT B. HARRISON, 0000
KIRK E. HARUM, 0000

AMY P. HAUCK, 0000
PATRICK K. HAWKINS, 0000
SHERMAN M. HAWKINS, 0000
SHERMAN T. HAYES, 0000
JEFF D. HEADRICK, 0000
ROBERT B. HEATON, 0000
RANDY L. HEIBEL, 0000
ROBERT C. HEIM, JR., 0000
RICHARD A. HEIMBAUGH, 0000
APRIL F. HEINZE, 0000
HUGH R. HEMSTREET, 0000
SUSAN E. HERRON, 0000
ANITA H. HICKEY, 0000
MARTIN F. HICKEY, 0000
TIMOTHY S. HINMAN, 0000
THEODORE A. HLEBA, JR., 0000
DOUGLAS E. HOBAUGH, 0000
DAVID L. HOBBS, 0000
WILLIAM J. HOCTER, 0000
WILLIAM C. HOLLAND II, 0000
JOHN R. HOLMAN, 0000
MICHAEL L. HOLMES, 0000
BOLD R. HOOD, III, 0000
JAMES C. HORSPOOL, 0000
CELIA H. HORTON, 0000
CHERRY L. HORTON, 0000
GARY D. HOUGLAN, 0000
RONALD P. HOVELL, 0000
GREGORY M. HUET, 0000
KEVIN S. HUGHES, 0000
KERRY E. HUNT, 0000
BENJAMIN D. HUNTER, II, 0000
RICHARD L. HUNTOON, 0000
LYN E. HURD, 0000
CLAUDE R. HUSSON, III, 0000
STEPHEN IANNAZZO, 0000
DANIEL A. ICHEL, 0000
GRAHAM D. ININNS, 0000
WAYNE S. INMAN, 0000
PATRICIA W. IRELAND, 0000
WYNETT A. ISLEY, 0000
KENNETH J. IVERSON, 0000
THOMAS E. JABLONSKI, 0000
MICHELE R.D. JACKSON, 0000
SCOTT A. JENSEN, 0000
MARIE E. JOHN, 0000
DENISE A. JOHNSON, 0000
JERRY JOHNSON, 0000
BARRY R. JONES, 0000
RALPH C. JONES, 0000
VINCENT R. JONES, 0000
RICHARD A. JORALMON, 0000
LARA L. JOWERS, 0000
ROBERT B. KAHLER, 0000
NAIDA B. KALLOO, 0000
CHRISTOPHER J. KANE, 0000
ALAN G. KAUFMAN, 0000
PAUL C. KELLEHER, 0000
WILLIAM E. KENEALY, 0000
KATHLEEN S. KENNY, 0000
JOEL W. KERNEN, 0000
NANCY W. KILEY, 0000
RONALD G. KINEMAN, 0000
PHILLIP KISSINGER, 0000
DAVID F. KLINK, 0000
KURT B. KNOBLOCH, 0000
BARTON H. KNOX, 0000
LEONARD R. KOJM, JR., 0000
MARTIN J. KOOP, 0000
ALEX M. KORDIS, 0000
CHRISTOPHER J. KOWALSKY, 0000
JOHN C. KUEHNE, 0000
JEFFREY C. KUHLMAN, 0000
RANDALL W. KULNIS, 0000
KURT L. KUNKEL, 0000
DENIS A. LAIRD, 0000
JAMES E. LAMAR, 0000
JAMES T. LANG, 0000
ANTHONY S. LAPINSKY, 0000
CRAIG A. LARSON, 0000
JOHN W. LARUE, 0000
DAVID H. LASSETER, 0000
LARRY R. LAUFER, 0000
JOHN J. LAUTEN, JR., 0000
BRUCE R. LAVERTY, 0000
RICHARD LEADER, 0000
JESSE W. LEE, JR., 0000
THOMAS M. LEIENDECKER, 0000
GRANT D. LEMASTERS, 0000
BRUCE N. LEMLER, 0000
DAVID R. LEMME, 0000
DIANA F. LENDLE, 0000
WING LEONG, 0000
JOHN W. LEROY, 0000
ROBERT M. LEVY, 0000
HUGH J. LINDSEY, 0000
JOHN E. LINDSEY, JR., 0000
KEVIN A. LINDSEY, 0000
MARK E. LINSKEY, 0000
FRANKLIN A. S. LITTLE, 0000
CLARA Y. LLODRA, 0000
RONALD J. LOGAN, 0000
CHARLES R. LONG, 0000
SCOTT T. LUCHSINGER, 0000
WILLIAM C. LYON, 0000
MARCIA K. LYONS, 0000
MICHAEL R. MADDOX, 0000
RICK A. MADISON, 0000
KEVIN G. MAHAFFEY, 0000
MICHAEL H. MAHER, 0000
PETER D. MAHER, IV, 0000
JONATHAN D. MAIN, 0000
STAUFFER P. MALCOM, 0000
CARMEN J. MALDONADO, 0000
GREGG W. MANSON, 0000
KEITH L. MARCHBANKS, 0000
MICHAEL L. MARK, 0000
STEPHEN J. MARKEY, 0000
SARA M. MARKS, 0000
DOUGLAS D. MARTIN, 0000
STEVEN J. MARTIN, 0000
RICHARD J. MASON, 0000
ROBERT B MASON, II, 0000
PAUL A. MAUSAR, 0000
JAMES E. MAYER, JR., 0000
JAMES B. MCALLISTER, 0000
ALAN R. MCCOSH, 0000
JOHN E. MCDONALD, 0000
JEREMIAH X. MCENERNEY, 0000
BRIAN L. MCFADDEN, 0000
STEVEN T. MC GIVERN, 0000
DONAL C. MC GONEGAL, 0000
MICHAEL R. MC GRAW, 0000
ALAN E. MC LUCKIE, 0000
MATTHEW A. MC NALLY, 0000
MICHAEL F. MC NAMARA, JR., 0000
ROBERT J. MEADE, 0000
SAUNDRA MIDDLETON, 0000
VLASTA M. MIKSCH, 0000
DAVID B. MILLER, 0000
JAMES R. MILLER, 0000
MATTHEW L. MILLER, 0000
ERIC C. MILNER, 0000
MICHAEL F. MILOS, 0000
SHAUNEEN M. MIRANDA, 0000
FREDERICK D. MITCHELL, 0000
WILLIAM T. MOCK, 0000
MOIRA D. MODZELEWSKI, 0000
TIMOTHY S. MOLOGNE, 0000
DARRYL MONCEAUX, 0000
KEVIN D. MOORE, 0000
ALICE P. MORAN, 0000
ROBERT H. MORRO, JR., 0000
AMY I. MORTENSEN, 0000
HARVEY D. MOSS, 0000
TERRY J. MOULTON, 0000
GLENN A. MUNRO III, 0000
LINDA A. MURAKATA, 0000
GEORGE MURRELL, 0000
THOMAS A. MUSICK, 0000
ROGER M. NATSUHARA, 0000
MARY E. NEILL, 0000
MARY A. NELSON, 0000
DAVID F. NERI, 0000
JAMES A. NEWTON, 0000
DONALD L. NICHOLS, 0000
LEE E. NEIMEYER, 0000
CHARLES R. NIXON II, 0000
DAVID NORMAN, 0000
STEPHEN D. NORTHROP, 0000
STEPHEN R. OCONNELL, 0000
MICHAEL J. OCONNOR, 0000
ERIC S. ODDERSTOL, 0000
MATHEW D. OFFE, 0000
ROBERT M. OLIVIERI, 0000
JOSEPH V. OLSZOWKA, 0000
GEORGE L. OMEECHEVARRIA, 0000
WAYNE J. OSBORNE, 0000
DOUGLAS A. OSBOURN, 0000
MATTHEW OSMAK, 0000
RICHARD C. OSMAN, 0000
SHAWN A. OTOOLE, 0000
ANTHONY S. PANETTIERE, 0000
DALE W. PARKER, 0000
STEPHEN M. PARKER, 0000
TREMONT V. PARRINO, 0000
NATHAN R. PATTERSON, 0000
CHERYL L. PATZER, 0000
MICHAEL D. PAWLEY, 0000
WILLIAM C. PERRY III, 0000
ROGER A. PIEPENBRINK, 0000
JOHN P. PIERCE, JR., 0000
FARRELL D. PIERSON, 0000
MATTHEW W. POMMER, JR., 0000
WILLIAM H. PORT, 0000
WILLIAM B. POSS, 0000
KYLE B. POTTS, 0000
ROBERT E. POTTS, 0000
STEVEN H. POWELL, 0000
DANIEL J. PROULX, 0000
MICHAEL L. PUCKETT, 0000
MARK S. QUAGLIOTTI, 0000
JOSE QUESADA, 0000
MICHAEL I. QUINN, 0000
ANN E. RAEL, 0000
ROBERT C. RAFFETTO, 0000
KATHLEEN D. RANEY, 0000
JAMES E. RAPSON, 0000
KARL F. RAU, 0000
ROBERT W. REDCLIFF, 0000
DANIEL P. REESE, 0000
DANIEL A. REGAN, 0000
PETER M. RHEE, 0000
JEFFREY D. RHODENBAUGH, 0000
CHARLES B. RHODES, 0000
ROBERT H. RICE, 0000
WANDA C. RICHARDS, 0000
PAUL E. RICHARDSON, 0000
JAMES D. RIDLEY, 0000
JAMES A. RIEGER, 0000
MICHAEL RIESBERG, 0000
AUGUSTO D. RIVERA, 0000
MICHAEL W. ROBINSON, 0000
PAUL D. ROCKSWOLD, 0000
JUDI J. ROGERS, 0000
ROBERT K. ROGERS, 0000
WILLIAM O. ROGERS, 0000
JOHN I. ROGGEN, 0000
DAVID C. ROHDE, 0000
RICHARD L. ROMNEY, 0000
DOUGLAS H. ROSE, 0000
MICHAEL E. ROSS, 0000
RICHARD ROWE, 0000
RICARDO RUBALCAVA, 0000
CHERYL L. RUFF, 0000
ALBERT R. RUNZEL, 0000
KAREN A. RUSHFORD, 0000
NICHOLAS H. RUSSO, 0000
TIMOTHY M. RYBA, 0000
DEBRA M. RYKEN, 0000
AUDERY E. SANTANA, 0000
ROLANDO M. SANTIAGO, 0000
ADONAI D. SANTOS, 0000
KENNETH W. SAPP, 0000
ELIZABETH C. SAVAGE, 0000
PAUL J. SAVAGE, 0000
STEVEN R. SCANLAN, 0000
DAVID R. SCANLON, 0000
BARBARA J. SCHEIDT, 0000
RAYMOND SCHMIDT, 0000
THOMAS S. SCHNEID, 0000
MICHAEL L. SCHOELCH, 0000
PAUL R. SCHRATZ JR., 0000
GEORGE W. SCHULTZ, 0000
JOHN R. SCHWARZENBACH, 0000
JAMES K. SELLERS, 0000
STEPHEN F. SERKIES, 0000
KEVIN T. SEUFERT, 0000
LINDA F. SEXAUER, 0000
RUSSELL L. SHAFFER, 0000
CYNTHIA J. SHALOM, 0000
TIMOTHY J. SHEA, 0000
EDWARD W. SHEEHAN JR., 0000
CHARLES A. SHEELEY II, 0000
PETER D. SHERROD, 0000
PAUL C. SHICK, 0000
LARRY W. SHOOK, 0000
STEVEN L. SIDOFF, 0000
RICHARD M. SIPPLE, 0000
DAVID F. SITLER, 0000
MONTE D. SLATER, 0000
CAROLYN C. SLOWIKOWSKI, 0000
CHARLES S. SMITH, 0000
DANNY R. SMITH, 0000
DAVID A. SMITH, 0000
STEVEN L. SMITH, 0000
HARLEY W. SMOOT, 0000
RALPH G. SNOW, 0000
JAMES M. SOLOMON, 0000
JAMES R. SOUBA, 0000
JAY C. SOURBEER, 0000
FREDERICK N. SOUTHERN, 0000
CHRISTOPHER J. SPAIN, 0000
EMIL E. SPILLMAN, 0000
MICHAEL D. STACY, 0000
STEPHEN L. STANDROWICZ, 0000
JOHN STEELE, 0000
SCOTT P. STEINMANN, 0000
MARY L. STEWART, 0000
TOMMY C. STEWART, 0000
KENNETH M. STINCHFIELD, 0000
ALAN L. STOKES, 0000
MICHAEL J. STOLL, 0000
RICHARD F. STOLTZ, 0000
MICHAEL M. STONE, 0000
DENNIS E. STOOPS, 0000
CHRIS K. STREAM, 0000
DIANE M. STRENN, 0000
JAMES M. STROTHER, 0000
DENNIS E. SUMMERS, 0000
JOSEPH A. SWARTZ, 0000
JAMES W. SWENSON, 0000
MICHAEL H. TAI, 0000
DAVID A. TAM, 0000
MARTA W. TANAKA, 0000
DEBORAH F. TAPPEN, 0000
SYBIL A. TASKER, 0000
GRETCHEN C. TAYLOR, 0000
HARRY A. TAYLOR III, 0000
DAVID E. THOMAS, 0000
KERRY R. THOMPSON, 0000
FRANCIS X. TISAK, 0000
ELIZABETH A. TONON, 0000
FRANK R. TRAFICANTE, JR., 0000
JOEL L. TRAYLOR, 0000
KARL R. TREFFINGER, 0000
DOUGLAS J.S. TRENOR, 0000
DAVID R. TRIBBLE, 0000
POMAY TSOI, 0000
JENNIFER L. TUCKER, 0000
ROBERT J. TUIDER, 0000
RAYMOND J. TURK, 0000
CHRISTOPHER R. TURNER, 0000
ROBERT B. TURNER, 0000
RONALD UNGARO, 0000
GREGORY UTZ, 0000
JAMES VALOVCIN, 0000
PAUL S. VANHOOSEN, 0000
PAUL J. VANKEVICH, 0000
MICHAEL C. VANTUYL, 0000
CYNTHIA R. VARNER, 0000
EDGARDO C. VIAS, 0000
ROBERT J. VICKERS, 0000
CATHY L. WAGSTAFF, 0000
ROBERT P. WALDEN, 0000
PHILIP S. WALERKO, 0000
DANIEL O. WALKER, 0000
RAYMOND A. WALKER, 0000
SAMUEL N. WALKER, 0000
ROBERT B. WALSH, 0000
ELIZABETH S. WALTERS, 0000
LYNDA E. WALTERS, 0000
GEOFFREY R. WARDA, 0000
MICHAEL A. WATERS, 0000
JOHN K. WATSON, 0000
MARY E. WATSON, 0000
BARRY A. WAYNE, 0000
CAROL D. WEBER, 0000
MARY P. WEBER, 0000
TIMOTHY S. WEHLING, 0000
WANDA L. WEIDMAN, 0000

CLIFFORD A. WEINGART, 0000
KIMBERLY D. WEISENBURGER, 0000
ERIC WEISS, 0000
WAYNE M. WEISS, 0000
JOSEPH J. WERNER, JR., 0000
TERRY S. WEST, 0000
THEODORE L. WHITEMAN, JR., 0000
ANTIONETTE A. WHITMEYER, 0000
LEIGH M. WICKES, 0000
JOHN T. WIDERGREN, 0000
THOMAS F. WIECHELT, 0000
RICHARD L. WILSON, 0000
ROBERT E. WILSON, 0000
RONERT A. WITHERSPOON, 0000
MICHAEL F. WOELKERS, 0000
WILLIAM A.F. WOODS, 0000
TIMOTHY L. WORKMAN, 0000
DONALD A. WORM, JR., 0000
DONALD T. WRAY, 0000
RICHARD D. WRIGHT, 0000
WILLIAM F. WRIGHT, 0000
PETER L. ZAMFIRESCU, 0000
TIMOTHY W. ZELLER, 0000
DANIEL J. ZINDER, 0000

WITHDRAWAL

Executive message transmitted by the President to the Senate on September 18, 1997, withdrawing from further Senate consideration the following nomination:

DEPARTMENT OF STATE

William F. Weld, of Massachusetts, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Mexico, which was sent to the Senate on July 23, 1997.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 18, 1997:

DEPARTMENT OF THE TREASURY

DAVID A. LIPTON, OF MASSACHUSETTS, TO BE AN UNDER SECRETARY OF THE TREASURY.

TIMOTHY F. GEITHNER, OF NEW YORK, TO BE A DEPUTY UNDER SECRETARY OF THE TREASURY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.