and the absence or inadequacy of laws protecting basic freedoms . . . Abuses included torture, and mistreatment of prisoners, forced confessions, and arbitrary and lengthy incommunicado detention. Prison conditions remained harsh. The Government continued severe restrictions on freedom of speech, the press, assembly, association, religion, privacy and workers rights.

Just one year ago, we were witness to yet another example of these policies when Wang Dan, one of the leaders of the 1989 pro-democracy demonstrations in Tiananmen Square, was sentenced to 11 years in prison. Also last December, a Beijing court sentenced activist Li Hai for collecting infomation on those jailed after the 1989 Tiananmen massacre.

The situation is just as bad in Tibet.

Last year, China arrested Ngawang Choepel, a Tibetan musicologist and Fulbright scholar, and sentenced him to 18 years in prison on trumped-up spy charges. China has also intensified its campaign to smear the Dalai Lama, the spiritual leader of the Tibetan people and a Nobel laureate. Tibetans are not even free to display a photo of the Dalai Lama, much less show reverence for him. There have been numerous reports of Tibetan monks and nuns suffering torture at the hands of Chinese authorities. The State Department human rights report cites three recent cases of Tibetan monks who died while in jail.

Mr. President, despite signing two formal agreements with the United States on prison labor, Chinese prison-labor products continue to appear on our shores. Tong Yi, who worked as an assistant to Chinese dissident Wei Jingsheng, knows the prison labor system first hand. Released just last year after serving a 2½-year sentence of re-education through labor—a sentence she received, by the way, without the benefit of any kind of trial—Ms. Tong says she was forced to work endless hours making products for export.

In the rush to reach agreements with China on WTO and proliferation, the United States cannot shove human rights aside. While the United States can and does talk tough on issues such as trade and intellectual property protection, we must do the same when the conversation turns to Tiananmen and Tibet.

In the run-up to the summit, Mr. Jiang has given several interviews during which he made some disturbing comments on human rights.

When Time magazine asked Jiang Zemin about the plight of political dissidents Wang Dan and Wei Jingsheng, Jiang responded that Wang and Wei are criminals, not dissidents. Indeed, it is a crime in China to publicly and peacefully criticize the Government as Mr. Wang and Mr. Wei have done.

Mr. Jiang is willing to dismiss questions about human rights because he likely thinks U.S. concerns extend to only a few high-profile dissidents. But, in fact, Wei Jingsheng and Wang Dan are merely symbols of the hundreds, if not thousands, of people in the People's Republic of China who are thrown into prison cells for demanding democracy, organizing prayer meetings, or for simply displaying loyalty to the Dalai Lama. These people might not be as famous and Mr. Wang and Mr. Wei, but they show the same type of courage, and they are every bit as important.

Mr. President, there are three key messages on human rights that Jiang Zemin must hear loud and clear while he is in Washington.

First, Jiang Zemin must realize that people who care about conditions in China seek more than the release of a token dissident or two. China likes to play a game where people like Wei Jingsheng are used as bargaining chips in the PRC's effort to curry favor with the international community at key moments. We saw this in 1993, when China tried to win a bid to host the year 2000 Olympic Games. Just a week before the International Olympic Committee was to vote on the matter, China released Wei Jingsheng. As we all know, Beijing lost the bid and, a few months later, Wei Jingsheng was back in prison, on charges of subversion.

We saw this again in 1995 when China suddenly decided to release Chinese-American human rights activist Harry Wu shortly before the First Lady was to arrive to address the U.N. women's conference.

But, the United States should not get caught in this cynical game.

For there to be true friendship between the United States and China, China must implement across-the-board and institutional changes such as strengthening the rule of law and allowing citizens to question government policy without fear. Jiang Zemin and other Chinese leaders must realize that United States-China relations will never reach their full potential so long as hundreds, if not thousands, of dissidents languish behind bars; so long as Tibetan Buddhists are subject to arrest and torture; and so long as citizens are not free to select their rulers.

Second, the United States must make clear to Jiang Zemin that the United States will not allow China to redefine the concept of ''human rights'' in a way that makes the term meaningless.

China's leaders have stated numerous times that the Peoples Republic of China is committed to upholding the 1948 Universal Declaration of Human Rights. This document affirms the right of every human being to enjoy freedom of expression, freedom of religion, and freedom of peaceful assembly. There is no special exception for China or any other country, nor should there be.

Furthermore, article 35 of China's own Constitution states that ''Citizens of the People's Republic of China enjoy freedom of speech, of the press, of assembly, of association, of procession, and of demonstration.''

China's late paramount leader Deng Xiaoping was found of saying ''seek truth from facts.'' Well, the fact is that China denies its citizens the very rights that the Government has vowed to protect.

I would like to ask Mr. Jiang if his government ever intends to grant its citizens the rights that, according to his country's own Constitution, Chinese citizens should already enjoy. Or will China's article 35 remain a meaningless provision, subject to endless caveats about the need for state security, social stability, and the rights of the collective? Will China continue to say it upholds the Universal Declaration of Human Rights, even though it systematically violates so many of the declaration's principles?

If the United States can demand that China fulfill its obligations under the international arms control regime, then the United States should be able to demand just as strongly that Beijing keep its obligations under international human rights agreements.

Third, Jiang Zemin should know that those of us—in the United States and around the world—who demand improvements in human rights are not trying to impose American or Western values on China, nor are we demanding that China be perfect according to some kind of American ideal. That would not be appropriate.

China does often point to many flaws in American society: The high crime rate and the lingering problems of poverty and drugs. China's official media often refers to the United States political system as a ''money bags democracy.'' Indeed, proponents of campaign finance reform, like myself, find some validity in that Chinese assessment.

But what Chinese leaders do not seem to understand is that being open about your problems is a sign of strength, not weakness. China lacks even the ability to acknowledge its severe human rights problem. Those of us that wish to promote human rights improvements want to encourage China to establish the tools—a free press, open debate, and respect for political and religious minorities—that will ultimately make China a stronger society and nation.

Mr. President, protecting human rights, respecting free speech, and tolerating dissent will bestow more legitimacy on China than any summit or White House photo-op could ever do.

This is what Jiang Zemin needs to hear.

Mr. President, I yield the floor.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. MURKOWSKI. Mr. President, may I inquire whether or not there is a time allocation under the standing orders of the Senate?

The PRESIDING OFFICER. The Senator has been allocated 15 minutes.

Mr. MURKOWSKI. I thank the Chair.

Mr. President, as chairman of the committee with jurisdiction over many of the agencies funded by this appropriations bill, the Energy and Natural Resources Committee, I rise to express several concerns about the Interior appropriations conference report that is before us today.

Included in the conference report are numerous provisions that are important to my State of Alaska; none more critical than language extending a moratorium preventing a Federal takeover of the management of Alaska's fisheries until December 1, 1998.

Mr. President, last year, the Alaska congressional delegation was successful in temporarily preventing the Federal Government from taking over the management of our fisheries. That moratorium is about to expire.

If this conference report is not adopted, the Federal takeover is inevitable, forcing the citizens of my State of Alaska to live with fisheries management not seen since territorial days. This is what statehood was all about, Mr. President, giving the people of Alaska the authority to manage our fish and game. We have just about come full circle.

I cannot in good conscience turn the clock back on all of the advances that we have made in 38 years since statehood. It is for that reason primarily that I am inclined to vote for this conference report.

However, Mr. President, I want to express my objection to several areas, specifically in the process that has led to the inclusion of amendments to the Alaska National Interest Lands Conservation Act, ANILCA, as a part of the extension of the moratorium, as a consideration for the moratorium,

Mr. President, several months ago the Secretary of the Interior, Mr. Bruce Babbitt, informed the Alaska delegation that he would recommend a Presidential veto of another moratorium extending the prohibition of the Department of the Interior to take over the management of fish and game.

The Secretary has now withdrawn the veto threat, but only under the condition that a provision which effectively amends ANILCA title VIII be included in this conference report. The provision also requires that the Alaska Legislature act and the people of Alaska approve the changes in a referendum before the amendments to ANILCA are effective. These amendments were worked out by Alaska's Governor, the Secretary of the Interior, and the chairman of the Appropriations Committee. I was not a party to these negotiations, and I believe that there were other options that should have been explored.

Nevertheless, Mr. President, rather than a congressional moratorium, my hope specifically would have been for the Secretary of the Interior and the Governor to have worked together so that the Secretary could have applied to the court for an extension of time to avoid a Federal takeover, based specifically on progress that was being made. And, indeed, Mr. President, there was a good deal of progress.

A task force was established by the Governor. That task force met several times and made its final recommendations. The Alaska Federation of Natives held a number of meetings and came up with its seven-point proposals. The State house resources committee held statewide hearings. And the State senate held hearings in September. So there was a good deal of evidence that progress was being made.

Perhaps this would have led to a special session and a resolve by the legislature, along with the input from the AFN, to give all Alaskans an opportunity to vote on the issue next year.

Unfortunately, there was no input by the legislature, the elected representatives of the people. My fear is now that some in our State, some Alaskans, will have the unreasonable expectation that future moratoriums can simply be obtained by the delegation—we have done it before—and the State legislature would therefore have an excuse not to finally resolve the issue.

The legislature will have a chance to receive input and provide recommendations on the proposed amendments to title VIII of ANILCA.

I tell the people of Alaska that it will be highly unlikely that we are going to see another moratorium legislated by Congress. The extension of the moratorium will provide the State legislature with an additional 14 months to work toward a resolve on the subsistence issue. As I indicated, the legislature will have the chance to receive input and provide recommendations to the proposed amendments of title XIII of ANILCA.

Mr. President, as chairman of the Energy and Natural Resources Committee, my intention, after the State legislature acts, is to conduct hearings here in Washington to cover the context of the language in the Interior appropriations bill and to receive input from the legislature and the State of Alaska, native groups, sportsmen's groups, and other interested parties on any further amendments to ANILCA title VIII that might be appropriate.

Mr. President, avoiding a Federal takeover of fish and game management is simply critical in my State. When Alaska became a State, Alaskans were united in our desire to take over the management of our fish and game. Many Alaskans still have vivid memories of the disaster of Federal control. Alaska salmon runs plummeted to 25 million fish with Federal bureaucrats in control in Washington, DC. Under State management, our runs are increasing and have approached 200 million in the last few years.

Alaskans must act now by participating in a process and agreeing to a solution to prevent a Federal takeover of our fisheries and gaining back control of our game management. The State, not the elusive Federal bureaucrats with no accountability to Alaskans, should manage our fish and game. They are responsible to the people of Alaska. And they are certainly accountable in Alaska as to managing the fish and game.

A subsistence solution I think must follow four basic principles that must be laid down as objectives.

First must be the protection of our resource. It must return and keep management of fish and game to the State of Alaska.

It must provide all the subsistence needs of rural Alaskans, and it must be fair to all Alaskans.

This issue must be resolved while both Congressman DON YOUNG and I retain our respective chairmanships of the committees of jurisdiction on this issue. Some have suggested we simply repeal the Federal subsistence law. But the Clinton administration, of course, would oppose this and would undoubtedly veto the bill. Even if we did, the Secretary of the Interior, Secretary Babbitt, would still have the authority to enforce a Native-only subsistence priority based on his trust responsibilities to Alaska Natives established by Indian law.

As I indicated earlier, we have made more progress in the past year on resolving the subsistence issue than any time in the past. We have involved the Governor, the Natives, and the legislature in moving forward on this issue. These constructive actions are why I support the moratorium contained in the conference report but object to the process or lack thereof by which the ANILCA amendments were included without the input of the representatives of Alaska; namely, the State legislature.

In the meantime, Mr. President, let me commend and support the ongoing process in the State to come to a general consensus and put a solution on the ballot in November 1998 so that Alaskans have the ability to vote on a final solution. This is an Alaskan issue, Mr. President. It mandates an Alaskan solution. As chairman of the Senate Energy Committee, I stand ready to work on amendments to Federal subsistence in concert with Alaska.

KETCHIKAN HEALTH CARE

Another item of note, Mr. President. I want to express my disappointment that the conference report does not contain a provision that prevents the Indian Health Service, IHS, from entering into two contracts for Native health care clinics in the community of Ketchikan, AK. This was a provision that passed the Senate and would have prevented the Indian Health Service from entering into those two contracts. Mr. President, this is simply a waste of taxpayers' money.

Unfortunately, the Indian Health Service declined to exercise their administrative discretion. Although I personally made contacts with the administrator, they refused to exercise their administrative discretion to contract with only a single facility. Had

IHS done so, it would have avoided paying $500,000 a year in additional and unnecessary administrative costs that will be borne by the America taxpayer at the expense of health care, in my opinion, for Alaska Natives. As we increase our administrative funds that leaves less for care.

Instead, Mr. President, the Indian Health Service ducked the cost issue, hiding behind the policy of the Indian Self-Determination Act. They are choosing to satisfy two Native entities rather than looking at ways to deliver the most efficient and the best health care for the money. It seems incredible that at a time when we have been slowing spending and other Federal health programs, Indian Health Service would choose to waste money on administrative overhead instead of making the tough health care decisions as to who is best qualified.

The final conference report allows for the possibility of two Native health clinics to be operated within a couple of miles of each other in Ketchikan, AK. I still fail to see the logic of the decision by IHS to authorize both clinics in a small community, and I intend to pursue this matter again with IHS.

STRATEGIC PETROLEUM RESERVE

Further, Mr. President, another area I want to address, is my dismay at the recent practice of using the strategic petroleum reserve, or SPR, as a piggy bank. The trend continues in this year's Interior appropriations bill.

Last year we sold oil in the SPR that cost $33 a barrel for $18 to $20 a barrel. As a result, we lost the taxpayers almost half a billion dollars. But it doesn't look like we have learned our lesson.

The fiscal year 1998 Interior appropriations bill sells another 207.5 million dollars worth of SPR oil, a sale that will cost the taxpayers an additional $170 million.

Buying high and selling low never makes sense. I wonder if we are like the man in the old joke who is buying high and selling low, claiming ''he would make it up on volume.'' This is a complete waste of taxpayers' money, and it must be stopped.

PRIORITY LAND ACQUISITIONS AND EXCHANGES

Finally, Mr. President, as chairman of the Energy and Natural Resources Committee, I have taken an active interest in how the additional $700 million from the Land and Water Conservation Fund is appropriated for priority lands acquisitions and exchanges. I have strongly advocated appropriating moneys from the fund in a manner consistent with the terms and the spirit of the Land and Water Conservation Act.

I want to express my disappointment with how this money was ultimately appropriated. However, I do want to commend my good friend, Senator GORTON, and his extraordinary staff for a job well done and to thank him for the efforts that he took to accommodate my concerns with these provisions.

Title V of H.R. 2107, as it emerged from conference, differs dramatically from the bill which was passed by both the Senate Appropriations Committee and the full Senate last month.

First, the $100 million that the Senate appropriated for the stateside Land and Water Conservation Fund matching grant program has been eliminated. This is unfortunate. This program provides vitally needed matching funds for State and local parks and recreation projects. Unfortunately, for the fourth year in a row, no moneys are provided for this program, which is universally supported by mayors, Governors, environmental groups, and many others who care about park and recreation issues.

Second, title V appropriates Land and Water Conservation moneys to the Federal land management agencies for uses not otherwise authorized by the Land and Water Conservation Act: namely, critical maintenance activities and mitigation payments associated with the Headwaters Forest and New World Mine acquisitions. While I do not disagree that the money needs to be appropriated for these purposes, I believe this sets a very dangerous precedent for use of the Land and Water Conservation moneys.

Finally, and most significantly, I object to the decision to authorize the Headwaters Forest of New World Mine acquisitions on the appropriations bill. It doesn't belong there. It belongs in the authorizing committee. This decision is clearly within the purview of the Energy and Natural Resources Committee and not the Appropriations Committee. If appropriators are allowed to circumvent the authorizers as blatantly as they have tried, then what role are authorizers, all authorizing committees, to play in future Congresses?

Nonetheless, I again commend Senator GORTON and Senator STEVENS, along with the majority leader, for ensuring that the members in my committee are provided a meaningful opportunity to review the authorizations contained within the bill. I intend to hold them to their commitment to provide the supplemental appropriations bill as a vehicle for any amendments to this authorization reported by the committee.

I also appreciate the fact that the authorization requires the administration to perform appraisals on these acquisitions and provides time for Congress to review the appraisals before the funds appropriated for the acquisitions are released. The American taxpayers are entitled to know whether or not the Headwaters Forest and the New World Mine purchases are the great deals that the Clinton administration claims.

Mr. President, this is a flawed conference report. But I cannot turn my back on the people of Alaska and vote against it because there are many provisions that benefit the people of my State. Most importantly, this conference report prevents a Federal takeover of fish and game management and I will therefore vote for the conference report.

ALASKA-SPECIFIC APPROPRIATIONS

Mr. President, although the extension of the moratorium contained in this conference agreement is critical to every Alaskan, there are several other provisions that should not go unnoticed.

NPR–A: The conference agreement contains language amending the lease terms in the National Petroleum Reserve which allows leases to be offered for an initial period of not less than 10 years. In addition, this provision allows for an extension of the lease for as long as the oil and gas is produced in paying quantities.

Additionally, the change will allow lease holders to unitize, providing for more efficient development of the NPR–A area if, in fact lease sales are offered next years.

PILT: The funding level for the payment in lieu of tax [PILT] program has been raised from $113.5 to $120 million. This is especially important for Alaska communities especially since Congress last year provided that communities within unorganized boroughs are eligible for PILT payments.

RS2477: The conference report also makes clear that previous appropriations language preventing final rules or regulations from taking effect regarding the validity or recognition of RS2477 claims is, in fact permanent law.

Glacier Bay: The conference report also ensures safer access to Glacier Bay National Park for those people who use the ferry from Juneau, including the handicapped and elderly.

Stampede Mine: Mr. President, I must commend the appropriators for also including a provision that allows, after 10 years, that the University of Alaska will finally get just compensation for mining properties that the Park Service destroyed.

Spruce bark beetle: Also included in this conference agreement is an appropriation of $500,000 to the U.S. Forest Service to work with the stakeholders in Alaska to develop an action plan to manage the spruce bark beetle infestation in south-central Alaska, and to rehabilitate the infested areas.

Appendix C: The conferees have also provided a 1-year extension for five small villages in the Lake Clark area of Alaska to file a lawsuit regarding lands these villages were promised more than 20 years ago under ANSCA.

Kantishna: Language is also included in the conference report that provides both claim owners in the park and the National Park Service with an expedited mechanism to resolve these claims. Consenting owners will be allowed to obtain compensation 90 days after enactment of this act. However, taking matters will be left to the parties or the court system to resolve.

Red cedar: I am also pleased that in working with Senator PATTY MURRAY, we were able to foster greater utilization of Alaska red cedar and achieve

greater efficiency in Tongass timbers sales in general.

Forest Service: This conference report also provides direction to the U.S. Forest Service that it not waste any money on expensive forest planning revisions until new regulations concerning forest planning are issued.

TITLE V—PRIORITY LAND ACQUISITIONS AND EXCHANGES

As chairman of the Energy and Natural Resources Committee, I rise today to speak about title V of H.R. 2107. Throughout the appropriations process, I have taken an active interest in the additional $700 appropriation from the Land and Water Conservation Fund [LWCF] for priority land acquisitions and exchanges. While I am disappointed with how this money was ultimately appropriated, I want to commend Senator GORTON and his staff for a job well done and thank him for the efforts he took to accommodate my concerns with these provisions.

Since last spring, I have strongly advocated appropriating moneys from the LWCF in a manner consistent with the terms, and spirit, of the LWCF Act. The LWCF provides funds for two purposes: 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 stateside LWCF matching grant program.

Title V of H.R. 2107, as passed by both the Senate Appropriations Committee and the full Senate, appropriated LWCF moneys for both of these programs. In that bill, $100 million was appropriated to the stateside LWCF matching grant program, with the remainder appropriated for Federal land acquisitions and land exchanges, including $250 million for the purchase of the Headwaters Forest in northern California and $65 million for the purchase of the New World Mine property outside of Yellowstone National Park. Both of these acquisitions, which were requested by the Clinton administration, were made contingent on the enactment of separate authorizing legislation. They are not land acquisitions otherwise authorized by the LWCF Act and raise substantial land policy questions which reach well beyond the property being acquired.

Unfortunately, in conference, the Senate's efforts to reinvigorate the LWCF were undermined. While the total commitment from the LWCF included in this bill is by the far the largest in nearly two decades, no money is provided for the stateside LWCF matching grant program. At the same time, the LWCF moneys appropriated to the Federal land management agencies are authorized for uses inconsistent with the LWCF Act.

Moreover, the conferees chose to authorize the acquisition of the Headwaters Forest and New World Mine property in this appropriations bill. As anyone involved with the conference can attest, I objected to this decision and was, at best, an unwilling participant in the process to authorize these acquisitions on H.R. 2107. I am left to wonder what role the authorizing committees, and the Senate for that matter, are to play in the writing of the laws which authorize the spending of the taxpayers money and the management of the public's lands. The conferees did include requirements which will provide the authorizing committees with an opportunity to conduct meaningful review of the acquisitions and provide protections to the American taxpayers.

STATESIDE LWCF MATCHING GRANT PROGRAM

The stateside LWCF matching grant program is one of two purposes for which LWCF moneys can be appropriated. The LWCF Act recognizes that a significant portion of the annual LWCF appropriation will be spent on the stateside matching grant program and, before the 1976 amendments to the LWCF Act, mandated that 60 percent of the annual LWCF appropriation go to the stateside LWCF matching grant program. The LWCF Act now implies such an appropriation by specifying that ''not less than 40 percent of [the annual LWCF] appropriations shall be available for Federal purposes.'' 16 U.S.C. 460*l*–7.

Stateside LWCF matching grants have played a vital role in providing recreational and educational opportunities to millions of Americans. Stateside LWCF matching grants have helped finance well over 37,500 park and recreation projects in all 50 States, including campgrounds, trails, and open space. 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 stateside LWCF matching grant program was funded, there were nearly 3,800 applications for stateside grants. Unfortunately, there was only enough money to fund 500 projects. In the intervening 3 years, the local and State demand for those resources only has increased.

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

Unlike the Clinton administration, and its House counterparts, the Senate Interior Appropriations Subcommittee, and the Senate, recognized the value of the stateside LWCF matching grant program and appropriated $100 million to the program over the next 4 years. The Senate Interior Appropriations Subcommittee noted, in its report, that ''resource protection is not solely the responsibility nor the domain of the Federal Government, and that States can in may cases extract greater value from moneys'' appropriated from the LWCF.

While this $100 million appropriation would only have met a fraction of the demand for stateside LWCF matching grants, it would have helped to restore the historic balance between the State and Federal sides of the LWCF. With the action of the Clinton administration and the Congress to shut down the stateside LWCF matching grant program in fiscal year 1996, the LWCF has become a Federal-only land acquisition program. The balance created by the LWCF Act—between the State and local communities and the Federal Government; between urban and rural communities; between the Western and Eastern States—for the acquisition of outdoor recreation resources has been lost. As I have expressed before, I believe the loss of this balance is a tragic mistake and only serves to increase the already significant pressure on the Federal Government to meet the recreation demands of the American public. Unfortunately, H.R. 2107 compounds this imbalance.

As chairman of the Energy and Natural Resources Committee, I plan to continue in the 2d session of the 105th Congress, my efforts to reinvigorate the stateside LWCF matching grant program. I intend to work with the members of the Interior Appropriations Subcommittee to fund the stateside LWCF matching grant program in fiscal year 1999. I also will search to find a permanent source of funding for the stateside LWCF matching grant program so that this annual appropriations battle can be avoided. The stateside LWCF matching grant program is too important to the America people for Congress to do anything less.

FEDERAL USE OF THE LWCF

The LWCF Act also authorizes LWCF moneys to be used by the Federal land management agencies to acquire property, otherwise authorized by Congress. Congress envisioned that a substantial part of the LWCF moneys allocated for Federal land acquisition should go toward the purchase of privately owned inholdings within the authorized boundaries of national parks, forests, and refuges.

Moreover, because the LWCF Act was enacted to establish a funding mechanism for the acquisition and development of outdoor recreation resources, LWCF moneys generally must be spent to purchase such lands. The Bureau of Land Management only can use LWCF moneys to purchase lands which are primarily of value for outdoor recreation purposes. 43 U.S.C. 1748(d). Similarly, in the absence of a specific authorization, the National Park Service only can use LWCF moneys to acquire inholdings within national parks for outdoor recreation purposes. 16 U.S.C. 460*l*–9(a)(1). Limitations also exist with respect to Forest Service and Fish and Wildlife Service use of LWCF moneys.

However, even with these limitations, the demand for LWCF moneys is significant. The four Federal land management agencies have identified more

than 45 million acres of privately owned lands lying within the boundaries of Federal land management units, including national parks, national forests, and national wildlife refuges.

These inholdings increase the operating and management costs of the land management units. Much of this acreage is small isolated parcels which complicate overall resource planning. These inholdings increase the time and cost of management as Federal land management agencies must maintain the boundaries, monitor illegal uses, enforce use restrictions, process requests for special uses, address trespass issues, in addition to many other management responsibilities. At the same time, many of these inholders have been waiting decades to receive promised compensation from the Federal Government for their property.

The National Park Service alone, in its fiscal year 1998 budget request, estimates that the cost to acquire all the private land identified for acquisition within the authorized boundaries of the units of the National Park System, excluding the Alaska parks, is $1.5 billion. Obviously, the costs to purchase these private lands will only increase,

Nonetheless, despite this significant demand for Federal land acquisition dollars and the costs associated with inholdings, the conferees have chosen to allow LWCF moneys to be spent on uses not otherwise authorized by the LWCF Act—critical maintenance by the four Federal land management agencies. The LWCF Act does not authorize any agency—Federal, State, local to use LWCF moneys for operations and maintenance activities. The conferees also authorized $22 million in mitigation payments to Humboldt County, CA, and the State of Montana—again, a use not otherwise authorized by the LWCF Act.

I am troubled by these decisions which set a dangerous precedent by expanding the purposes for which LWCF moneys can be spent. LWCF moneys not spent on the Headwaters Forest and New World Mine acquisitions should be limited to the purchase of private land now owned by willing sellers within the authorized boundaries of existing land management units, consistent with the terms of the LWCF Act.

HEADWATERS FOREST/NEW WORLD MINE AUTHORIZATIONS

The conferees also decided to authorize the Headwaters Forest and the New World Mine acquisitions in H.R. 2107. While the Clinton administration has conceded that these acquisitions need specific authorizations, I strongly believe that such authorizations should not be included in an appropriations bill. Rather, such authorizations should be the subject of separate legislation which has gone through the regular authorization process.

I want to reiterate that my unwillingness to embrace authorizing these two acquisitions on H.R. 2107 comes not from any personal opposition to these purchases. I have repeatedly stated over the past 6 months that I have not formed an opinion on whether or not these properties warrant inclusion in the Federal estate because I, and the members of my committee, do not know enough about the acquisitions to even form an opinion on their merits. Bills authorizing these acquisitions have never been introduced in the Senate and my requests for information from the administration over the past year have been largely ignored. On several occasions I have come to the Senate floor to voice my concerns about these acquisitions, but even these efforts have failed to get the attention of the administration. It is this very lack of information and cooperation, and the resulting unanswered questions about the acquisitions, which I believe counseled against authorizing these purchases absent a thorough, and open, review by the authorizing committees.

Nonetheless, the appropriators chose to proceed differently. And, while I disagreed with this decision, I again would like to thank Senator GORTON for his efforts to ensure that the authorizations contained in H.R. 2107 protect the role of the authorizing committee and the interests of the American taxpayer.

The conferees provided this protection by prohibiting expenditure of the appropriated funds for 180 days. During this time, if no separate authorizing legislation is reported, the acquisitions will proceed according to the authorizations contained in H.R. 2107. The Appropriations Committee has committed to allow any authorizing language reported by my committee or the House Resources Committee to be attached to the fiscal year 1998 supplemental appropriations bill.

During the 180 day review period, the Secretary of Agriculture and the Secretary of the Interior are to provide Congress with fair market value appraisals for both properties. This requirement is critical to protect the American taxpayers. The most significant unanswered questions about both properties concern their fair market value. Because the purchase prices for both the Headwaters Forest and the New World Mine property were the result of negotiation and dependent, in part, on other terms, the actual fair market value of the properties is unknown. The appraisals must comply with the Department of Justice ''Uniform Appraisal Standards for Federal Land Acquisitions,'' along with other applicable laws and regulations. The Comptroller General of the General Accounting Office also must evaluate both appraisals. In that review, the Comptroller General should examine the methodology and data used in the appraisals.

With respect to the New World Mine, an appraisal is already required pursuant to the August 1996 agreement. A 1995 National Park Service report estimates the fair market value of the property is less than $50 million but the Federal Government has agreed to a $65 million purchase price.

As to the Headwaters Forest, there is enormous discrepancy as to the property's value. The owner contends the property now has a value of close to $1 billion. 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 Federal Government and the State of California have agreed to purchase the Headwaters Forest for $380 million.

To further exacerbate this situation, the Federal tax consequences of the Headwaters Forest acquisition have not been considered. The sale of the Headwaters Forest is conditioned upon the current landowner receiving a ruling from the Internal Revenue Service that it can take as a business loss the difference between the appraised value of the property and the Federal purchase price. The Headwaters Forest acquisition will cost the American taxpayers hundreds of millions of dollars in lost tax revenues, in addition to the $250 million cash purchase price.

In the absence of the appraisal requirements, Congress would have found itself in the uncomfortable position of appropriating sums for Federal land purchases without any idea whether or not the purchases were good deals for the American taxpayers. This is what the Clinton administration sought. The Clinton administration wanted Congress to ratify the purchase prices for the New World Mine property and Headwaters Forest in order to avoid complying with the Uniform Relocation Assistance and Real Property Acquisition Act—the act which requires a fair market value appraisal of any private property to be acquired by the Federal Government. By requiring the completion of appraisals before the expenditure of the appropriated funds, Congress can determine for itself, and the American taxpayer, the fair market value of these properties.

The authorizations contained in H.R. 2107 also require Secretary of the Interior, with respect to the Headwaters Forest acquisition, and the Secretary of Agriculture, with respect to the New World Mine acquisition, to submit reports to Congress 120 days after enactment of H.R. 2107. These reports must detail the status of the conditions imposed in H.R. 2107 on the acquisitions. The reports also will provide information which Congress can use in reviewing the acquisitions.

One of these conditions, imposed on the Headwaters Forest acquisition, is the issuance of a incidental take permit under the Endangered Species Act based on an acceptable habitat conservation plan [HCP]. There currently are a number of questions about the status of the Headwaters Forest HCP.

The Agreement to purchase the Headwaters Forest requires that the Federal Government and the property seller agree to an HCP 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 HCP for this property, the timber company sued the Federal Government. Because of the significance of the HCP, within 60 days of enactment of H.R. 2107, the Secretary of the Interior and the Secretary of Commerce must report to the authorizing committees on scientific and legal standards and criteria for species used to develop the HCP. All of these issues will be examined during the 180-day review period.

There are questions, with respect to the New World Mine acquisition, about the amount of land or interests in land the Federal Government will be acquiring. The mining company, which agreed to sell, owns, or has under lease, interests in nearly 6,000 acres outside of Yellowstone National Park. However, the mining company only has fee title to 1,700 acres. The remainder is unpatented mining claims. The ownership situation is further complicated by the fact that most of the interests in the 6,000 acres are owned by a third party not a signatory to the agreement with the Federal Government. In conversations, the mining company has stated that this third party has agreed to forego her rights to develop the mineral reserves of the property for some undisclosed price but that she will retain her surface rights. There has been no written verification of this arrangement and it remains unclear exactly what interests and interests in land the Federal Government will acquire for the $65 million purchase price. Again, this information needs to be provided to Congress so that it can be examined during the 180-day review period.

My committee also will evaluate the long-term management plans for the properties. Who will manage the properties? For what purposes? At what costs? With respect to the Headwaters Forest acquisition, how will management responsibilities be divided between the Federal Government and the State of California? With respect to the New World Mine property, how will other mineral containing private property outside Yellowstone National Park be treated? Should the Federal Government be acquiring those properties in order to prevent other mineral development in this area? While an effort has been made to address, at least partially, some of these questions in the context of an authorization on H.R. 2107, a number of them remain unanswered and need to be analyzed in greater depth.

Again, I would have preferred examining the acquisition of the Headwaters Forest and the New World Mine property through the usual authorization process; thereby, respecting the roles of the appropriation and authorizing committees. Nonetheless, the Energy and Natural Resources Committee will undertake, in good faith, a thorough review of the purchases and, if necessary, report out changes to the authorizations contained in H.R. 2107 at the beginning of next year for inclusion in the fiscal year 1998 supplemental appropriations bill. My goal is to ensure that, despite the uncommon circumstances which have led us to this point, Congress and the American people can have confidence in the decisions to acquire Headwaters Forest and New World Mine properties.

DENALI MINING ACQUISITIONS

Today, the Senate will agree to passage of the conference report for H.R. 2107, the Interior appropriations bill for fiscal year 1997. Contained within this bill is a provision dealing with mining claims in Denali National Park. As chairman of the authorizing committee for Department of Interior activities, I regret that the Department has delayed resolution of this issue until this year. I would prefer to see stand-alone legislation to enact this provision in order to allow those affected by repeated Park Service delays to be able to testify on the record about them.

Those Denali inholders who wished to sell their inholdings to the Park Service have waited for just compensation for some time in some cases. Many inholders have been forced to abandon their claims in order to avoid paying the annual maintenance fee. Others have lost their claims due to payment of this fee only days late. This is not the way to treat Alaskans and it is my personal belief that a taking occurred long ago. As such, the date of taking has not been fixed by this provision.

As required by section 202(3)(b) of the Alaska National Interest Lands Conservation Act, a study of the mineral values of this area was completed in 1983. This study, known as the DOWL report, clearly identifies the high mineral values of the claims in question. With the passage of this legislation, it is my hope that the courts will use this congressionally authorized report as a guide to determining the proper valuations.

It is my intent to continue to oversee the Park Service's activities in regards to this provision to ensure that a resolution to this problem is finally reached. I hope that a nearly 15-year-old problem will finally be resolved.

Mr. President, for the record I wish to clarify an important point regarding the appropriations bill for the Department of the Interior. That point concerns the Minerals Management Service's rulemaking proceedings on the valuation of crude oil from Federal oil and gas leases, proceedings which have been underway since January of this year. Those proceedings began with a proposed rule to replace the longstanding practice of valuing crude oil royalties at the lease where the oil is produced with a new system—a system under which valuation for oil from any Federal lease anywhere in the country would begin with prices bid for future contracts on the New York Mercantile Exchange, or NYMEX.

Concerned about the fairness of the proposal and the fiscal impacts of an ill-considered rule, the managers of the appropriations bill have charged the MMS to continue to meet with representatives of affected states and of Federal leesees. Those meetings should be conducted in a manner to permit a full, careful airing of MMS's proposal and the several alternatives that have been recommended by States and producers. More importantly, those meetings should be conducted in a manner designed to move the stakeholders in this issue toward consensus.

MMS has begun the process of continued consultation by holding a series of workshops in October. I am aware that Secretary Babbitt has received sharp criticism from some who portray these meetings between MMS, States, and producers as backroom sessions, even though notice of those meetings was published in the Federal Register inviting the public to attend. Those critics, however, have already predetermined that MMS's NYMEX-price proposal is the only correct way to value royalty and that MMS must adopt it immediately.

The workshops MMS has begun are in fact the beginning of the detailed consultation the managers have directed the agency to undertake. From statements made by representatives of the MMS and of producers, I gather that there is disagreement over whether the current regulations need amending to address recent concerns, and significant disagreement over how to amend them if amendment is needed. According to statements made by MMS representatives, its rulemaking proceedings arose because of the agency's concern that the current regulations allowed large, integrated oil companies to value royalties by using their own posted prices, the prices they publicly state they will pay to purchase oil from third parties.

The workshops MMS has begun are the first real effort directly to address and fix the problems MMS and State representatives have identified from their audits. I was disappointed to learn, however, of MMS's announcement that the workshops would be limited to 30 days. While the managers expect the agency to continue to work with dispatch, the haste of the workshops evidently has resulted from political pressure MMS is receiving from certain quarters. A few workshops in 30 days cannot adequately explore how to restore confidence in all quarters that the royalty valuation program is fairly collecting the full value of production at the lease.

For my part, I intend to ensure that the agency carries out the charge the managers have given it. If necessary, I will hold oversight hearings next year to assure that the agency explains why the current regulations are not working, that it explains how whatever alternative it then is pursuing assures

that the public is receiving royalties based on the fair market value of the oil at the lease, and that it reports on its efforts to resolve the issues by consensus.

Mr. BUMPERS. Mr. President, I have authority from Senator BYRD to yield myself time on this.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, I will engage the distinguished manager of the bill in a short colloquy, but let me start off by saying that there are parts of this bill that are confusing because any bill of this magnitude obviously has some things that are hard to understand without knowing precisely what was intended. These are fairly arcane questions, usually not very entertaining to anybody except those of us who deal with issues affecting the Forest Service and the Department of the Interior.

Question No. 1. As I understand it, the U.S. Government will pay $250 million for the Headwaters Forest as provided in the bill; correct?

Mr. GORTON. Correct.

Mr. BUMPERS. There is a provision in the bill that says before the President can spend that money, the $315 million, which includes both the New World Mine and the Headwaters Forest, before the President can spend that money to acquire those two properties, the authorizing committees of the House and the Senate have 180 days from the date of enactment of this bill in which to take action. If they take no action, presumably the President would be authorized to go ahead and make the purchase?

Mr. GORTON. The Senator is correct.

Mr. BUMPERS. The second question: Do the authorizing committees have the authority under this bill to determine additional conditions under which the money can be spent?

Mr. GORTON. Only by reporting a bill and having that bill passed and signed by the President.

Mr. BUMPERS. Now, if the President were to veto the bill, because it contained some fairly stringent conditions that he found odious and the Congress did not override it, would the President still have authority to go ahead and make the purchase?

Mr. GORTON. He would.

Mr. BUMPERS. Another question: We appropriate $700 million in this bill from the Land and Water Conservation Fund; is that correct?

Mr. GORTON. $699 million.

Mr. BUMPERS. That is close enough.

So, the $699 million we are appropriating, under current law, the appropriate agencies, the Forest Service or the Department of the Interior, would have the right to spend other funds unrelated to Headwaters Forest and the New World Mine to make the normal kinds of purchases that they have always made; is that correct?

Mr. GORTON. Subject to approval of the Appropriations Committees of both Houses.

Mr. BUMPERS. The committees?

Mr. GORTON. Yes.

Mr. BUMPERS. Right.

Now, there is a provision in here that says Headwaters Forest must be appraised, through a normal appraisal, the appraisal submitted to the GAO within 30 days, et cetera.

My question is, if the appraisal came out that the Headwaters Forest was worth more than $250 million, would the President have the authority to spend more money out of the Land and Water Conservation Fund to pay the appraised price?

Mr. GORTON. I do not believe so. I believe that the President, the administration, believes it has a binding contract under which it would not have to pay more even though the appraisal came out higher, more than the $250 million.

Mr. BUMPERS. So we are only authorizing under this bill, and subject to the 180 days within which the committees have to act, we are only authorizing the expenditure of $250 million for Headwaters Forest?

Mr. GORTON. Correct.

Mr. BUMPERS. If the appraisal came out more than that and Mr. Hurwitz decided he wanted the appraised value, we could not pay him the appraised value; is that correct?

Mr. GORTON. The administration could not without coming back to the Congress.

Mr. BUMPERS. On another subject, Mr. President. With regard to the payment to the State of Montana, there is a provision in this bill—and I will not read the whole provision—but it says essentially that not later than January 1, the year 2001, but not prior to 180 days from enactment—the Secretary and the Governor of Montana will negotiate with the understanding that the Federal Government owes them $10 million in mineral resources for the loss of the New World Mine; is that essentially correct?

Mr. GORTON. Owes them a minimum of $10 million.

Mr. BUMPERS. A minimum?

Mr. GORTON. They could negotiate a higher figure than that.

Mr. BUMPERS. That brings me to the point. If the Secretary and the Governor of Montana cannot agree prior to this date on something similar to $10 million, then the Governor of Montana is within his right to demand the so-called Otter Creek tracts, which are tracts of land with a considerable amount of coal underneath them; is that correct?

Mr. GORTON. The Senator is correct.

Mr. BUMPERS. Now, I wonder if the Senator has seen some figures provided by the Greater Yellowstone Coalition as to what the Otter Creek tracts are worth. Let me preface that statement by saying I think the people who are following this bill are under the assumption that we are going to pay Montana $10 million to offset any economic loss they sustained as a result of our purchase of the New World Mine. There are going to be some jobs lost, and so on, that they would have otherwise gotten. Now, if the Governor of Montana is smart—and I assume he is—he is not going to negotiate very seriously on this for $10 million because he knows if there is no agreement, he gets the Otter Creek tracts. The Otter Creek tracts are estimated to have a value of $4.26 billion.

Now, if the U.S. Government were to lease those lands to somebody under the Mineral Leasing Act, we would charge them a 12.5-percent royalty. Half of the royalty from that coal would go to the State of Montana and the other half would go to the Federal Treasury. If the Governor of Montana is very shrewd, and he can bottle up negotiations and not take the $10 million, which most people assume he is going to be getting, and the State of Montana will wind up with the Otter Creek tracts and own all the coal outright * * * not just get the 12.5-percent royalty. Does the Senator from Washington know what the Federal share of the royalty from this coal would be?

Mr. GORTON. No.

Mr. BUMPERS. It is $266 million. Does that disturb the Senator? Assuming my figures are correct, would that disturb the Senator from Washington?

Mr. GORTON. Well, one has to assume—if you take an assumption that the gross revenues are going to be *x* dollars and that a royalty agreement would be 12.5 percent of *x* dollars, then you simply have an arithmetic calculation. There are wide differences of opinion as to the value of those tracts. For example, the demand from the State of Montana, through its junior Senator and its Congressman, were for twice this amount of money. It seems to me that there were losses to the State of Montana and that this was an appropriate transfer. I think I would have had a very different view, personally at least, toward the transfer had this transfer been from the people—that is to say, the United States of America—to some private entity. As it is, it is a transfer not to the Governor of the State of Montana, as we tend to personalize this, but to the State. It remains a limited public asset, but a public asset nevertheless. Now, this was a matter which consumed a considerable amount of time.

Mr. BUMPERS. I know it was.

Mr. GORTON. In negotiations over this, it was set up, very bluntly—and I can put this on the record because it is obviously the case—so that if the President feels that is somehow or another totally unwise and doesn't mind making the government of the State of Montana unhappy, this provision is subject to a line-item veto. It was set up in that fashion. The President doesn't have to veto the whole bill or the whole $700 million in the land and water conservation fund. So if he feels it is disproportionate in some respect, we never have to go through these negotiations at all.

Mr. BUMPERS. Senator, if I may, here are the figures furnished me on

the point I am trying to make. This is a real bonanza for the State of Montana—and I have nothing against them and their two Senators; they are two of the dearest friends I have in this body. So it always causes me grief when somebody is getting something, just as I am under this bill, to say these things. Here is the figure given to me. The Otter Creek tracts contain 533 million tons of coal. The current price of such coal is $8 a ton. It would come to $4.26 billion, and if you take 12.5 percent of that, you come out with about $266 million in royalties that the State could get. Mr. President, that is a lot more than the $10 million that I think most Senators in this body think we are giving the State of Montana.

So I wanted to raise that point because, as you know, the administration is pretty concerned about this bill. I don't know that the President would veto it. If he were to veto that particular provision under the line-item authority that he now has and the Supreme Court later determined that the line-item veto is unconstitutional, then this is still a viable provision and his line-item veto of it would not stand.

Mr. GORTON. Of course, the same thing is true with respect to all the other line-item vetoes, which I think would certainly be representative of millions of dollars. The President is exercising that power that was given to him by the Congress, and we will find out later whether or not they were valid. That would do no more or less than to set this out as a separate item. There is, however, a difference between the sale price of a mineral once it has been taken out and processed and worked on and the value of that same mineral while sitting in the ground. Those two are by no means equivalent.

Mr. BUMPERS. Senator, you and I have talked about this in private. I think it is well to get this on the record also. You may have alluded to this in your opening remarks. But another item that I think the administration is terribly concerned about is the provision in the bill that says ''no funds can be spent to revise forest plans until new final interim or final rules for forest land management planning are published in the Federal Register.'' You know, of course, under the national forest management plan, they are required to update the plans on the forests periodically. It is my understanding that some 42 plans would be blocked until the Forest Service publishes new final interim or final rules for forest land management planning. I can tell you that is costing the administration considerable pain. Would the Senator like to elaborate on that?

Mr. GORTON. I will comment on that. Obviously, the regulations in these forest plans have a tremendous impact not just on the Federal Government and management of the Forest Service, but very obviously on the communities and the areas in which these forests are located. The regulations and the rules that we are talking about have been under review for 8 years; that means through two administrations. Evidently, they must be rather controversial because they seem to have been about ready to promulgate and just before the elections, both in 1992 and 1996, they were withdrawn. Now we have gone just about a year after the last election. And we have been deeply concerned that so many millions of dollars have been spent on plan revisions that may just be thrown into the wastebasket when these regulations do come out.

So the design of this provision in the bill is to see to it that an administration, after 8 years and these two delays, comes up with final or at least interim regulations—something that it ought to be able to do within a relatively short period of time. Even so, in spite of that—and that was really what we asked them to do here in the Senate—because the administration had reservations on it, we have two exceptions to it. One is, in any forest in which a notice of intent to revise was published in the Federal Register before October 1 of this year—that is to say, where they were ready to do so; and second, where a court order has directed that a revision must occur. So in those two instances—and they are pretty big exceptions—this mandate doesn't apply at all. In the other case, all we are saying is, at least give us interim rules and regulations so that the forest plan revisions will be consistent with them when they come out.

Mr. BUMPERS. One final question and a remark. I see the Senator from New Mexico on the floor. He and I have talked about this privately. There is a grazing provision in this bill that is of some concern to me. There is a court order in New Mexico regarding grazing rights, and there is a provision in here that says that none of the funds may be used by the Forest Service to carry out a court order. As I told him, I am not going to get into that, but I think that has a little bit of danger. Just for the record, I will let the Senator say what he said to me privately about that provision.

Mr. GORTON. I yield to the Senator from New Mexico for that purpose.

Mr. DOMENICI. I say to the Senator that I did not come to the floor to interfere with your work or even to answer this question, but since I am here——

Mr. BUMPERS. If you choose to answer, by all means, do.

Mr. DOMENICI. Actually, Senator, I think I have explained it to Senator GORTON when I asked him to do this. Essentially, it does nothing more than say, for the remainder of this year, which is almost gone, the court order that could have forced some of the small ranchers to take their cattle off ranch land and set them aside while they do a new evaluation, we said that cannot happen in that manner until after this year is past, which is like a month or two. That is all it does.

Mr. BUMPERS. I think March 1 was the date.

Mr. DOMENICI. If that's the date, that's the date.

Mr. BUMPERS. Let me say this to the distinguished Senator from Washington, whose friendship I treasure. First of all, he has worked tirelessly to craft this bill, and there have been many conflicting forces pulling him in one direction or another. I know it has not been easy. He has always been very accommodating to me and I want to thank him profusely for that. More importantly, I want to tell him I was moved a moment ago by the very nice things he said about the role I played in the integration of my little school in Charleston, AR, at that time, with a population of 1,200. It was the very first school in the Old Confederacy to integrate after the Supreme Court decision in Brown versus Board of Education. He very generously put a $50,000 appropriation in here to do a feasibility study about establishing a national historic site in that community to commemorate this historic event. I express my deep and profound gratitude to him for that. He also agreed to include $150,000 for a similar designation for Central High School, which was the scene of one of the most, if not the most, dangerous situations in the United States since the Civil War.

Mr. GORTON. I thank the Senator.

Mr. President, the Senator from Pennsylvania is on the floor. I will yield 7 minutes to him.

Mr. SANTORUM. Mr. President, I thank the chairman for his kind comments earlier, as well as for his tremendous support of the issue which I rise to talk about in the bill. He has been very cooperative, to the nth degree, in making sure this funding is in the bill. What I am talking about is actually an increase in the amount of funding for a national park that I think is one of the most significant and important national parks we have in this country, the Gettysburg National Battlefield, a battle which represents the high-water mark of the confederacy. It is in my State of Pennsylvania. I have had the privilege of being there on many occasions and, for the most part, they have been very sad occasions. They are times when I have to go up and look at the state of disrepair of the battlefield, the absolute horrendous conditions in which some of the most significant Civil War artifacts are kept. They are kept in basements that are damp. There is rot on most of the artifacts, uniforms, soldiers' diaries, archeological artifacts, and historical photographs. They are rotting away because we have absolutely no place to put them. We also have many farmhouses that were there used during the battle, which are crumbling and falling apart because we don't have any money to fix them.

Mr. President, there was an article in the Washington Post today on Gettysburg, and there was one in USA Today also on Gettysburg. One referred to the

''next battle of Gettysburg,'' which is the attempt by the Park Service—I think a very important attempt—to relocate the visitors' center, which sits on Cemetery Ridge right in the middle of the Union line. New facilities are desperately needed given the condition of the artifacts I mentioned, to restore the battlefield to its intended condition, which should be its condition at the time of the battle, and to move the visitor center to another location in or near the park. The proposal referred to in the news articles is to move the visitors' center to a location in the park where there was no fighting that occurred and where no one died.

The primary reason for the Park Service seeking a public-private partnership to build the new facilities is, No. 1, the current facilities are located in a place where they should not be and to provide better preservation and restoration of the artifacts and monuments. I visited the battlefield a month ago and reviewed some of the cannon carriages. There are some 400 cannons of which 380 are in absolute horrible condition. In fact, they are breaking apart, cracking, and the paint is chipping off. You have little kids running around on the battlefield climbing on top of the cannons with paint peeling away. If that happened in a city, or in a house, all the inspectors in the world would say that you have to do something to repair these cannon carriages.

But we don't have the money, at least not until today. As much as the funding today will help, Gettysburg also needs the new visitor center, and they need the private-public partnership because there just isn't enough money in the budget to build a new facility. We can't get the capital funds.

This new proposal, however, is meeting with some controversy from preservationists who feel we should leave things alone. If we leave things alone, though, Gettysburg won't be here very much longer—at least the historical documents and artifacts and monuments. I was at the Pennsylvania monument recently, one of the largest at the park. It is a grand thing. It is a dome-shaped monument. You can walk through it and under it—but not when it rains because it leaks, the water drips right down on you. You walk around and you see monuments that you can't even make out who it is a monument to anymore because they are just worn.

That is no condition for this hallowed ground to be in. I, again, thank the Senator from Washington because I came to him with this plea after being, frankly, shocked and emotionally moved, after having been to that battleground on several occasions, and pleaded with him to do something about this state of the battlefield. He said, ''Tell me what you need and we will make sure that we fight for it.'' And through the process he was there every step of the way and did fight valiantly, and we have succeeded in getting an additional million dollars.

But I will be very honest with you. That is a start. We also need to move forward with this new visitor center. I know it may be controversial. I know people are saying we have to wait and see. I am willing to listen to the preservationists and to those who have concerns about the new location being proposed by the Park Service. But we cannot delay long. We need to move forward to construct, No. 1, a suitable place for us to keep these artifacts. If we do not move forward and build a new facility that has the kinds of conditions, whether it is humidity, temperature, sunlight, and other things, to adequately display the park's treasures, they will be lost. One such treasure is the cyclorama painting that was painted back in 1880's. Today, the canvas is rippled. It is being destroyed, damaged by time, by humidity, by the misconstruction of the building when it was first put in. We need to act now to preserve and restore it.

Today is a first step. I commend the committee and the Senator from Washington. We have made a first step today. We need to be vigilant on this. We need to come back and work further for more aid for this park and others to make sure that we can keep these hallowed grounds in a condition that we can be proud of and that we can preserve for posterity.

So I rise to make my colleagues aware of the reasons for which this appropriation was targeted, and I encourage the President to be supportive of this additional appropriation. I also encourage him to do all he can to make sure on the Executive side that we move forward with the Park Service in some way quickly to get this new visitor center constructed, so we can begin to turn this park around to preserve our terrific assets, as well as to present a much better historical educational opportunity for people who come to visit the park.

I thank the Chair.

Mr. BRYAN addressed the Chair.

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

Mr. BRYAN. I thank the Chair.

Mr. President, I yield myself 3 minutes.

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

Mr. BRYAN. I thank the Chair.

There are a number of riders attached to this conference report which should be cause for concern by my colleagues. I am most troubled by the conferees' treatment of the Forest Service purchaser road credit program.

During this body's consideration of the Interior appropriations bill, I offered an amendment to eliminate this environmentally destructive subsidy. It failed by a single vote. A similar amendment in the House also failed by a single vote.

The purchaser road credit program allows the Forest Service to subsidize the road construction costs of timber companies by granting credits to them equal to the estimated cost of the roads they need to access their timber. Timber purchasers can then use the credit to pay for the timber being harvested. Last year these ''purchaser credits'' were valued at nearly $50 million.

In the House-passed version of the Interior appropriations bill, a limit of $25 million was placed on the value of purchaser credits that may be offered by the Forest Service in fiscal year 1998. The conference report before us today eliminates this cap entirely. The Senate report accompanying the bill ''directs the Forest Service to continue the timber purchaser credit program without change'' and makes it clear that ''the committee has not specified the ceiling for the amount of purchaser credits that can be offered'' to timber companies. The result of this language is an open-ended subsidy for the timber industry.

Mr. President, in spite of the conferees' decision to expand this subsidy, I intend to send a letter to the administration urging them to use their discretionary authority to abolish this wasteful and environmentally unsound program, and I urge my colleagues to join me in this effort.

Mr. President, I reserve the remainder of my time and yield the floor.

Mr. GORTON. I yield 4 minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I am grateful to the Senator from Washington for the manner in which he has handled this bill as the chairman of the subcommittee for Interior appropriations.

I presented to the conference at a very late moment an amendment, which is amendment No. 128, that modifies the regular amendment that was in the original House bill dealing with the problems associated with management of Alaska fish and game.

I want to tell the Senate, in July at our request the Secretary of the Interior came to Alaska and met at Senator MURKOWSKI's house with me and Congressman YOUNG, with the Governor, the attorney general, and members of what we know as the Governor's task force on subsistence. We agreed then to try to work together to assure that Alaska, along with all other States, would continue to manage fish and game on Federal lands within its borders.

It is a very difficult problem for us, but very clearly Secretary Babbitt has carried through with the commitments he made at that time, and we have worked toward finding a resolution to these problems.

This task force did come up with a report. It is a very interesting task force. It is made up of the Governor and Lieutenant Governor, Governor Knowles and Lieutenant Governor Ulmer, also the speaker of the house, Gail Phillips; the president of the senate, Mike Miller; a former Republican Governor, Jay Hammond; and the

former Republican attorney general, Charley Cole. Byron Mallot, Director of the Alaska Permanent Fund, who has held leadership roles in Alaska Native organizations, was also on that task force.

This task force worked hard over the summer and came up with some recommendations. We hoped those recommendations would be presented to a joint session of the Alaska Legislature this year. That was not possible. When it was really evident it could not be done, I asked the conference to adopt this amendment. It is covered on pages 94 and 95 of the conference report, and I will not comment at large about it.

But I do want the Senate to know and the RECORD to show that we have done our best to meet this. Senator MURKOWSKI has just said he is going to hold some hearings, and Congressman YOUNG may hold some hearings. I do hope they will hold them. I hope they will hold them in Alaska. There are a lot of Alaskans who want to be heard on the matter of what should be done. The Congress may be asked to adopt further amendments next year.

I yield the floor.

APPENDIX C STATUTE OF LIMITATIONS EXTENSION

Mr GORTON. Will the distinguished chairman of the Appropriations Committee yield for a question?

Mr. STEVENS. Yes, I will.

Mr. GORTON. The conference report contains an amendment dealing with land selection rights of five Alaska Native village corporations involved in the so-called appendix C conveyance issue. Would the chairman provide some background on this issue and explain Congress' intentions on how this provision should be interpreted by the courts.

Mr. STEVENS. The lands at issue were selected by five Alaska Native village corporations pursuant to the 1971 Alaska Native Claims Settlement Act. The lands were selected in 1974, pursuant to an agreement among the villages, a full 6 years before the creation of Lake Clark National Park. For years, the Department followed a course of processing village land selections outlined in both appendix A and appendix C of the agreement. This prior course is well documented including formal conveyance decisions and reservation of easements.

In the 1990's, the Department changed its course effectively denying the village corporations the land to which they are entitled. This provision is designed to allow the Native corporations to challenge the Department's refusal to convey them their land in a court of law. While the Alaska congressional delegation believes the Native people are entitled to the land, the Department of the Interior disagrees. We have agreed to allow an objective third party decide, based on the facts of the case and an interpretation of the 1974 agreement, whether the Native people are entitled to the lands in appendix C.

Because the Interior Department has taken so long to process the villagers land claims, the statute of limitations for challenging the Department has almost expired. To allow a suit to be filed, the conference report extends the statute of limitation through October 1, 1998, under which the five village corporations and Cook Inlet Region, Inc., the regional corporation, may bring litigation challenging the Department's refusal to convey the appendix C lands to the village corporations.

The amendment clarifies that if litigation is brought by the village corporations or Cook Inlet Region, Inc, it shall be filed in the U.S. district court. The court trial permitted in this amendment will result in a fresh hearing on the merits of the case.

The court record will not be limited to the current, incomplete administrative record, but shall consider new evidence introduced that is relevant to the interpretation of the agreements and conveyances in dispute. The language allowing introduction of new evidence was proposed by the Office of Management and Budget. This will provide for a neutral hearing on the total circumstances of the dispute.

A fresh look at the case prompted the Anchorage Daily News, the daily newspaper in Alaska's largest city with a strong record of environmental advocacy to endorse conveyance of the appendix C lands to the villages. I ask unanimous consent that the editorial be printed in the RECORD.

[From the Anchorage Daily News, Oct. 24, 1997]

FIRST PRINCIPLES INTERIOR, DO RIGHT IN LAND DISPUTE

A long-standing land dispute between the U.S. Department of the Interior and Cook Inlet-area Native village corporations should be settled in the corporations' favor, either through a deal brokered by Sen. Ted Stevens or, better yet, through direct action by Secretary of the Interior Bruce Babbitt.

Until Secretary Babbitt steps in, Interior lawyers and high-level bureaucrats will keep fighting with five village corporations and Cook Inlet Region Inc., the Native regional powerhouse that has intervened for its member village corporations. The dispute centers on roughly 29,000 acres of land on the west side of Cook Inlet. The Natives say they're entitled to the acreage, but the department wants to add the disputed parcels to Lake Clark National Park and Preserve.

On this matter, the Clinton administration unfortunately appears to be more intent on locking up another corner of the state than respecting the will of Congress as expressed by the Alaska Native Claims Settlement Act.

The 1971 act created Native-owned corporations—both regional and village—to manage settlement money and land. Plain and simple: It is wrong that, over 20 years later, a handful of village corporations in Southcentral Alaska are still awaiting title to selected acreage.

Both sides look to a 1976 agreement to bolster their respective arguments. The agreement was supposed to sort out competing government and Native interests through land trades. It summarized how trades would take place and in what order lands would be selected and conveyed. Aside from minor amendments, the document hasn't changed—but the feds and Natives have reached different conclusions about what it says.

Sen. Stevens has unsuccessfully tried several times in recent years to end the dispute in the corporations' favor. His latest attempt suffered a setback Thursday when it was cut out of a Department of the Interior budget bill. While it is commendable that Alaska's senior senator has gone to bat for a just cause, it is unfortunate that his latest effort was special-interest legislation attached to the coattails of a bigger bill.

The preferable alternative: Secretary Babbitt can and should direct his staff to convey the disputed acreage to the five Cook Inlet-area village corporations via Cook Inlet Region Inc. While he and park proponents may not like the results—after all, the land can be used for commercial purposes—the anticipation of what may happen later should not stop him from doing the right thing now.

If, after nearly three decades, a just portion of an aboriginal land settlement is circumvented by clever bureaucrats, then the integrity of Congress will have been compromised so that a national park can be expanded.

The right and only call for Secretary Babbitt to make is to lay this old chapter of the Alaska Native Claims Settlement Act to rest and turn over title of the disputed land to its rightful owners.

Mr. GORTON. It is my view that the amendment the conferees agreed to requires a full trial to be held if a lawsuit is filed and allows the parties to introduce all relevant evidence. Do you agreement with that interpretation?

Mr. STEVENS. Yes. It is the intent of the amendment that a trial on the merits be conducted in the U.S. District Court if the villages decide to file suit. Such a trial would be held in lieu of an administrative hearing conducted by the Department of the Interior and in lieu of a court appeal of any administrative decision that was limited to the current, incomplete administrative record.

The court must hear all relevant evidence related to the circumstances surrounding the land selections and conveyances and should not be limited to hearing only the views of the Interior Department or reviewing the limited administrative record that currently exists. Nor, in my opinion, should it defer to any prior decision that was not based on a hearing and a full review of the facts.

In order to ensure justice for the parties, it is necessary that the court have all relevant evidence available to it. Since this dispute has a complex fact pattern that stretches over 20 years, the case should not be resolved on a motion for summary judgment.

The lands sought by the village corporations were originally selected in 1974. The selections were accomplished with the assistance of officials at the Bureau of Land Management. The village corporations have never varied in their selection priorities, and the selection priorities must be honored by the Federal Government. Those of us who are familiar with the history of this dispute understand that the purpose of the Deficiency Agreement was to give effect to the land selections made by the village corporations.

The lands should be conveyed to the villages in the priority order in which they were selected, the same requirement that applies to all land conveyances made to Native corporations under the Alaska Native Land Claims Settlement Act. It is important to read all provisions of the agreements in question in the context in which they were negotiated and in light of the legislative purpose the agreements served to fulfill village land selection rights.

I regret that litigation may be necessary in this case. I am disturbed that the Department of the Interior decided to change its interpretation of the conveyance requirement and is using a very limited interpretation of the Deficiency Agreement to clear title to the appendix C lands. The Department is attempting to acquire more land for Lake Clark National Park. However, it is important to note that the boundaries of Lake Clark National Park were not expanded to potentially include appendix C lands until 6 years after the original land selections were made by the village corporations in 1974. As a result, the appendix C lands are not park lands by virtue of the prior valid Native land selections.

Since enactment of ANCSA, there has been a substantial amount of litigation regarding interpretation of the statute, but no case has been heard that is directly on point with respect to appendix C. Further no opinion—including Court of Claims cases—has been issued interpreting the Deficiency Agreement based on a full hearing of all the relevant evidence. It is one purpose of this amendment to ensure that the district court's resolution of the present matter will not be bound by any decision or opinion not based on a full review of the legal and factual record. The court must take a new look at the dispute after reviewing a full and complete record.

Mr. GORTON. The Interior Department has not responded to the authorizing committees' requests in either the House or the Senate for resolution of this matter. As chairman of the Senate Energy Committee, can Senator MURKOWSKI elaborate?

Mr. MURKOWSKI. During the past Congress, both the House Resources Committee and the Senate Energy and Natural Resources Committee held hearings on this dispute. We heard from members of the villages seeking their lands as well as from the Department of the Interior. At the end of the Senate hearing in September 1996, I asked if the Department of the Interior was willing to work with the villages to come to a resolution. While its initial indication was yes, more than 6 months later, no action had been taken.

On January 2 of this year, Chairman YOUNG and I wrote to Secretary Babbitt requesting again that appropriate department policy level officials meet with the affected villages and the regional corporation as soon as possible to negotiate a resolution acceptable to the administration and the Alaska Native corporations. Again, there was no serious effort to seek a resolution.

Having no indication that the Department was willing to even try to negotiate a settlement of this dispute, Chairman YOUNG and I wrote to Chairman STEVENS on April 25 asking him to include language in the Interior appropriations bill to ensure conveyance of the disputed land to the villages.

CHANGES TO THE APPROPRIATIONS COMMITTEE ALLOCATION

Mr. DOMENICI. Mr. President, section 205 of House Concurrent Resolution 84, the concurrent resolution on the budget for fiscal year 1998, allows the chairman of the Senate Budget Committee to adjust the allocation for the Appropriations Committee to reflect new budget authority and outlays provided for priority Federal land acquisitions and exchanges.

I ask unanimous consent that revisions to the 1998 Senate Appropriations Committee budget authority and outlay allocations, pursuant to sec. 302 of the Congressional Budget Act, in the following amounts, be printed in the RECORD.

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

	Budget authority	Outlays
Current allocation:		
Defense discretionary	269,000,000,000	266,823,000,000
Nondefense discretionary	255,550,000,000	283,243,000,000
Violent crime reduction fund	5,500,000,000	3,592,000,000
Mandatory	277,312,000,000	278,725,000,000
Total allocation	807,362,000,000	832,262,000,000
Adjustments:		
Defense discretionary		
Nondefense discretionary	−700,000,000	−257,000,000
Violent crime reduction fund		
Mandatory		
Total allocation	−700,000,000	−257,000,000
Revised allocation:		
Defense discretionary	269,000,000,000	266,823,000,000
Nondefense discretionary	254,850,000,000	282,986,000,000
Violent crime reduction fund	5,500,000,000	3,592,000,000
Mandatory	277,312,000,000	278,725,000,000
Total allocation	806,662,000,000	832,126,000,000

Mr. DOMENICI. Mr. President, I rise to explain the need for a reallocation in funding authority for the Appropriations Committee that is being filed today.

I regret that this reallocation is necessary because it was avoidable.

Section 205 of the fiscal year 1998 budget resolution provided for the allocation of $700 million in budget authority for Federal land acquisitions and to finalize priority land exchanges upon the reporting of a bill that included such funding.

The Senate-reported Interior appropriations bill included this funding in title V. As chairman of the Budget Committee, I allocated these funds to the Appropriations Committee, which in turn provided them to the Interior Subcommittee.

If the conferees had adopted the Senate language, I would not be here withdrawing this funding allocation. However, the conferees modified the Senate language to provide only $699 million for land acquisitions, and to expand the use of these funds for the following purposes:

Critical maintenance activities are added as an allowable activity under this title V funding;

Ten million dollars is provided for a payment to Humboldt County, CA, as part of the Headwaters land acquisition; and

Twelve million dollars is provided for repair and maintenance of the Beartooth Highway as part of the Crown Butte/New World Mine land acquisition.

The Senate Budget Committee provided clarifying language to the conferees on the Interior appropriations bill during their meeting on September 30. This language simply restated that monies provided in title V, when combined with monies provided by other titles of the bill for Federal land acquisition, shall provide at least $700 million for Federal land acquisitions and to finalize priority land exchanges.

This language, which I urged be included throughout the past 2 weeks while final language was drafted, would have ensured that the section 205 allocation remained in place for this bill.

The chairmen decided to include, however, language which attempts to trigger the additional $700 million by amending the budget resolution. This language causes a violation under section 306 of the Budget Act because it affects matters within the jurisdiction of the Budget Committee.

Since this language will not become effective until the bill is signed into law, and the conferees did not clarify that $700 million is included in the bill for land acquisition and priority land exchanges, I have no choice but to withdraw the additional allocation of funding provided in section 205 of the budget resolution.

I worked diligently as a member of the conference to complete this important bill, working with my good friend, the senior Senator from Washington, who chairs this subcommittee.

The inclusion of a simple proviso would have avoided this problem. I regret that the chairmen of the conference chose not to do so, and that this withdrawal of funding is now necessary.

Mr. President, I ask unanimous consent that a summary of the provisions included in the final version of the Interior appropriations bill be printed in the RECORD, along with a letter I sent to the chairman of the full Appropriations Committee about these issues at his request.

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

CHANGES TO THE FISCAL YEAR 1998 INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL SINCE FORMAL CONFERENCE

$700 MILLION LAND ACQUISITION AND MAINTENANCE FUND

The conference agreement for the fiscal year 1998 Interior and Related Agencies Appropriations Act provides an additional $699 million for priority land acquisitions and exchanges, and for reducing the maintenance backlogs of the Federal land management agencies. This special appropriation was first

referenced by the balanced budget agreement this Spring between the Congress and the Administration, which provided an additional $700 million for priority land acquisitions and exchanges. The Senate version of the Interior Appropriations bill included the special appropriation for land acquisition; the House version did not.

A portion of these funds will be used to acquire two specific pieces of land—the Headwaters Forest in California and the Crown Butte/New World Mine property near Yellowstone National Park. Both of these acquisitions are high priorities of the Administration. Congress, in appropriating funds for these two acquisitions, has stipulated conditions that ensure the wise use of Federal taxpayer dollars, the development of State and local partnerships, and the appropriate use of proper procedures—including valuations, public appraisals and adherence to the National Environmental Policy Act.

These two Administration projects will require up to $315 million in Federal funds—up to $250 million for the Headwaters Forest and up to $65 million for Crown Butte/New World Mine. The State of California will provide $130 million for the Headwaters Forest acquisition. The Headwaters acquisition will be accompanied by a single payment of $10,000,000 for Humboldt County, California, to help offset lost tax revenues and cover anticipated increases in public health and safety costs incurred by the County. The Crown Butte/New World Mine acquisition will be accompanied by an additional Federal expenditure of $12,000,000 to improve and maintain the Beartooth Highway. The conference agreement also directs that a Federal/State study be undertaken to identify and encourage mineral resource development in the State of Montana. Bill language also directs a $10 million transfer of Federal mineral rights to the State of Montana.

Both the Headwaters Forest and the Crown Butte/New World Mine acquisitions are delayed for 180 days, during which time the conditions that govern these acquisitions will be reviewed by the Congressional authorizing committees and may be modified through additional legislation. To the extent that the appraisal process causes a delay, the 180 day period will be extended by an equivalent number of days.

The remainder of the $699 million will be used for other priority land acquisitions and for critical repair and restoration needs of the four land management agencies: National Park Service, U.S. Fish and Wildlife Service, Bureau of Land Management, and U.S. Forest Service. The Secretaries of Agriculture and the Interior will submit requests to the House and Senate Committees on Appropriations for approval for the use of the traditional land acquisition and maintenance funds. The Secretaries are encouraged to emphasize projects that reduce their critical maintenance backlogs and to select land acquisitions which complete a unit, consolidate lands for more efficient management, or address critical resource needs.

PENNSYLVANIA AVENUE MODIFICATIONS

Amendment #158 has been modified, as requested by the Administration, regarding the limitation of expenditures of funds in this bill to implement changes to Pennsylvania Avenue in front of the White House.

NATIONAL PARK SERVICE HOUSING

The report language has been slightly modified to require the Secretary of the Interior to appoint a review committee, a majority of whose members are not employees of the National Park Service, to review the construction practices of the National Park Service and to submit no later than April 15, 1998, a report of their findings and recommendations to the House and Senate Committees on Appropriations.

LAKE CLARK NATIONAL PARK AND PRESERVE, ALASKA

Amendment #68 has been modified, as requested by the Administration.

Summary	*In Millions*
Headwaters	up to $250
Crown Butte	up to 65
Humboldt Co.	10
Beartooth Hwy	12
Other land/maintenance	362
[Dept. of the Interior: $272 million]	
[U.S. Forest Service: $90 million]	
Total	$699 million

U.S. SENATE,
COMMITTEE ON THE BUDGET,
Washington, DC, October 23, 1997.

Hon. TED STEVENS,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR TED: I regret that I have to bring to your attention two Budget Act violations that will lie against the conference report on the Interior and Related Agencies Appropriations bill.

The conference report fails to meet the terms of section 205 of the FY 1998 budget resolution (H. Con. Res. 84) regarding priority land acquisition funding. Therefore, I must withdraw the additional $700 million for priority land acquisition and exchanges to the Appropriations Committee for consideration of the conference report on the Interior bill. Assuming the Appropriations Committee reduces the section 302(b) allocation for the Interior bill by this amount, the conference report on the Interior bill would violate section 302(f) of the Budget Act.

The Interior bill also would amend the FY 1998 budget resolution to relax the requirements of section 205. Because this provision affects matter in the Budget Committee's jurisdiction, it would cause another violation under section 306 of the Budget Act. If a point of order is raised under either one of these sections, it takes 60 votes in the Senate to waive either of these points of order.

At the Administration's insistence, the Balanced Budget Agreement included $700 million in spending for priority land acquisition and exchanges. I worked for a more flexible mechanism to allocate funding for priority land acquisition, but the White House insisted on very restrictive language. As a result, section 205 of the FY 1998 budget resolution provides that the $700 million will only be made available to the Appropriations Committee if the Interior Appropriations bill provided $700 million for priority land acquisition and exchanges.

The Senate-passed Interior bill met the budget resolution's requirements by providing $700 million for land acquisition activities. During the conference on the Interior bill, the Senate language was modified and I provided some additional language to the conferees that would have ensured $700 million was spent on land acquisition, thereby meeting the budget resolution's requirements. Instead, the tentative conference agreement included language amending the budget resolution. My staff has been in touch with both Senator Gorton's staff and your staff to indicate that the tentative conference agreement on the Interior bill would violate the Budget Act. Even so, the conferees chose to ignore my suggestion.

The Interior conference report provides $699 million for land acquisition. Of this funding, it provides that the money can be used for purposes other than land acquisition, including maintenance activities, PILT payments, and highway improvements. While the Interior conference report attempts to trigger the additional $700 million by amending the budget resolution, I cannot take this language into account until the Interior bill becomes law.

If we took language amending the budget resolution into account for determining budgetary levels, the budget resolution and our efforts to enforce a balanced budget plan would become meaningless. Instead of making the hard choices to live within the budget resolution's levels, committees could simply rely on the precedent that would be established in the Interior bill and amend the budget resolution to assert they had complied with budgetary limits. Finally, the budget resolution is a congressional document that does not require the President's signature and I think it is inappropriate to amend the budget resolution through a law.

I recognize the extraordinary effort you and Senator Gorton have put into writing an Interior bill that can pass both Houses and be signed by the President. I also realize that the issue is not the total level of spending, but how this additional $700 million will be spent. My concern is with the precedent to amend a budget resolution that will be established by the Interior Appropriations bill, which is avoidable, and that is why I attempted to resolve this issue during the Interior conference to avoid any Budget Act violations.

I regret that I have to withdraw the additional allocation to the Appropriations Committee for land acquisition funding, but I have no choice.

Sincerely,

PETE V. DOMENICI,
Chairman.

Mr. DOMENICI. Mr. President, I also object to the inclusion of directed scorekeeping language in this bill. If the Senator took language amending the budget resolution into account for determining budgetary levels, the budget resolution levels and our efforts to enforce a balanced budget plan would become meaningless.

Instead of making the choices necessary to live within the budget resolution levels, committees could simply rely on a precedent to assert, or ''deem,'' that they had complied with the budgetary limits, even though they hadn't.

Such action would undermine the budget discipline of the Senate.

Since the directed scorekeeping language will not become effective until the bill is signed into law, and the conferees did not clarify that $700 million is included in the bill for land acquisition and priority land exchanges, I have no choice but to withdraw the additional allocation of funding provided in section 205 of the budget resolution for land acquisition and exchanges.

MICCOSUKEE SETTLEMENT AMENDMENT

Mr. MACK. I rise today to thank my colleague, Senator GORTON, for including language in the fiscal year 1998 Interior appropriations bill concerning a settlement between the Miccosukee Tribe of Indians of Florida and the State of Florida. The Mack-Graham amendment is a clear, noncontroversial piece of legislation that finalizes the settlement between the Miccosukee Tribe of Indians of Florida and the State of Florida with regards to land takings claims.

Mr. GRAHAM. I, too, thank Senator GORTON for his support to include this provision in the final bill. Do I correctly understand that title VII of the

Interior appropriations bill will ratify the settlement agreement signed by the State of Florida and the Miccosukee Tribe in 1996?

Mr. GORTON. The Senator is correct. I understand the Mack-Graham amendment is in accordance with congressional findings that the settlement agreement requires the consent of Congress in connection with land transfers. I concur with my colleagues from Florida that the Miccosukee Settlement Act of 1997 expresses the desire of Congress to resolve the dispute between the State of Florida and the Miccosukee Tribe.

BUREAU OF LAND MANAGEMENT'S WILD HORSE AND BURRO MANAGEMENT PROGRAM

Mr. CRAIG. Mr. President, I wish to engage in a colloquy with the chairman and ranking member of the Interior Appropriations Subcommittee regarding funding for the Wild Horse and Burro Management Program within the Bureau of Land Management.

Mr. GORTON. Certainly.

Mr. CRAIG. I understand that the conferees to the Interior bill agreed to provide $15,866,000 for the wild horse and burro program for fiscal year 1998. That amounts to the same funding level for the program as was provided for fiscal year 1997.

Mr. GORTON. That is correct.

Mr. CRAIG. I want to congratulate my colleagues, Senator GORTON and Senator BYRD, for balancing the competing interests that are presented by the programs of the Interior bill, all of which have very vocal constituencies. I would like to clarify that, if the Bureau of Land Management believes that the funding provided in this bill is insufficient to carry out the objectives of wild horse and burro management, procedures for reprogramming must be followed by the Agency. Is it the managers' intention that funding not be reallocated absent the involvement of the House and Senate Appropriations Committees?

Mr. GORTON. The Senator is correct. If the BLM believes that it needs more money at any time during fiscal year 1998 for the wild horse and burro program, or any other BLM program, there are reprogramming guidelines which must be followed.

Mr. BYRD. My colleague, Senator GORTON, is correct.

Mr. LEAHY. Mr. President, I would like to engage the chairman in a colloquy. As the chairman knows, the Senate provided $100 million from the Land and Water Conservation Fund for the stateside matching grant program. I want to thank the chairman for recognizing the interests of over 30 Senators to revitalize this program. When the Land and Water Conservation Fund was created, the State matching program was launched to assist States in the acquisition of parks and recreation facilities. This is as it should be. The Land and Water Conservation Fund was created on the premise that revenues generated by the depletion of our Nation's energy resource should be reinvested in the conservation of our resources through land acquisition for Federal, State and local priorities. The matching grants have helped finance over 37,500 park and recreation projects throughout the United States. These are projects each one of us can identify in our home States that are now used as ballparks, hiking trails, river access, and greenspace. Although the conference report does not set aside funds for the State matching program, the Interior Department may use part of the $700 million appropriation for this purpose. Is that correct?

Mr. GORTON. Yes, that is correct. The conference report states that the $700 million appropriation may be used for priority land acquisitions, land exchanges, and other activities consistent with the Land and Water conservation Fund Act of 1965. The original provisions of that act make it clear—that available resources can and should be redistributed to the American people through State and local decisionmaking.

Mr. LEAHY. Am I correct then that under existing authority, the Secretary of the Interior may use these funds for the State matching program with the approval of the House and Senate Appropriations Committee? As the chairman is aware, the National Conference of Mayors, the Western Governors Association, and the National Association of Governors urged Congress to appropriate funds for this program. You have already stated your commitment to the budget agreement that allocated the $700 million for land acquisition. Do you agree that revitalization of the State matching program could be a component of the Interior Department project list sent to the Appropriations Committees for use of this Land and Water Conservation Fund appropriation?

Mr. GORTON. The Senate bill made it clear that the State matching program should be a priority for use of these funds. Although the conference report does not set aside funds for this program, numerous Senators expressed their concern about the future of the State program. The need for this program is evident in requests from every State for Federal assistance to invest in State and local recreation resources.

Mr. LEAHY. I thank the chairman for clarifying this point. I also want to commend the chairman for his work on the entire Interior Appropriations bill for fiscal year 1998.

Mr. STEVENS. I also rise to explain section 120 of the Interior appropriations bill, which provides a right of action for owners of mining claims in the area in Denali National Park and Preserve known as the Kantishna Mining District. This provision is designed to bring an end to nearly 20 years of uncertainty surrounding the future of these claims, and it will ensure that the owners of the claims receive just compensation in return for their interests.

The plan envisioned by this provision addresses the unique needs of both sides of the debate over the future of mining at Denali National Park and Preserve. The American people, through the National Park Service, will receive the title to lands within the Denali National Park and Preserve and near its crown jewel—Mount McKinley. With this provision, we are assured that those lands will be held for the benefit of all Americans. In return, the owners of mining claims who participate in the program will be fairly compensated for the loss of their interest that has been uncompensated since mining was effectively terminated in the mining district many years ago.

At this time I wish to clarify my understanding of the provision. We have provided a way for the Secretary of the Interior to take title to mining claims inside Denali National Park, following procedures outlined in the Declaration of Taking Act. We have also identified the mechanism by which the owners of the mining claims who choose to participate and transfer title to their claims are to be compensated for the loss of their claims. The Congress has not, however, fixed the dates as of which the claims at issue were taken, as that is a factual question best left to the parties to determine or, if necessary, for resolution by the jury in proceedings under section 120. Moreover, it is our intention that any action that is brought either by the Secretary or affected claim owners be conducted in accordance with the substantive and procedural law of the Declaration of Taking Act, except where inconsistent with claim owners' rights under section 120, and the Federal Rules of Civil Procedure, including the claimaint's right to have a trial by jury.

Mr. GORTON. I yield back the remainder of my time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I yield myself so much of the 10 minutes I use as I had allocated to me in the unanimous-consent agreement to make an explanation of why I intend to vote against the Interior appropriations bill.

Mr. President, the House voted on July 10 to cut off funding for the National Endowment for the Arts for fiscal year 1998. It was expected that if we would come to Washington to reduce the size of Government, we would at least stop funding the kind of offensive art that has been the subject of so many disputes that have attended the existence of the National Endowment for the Arts.

Senator HELMS and I offered an amendment to eliminate funding for the NEA, but it did not pass in the Senate. The Senate voted on September 17

to increase the NEA's current $99.5 million budget to $100 million. Then on September 30, the conferees to the Interior appropriations bill provided $98 million for the NEA for fiscal year 1998.

So the House voted zero; the Senate voted an increase to $100 million; and we have compromised on $98 million. That simply does not reflect the kind of discipline the American people expect at a time when we are taxed at the highest level in history. Americans spend more money in taxes now than ever before in the history of this country on a percentage basis. Congress should not be in the business of subsidizing speech, of saying to one artist, ''Your art is good,'' and to another artist, by implication, since it did not qualify for the Federal funding, ''Your art is bad.''

I do not believe Congress should be telling people what to like and what not to like. The genius of a democracy is not the values of the central Government imposed on the people. The genius of a democracy is the values of the people imposed on the central Government.

Congress has no constitutional authority to create or fund the NEA, and in my judgment it is wrong for us to continue to fund it. Although funding for the NEA is small in comparison to the overall budget, elimination of this agency sends the message that Congress is taking seriously its obligation to restrict the Federal Government's actions to the limited role envisioned by the Framers of the Constitution. Nowhere does the Constitution grant any authority that could reasonably be construed to include promotion of the arts.

This is a time when we have a high demand on our citizens for taxes, and for us to take money to promote the notion of art that someone in Washington thinks is great and to try to impose that on the people through the so-called ''governmental seal of approval'' is an inappropriate expenditure of public resources.

I am particularly disappointed because we have a situation where the Congress of the United States could have compromised at least far more substantially to protect the people and did not. The House at zero, the Senate at $100 million, the compromise at $98 million. That is simply an inappropriate way for us to conclude, and for that reason I intend to vote against the National Endowment for the Arts as part of this bill, and I will vote against this bill.

I yield the floor.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the conference report. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. BAUCUS. Mr. President, I rise today in support of the Interior appropriations conference report. I do so with great respect for its managers, Senators BYRD and GORTON and in recognition of the difficult job which they have faced in bringing this bill together. They have done a fine job juggling this contentious bill and I applaud them for their efforts.

Mr. President, I'd like to talk a minute about worthwhile Federal investments contained in this bill. First, let me talk about the National Endowment for the Arts. This agency makes a real difference in Montana. It allows groups like Shakespeare in the Parks to go to over 50 Montana towns, including Birney, a town of only 17.

Every year, the cast and supporters of Shakespeare in the Parks clear a spot on Poker Jim Butte and put on a show. Citizens come from the nearby reservation, area ranches, and over the border from Wyoming to see classic Shakespeare works. It's a real community gathering and balloons the size of Birney for the day. And make no mistake, it probably wouldn't happen without NEA funding. This bill funds this valuable program.

I have been a longtime advocate of preserving the quality of life we in Montana and in America enjoy. This Interior bill also goes a long way toward preserving some of the last, best places for our children. First, it dedicates $1.5 million to help finish the Gallatin II land exchange near Bozeman, MT. Next, it earmarks $1 million for purchasing easements and land in the Blackfoot Valley.

This area isn't far from where I grew up. I've hunted, fished, and hiked in those hills and I can tell you of its beauty. We can be proud that because of this investment, our children will have the same access to this region that I did as a boy.

Mr. President, our rivers are under attack by a malady known as whirling disease. This parasitic condition causes the deterioration of fish muscles, eventually causing the fish to die. It has been found in many Blue Ribbon Montana rivers and is slowly spreading across the West. Our critical fisheries are at risk and Western States are faced with the potential loss of millions of dollars in tourism and fish agricultural revenues. Scientists at Montana State University's Fish Technology Center are hard at work today identifying the causes of this disease and potential cures.

It is cutting edge science and it is making a difference. This bill recognizes that and funds this research at an appropriate level.

The Interior Appropriations bill also contains $699 million in increased funding for the land and water conservation fund. This will help our Nation to acquire environmentally critical lands including a number of parcels that have been rated as a high priority in Montana. Specifically, the bill provides $65 million in land and water conservation funding to acquire the New World Mine property next to Yellowstone National Park.

If built, this mine would have harmed Yellowstone National Park. It would have polluted waters flowing into the park and would have harmed the park's wildlife herds. Montanans overwhelmingly opposed construction of this mine.

Last year, when the Clinton administration, local citizens, and the mining company reached an agreement that would keep the mine from being built, the entire region breathed a sigh of relief.

And now it is time to finish that agreement.

The New World agreement provides that the Federal Government will purchase the property from the mining company, thus protecting Yellowstone for our children. But its benefits don't stop there. The agreement also requires the mining company to spend $22.5 million to clean up historic mining pollution in the area. This not only improves the environment, it also creates jobs for Montana. That is truly a win-win solution.

As this bill moved through Congress, I worked hard to ensure that the money would be included to complete the New World agreement. And I am glad that has been done.

As part of the New World negotiations, we were able to further protect the local economy in Montana by appropriating $12 million to repair the area's main highway leading into Yellowstone National Park. Charles Kuralt called the Beartooth Highway the most beautiful road in America. With the money contained in this bill, we will be able to maintain that highway, enhance the local economy, and ensure that the American people continue to have access to the treasures of Yellowstone National Park.

The agreement reached between me, the administration, and House and Senate negotiators is truly in the best interests of Montana and of the Nation. It protects Yellowstone, cleans up the environment, creates jobs, and helps provide public access to our Nation's first national park.

However, the final version of the Interior appropriations bill also contains a provision that we did not agree to. It requires the transfer of $10 million or more worth of coal to the State of Montana. This provision was outside of the scope of the agreement that we negotiated with the White House and the other Members of Congress.

I support the development of coal in eastern Montana. But I also understand that the White House objects to the inclusion of this coal transfer. I expect that the White House will attempt to remove this coal either through a full veto of the bill or through a line-item veto of the coal transfer.

Coal was not included in our negotiated agreement on New World because the White House objected to its inclusion and because of fears that it could jeopardize the New World agreement. Now that Congress has included coal in the final bill, I hope that this issue does not stand in the way of our ability to complete the New World

agreement. It would be a crime to get this close to completing the agreement only to have it fall apart—jeopardizing Yellowstone, MT jobs and the Beartooth Highway as well.

So, Mr. President, we are nearing the conclusion of a long process. I hope that all parties will continue to work with me to complete the New World agreement as expeditiously as possible. And I urge my colleagues to join me in supporting this measure that will achieve the successful protection of this national treasure.

Mr. MCCAIN. Mr. President, as we approach the end of this session, the Congress will be asked to consider the remaining 6 appropriations bills in relatively short order. Clearly, it is important to pass these annual spending bills in a timely fashion to preclude the inconvenience and expense of delaying unnecessarily essential government programs. However, in our haste to adjourn, it would be a disservice to the American taxpayer to ignore the wasteful spending contained in these bills.

The Interior appropriations bill for fiscal year 1998 is filled with numerous earmarks and set-asides for low-priority, unnecessary, and wasteful spending projects.

For example, this bill contains three directed land transfers which, to the best of my knowledge, have not been screened through the normal process at the General Services Administration. Two of these provisions—dealing with the Bowden Fish Hatchery in West Virginia and certain BLM lands in Nevada—specifically state that Federal property will be given away without compensation. Certainly, one can legitimately question whether these are good deals for the American taxpayer, or just for those residing in the affected States.

Another provision of the bill, section 136, directs the Army to build a bridge across the Bull River in Alaska. This bridge is to provide access to the Golden Zone Mine for students at the School of Mineral Engineering at the University of Alaska Fairbanks. In addition, the Army is directed to donate, free, two 6x6 vehicles for the use of the university. The provision does not specify how much the Army is supposed to pay for these large, all-terrain vehicles, nor does it provide a cost estimate for the bridge. This single provision could cost the Army tens of millions of dollars.

The bill sets aside $800,000 for the World Forestry Center for continuing scientific research on land exchanges in the Umpqua River Basin region in Oregon.

I am disappointed that the conferees decided to earmark almost half of the $699 million provided for priority land acquisitions and exchanges in title V of this bill. The Senate bill contained earmarks to which certain Members of this body objected very strenuously, and these earmarks are included in the conference agreement, together with two new earmarks.

I am concerned that the conferees also chose to delete the Senate provision which outlined specific criteria for determining the highest priority acquisitions and exchanges that would be accomplished with these additional dollars. I plan to pursue the establishment of objective, consistent criteria so that the limited funds available for ensuring the preservation of our natural resources are spent wisely.

Finally, the conferees have included the usual requirement that all contracts awarded using funds provided in this bill should be expended in full compliance with all of the protectionist Buy America provisions that Congress has enacted over the years. These laws and regulations are anti-free trade and cost American taxpayers millions of dollars every year due to lack of free and fair competition of these contracts.

Now, let me turn to the report language.

Once again, the conferees have made clear that they endorse the language contained in either the House or Senate report, unless they mention it in the conference report. This ensures that every earmark and set-aside that is not specifically addressed by the conferees remains in place.

Let's look at some of the earmarks in the conference report itself.

—$100,000 earmarked from land management funding for the Alaska Gold Rush Centennial.

—$700,000 earmarked from wildland fire management funding for a type I hot-shot crew in Alaska, and $1.925 million for redevelopment of the obsolete fire center in Billings, MT.

—$400,000 of Fish and Wildlife Service funding for Alabama sturgeons.

—$400,000 for the Preble's Meadow jumping mouse.

—$300,000 for research on whirling disease.

—$450,000 in various accounts earmarked for the Lewis and Clark Trail, including technical assistance and office funding.

—$2 million for an Alaska mineral and geological data base, and another $2 million for the Alaska minerals at risk project.

—$500,000 for a project at Purdue University in Indiana to improve fine hardwood trees.

I note with interest that, in order to fit all of the earmarks into this bill, the conferees had to agree to account totals that exceed the levels in either the Senate or House bills. In seven different accounts, the conferees agreed to funding which exceeded the amounts in either bill. Altogether, the conferees added $188 million more than the House had provided for these accounts, and $90.6 million more than the Senate had provided. Technically, these accounts are outside of the scope of the conference, a practice which I understand is not unheard of, but which is all the most disturbing when it is done merely to accommodate earmarks for these low-priority projects.

I ask unanimous consent that the list 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 CONFERENCE AGREEMENT ON H.R. 2107, FISCAL YEAR 1998 INTERIOR APPROPRIATIONS ACT

Bill Language

Earmarks of construction funds, as follows: $500,000 for the Rutherford B. Hayes Home; $600,000 for Sotterly Plantation House; $500,000 for Darwin Martin House in Buffalo, New York and $500,000 for Penn Center, South Carolina.

Earmark of $1 million for the Vietnam Veterans Museum in Chicago, to be derived from the Historic Preservation Fund.

Earmark of $3 million for the Hispanic Cultural Center in New Mexico (subject to authorization).

Prohibition on funding relocation of the Brooks River Lodge in Katmai National Park and Preserve from its current location.

Sec. 115—Directed conveyance of the Bowden National Fish Hatchery in Randolph County, without reimbursement, to the State of West Virginia for its fish culture program.

Sec. 135—Adds new section directing National Park Service to provide land in D.C. to the Corrections Corporation of America in exchange for land in Prince Georges County, Maryland.

Sec. 133—Directs conveyance of BLM lands to Lander County, Nevada, without compensation.

Sec. 136—Directs Army to provide, without compensation, two 6x6 vehicles, ''in excellent operating condition'', to the University of Alaska Fairbanks and to construct a bridge across the Bull River to the Golden Zone Mine Site to allow access by the School of Mineral Engineering of the University of Alaska Fairbanks.

Earmark of $800,000 for the World Forestry Center for continuing scientific research on land exchange efforts in the Umpqua River Basin region.

Sec. 307—Buy America restrictions.

Sec. 313—Prohibition on expending funds to demolish the bridge between Ellis Island and Jersey City, New Jersey.

Sec. 343—Prohibits recreational residence special use permit fee increases in Sawtooth National Forest prior to January 1, 1999.

Title V—Earmarks $337 million of $699 million provided for land acquisitions and exchanges for four specific projects, and eliminates specific criteria for determining priority land acquisitions and exchanges as added by Senate.

Report Language

[NOTE: Statement of managers language endorses all Senate or House report language that is not specifically addressed in the conference report. Therefore, following list of objectionable items is not all-inclusive; other items in either the House or Senate reports are considered direction of the conferees.]

Department of the Interior—Bureau of Land Management

Management of Lands and Resources: $100,000 for the Alaska Gold Rush Centennial; $500,000 for DoD mapping project in Alaska; $200,000 for the Virgin River Basin Recovery plan; $500,000 for recreation resources management; $2.1 million for the National Petroleum Reserve in Alaska; $700,000 for the Alaska resources library; $2.3 million for the Alaska conveyance; $1 million for the ALMRS; $200,000 for the Lewis and Clark Trail; $100,000 for the Iditarod National Historic Trail; $100,000 for the De Anza, California, Mormon Pioneer, Nez Perce, Oregon and

Pony Express National Historic Trails and the Pacific Crest and Continental Divide; and National Scenic Trails.

Wildland Fire Management: $700,000 to fund a type I hot-shot crew in Alaska; and $1.925 million for redevelopment of the obsolete fire center in Billings, MT.

Land Acquisition: $11.2 million total. $800,000 less than House. $2.6 million more than Senate. All but $3.75 million earmarked. (Conference Report page 53.)

Fish and Wildlife Service

Resource Management: $549.8 million ($3.8 million more than House. $9.8 million more than Senate); $400,000 for the Alabama sturgeon; $400,000 for the Preble's Meadow Jumping Mouse; and $300,000 for a wolf reintroduction study in WA.

$1 million in habitat conservation: $50,000 for the Middle Rio Grande/Bosque program; $50,000 for Platte River studies; $100,000 for a Cedar City ecological services office; $750,000 for Washington salmon enhancement; $50,000 for the Vermont partners program; $1 million for Salton Sea recovery planning in California; $250,000 for migratory bird management; and $500,000 for hatchery operations and endangered species recovery.

$750,000 for fish and wildlife management: $100,000 for Yukon River monitoring; $300,000 for Atlantic Salmon conservation; $50,000 for the regional park processing center; $300,000 for whirling disease research; $200,000 for the Caddo Lake Institute scholars program; $1 million for the National Conservation Training Center of which $560,000 should be used for the Iron County habitat conservation plan.

Construction: $45 million total. $4.7 million more than House. $3 million more than Senate. All but $6.9 million earmarked. Conference Report page 56.

Land Acquisition: $62.6 million total. $9.6 more than House. $5.4 million more than Senate. All but $11.5 million earmarked. (Conference Report page 58.)

National Park Service

Operation of the Park System: An increase of $100,000 for the Northwest ecosystem office; An increase of $920,000 for the Gettysburg NMP; $2 million for special needs parks; $250,000 for structure stabilization at Dry Tortugas National Park; $50,000 for the Lewis and Clark Trail office; $200,000 for technical assistance to the Lewis and Clark Trail. $50,000 for the California and Pony Express trails; and $50,000 for the North Country Trail.

National Recreation and Preservation: $250,000 for the Lake Champlain program; $150,000 for the Connecticut River Conservation partnership; $100,000 for the Aleutian World War II National Historic Area. $325,000 for the Delaware and Lehigh Navigational Canal; $65,000 for the Lower Mississippi Delta; $285,000 for the Vancouver National Historic Reserve; and $300,000 for the Wheeling National Heritage Area.

Construction: $215 million total. $66.7 million more than the House; $41.6 million more than the Senate. All but $58.3 million earmarked. (Conference Report page 64.)

Land Acquisition: $143 million total. $14 million more than the House. $16.4 million more than the Senate. All but $5.5 million earmarked. (Conference Report page 67.)

United States Geological Survey

Surveys, Investigations, and Research: $3 million for the global seismographic network; $1 million for the volcano hazards study in Alaska and Hawaii; $2 million for the Alaska minerals at risk project; $500,000 for Great Lakes Research; and $2 million for an Alaska mineral and geological data base.

Department of Agriculture—Forest Service

Forest and Rangeland Research: $700,000 for the Rocky Mountain station forest health project; $450,000 for the Institute of Pacific Islands Forestry in Hawaii; $500,000 for the fine hardwoods tree improvement project at Purdue University in Indiana; $1.5 million additional funding for research at the Pacific Northwest station; and $300,000 for the Rocky Mountain Research Station.

State and Private Forestry: $500,000 for the Alaska Spruce Bark Beetle task force; $2 million for stewardship incentives; and $2 million for the Mountains to Sound Greenway project in Washington State.

International Forestry: $230,000 for the Institute of Pacific Islands Forestry.

National Forest System: $1 million for inventory and monitoring; $500,000 for anadromous fish habitat management; $2 million for grazing management; $100,000 for Alaska gold rush centennial exhibits; $100,000 for trail maintenance in the Pacific Northwest region; and $4 million for exotic and noxious plant management.

Reconstruction and Construction: $166 million total. $11.5 million more than the House. $10.4 million more than the Senate. All but $88 million earmarked. (Conference Report page 82.)

Land Acquisition: $53 million total. $8 million more than the House. $4 million more than the Senate. All but $11.3 million earmarked. (Conference Report page 84.)

Department of energy

Fossil Energy Research and Development: $650,000 for coal research to complete a hospital waste project at the veterans hospital in Lebanon, PA.

$48.6 million for natural gas research: $45 million for advanced turbine systems; $1 million for the gas to liquids programs; $650,000 for technology development; $2 million for fuel cell systems; $350,000 for oil technology; and $800,000 for cooperative research and development.

Energy Conservation: $1.5 million for the home energy rating system; $100,000 for advanced desiccant technology; $500,000 for Energy Star; $100,000 for highly reflective surfaces; $750,000 for codes and standards; $1 million for the weatherization assistance program; and $250,000 for State energy program grants.

Department of Health and Human Services

Indian Health Facilities: $100,000 for the Montezuma Health Clinic in Utah; $40,000 for sanitation facilities; and $588,000 for environmental health and support.

Institute of American Indian and Alaska Native culture and arts development

Construction: $4 million for the Dulles extension of the National Air and Space Museum; and $29 million just to begin construction of the National Museum of the American Indian Mall Museum.

Mr. MCCAIN. These are, I am sure, interesting projects, and important to the people who will be working on them. However, these earmarks—like the hundreds of other earmarks too numerous to mention today—were added to this conference agreement without benefit of the normal, merit-based review process that would ensure that these are the highest priority uses for the funding provided in this bill. Absent that process, it is difficult to believe that there are not other more pressing needs for Federal funds than these projects.

Mr. President, I want to stress that I have highlighted only those projects that I find objectionable in this $13.8 billion measure. Certainly, the funding provided in this bill is essential for the essential operations of the Department of the Interior and the other Federal agencies charged with preservation and management of our lands and natural resources. It also contains funding that is vitally important to our native American tribes, particularly for Indian education.

One provision that I am pleased to see included in this conference agreement is the $800 million environmental fund authorized in title IV of the bill. This provision establishes a National Parks and Environmental Improvement Fund financed from oil lease revenue awarded to the Federal Government by the U.S. Supreme Court this year. Interest from the fund, estimated to be $50 million annually, will be used to finance high-priority capital improvement projects for national parks, provide grants to States for park planning and acquisition, and fund marine environmental research. Providing for these unmet capital needs will ensure that our most coveted natural resources are preserved and protected for future generations.

I must say, however, that I am sorry that the conferees included in the language authorizing the Parks Improvement Fund a special setaside for the State of Louisiana for oil and gas drainage in the West Delta field. This provision was not included in the original Senate language, nor was any other special location-specific set-aside. I am disappointed that even this provision was marred by special-interest language.

Mr. President, I intend to support this bill because it provides new authorities and much-needed funding for many programs. However, I will urge the President to consider exercising his line-item veto to eliminate the low-priority, unnecessary, and wasteful spending that the Congress has added to this bill without benefit of a merit-based, prioritization review process.

Mrs. FEINSTEIN. Mr. President, I rise in support of the conference report on the fiscal year 1998 Interior appropriations bill.

This conference report contains both authorization and appropriations for the all-important Headwaters Forest acquisition in northern California.

Mr. President, California's ancient redwood forests are among our Nation's most valued treasures, which is why the battle to preserve them has reached a fever pitch in recent years.

The Headwaters Forest, nearly 3,000 acres located in Humboldt County, is one of the last remaining ancient redwood groves still in private hands. The land is owned by the Pacific Lumber Co., which is owned by the Maxxam Corp.

Over the past decade there have been over a dozen attempts to save this ancient redwood grove. All have failed.

Five attempts at Federal legislation failed.

Three attempts at State legislation failed.

Three statewide bond measures to raise funds to acquire the redwoods were rejected by California voters.

Two State legislative measures to reform California forestry regulations, one that would have restricted logging on private lands, and another that some said was not restrictive enough, both failed.

With the background, last year I was asked to see if I could facilitate an agreement between the property owner and the State and Federal Governments. After more than 100 hours of intense negotiations, an agreement was reached for the State of California and the Federal Government to jointly purchase the Headwaters Forest from Pacific Lumber Co.

Under the Headwaters agreement, the governments will purchase the 3,000-acre Headwaters Forest and the 425-acre Elkhead Springs Grove, plus nearly 4,000 additional acres of adjacent land to serve as a buffer. In all, approximately 7,500 acres would be acquired and protected.

The price under the Headwaters agreement is $380 million, of which the Federal Government will contribute $250 million and the State will contribute $130 million.

Without the Federal funding to complete this agreement, there is no agreement. And if there is no agreement, the Pacific Lumber Co. will proceed with its huge taking lawsuit against the Federal Government for the cost of any regulations that prevent the company from logging its old growth redwoods. In the end, the real losers will be the American taxpayers who will possibly pay even more if Pacific Lumber wins its taking lawsuit. That is why this conference report is so important. It provides the $250 million federal share for Headwaters.

Specifically, this Headwaters package includes: Appropriation of $250 million for the Federal purchase of the Headwaters Forest; appropriation of $10 million for a payment to Humboldt County, CA; and a prohibition on the expenditure of $250 million for 180 days from date of enactment.

This will allow a period of time for the authorizing committees to review the issues associated with the Headwaters transaction and recommend any changes in the authorization if necessary. The funding will be available at the end of the 180 days.

The conference report also provides an authorization to purchase the Headwaters Forest. While many believe the Department of the Interior has more than sufficient authority to acquire the property, I know that others disagree and have insisted on authorizing legislation. The authorization is contained in this conference report.

Specifically, this bill authorizes the Headwaters acquisition with the following conditions: The State of California provides $130 million for its share of the costs, the State of California approves a sustained yield plan for the Pacific Lumber Co. property, a habitat conservation plan is approved and an incidental take permit is issued to Pacific Lumber, an appraisal of the lands to be acquired is done and reviewed by the Comptroller General, Pacific Lumber Co. dismisses its lawsuit against the Federal Government, a report is made to Congress on applicable HCP standards, Humboldt County is eligible for payment in lieu of taxes [PILT] payments for Federal lands acquired, 50 percent of management costs in excess of $100,000 will come from non-Federal sources, development of a management plan, with consideration of management by a trust, and expiration of the authorization on March 1, 1999.

If asked, is this authorization exactly what I would have drafted, the answer is no. But it gets the job done. And that is what is important.

I firmly believe that the Headwaters agreement is our last best hope to preserve these magnificent ancient redwoods. I urge my colleagues to approve this conference report.

Mr. INOUYE. Mr. President, I rise to commend my colleagues for their work on the conference report on the Interior appropriations bill for fiscal year 1998.

There are a few provisions of this bill that do not relate to matters of appropriations which would be more properly addressed by the authorizing committees of the Senate, and thus, I feel compelled to register concern that measures that are clearly substantive in nature—such as a comprehensive settlement of the claims of the Miccosukee Tribe of Florida—do not belong in this or any other appropriations bill.

I raise this matter because in last year's Omnibus Appropriations Act, there was a provision that singled out one Indian tribal government for disparate treatment—namely, to strip that tribe of benefits and privileges that have been authorized for all other tribes in the country under the Indian Gaming Regulatory Act. I speak of the provision affecting the Narragansett Tribe of Rhode Island.

Last year's provision came before this body over the strenuous and adamant objections of the Narragansett Tribe, without the benefit of any hearings, in the absence of any record that would serve to justify this unusual action on the part of the Congress, and with no consultation with the affected tribe.

The Narraganset Indian Tribe advises us that this provision has forever changed the lives of the members of that tribe, and has wrought devastating effects on the potential for the development and growth of the tribal economy.

Mr. President, I look forward to the day when the Congress acts to rectify the effects of last year's appropriations bill as it relates to the Narragansett Tribe.

Mr. DODD. Mr. President, it is my intention to vote in favor of the Conference Report making appropriations for the Department of the Interior and related agencies, but I do so with some reservations. I commend the appropriations conferees for negotiating a multitude of very contentious issues, but I am particularly concerned with several anti-environmental provisions that remain in the report.

The Balanced Budget agreement provided $700 million above the President's request for the Land and Water Conservation Fund and I am very pleased that the appropriators were able to honor that agreement. Land and water conservation funds and the matching State grant program have been very important to Connecticut's ability to acquire land and enhance recreation areas and parks. Without this funding, local communities will continue without the assistance they so deserve to acquire open space and further develop recreational areas. Unfortunately, Senate language providing $100 million in grants to States for land acquisition was not included in the conference report.

A portion of the Land and Water Conservation Fund will be used to purchase the Headwaters region in California and the New World Mine in Montana, subject to authorizing conditions. Although I recognize that the State of Montana will feel some adverse economic repercussion from the New World Mine purchase, I am dismayed that a proposal of $10 million to the State of Montana could be counted against the Land and Water Conservation Fund.

When the Senate initially debated the Interior appropriations bill, I was pleased to join many of my colleagues in voting for an amendment to eliminate funding for timber road purchaser credits for timber sales, but the amendment failed by the narrowest of margins. There is growing support for the elimination of all taxpayer subsidies for Forest Service logging road construction, and the House included language restricting the amount of timber purchaser credits. Unfortunately, the conferees dropped the House provision.

Finally, the provision reducing the effectiveness of the law pertaining to the export of Federal timber benefits a few large timber companies in the West. It was never suitably discussed by the authorizing committee.

While these are a few of my concerns, there are many provisions in the bill which merit my support. The Silvio Conte refuge and the Stewart McKinney refuge in my State received much-needed funding for land acquisition. Congress authorized the expansion of the McKinney refuge in 1990, and in the ensuing years, Federal appropriations have enabled the refuge to acquire 413 of the 454 acres available. Because the budget for the National Park Service was sufficiently funded, Weir Farm, the only national park in Connecticut, should receive an increase in its operating budget to meet its rising visitor service demands.

Mr. President, as you know, I am a strong backer of the arts and I am pleased that the appropriators provided

$98 million for the National Endowment of the Arts. The NEA was a marked agency, identified by the other body for elimination. In fact, the other body voted to zero out all funding and tried to extinguish the NEA. But together with my colleagues in the Senate, another round of efforts to dismantle or eliminate the NEA was stopped. When the bill came out of conference with the House, the NEA had been saved. As evidenced by a series of strong bipartisan votes in the Senate in favor of the NEA, my colleagues and I were able to save this national agency and preserve a Federal role for the arts.

During the Senate debate over NEA funding, I cosponsored with the chairman of the Appropriations Committee, Senator STEVENS from Alaska, a Sense-of-the-Senate resolution asking the Congress to examine alternative sources of funding for the NEA. I believe it is time to give the NEA a secure future and preserve a national cultural endowment for generations to come. My hope is that the Congress will address this issue in the future.

And so it is for these reasons that I support the Interior appropriations conference report. I commend the conferees on a job well done.

Mr. NICKLES. I announce that the Senator from Pennsylvania [Mr. SPECTER] is necessarily absent due to a death in the family.

I further announce that, if present and voting, the Senator from Pennsylvania [Mr. SPECTER] would vote ''yea.''

Mr. FORD. I announce that the Senator from Massachusetts [Mr. KENNEDY] is necessarily absent.

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

The result was announced—yeas 84, nays 14, as follows:

[Rollcall Vote No. 283 Leg.]

YEAS—84

Abraham	Enzi	Lieberman
Akaka	Feinstein	Lott
Allard	Ford	Lugar
Baucus	Frist	Mack
Bennett	Glenn	McCain
Biden	Gorton	McConnell
Bingaman	Graham	Mikulski
Bond	Grams	Moynihan
Breaux	Grassley	Murkowski
Brownback	Gregg	Murray
Bumpers	Hagel	Nickles
Burns	Harkin	Reed
Byrd	Hatch	Reid
Campbell	Hollings	Robb
Chafee	Hutchinson	Roberts
Cleland	Hutchison	Rockefeller
Coats	Inhofe	Santorum
Cochran	Inouye	Sarbanes
Collins	Jeffords	Sessions
Conrad	Johnson	Shelby
Coverdell	Kempthorne	Smith (OR)
Craig	Kerrey	Snowe
D'Amato	Kerry	Stevens
Daschle	Kyl	Thomas
DeWine	Landrieu	Thompson
Dodd	Lautenberg	Thurmond
Domenici	Leahy	Torricelli
Dorgan	Levin	Warner

NAYS—14

Ashcroft	Durbin	Gramm
Boxer	Faircloth	Helms
Bryan	Feingold	
Kohl	Roth	Wellstone
Moseley-Braun	Smith (NH)	Wyden

NOT VOTING—2

Kennedy	Specter

The conference report was agreed to.

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

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

The motion to lay on the table was agreed to.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, at 12:57 p.m., the Senate recessed until 2:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. HAGEL).

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The distinguished majority leader.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business for the next 30 minutes with Senators permitted to speak for up to 5 minutes each.

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

ORDER OF PROCEDURE

Mr. LOTT. For the information of all Senators, we are now in the process of taking a look at D.C. appropriations bill papers on both sides of the aisle. We hope that within the next hour or so we will be able to go to the D.C. appropriations bill.

Also, it is our intent, as I have advised the Democratic leader, this afternoon to call up the DOD, Department of Defense, authorization conference report and begin the process on that bill.

So those two bills will consume the bulk of the time this afternoon. There is the possibility of recorded votes, and Senators should be aware of that.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Ms. MOSELEY-BRAUN. I further ask unanimous consent that I be allowed to speak as if in morning business.

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

CAMPAIGN FINANCE REFORM

Ms. MOSELEY-BRAUN. Mr. President, this morning the Senate was once again blocked from considering campaign finance reform legislation. As a result, the ISTEA reauthorization bill has been delayed.

What happened today was clear. Intense opposition to any consideration of campaign finance reform legislation has precluded consideration of one of the most important measures to come before the Senate this year, the ISTEA reauthorization bill. ISTEA has been derailed for the time being because the majority party has refused to agree to even schedule a debate on campaign finance reform. They have refused the will of a majority of the Senate to engage in a debate over an issue that goes to the very heart of our Government and our democratic process.

The 48 Senators who voted against cloture today did not vote to kill the ISTEA reauthorization bill, as some have claimed. We did not cast our votes against cloture because we objected to this critically important highway and transit bill. Rather, we cast our votes against the obstructionist techniques that have been used to block debate on campaign finance reform legislation. We refused to cast our votes to end debate because there has, as of yet, not been debate over campaign finance reform.

Several weeks ago, the Senate engaged in a mock debate over the issue. It was not a real debate. Not a single amendment was offered. Not a single vote was taken. It is the business of the Senate to consider amendments and vote on issues and debate concerns of the American people. None of that has happened. It was as undemocratic a debate as I have yet seen in the Senate, and I know that the American people expect more from us.

They are frustrated and disillusioned with the current election process. We need to get Americans back into the system and get them involved in decisions that affect their lives. We need campaign finance reform to restore the American people's faith in the electoral process. Too many people believe that the current system cuts them off from their Government.

A League of Women Voters study found that one of the top three reasons people do not vote at all is the belief that their vote will not make a difference. We saw the result of that cynicism in 1994 when just 38 percent of all registered voters headed to the polls. We saw it again in 1996 when only 49 percent of the voting age population turned out to vote, the lowest percentage of Americans to go to the polls in 72 years.

According to a Gallup poll conducted early this month, 59 percent of Americans believe that elections are generally for sale to the candidate who can raise the most money. When you consider how much money it costs to finance a modern campaign, you can understand the frustration. According to recent Federal Election Commission figures, congressional candidates spent a total of $765.3 million in the 1996 elections, which was up 5.5 percent from