so all activities blessed by the Security Council require reimbursement. But do we really want to have to pay for everything the Security Council decides? I doubt it. Other nations undertake operations after receiving the blessings of a U.N. Security Council resolution. We may support that. But we don't want to participate in it and we don't want to pay for it.

It is easy to take a shot at the United Nations. It is a little bit more difficult to make it work. I remind Senators that just last year many in the leadership of the House and the Senate, the majority leadership in the House and the Senate, promised, along with the President of the United States, that we would pay our arrearage in dues to the United Nations. But then in what was probably the most irresponsible foreign policy action I have seen in 23 years here, the most irresponsible actions on the very day that the United States was before the U.N. Security Council begging the U.N. Security Council to back us in Iraq, the leadership in the House of Representatives broke their commitment and killed the appropriations for the payment of dues to the United Nations.

If we want to get out of the United Nations, then let us vote to do that. If we want to say we will never spend another cent in the United Nations, let us vote to do that. But to first give our word that we will pay what we contractually owe and then on the day when we desperately are pushing the United Nations to back us in Iraq, to say we break our word, we can't do that.

I see the Senator from Minnesota is ready.

I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I ask unanimous consent the Senators from New Mexico now have each 5 minutes to report a sad event to the Senate.

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

Following that, the pending question will be the Wellstone amendment numbered 2128, as modified. Under the previous order, amendments 2125, 2126, and 2127 have been withdrawn.

The Senator from New Mexico.

U.S. REPRESENTATIVE STEVEN SCHIFF

Mr. DOMENICI. Mr. President, Senator BINGAMAN and I are on the floor of the Senate today in a sense to report bad news to the Senate about a wonderful New Mexican.

Late this morning, in my home city in Albuquerque, New Mexico, U.S. Representative STEVE SCHIFF, 51 years of age, died as a result of a lingering cancer. We both felt we ought to share a few thoughts with the Senate and with our people.

So I would just like to say to the Senate that you know when you meet different people in political life certain things stand out about them. STEVE SCHIFF used to almost brag about the fact that he came from Chicago, that he was a Jewish boy from Chicago who came to New Mexico. Some would not want to talk about being from Chicago if they were representing New Mexicans, but somehow or another he kind of thought he would like to tell them that, so he told it to them so often, they never cared. He served as a district attorney and probably was the best prosecutor we have had in terms of getting his job done.

As I was coming over, I told Senator BINGAMAN I was voting one day in a precinct of my home in Albuquerque and I saw two elderly women behind me checking off whom they would vote for. One said to the other, ''Vote for STEVE SCHIFF.'' And the other lady, probably about 75 said, ''Why?'' She said, ''Because he was a great district attorney and he did his job well there. He'll do it well in Washington.'' That said to me that people really understand when you have a real public servant.

In behalf of my wife Nancy and myself, I guess I want to say that we have been very lucky because we got to know STEVE SCHIFF. We are very fortunate because we got to know a public servant who just exemplified what we would think a public servant should be. He was of the highest integrity, he had a deep and fundamental decency, and, yes, he had an acute and open mind. He was very, very bright.

New Mexico and the rest of this Nation have lost a wonderful public servant. He was the best of political leaders. And I lost a good friend. He was of my party, but he had great bipartisan support. He was always around to listen and always gave great advice.

Today on the Senate floor I extend, on behalf of my wife and myself, our condolences to his many close friends, to his wife and their two wonderful children, and I look forward to seeing all of them when we attend his wake. But here today in the Senate, I just want to say, ''Thank you, STEVE. Thanks for what you were, thanks for what you left us to understand and remember about you, and may more people try to be like STEVE SCHIFF, a real, decent, honest public servant.''

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I join my colleague, Senator DOMENICI, in expressing our grief at the loss of STEVE SCHIFF. He is someone I became friends with when we—he and I—were both young lawyers in New Mexico, beginning our legal careers. Of course, when he became district attorney for Bernalillo County, I had the good fortune to be attorney general and worked with him very closely on many issues in those jobs.

STEVE did have the respect of the people he represented because of the good, hard, nonpolitical work that he did for them, first as district attorney and later as U.S. Representative. He was not partisan in his approach to his job. He was quick to reach across party lines. I can remember many phone calls from STEVE where he would call and say, ''I have a bill that we have been able to pass in the House, and I need your help in the Senate.'' And I can remember many phone calls I made to him, asking for his help with legislation that I was pursuing as well.

STEVE was a person who kept clearly in mind the commitment and the job that he was sent here to do for the people of our State. He had great respect in our State and here in the Congress as well. His family deserves our condolences. We certainly send those to his wife and children.

The State of New Mexico has lost a tremendous public servant. Senator DOMENICI put it well by pointing out he was, first and foremost, a public servant in the very best sense of that term. He did not see himself as a politician who was trying to put a good face on the job he was doing. Instead, he saw himself as a mechanic, working in the machine and in the engine of Government to do the right thing for the people of New Mexico and for the country.

STEVE was a good friend to many of us and a great contributor to our State and to the Nation. I join Senator DOMENICI in expressing our grief and our condolences to his family.

I yield the floor.

SUPPLEMENTAL APPROPRIATIONS FOR NATURAL DISASTERS AND OVERSEAS PEACEKEEPING EFFORTS FOR FISCAL YEAR 1998

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Alaska.

Mr. STEVENS. The Senator from Wyoming has an amendment. I would like him, at this time, to offer it and ask for its consideration so we can set it aside and bring it up after the Wellstone amendment.

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

Mr. STEVENS. Will the Senator send his amendment to the desk and ask for its consideration? We will take it up after the amendment of Mr. WELLSTONE, which is the next amendment.

The PRESIDING OFFICER. The Senator from Wyoming.

AMENDMENT NO. 2133

(Purpose: To prohibit the Secretary of the Interior from promulgating certain regulations relating to Indian gaming activities)

Mr. ENZI. I have an amendment at the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. ENZI], for himself and Mr. BRYAN, Mr. REID and Mr. SESSIONS, proposes an amendment numbered 2133.

Mr. STEVENS. Mr. President, I ask that further reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following:

SECTION 1. PROHIBITION.

Notwithstanding section 11(d)(7)(B)(vii) of the Indian Gaming Regulatory Act (25 U.S.C. 2710(d)(7)(B)(vii)), the Secretary of the Interior shall not—

(1) promulgate as final regulations, the proposed regulations published on January 22, 1998, at 63 Fed. Reg. 3289; or

(2) issue a notice of proposed rulemaking for, or promulgate, any similar regulations to provide for procedures for gaming activities under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.), in any case in which a State asserts a defense of sovereign immunity to a lawsuit brought by an Indian tribe in a Federal court under section 11(d)(7) of that Act (25 U.S.C. 2710(d)(7)) to compel the State to participate in compact negotiations for class III gaming (as that term is defined in section 4(8) of that Act (25 U.S.C. 2703(8))).

Mr. STEVENS. Mr. President, I ask unanimous consent this amendment be considered immediately after the amendment presented by the Senator from Minnesota, for which there is a time agreement already.

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

AMENDMENT NO. 2128, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is recognized for up to 30 minutes.

The amendment (No. 2128, as modified) is as follows:

At the appropriate place, add the following:

SEC. . ADVISORY COMMITTEE ON IMF POLICY.

(a) IN GENERAL.—The Secretary of the Treasury shall establish an International Monetary Fund Advisory Committee (in this section referred to as ''Advisory Committee'').

(b) MEMBERSHIP.—The Advisory Committee shall consist of 8 members appointed by the Secretary of the Treasury, after appropriate consultations with the relevant organizations, as follows:

(1) at least 2 members shall be representatives from organized labor.

(2) at least 2 members shall be representatives from nongovernmental environmental organizations.

(3) at least 2 members shall be representatives from nongovernmental human rights or social justice organizations.

(c) DUTIES.—Not less frequently than every six months, the Advisory Committee shall meet with the Secretary of the Treasury to review and provide advice on the extent to which individual IMF country programs meet requisite policy goals, particularly those set forth as follows:

(1) in this Act;

(2) in Article I (2) of the Fund's Articles of Agreements, to promote and maintain high levels of employment and real income and the development of the productive resources of all members;

(3) in Section 1621 of P.L. 103–306, the Frank/Sanders amendment on encouragement of fair labor practices;

(4) in Section 1620 of P.L. 95–118, as amended, on respect for, and full protection of, the territorial rights, traditional economies, cultural integrity, traditional knowledge, and human rights of indigenous peoples;

(5) in Section 1502 of P.L. 95–118, as amended, on military spending by recipient countries and military involvement in the economies of recipient countries;

(6) in Section 701 of P.L. 95–118, on assistance to countries that engage in a pattern of gross violations of internationally recognized human rights; and

(7) in Section 1307 of P.L. 95–118, on assessments of the environmental impact and alternatives to proposed actions by the International Monetary Fund which would have a significant effect on the human environment.

(d) INAPPLICABILITY OF TERMINATION PROVISION OF THE FEDERAL ADVISORY COMMITTEE ACT.—Section 14(a)(2) of the Federal Advisory Committee Act shall not apply to the Advisory Committee.

Mr. WELLSTONE. Mr. President, I will try not to take 30 minutes. Since the manager of the bill supports this amendment, if we want to do it on voice vote, if that will be better for colleagues, I will be pleased to do it that way as well.

Mr. STEVENS. Mr. President, I welcome that opportunity. I want to say Senators ought to be on notice we will get to the Enzi amendment sooner, and I thank the Senator.

Mr. WELLSTONE. Mr. President, this amendment says that the Treasury Secretary shall appoint an advisory committee, composed of eight members, at least two of whom are from organized labor, two from nongovernment environmental groups, and two from nongovernmental human rights or social justice organizations. This is an advisory group on IMF policy, which the Senator in the Chair right now has worked very hard on. I know that.

This advisory group would meet at least twice a year to advise the Treasury Secretary on IMF's compliance with existing statutory requirements relating to IMF promotion in a variety of different areas: High levels of income and employment in other countries, fair labor practices, indigenous people's rights, reductions in military spending, respect for human rights, and sensitivity to the environmental impact of IMF policies.

The advisory committee shall meet with the Treasury Secretary at least every 6 months to review and provide advice on IMF compliance with these mandates.

There is no legislative mandate. All the Treasury Secretary has to do is meet twice per year with the committee to hear their views on IMF compliance with existing mandates.

Let me explain to my colleagues why I bring this amendment to the floor. We spent, yesterday, altogether 30 minutes in debate on IMF. We are talking about, roughly speaking, $17 billion to go to IMF. We are talking about countries in Asia—I have heard my colleague from Alaska say this very forcefully—that are really right now in economic trouble. We are talking about a lot of economic pain. I agree—I am an internationalist—what happens in these countries will dramatically affect people in our country as well. There is no question about it.

But I want to suggest to colleagues that the question is whether or not the IMF, as I look at the record of the IMF, has been helpful or not helpful in helping these economies and helping the people in these countries. What happens in some of the Asian countries will dramatically affect the lives of people in our country in a number of different ways. Either people in countries like Thailand or Indonesia will not be able to work at decent jobs, will make subminimum poverty wages—in which case, they will not be able to have the money to purchase goods—or, because of IMF policies, which has too often been the case, they will be forced to currency devaluation and they will try to work themselves out of trouble through cheap exports to our country. Either way, working families in Nebraska and Minnesota and Alaska and around our country are hurt if we do not put some focus in the IMF.

I am about to go through existing laws and statutes that the IMF is supposed to live up to, and I am just going to talk about a whole history of noncompliance. We have not had this discussion on the floor of the Senate. We should. I mean, if in fact what happens in these Asian countries is that we have the IMF pouring fuel on the fire, if you have an International Monetary Fund that imposes austerity measures on these countries, depresses wage levels, has no respect for international labor standards, shows no respect for human rights—people cannot even organize to make a decent living, people cannot even organize in these countries like Indonesia in order to make sure that they are paid decent wages—then what is going to happen is, you have countries with a populous where the vast majority of the people cannot buy what we produce in our country. This is like economics lesson No. 1. Or—and this has happened all too often because of IMF prescriptions—what happens is, these countries try to export themselves out of trouble: Currency devaluation, cheap exports to our country, and our workers and our families cannot compete.

Let me just go through some existing laws right now that are supposed to govern the International Monetary Fund. By the way, they are in noncompliance. The problem is, the administration has not spent much time really insisting on accountability. The problem is, we have turned our gaze away from this. I wish our country would be stronger in supporting international labor standards, stronger in supporting environmental standards, stronger in supporting basic human rights for people. But we have not done that.

The Secretary of Treasury shall direct the United States executive directors of the international financial institutions to use the voice and vote of the United States to urge the respective institution [this covers

the IMF] to adopt policies to encourage borrowing countries to guarantee internationally recognized worker rights and to include the status of such rights as an integral part of the institution's policy dialog with each borrowing country.

I suggest to colleagues, even though we have not discussed this on the floor of the Senate, that the IMF has ignored this law and that the International Monetary Fund pays precious little attention to whether or not these countries that we bail out live up to internationally recognized labor rights.

Mr. President, to go on:

Beginning 2 years after the date of enactment of this section, the Secretary of the Treasury shall instruct the United States executive director of each multinational development bank not to vote in favor of any action proposed to be taken by the respective bank which would have a significant effect on the human or environmental assessment for at least 120 days before the date of the vote until an assessment analyzing the environmental impacts of the proposed action and alternatives to the proposed action has been completed by the borrowing country or institution.

Again, another law that the IMF is supposed to live up to, another relevant statute that there ought to be an environmental impact statement. We ought to look at what these countries are doing; we ought to look at where the money is going. These countries—or many of these countries—are in noncompliance, and the IMF just turns its gaze away from this, as does the United States, our Government. This is not in the name of our people, because I think people in our country support human rights, support respect for the environment.

Human rights title:

The U.S. Government in connection with its voice and vote in the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the InterAmerican Development Bank, the African Development Bank [so on and so forth] the International Monetary Fund, shall advance the cause of human rights including by seeking to channel assistance toward countries other than those whose governments engage in a pattern [and I am quoting] of gross violations of internationally recognized human rights such as torture or cruel, inhumane or degrading treatment or punishment, prolonged detention without charges, or other flagrant denial to life, liberty and the security of person.

Mr. President, in this connection, let me point out that a labor leader in Indonesia, Mochtar Pakpahan—we are about to provide the IMF, and the IMF is about to provide, based upon, in part, the U.S. contribution, Indonesia with bailout money—and this man, this labor leader, I say to my colleagues, is in prison. Why is he in prison? He is in prison for organizing workers in support of a higher minimum wage, people who work for wages that don't enable them or their families even to be able to have enough food to eat. And this man's crime, this labor leader's crime in Indonesia is that he has organized workers to get better wages.

I just read the statute that applies to IMF policy. The way I read this—maybe I will read it again—is that the ''International Monetary Fund shall advance the cause of human rights, including by seeking to channel assistance toward countries other than those whose governments engage in gross violations of humans rights of citizens.''

What do we think is happening in Indonesia? Does any Senator on the floor of the Senate want to defend the Government of Indonesia for imprisoning a labor leader?

Mr. President, I will suggest—and I will go on and read other laws that apply to the IMF—that what is wrong with this IMF provision, the amendment that we are going to vote on eventually, is that nowhere in here do we have any conditions dealing with labor, human rights standards, nowhere in here do we have any conditions dealing with environmental standards, nowhere in here do we have any discussion about the importance of promoting employment and higher wage levels for the citizens of these countries.

So, it is a flawed institution. I am all for making sure these countries do better, but I don't think the IMF is going to help these countries do better. In fact, I think what the IMF does over and over again is make matters worse. I look at the record in some of these countries, and I see no evidence whatsoever that IMF policies have led to an improvement in the living standards of people in these countries. For the bankers, yes; for the investors, yes; and for some of these governments which are all too often corrupt, yes, but not for the people.

We have an IMF agreement. I know that the Chair has worked hard on this. I know that the Senator from Alaska has been involved in this. And that is why I come out with an amendment that is very reasonable, because all this amendment says is, look, we have these existing statutes, it is already law, this is what the IMF is supposed to live up to, but we have a clear record of flagrant noncompliance.

At the very minimum, let's make sure the Secretary of the Treasury meets with an advisory committee made up of some non-Government people dealing with human rights, dealing with labor, dealing with the environment at least twice a year so that we can put this on the radar screen.

I know colleagues feel strongly that we must do something. I hope it works out. But I have to say that on the basis of the record of the IMF, I see no evidence whatsoever that the IMF's economic policies are going to help the Asian countries or help the people in the Asian countries. Instead, what I think is going to happen, since we have not had any clear provisions with real teeth in this legislation—and the best I can do today is to get a strong vote on this advisory committee, and I am intending to send a message to the administration.

Secretary of the Treasury Rubin is a fine Secretary. He is skillful, he has been gracious, and I think he is committed to doing better. It isn't even personal, because I think he believes that we have to do better. But in all due respect, we at the very minimum ought to begin to put these questions on the table. We ought to put these issues on the table. In all due respect, I say to my colleagues, I am just telling you this is a flawed institution.

We are about to invest a lot of money in the International Monetary Fund, which has a record of imposing economic policies on countries which depress the living standards of most of the people in those countries. That is the record. As a result, those people don't have the economic power, the dollars to consume products that we make in our country; as a result, quite often these countries barrel down the path of exporting cheap products to our country, and, again, working families in the United States of America pay the price.

It is a lose-lose situation. The people in Indonesia are not going to win, the people in Thailand are not going to win, and the people in the United States are not going to win.

Let me go on and read a few other provisions. Talking about the International Monetary Fund, one of the goals must be to ''facilitate the expansion and balanced growth of international trade and to contribute thereby to the promotion and maintenance of high-level employment and real income and to the development of productive resources of all members as primary objectives of economic policy.''

I have to say to colleagues, I cannot believe that this is a statute that applies to the IMF, because that is not what the International Monetary Fund has been about. I do not know how anybody here can make the case that the IMF's economic prescriptions for these countries have been about promoting ''high levels of employment and real income and the development of productive resources of all members as primary objectives of economic policy.'' That is almost laughable. That is not what the IMF has done.

I think what we have done is we have forfeited a historic opportunity to strengthen the position of working people in these other countries, to support the human rights of citizens in these other countries, to take a look at Thailand and Indonesia, who are among the worst offenders in Asia denying worker rights, among the worst offenders in Asia in violating the human rights of their citizens, and, basically, what we have on the Senate floor is silence on these questions.

Why don't we have any connection to what are, I think, the most important factors in determining whether or not the people in these countries are going to do well and the majority of the people in our own country are going to do well?

As I look at these provisions—and I will go back and I will summarize this amendment—this amendment essentially instructs the Treasury Secretary to appoint an advisory committee composed of eight members, at least two of which will be from organized labor, two from nongovernmental environmental groups and two from nongovernmental human rights or social justice organizations. This advisory committee will meet with the Secretary of the Treasury twice a year, and they will talk about IMF policy, whether or not the IMF is in compliance or not with existing statutory requirements relating to IMF promotion of high levels of income, employment, fair labor practices, indigenous people's rights, reductions in military spending, respect for human rights and sensitivity to the environmental impact of IMF policies.

The advisory committee shall meet with the Treasury Secretary at least every 6 months to review and to provide advice on IMF compliance with these mandates.

I will say one more time, by way of conclusion, the IMF is not in compliance with these mandates, not in compliance with the existing laws that apply to IMF, not in compliance on internationally recognized labor rights, not in compliance of respect for indigenous people, not in compliance in human rights, not in compliance with sensitivity to environmental concerns. We have a golden opportunity, and we are missing it. That is why I am not going to vote for this amendment that deals with International Monetary Fund assistance to these countries to make things much better.

I believe that what we are about to do, the amendment we are going to adopt on the International Monetary Fund, will, in fact, not help those countries in Asia, not help the peoples of those countries that are struggling, and will end up hurting not only people in countries like Indonesia, but also will hurt families in our country as well.

Why in the world don't we have more to say about a brutal dictatorship in Indonesia? Why don't we have more to say about the ways in which this dictator crushes people in his own country? Why don't we have more to say about the depressing of living standards of people in Indonesia? Why don't we have more to say about all the ways in which those people, not having decent jobs and decent wages, cannot buy what our working people produce? Why don't we have more to say about the way in which the IMF comes in, bails out the bankers, bails out the investors, insists on currency devaluation, insists on austerity and, therefore, forces those countries into currency devaluation and to exporting cheap products into our country, thereby hurting, again, working families in the United States of America? Not a word about that.

I think the Senate is in serious error for not focusing like a laser beam on these concerns. But I will thank my colleagues for at least supporting this amendment, which I will fight very hard to keep in conference committee, because I really do believe that if we can have this advisory committee which will meet with the Secretary of the Treasury twice a year and which will raise these issues twice a year and which will discuss with the Secretary and analyze with the Secretary whether or not the IMF is in compliance with all of the statutory requirements relating to environmental protection, relating to human rights, relating to international labor standards, I think this will at least be a step forward.

I am, on the one hand, just saying to colleagues that I think the provisions we have out here in relation to the IMF, the investment we make in the International Monetary Fund is mistaken. I think we miss a tremendous opportunity to exert leadership, the United States of America exerting leadership in behalf of working people in other countries, in behalf of human rights, in behalf of the environment. We are not doing that. But at the very least, I hope my colleagues will support this amendment.

I said to my colleague from Alaska that if the Senate is, in its wisdom, going to support this amendment, then I am pleased to have a vote right now.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I see the Senator from Minnesota has finished his comments on his amendment. I have had no request for time. So if the Senator is prepared to vote, I am prepared to yield back the time allocated to our side. I so yield back the time.

Mr. WELLSTONE. I am prepared to vote.

Mr. STEVENS. The Senator said we will have a voice vote on this amendment.

The PRESIDING OFFICER. The question is on agreeing to the Wellstone amendment No. 2128, as modified.

The amendment (No. 2128), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, it is my understanding that the next order of business will be the amendment of the Senator from Wyoming. I ask unanimous consent that that be the pending business.

The PRESIDING OFFICER. The Senator is correct, the pending business is the amendment of the Senator from Wyoming.

Mr. STEVENS. Is it possible, Mr. President—I know the Senator from Wyoming is for the amendment and I understand the Senator from Hawaii is opposed to the amendment. Can we have a time agreement on the amendment?

Mr. ENZI. Mr. President, 40 minutes on a side; 80 minutes equally divided will be agreeable. We were just talking about reducing that by 10 minutes a few moments ago, but I have not had a chance to check with the other side.

Mr. STEVENS. Seventy minutes equally divided. I say to the Senator, that is agreeable, but we have a time already set for the vote on the Helms amendment. Mr. President, parliamentary inquiry. If we enter into a time agreement, what happens to the vote at 6:30?

The PRESIDING OFFICER. We would suspend consideration on the Enzi amendment until we have the vote on the Helms amendment, and after that, we would resume debate on the Enzi amendment.

Mr. STEVENS. Mr. President, I ask unanimous consent that we enter into such an agreement, 70 minutes equally divided on this amendment and no second-degree amendments be in order to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Wyoming.

AMENDMENT NO. 2133

Mr. ENZI. Mr. President, I call up amendment No. 2133.

The PRESIDING OFFICER. That is the pending question.

PRIVILEGE OF THE FLOOR

Mr. ENZI. Mr. President, I ask unanimous consent that Andrew Emrich and Katherine McGuire be granted the privilege of the floor during the course of the debate.

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

Mr. ENZI. Mr. President, I rise to offer an amendment with my colleagues, the distinguished Senators from Nevada, Senator BRYAN and Senator REID, and the Senator from Alabama, Senator SESSIONS.

This bipartisan amendment touches an issue that is very important to me, and that is the issue of States rights. This amendment is very simple and straightforward. It would prohibit the Secretary of the Interior from finalizing the proposed rules published on January 22 of this year. It would also prohibit the Secretary from proposing or promulgating any similar regulations. In effect, this amendment would prohibit the Secretary of the Interior from bypassing the States in the process of approving class III Indian casino gambling.

Mr. President, I must admit that I am disappointed this amendment is necessary at all. Last year, I offered an amendment, along with a number of my colleagues, on the Interior appropriations bill. We debated that on the floor. That prohibited the Secretary of the Interior from approving any new tribal-State gambling compacts which had not first been approved by the State in accordance with existing law.

Although that amendment provided only a 1-year moratorium, the intent of

the amendment was clear. Congress does not believe that it is appropriate for the Secretary of the Interior to bypass the States or to spend money bypassing the States in an issue as important as whether or not casino gambling will be allowed within a State's borders.

The debate bore out that intent. I think it was clearly understood. It ended with a voice vote. It was passed by wide bipartisan support. Unfortunately, the Secretary did not think, evidently, that Congress was serious when we passed the amendment last year.

On January 22 of this year, the Department of the Interior, Bureau of Indian Affairs, published proposed regulations which would allow the Secretary of the Interior to bypass the State's authority in the compacting process. In effect, these proposed regulations would allow Secretary Babbitt to approve casino gambling agreements with the Indian tribes without the consent or approval of the States. This is precisely what Congress prohibited in last year's amendment. Evidently, Secretary Babbitt did not think we were serious.

Mr. President, this amendment is designed to ensure that the proper process is followed in the tribal-State compacting process. There may be those who argue that changes need to be made to the Indian Gambling Regulatory Act. I would not necessarily disagree with my colleagues on that point. However, if any changes are to be made, the changes must come from Congress, not from an unelected Cabinet official. By proposing these regulations, the Secretary of the Interior has shown an amazing disregard for Congress and for all 50 States.

Mr. President, I have to admit that I find the timing of the Secretary's actions ironic. Just recently, the Attorney General appointed an independent counsel to investigate Secretary Babbitt's actions in regard to approving and denying tribal-State gambling compacts from Indian tribes in Wisconsin.

Although we will have to wait for the investigation to take its course, it is evident that serious questions have been raised about the Secretary of the Interior's objectivity in approving Indian gambling compacts. We should not allow the Secretary of the Interior to usurp the rightful role of Congress and the States in addressing the difficult question of Indian casino gambling.

Mr. President, this amendment has the strong endorsement of the National Governors' Association. At their annual convention this year, the Governors adopted a resolution strongly opposing the Secretary's proposed regulations. I have a copy of that letter. I ask unanimous consent that the letter be printed in the RECORD.

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

NATIONAL GOVERNORS ASSOCIATION,
Washington, DC, March 25, 1998.

Hon. TRENT LOTT,
Senate Majority Leader, U.S. Senate, Washington, DC.
Hon. TED STEVENS,
Chair, Appropriations Committee, U.S. Senate, Washington, DC.
Hon. THOMAS A. DASCHLE,
Senate Minority Leader, U.S. Senate, Washington, DC.
Hon. ROBERT C. BYRD,
Ranking Member, Appropriations Committee, U.S. Senate, Washington, DC.

DEAR MAJORITY LEADER LOTT, MINORITY LEADER DASCHLE, CHAIRMAN STEVENS, AND SENATOR BYRD: This letter is to confirm Governors' support for the Indian gaming-related amendment offered by Senators Michael B. Enzi, Richard H. Bryan, and Harry Reid to the Senate supplemental appropriations bill. This amendment prevents the secretary of the U.S. Department of the Interior from promulgating a regulating or implementing a procedure that could result in tribal Class III gaming in the absence of a tribal-state compact, as required by law.

The nation's Governors strongly believe that no statute or court decision provides the secretary of the U.S. Department of the Interior with authority to intervene in disputes over compacts between Indian tribes and states about casino gambling on Indian lands. Such action would constitute an attempt by the Secretary of the Interior to preempt states' authority under existing laws and recent court decisions and would create an incentive for tribes to avoid negotiating gambling compacts with states.

Further, the secretary's inherent authority includes a responsibility to protect the interests of Indian tribes, making it impossible for the secretary to avoid a conflict of interest or exercise objective judgment in disputes between states and tribes.

We urge your support of the Enzi/Bryan/Reid amendment. Please contact us if you have any questions about our position on these matters, or call Larry Magid of NGA, at 202/624–7822.

Sincerely,

RAYMOND C. SCHEPPACH.

Mr. ENZI. Mr. President, I also have a letter from the Western Governors' Association, signed by the Governor of Alaska, who is the chairman of that association, again, reiterating their concerns about bypassing the States rights. I ask unanimous consent that that letter also be printed in the RECORD.

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

WESTERN GOVERNORS' ASSOCIATION,
Washington, DC, December 5, 1997.

WILLIAM J. CLINTON,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: It is the understanding of the Western Governors' Association, that the Secretary of Interior has proposed a rule-making on Indian Gaming that would usurp the Governors authority to enter into compact negotiations on gaming with Indian tribes. States have repeatedly voiced their concerns about the Secretary's desire to promulgate this rule. On October 10, a letter was sent by the National Governors' Association Chairman and Vice-Chairman to the Secretary of Interior on this rule-making proposal.

It is evident that the states' concerns have gone unheard or at least have not been responded to by the Secretary. As a former Governor, you can appreciate how troubling it is when a cabinet member fails to consider or enter into a dialogue with us about state's legitimate concerns.

The Secretary is using the Seminole Tribe of Florida vs. Florida decision by the Supreme Court to inappropriately expand his authority. The Indian Gaming Regulatory Act (IGRA) established a procedure whereby decisions could be made when a state and tribe were unable to agree to the terms of a compact. Before the Secretary is authorized to provide a compact to a tribe under IGRA, the courts must first make a finding of bad faith on the part of the state. When the Supreme Court stuck down the portion of IGRA that permitted tribes to sue states in Federal Court, it eliminated the mechanism for arriving at a finding of bad faith by the court. It would be inappropriate for the Secretary to now take the authority to render a finding of bad faith and then to authorize a gaming compact to a tribe over the objections of a state. Moreover, the Secretary's action contradicts the clear intent of Congress as embodied in the final Interior conference report that you signed, which imposes a one-year moratorium on imposition of a procedure that would result in tribal Class III gaming in the absence of a tribal-state compact as required by law.

As the National Governors' Association policy states ''nothing remains in the Indian Gaming Regulatory Act or any other law that endows the Secretary with the authority to independently create such a process. . . . The Governors will actively oppose any independent assertion by the Secretary of the power to authorize tribal governments to operate Class III Gaming. State and tribal governments are best qualified to craft agreements on the scope and conduct of Class III Gaming under IGRA.''

Furthermore, under the duties of the office, the Secretary has a special legal relationship to Native Americans, and it would be impossible for him to be objective in making decisions settling compact differences between states and tribes—in effect the Secretary becomes a self-appointed judge and jury.

These are difficult issues, and we understand the Secretary interpreting his role as advocate for Native Americans. However, Governors have Constitutional responsibilities to all of the people of our states. Based on these responsibilities we are compelled to tell you that the Secretary started down an unproductive path when he concluded that the Interior Department should become the sole arbiter in the compact process.

We urge you to find a resolution to the conflicts between the states and tribes that is more appropriate than that initiated by the Secretary. The Western Governors' Association stands ready to participate in such an effort.

Sincerely,

TONY KNOWLES,
Governor of Alaska, Chairman.

Mr. ENZI. Mr. President, I also ask unanimous consent to have printed in the RECORD a resolution passed by the National Association of Attorneys General at their spring meeting.

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

NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

RESOLUTION; OPPOSING PROPOSED DEPARTMENT OF INTERIOR REGULATIONS REGARDING SECRETARIAL PROCEDURES FOR CLASS III GAMING

Whereas, Congress enacted the Indian Gaming Regulatory Act, 25 U.S.C. Sections 2701 to 2721 (1998)(''IGRA''), creating a statutory basis for the regulation of gaming by Indian tribes; and

Whereas, IGRA provided the States a role in the regulation of class III gaming through a process utilizing compacts; and

Whereas, IGRA provided a remedial process for tribes seeking to allege that a State has failed to negotiate for class III gaming in good faith; and

Whereas, this statutory remedial process could not be initiated until a federal court determined that the State had failed to negotiate in good faith; and

Whereas, on March 27, 1996, the Court in *Seminole Tribe* v. *Florida,* 116 S.Ct. 1114 (1996), held that Congress could not abrogate the States' 11th Amendment immunity pursuant to the powers granted to it in the Indian Commerce Clause, thereby closing the door to the remedial process in IGRA unless a State consents to being sued; and

Whereas, on May 10, 1996, the Bureau of Indian Affairs published an Advanced Notice of Proposed Rulemaking in response to the decision in *Seminole Tribe* v. *Florida,* seeking comment on, among other things, whether and under what circumstances the Secretary of the Interior is empowered to prescribe procedures for the conduct of class III gaming when a State interposes its 11th Amendment immunity to suit under IGRA; and

Whereas, some 22 State Attorneys General have signed a letter concluding that ''It is clearly contrary to law and inappropriate for the Secretary of the Interior to take action to promulgate regulations allowing class III gambling as suggested'' in the Advanced Notice of Rulemaking; and

Whereas, on January 22, 1998, the Department of the Interior, Bureau of Indian Affairs, published proposed regulations governing class III gaming procedures;

Now, Therefore Be It Resolved That the National Association of Attorneys General:

(1) opposes promulgation of the proposed rules by the Department of the Interior, Bureau of Indian Affairs, on the basis that the Department lacks the legal authority to promulgate such regulations, as more fully set forth in General Butterworth's letter of June 28, 1996 to Secretary Babbitt (see attached);

(2) opposes the proposed regulations because they empower the Secretary of the Interior to determine which games are ''permitted'' in a given state, as that term is used in IGRA, a determination that requires an interpretation of state law which should be the exclusive province of the states themselves;

(3) opposes the proposed regulations because they empower the Secretary of the Interior to determine whether a State has negotiated with a Tribe in good faith, even though the Secretary has an acknowledged trust responsibility for the Tribes, thus creating a clear conflict of interest;

(4) opposes the proposed regulations because, in direct defiance of the Supreme Court's holding in Seminole Tribe, 116 S. Ct. at 1133, they ''rewrite the statutory scheme in order to approximate what [the Department] think[s] Congress might have wanted had it known that section 2710(d)(7) [the lawsuit provision] was beyond its authority''; and

(5) authorizes the executive director and General Counsel of NAAG to transmit copies of this resolution to the Department of the Interior, Bureau of Indian Affairs, before the close of the comment period for the proposed regulations on April 22, 1998, and to other interested individuals, members of Congress, and agencies, as appropriate.

Mr. ENZI. Mr. President, finally, I ask unanimous consent to have printed in the RECORD relevant excerpts from a 1996 letter from Attorney General Butterworth from Florida and signed by 22 State Attorneys General. This letter explains that the Attorneys General believe any attempts to circumvent the States in the compacting process violates the language and meaning of the Indian Gambling Regulatory Act.

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

STATE OF FLORIDA,
OFFICE OF ATTORNEY GENERAL,
June 28, 1996.

Re comments on establishing departmental procedures to authorize class III gaming on Indian lands when a State raises an eleventh amendment defense to suit under the Indian Gaming Regulatory Act, Vol. 61 Fed. Reg. No. 92, pg. 21394 (5/10/96).

Hon. BRUCE BABBITT, SECRETARY OF THE INTERIOR, U.S. DEPARTMENT OF THE INTERIOR, WASHINGTON, DC.

DEAR SECRETARY BABBITT: Please accept this letter as the comments of the undersigned Attorneys General relating to the above referenced Advance Notice of Proposed Rulemaking. The undersigned, on behalf of our respective states, have a vital interest in the proper execution of the Indian Gaming Regulatory Act and in gambling activities in our states generally. In *Seminole Tribe v. Florida,* 116 S.Ct. 1114 (1996), the Supreme Court upheld the Eleventh Circuit's opinion that Congress had no authority to abrogate the Eleventh Amendment immunity of the States in the passage of IGRA and that the doctrine of *Ex parte Young* could not be used to circumvent the States' immunity. The court did not however address the issue raised by Part V of the lower court opinion regarding the remaining remedy for Tribes faced with States allegedly not bargaining in good faith, as required by IGRA.

INTRODUCTION AND BACKGROUND

It is uniformly the legal view of the undersigned state Attorneys General that, absent congressional authorization, the Secretary of Interior has no authority to prescribe class III tribal gaming procedures when a state raises an Eleventh Amendment bar to a ''bad faith'' lawsuit under IGRA. Further, there is no legal question but that if the Secretary were to assume such power, without congressional authorization, the Secretary would be constrained by existing federal law, including the federal Gambling Devices (Johnson) Act, 15 U.S.C. 1175, from prescribing procedures that include any form of electronic or electro-mechanical gambling devices.

Section 23 of IGRA also bars the Secretary from prescribing any gambling procedures that are inconsistent with ''State laws pertaining to the licensing, regulation, or prohibition of gambling.'' Section 11(d)(6) of IGRA lifts the prohibition of the Johnson Act only if there is a tribal-state compact in a state where ''the gambling devices are legal'' under state law. If the Secretary were to adopt procedures governing gaming procedures inconsistent with or abrogating state law, it would be in violation of federal law.

Nor can the Secretary legally ''fuzz'' the statutory distinction between a tribal-state compact and post-mediator secretarial procedures—the Congress gave these matters legally distinct and meaningful definitions. Congress intended secretarial procedures in lieu of a compact to occur only when a state has been adjudged to have negotiated, or to have refused to negotiate, in ''bad faith.'' The raising of an Eleventh Amendment defense by a State is not itself ''bad faith''—indeed, the Constitution permits it, as the Supreme Court has noted. Certainly the Secretary, who holds a trust responsibility to the tribes, is in no position to judge a State to be in ''bad faith.'' Nor can the Secretary re-write the statute to provide for a new form of ''secretarial procedures,'' designed to apply only when there has been no finding of ''bad faith.'' If there were the law Congress intended, it could have simply provided for the Secretary of Interior to provide for tribal gaming procedures and regulations in all cases as a matter of federal law.

An analysis of the legal error in Part V of the Eleventh Circuit's Seminole opinion clearly demonstrates these points. In the opinion that was appealed to the Supreme Court, the Eleventh Circuit Court of Appeals included dicta stating that if a State invoked its Eleventh Amendment immunity, then a Tribe could apply directly to the Secretary for the promulgation of procedures for class III gambling in that state. By request of the Supreme Court, the Solicitor General filed a brief for the United States addressing the petition and cross petition in the Seminole case. With respect to the remedy suggested by the appeals court, he stated at page 9,

''The state petitioners in Nos. 94–35 and 94–219 seek review of the court of appeals' expression of the view that, if a state does not consent to suit by a Tribe, the Secretary of the Interior would have the authority to prescribe regulations to govern the conduct of gaming on the Tribe's Indian lands. *That discussion in the opinion below is dicta,* since the court ordered the case dismissed on sovereign immunity grounds[.]'' (emphasis added)

Because the appeals court held that the case should be dismissed on sovereign immunity grounds, the dicta in part V of the opinion does not provide any legal authority for the Department of the Interior to act. In contrast to the dicta of the Eleventh Circuit, the Ninth Circuit Court of Appeals stated in Spokane, that:

''The Eleventh Circuit was concerned by the regulatory void that it might leave by invalidating the IGRA's provisions for federal judicial enforcement. Those concerns illustrate the problem caused when state sovereignty is injected into the federal scheme. The Eleventh Circuit reasoned that a void was not necessary because the provisions of the statute authorizing the Secretary of Interior to impose regulations would come into effect once a state asserted immunity from suit.

When that occurred the Secretary of the Interior would, in the Eleventh Circuit's view, remain authorized to impose regulations for Class III gaming. Seminole Tribe, 11 F.3d at 1029. *In our view, however, such a result would pervert the congressional plan.* This is because the Secretary of the Interior under the statute is to act only as a matter of last resort, and then only after consulting with the court appointed mediator who has become familiar with the positions and interests of both the tribes and the states in court directed negotiations. 25 U.S.C. Sec. 2710(d)(7)(B)(iv)–(vii). *The Eleventh Circuit's solution would turn the Secretary of the Interior into a federal czar, contrary to the congressional aim of state participation.''—Spokane Tribe of Indians v. Washington State,* 28 F.3d 991, 997 (C.A.9 (Wash.) 1994) (emphasis added)

Any proposal to allow a direct by-pass to the Secretary is inconsistent with Congressional intent for two reasons: (1) it allows the tribes to circumvent State participation, thereby not recognizing a legitimate interest of the States; and (2) it ignores IGRA's design to include the states. It should be clearly understood that the proposed remedy has the effect of taking the states completely out of the IGRA process. A Tribe would be able to request a compact with a demand it knows the State cannot accede to, thereby

guaranteeing that there will be no compact within 130 days, and providing the ''predicate'' for a ''bad faith'' lawsuit. This is possible because IGRA does not require that the *Tribe* negotiate in good faith. At the end of 180 days, with no progress toward a compact, the Tribe may file suit. If the State raises its Eleventh Amendment defense, the Tribe will petition directly to the Secretary of the Interior, undoubtedly for the gaming activities it knew the State could not agree to, including, in most cases, gambling devices and activities criminally prohibited in the state. State participation has thereby been rendered meaningless.

The proposed Secretarial remedy is inconsistent with the plain language of the statute and is an effort to grant a remedy to the Tribes not found in IGRA. The Eleventh Circuit erroneously stated that the new remedy is consistent with the intent of Congress. By creating the remedy, the Eleventh Circuit sacrificed the States' role in an effort to effectuate its notion of the broad intent of Congress.

''Deciding what competing values will or will not be sacrificed to the achievement of a particular objective is the very essence of legislative choice—and it frustrates rather than effectuates legislative intent simplistically to assume that whatever furthers the statute's primary objective must be the law.''—*Rodriguez* v. *United States,* 480 U.S. 522, 526 (1987). The process and the remedy set forth in §2710(d)(7) was: ''[T]he result of the Committee balancing the interests and rights of the tribes to engage in gaming against the interests of the States in regulating such gaming.'' S. Rep. 100–446, S. 555, 100th Cong., 2d Sess., 14. The Eleventh Circuit even recognized that IGRA was passed: ''[A]fter contentious debate concerning the appropriate state role in the regulation of Indian gaming.''—*Seminole Tribe,* 11F.3d at 1019.

The Eleventh Circuit's attempt to legislate a new remedy and the Department of the Interior's proposal to implement such a remedy are inappropriate and it should be left to Congress to reevaluate the balance of interests and purposes of this act in fashioning a new remedy, if one is needed. The Court of Appeals is not free to fashion remedies that Congress has specifically chosen not to extend. *Landgraf* v. *U.S.I. Film Products,* ___U.S.___. n 36, 62 U.S.L.W. 4255, 4267 n. 36 (April 26, 1994); *see, Northwest Airlines, Inc.* v. *Transportation Workers.* 451 U.S. 77, 97 (1981). Nor can the Secretary fashion such a remedy.

The legal error underlying the suggested process can be shown by the facts of the *Seminole* case itself. The Seminole Tribe requested a compact and proceeded to file suit against the State of Florida with a demand for slot machines and gambling activities criminally prohibited by Florida. The District Court found that the State had not failed to negotiate in good faith. Accordingly, the Tribe was not entitled to mediation or the ''secretarial procedures'' that follow a court-appointed mediator's involvement. However, under the suggested ''Secretarial remedy,'' the Seminole Tribe could apply to the Secretary for gaming procedures, even in the face of a finding of good faith on the part of the State. This locks the State out of the process, contrary to the intent of Congress.

The states have a legitimate interest in what transpires on Indian reservations within their borders. It is clear that the patrons of Indian gambling operations are not tribal members, but generally non-Indian members of the surrounding communities. Further, the States have an interest in protecting all state citizens.

* * * * *

CONCLUSION

The undersigned Attorneys General strongly believe that it is clearly contrary to law and inappropriate for the Secretary of the Interior to take action to promulgate regulations allowing class III gambling as suggested. If Congress determines that there needs to be a change in IGRA based on the Supreme Court's holding in Seminole, then it is the appropriate forum for discussion of the balancing of interests among the state, federal and tribal governments.

''Deciding what competing values will or will not be sacrificed to the achievement of a particular objective is the very essence of legislative choice—and it frustrates rather than effectuates legislative intent simplistically to assume that whatever furthers the statutes primary objective must be the law.''—Rodriguez v. United States, 480 U.S. 522, 526 (1987).

Thank you for the opportunity to comment on the proposed rulemaking.

Sincerely,

Robert A. Butterworth, Attorney General of Florida; Jeff Sessions, Attorney General of Alabama; Winston Bryant, Attorney General of Arkansas; Daniel E. Lungren, Attorney General of California; Grant Woods, Attorney General of Arizona; Richard Blumenthal, Attorney General of Connecticut; M. Jane Brady, Attorney General of Delaware; Alan G. Lance, Attorney General of Idaho; Frank J. Kelly, Attorney General of Michigan; Joseph P. Mazurek, Attorney General of Montana; Frankie Sue Del Papa, Attorney General of Nevada; Margery S. Bronster, Attorney General of Hawaii; Scott Harshbarger, Attorney General of Massachusetts; Mike Moore, Attorney General of Mississippi; Don Stenberg, Attorney General of Nebraska; Jeffrey R. Howard, Attorney General of New Hampshire; Betty D. Montgomery, Attorney General of Ohio; Thomas W. Corbett, Jr., Attorney General of Pennsylvania; Jeffrey L. Armestoy, Attorney General of Vermont; William U. Hill, Attorney General of Wyoming; Drew Edmondson, Attorney General of Oklahoma; Jeffrey B. Pine, Attorney General of Rhode Island; Darrel V. McGraw, Jr., Attorney General of Virginia.

Mr. ENZI. Mr. President, the rationale behind this amendment is simple: Society as a whole bears the burden of the effects of gambling. A State's law enforcement, social services, and communities are seriously impacted by the expansion of casino gambling on Indian tribal lands. Therefore, a decision about whether or not to allow casino gambling on Indian lands should be approved by popularly elected representatives, not by an unelected Cabinet official.

I urge my colleagues to stand up for the rights of the States and the rights of this Congress, as popularly elected leaders, by voting for this amendment. And, Mr. President, the chairman of the subcommittee, Senator GORTON, also approves of the amendment. I do ask for your consideration of that amendment.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I thank the Senator from Wyoming for yielding me time.

I rise to endorse the comments made by Senator ENZI. In 1996, I was the attorney general of the State of Alabama, and I was one of the 22 attorneys general that signed the letter that Senator ENZI mentioned earlier. This letter, which was initiated under the leadership of Attorney General Bob Butterworth of Florida, was a 13-page letter discussing the legal reasons why the attorneys general believe that the Secretary of the Interior ought not to be setting the gambling policies for our various States. Why did we take this position? Because our review of applicable law revealed to us that there was no legal basis for the Secretary of Interior to act this way, especially in light of the important *Seminole Tribe* v. *Florida* case decided by the U.S. Supreme Court in 1996.

The issue of tribal gaming is a matter of extreme importance. My home state of Alabama has consistently rejected casino gambling in the State. We have one small Indian tribe that owns several pieces of property in the State. If that tribe were able to go to the Secretary of the Interior and obtain approval to build casinos on their property, we would soon have three major, active casinos in the State of Alabama bringing with them all the problems that are associated with casino gaming. The tribal reservations are extremely small, however they would impact the community to a great degree.

As the Senator from Wyoming so eloquently said, it is the States who will bear the burdens and the responsibility and the consequences of having the Secretary of Interior impose gambling on them. The Secretary of the Interior should not be imposing tribal gaming decisions on the States. In the past, the Secretary had indicated that he would prefer not to intervene in these matters. If that is so, then he certainly should not oppose this legislation that would prohibit his ability to unilaterally decide state gaming issues. I think this issue is a matter that we need to treat very significantly.

Make no mistake about it, having been involved in the process, I learned something that is quite important, and that is just how much money is involved. When the Secretary of the Interior, one man, can look at one group of claimants, or favor one Indian tribe over another, and he can then select a group and say, ''You can get a gambling casino,'' he may have made that group hundreds of millions of dollars—I do not mean one million, I mean hundreds of millions of dollars—and another tribe may get nothing from that. The Secretary's ability to make one decision which makes certain groups rich and certain groups poor is one reason why the committee testimony concerning Mr. Babbitt's dealing with contributions tied to Indian gaming was such a dramatic, and unseemly, event.

So I think that is not the way public policy and gambling policy ought to be set in America. It ought to be set on a rational basis by the people of the State who would have to live with that

activity. I think Senator ENZI is correct. Similar legislation passed once before, I think, with consent. I hope that it will again. I believe we need to make clear that the people of our States will be the ones to decide whether or not gambling occurs.

I would just like to share a quote from an editorial appearing in the Montgomery Advertiser last year. In this editorial the Advertiser, the newspaper of the capital of Alabama, says:

> Regardless of whether one favors or opposes legalized gambling on Indian lands, surely there can be little dispute over the legitimate interest of states in having some say in the matter, rather than having gambling instituted within their borders through federal-level negotiations.

Respecting the role of states is fundamental to this issue, and Senator ENZI's amendment solves the problem of Federal intrusion created by the regulations put forward by the Secretary of Interior. I salute Senator ENZI for his amendment, and I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. I yield such time as Senator BRYAN needs, the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, I thank you.

I am happy to yield to the distinguished Senator from Hawaii, who has not had an opportunity to speak. If he wishes to precede me, I would be happy to yield.

Mr. President, I think it is helpful to our colleagues if we put this amendment in some context.

In 1988, the Congress enacted the Indian Gaming Regulatory Act. That act says that to the extent that States permit gaming activities within the States, that Indian tribes within those States should have the same opportunity. Let me say that I am in support of that philosophy.

In Nevada, we have a full range of casino gaming activity. There is no question in my State that tribes within Nevada have the same opportunity, and, indeed, we have five compacts that have been ratified between the Governor and the tribes in my State permitting those tribes to conduct the same kind of activity for gaming enterprises that we have in Nevada.

Let me give a contrast, if I may. My friend from Hawaii and our colleagues from Utah—in those two States a determination has been made that no form of gaming activity should be permitted, something that I believe is a matter of public policy for those two States to make a determination. So it is equally clear under the act that Indian tribes would have no opportunity to participate in Indian gaming unless the States chose to permit it because they have made a public policy not to have any form of gaming.

In between, there are 48 other States that have adopted variations of gaming. So there are a number of States that have entered into compacts; that is, agreements between Governors and tribes. The Enzi-Bryan-Reid amendment in no way impacts those States that have previously entered into compacts. Those are valid and continue to be effective.

What is at issue here is that some tribes, particularly in California and Florida, have tried to force the respective Governors of those States to permit gambling activity, which those States do not permit, specifically in the form of slot machines. California has made a determination that they do not, as a matter of public policy, favor slot machines, so therefore slot machines are not permitted in California. In Florida, the same public policy prevails. And the tribes have sought to force those Governors to negotiate this kind of gambling activity.

In California today, there are 40 tribes that operate 14,000 illegal slot machines, slot machines that are not part of negotiated compacts. Recently, the Governor of California and the Pala Band Indian Tribe have entered into a compact that does not, Mr. President, include the gambling activity that currently illegally exists in these 20 reservations; namely, slot machines.

What is troublesome to my colleagues who join me on this amendment and what was of concern to the Congress in the last session is the Secretary of the Interior has moved forward with regulations that would say the Governors and the tribes are not the ones to determine the scope of gaming in a given State; the Secretary of the Interior should have that right.

So in the Interior appropriations bill that was approved last year, we offered a provision that said, in effect, the Secretary of Interior is prohibited from expending any money to implement a regulation which would give to him the authority to be the final arbiter between a tribe and a State as to what should be negotiated.

What causes our renewed concern is, the Secretary of Interior has now begun a rulemaking process that has been out for public comment, that is currently before the Office of Management and Budget for review, that is doing the very sort of thing that we sought to prohibit in the appropriations bill last year.

What this amendment does is to reaffirm the policy of the Congress that the Secretary of Interior shall not move forward in overriding, if you will, a determination between a Governor and the tribe as to the scope of gaming. I am familiar with no circumstance—none—in which a Governor today has refused to negotiate in good faith for gambling activity on a tribal reservation that is consistent with that State's public policy. So what we are really talking about here are tribes that have been putting a lot of pressure on Governors to, in effect, open up casino gaming, as the distinguished Senator from Alabama pointed out. I believe that is a determination the States, the Governors, ought to make.

The law is clear, once a State crosses the Rubicon and permits a form of gaming, the tribal governments within that State should be entitled to the same. That is fair. What is sauce for the goose is sauce for the gander. There is no quarrel with that.

But the tribes have sought to push some of the Governors and say, ''Look, we want slot machines. Even though you do not permit that as a matter of public policy, we believe you ought to be required to negotiate that, and if you won't negotiate that, we will accuse you of acting in bad faith and will go to the Secretary of Interior and have him make that determination.''

I believe however we line up on the political spectrum in this Chamber, that is not a decision that the Secretary of Interior ought to be making. That is a decision which the State, as a matter of public policy, should determine for itself—how much, how little, if any, gaming activity should be allowed.

What our amendment does is to refine the amendment that was offered as part of the appropriation process and goes further and says, ''Look, you shall not go forward with this rulemaking process,'' in the context of the appropriations for this year. I believe that is totally consistent with what we began last year, and I believe it is something this Chamber ought to reaffirm.

My concern is that the rate in which this rulemaking process is proceeding is, the day after the current appropriations bill expires, October 1, we have a regulation out there and the Secretary of Interior will begin to make determinations as to the scope of gaming permitted in States. May I say in the two States in question, one of them presided over by a Democrat, one by a Republican, this is bipartisan. Both of those Governors have resisted that. The National Governors Association has gone on record as opposing the Secretary of Interior's position, the National Association of Attorneys General has gone on record as opposing it, Democrats and Republicans in both of those two associations, because in effect the Secretary of Interior would be allowed to preempt State public policy. That is something that I believe none of us would want to occur.

I yield the floor.

AMENDMENT NO. 2134

(Purpose: To express the Sense of the Senate that of the rescissions, if any, which Congress makes to offset appropriations made for emergency items in the Fiscal Year 1998 supplemental appropriations bill, defense spending should be rescinded to offset increases in spending for defense programs)

Mr. BUMPERS. I ask unanimous consent I be permitted to send an amendment to the desk, the same be immediately laid aside, and later brought for consideration.

Mr. STEVENS. Reserving the right to object, what is the amendment?

Mr. BUMPERS. I will send the amendment to the desk to be set aside to be brought up at your discretion.

Mr. STEVENS. Is this the one on which I was to have the colloquy with the Senator from Arkansas?

Mr. BUMPERS. I will discuss that with you in just a moment.

Mr. STEVENS. The Senator has that right.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 2134.

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

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

The amendment is as follows:

At the appropriate place insert the following:

"SEC. . SENSE OF THE SENATE WITH REGARD TO OFFSETS.

(a) FINDINGS.—The Senate finds that—

(1) the Budget Enforcement Act contains discretionary spending caps to limit discretionary spending;

(2) within the discretionary spending caps, Congress has imposed firewalls to establish overall limits on spending for non-defense discretionary programs and overall limits on spending for defense discretionary programs;

(3) any increase in non-defense discretionary spending that would exceed the non-defense discretionary spending caps must be offset by rescissions in non-defense discretionary programs;

(4) any increase in defense discretionary spending that would exceed the defense discretionary spending caps must be offset by rescissions in defense discretionary programs;

(5) the Budget Enforcement Act exempts emergency spending from the discretionary spending caps;

(6) certain items funded in the FY98 supplemental appropriations bill have been designated as emergencies and thus are exempt from the budget cap limitations;

(7) the House of Representatives will be considering a version of the FY98 supplemental appropriations bill that will purportedly make rescissions to offset spending on items that have been deemed emergencies;

(8) the rescissions included in the House of Representatives FY98 supplemental appropriations bill will purportedly come solely from non-defense discretionary programs;

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that of the rescissions, if any, which Congress makes to offset appropriations made for emergency items in the Fiscal Year 1998 supplemental appropriations bill, defense spending should be rescinded to offset increases in spending for defense programs.

The PRESIDING OFFICER. The amendment is set aside.

The Senator from Hawaii has the floor.

Mr. INOUYE. Parliamentary inquiry. Is there a vote scheduled at 6:30?

The PRESIDING OFFICER. The Senator is correct; there is a vote scheduled for 6:30.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

VOTE ON AMENDMENT NO. 2130

The PRESIDING OFFICER. Under the previous order, debate on the Enzi amendment will be suspended in order to vote on amendment No. 2130.

The question is on agreeing to the amendment of the Senator from North Carolina, Mr. HELMS.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

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

The result was announced—yeas 90, nays 10, as follows:

[Rollcall Vote No. 43 Leg.]

YEAS—90

Abraham	Enzi	Lott
Akaka	Faircloth	Lugar
Allard	Feingold	Mack
Ashcroft	Ford	McCain
Baucus	Frist	McConnell
Bennett	Glenn	Mikulski
Biden	Gorton	Moseley-Braun
Bond	Graham	Moynihan
Boxer	Gramm	Murkowski
Breaux	Grams	Murray
Brownback	Grassley	Nickles
Bryan	Gregg	Reed
Bumpers	Hagel	Reid
Burns	Harkin	Robb
Byrd	Hatch	Roberts
Campbell	Helms	Roth
Chafee	Hollings	Santorum
Cleland	Hutchinson	Sessions
Coats	Hutchison	Shelby
Cochran	Inhofe	Smith (NH)
Collins	Inouye	Smith (OR)
Conrad	Jeffords	Snowe
Coverdell	Johnson	Specter
Craig	Kempthorne	Stevens
D'Amato	Kerrey	Thomas
Daschle	Kohl	Thompson
DeWine	Kyl	Thurmond
Domenici	Landrieu	Torricelli
Dorgan	Levin	Warner
Durbin	Lieberman	Wyden

NAYS—10

Bingaman	Kerry	Sarbanes
Dodd	Lautenberg	Wellstone
Feinstein	Leahy	
Kennedy	Rockefeller	

The amendment (No. 2130) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, we are waiting on an agreement on what to do with the bill for the remainder of the evening and tomorrow. I urge Senators—again, we are making up a list. We call it a finite list. We hope to get an agreement before we leave here that amendments, unless they are on the list, will not be in order for this bill. So I urge Senators to speak to their respective sides to see to it. That is the suggestion.

I yield to the Senator from Virginia. He wants to qualify an amendment now.

Mr. ROBB. Mr. President, I thank the Senator from Alaska.

AMENDMENT NO. 2135

(Purpose: To reform agricultural credit programs of the Department of Agriculture, and for other purposes)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia (Mr. ROBB) proposes an amendment numbered 2135.

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

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

The amendment is as follows:

At the appropriate place, add the following:

"SEC. 1. SHORT TITLE.

This section may be cited as the 'Agricultural Credit Restoration Act'.

SEC. 2. AMENDMENTS TO THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.

(a) Section 343(a)(12)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(12)(B)) is amended to read as follows:

''(B) EXCEPTIONS.—The term 'debt forgiveness' does not include—

''(i) consolidation, rescheduling, reamortization, or deferral of a loan;

''(ii) debt forgiveness in the form of a restructuring, write-down, or net recovery buy-out during the lifetime of the borrower that is due to a financial problem of the borrower relating to a natural disaster or a medical condition of the borrower or of a member of the immediate family of the borrower (or, in the case of a borrower that is an entity, a principal owner of the borrower or a member of the immediate family of such an owner); and

''(iii) any restructuring, write-down, or net recovery buy-out provided as a part of a resolution of a discrimination complaint against the Secretary.''.

(b) Section 353(m) of such Act (7 U.S.C. 2001(m)) is amended by striking all that precedes paragraph (2) and inserting the following:

''(m) LIMITATION ON NUMBER OF WRITE-DOWNS AND NET RECOVERY BUY-OUTS PER BORROWER.—

''(I) IN GENERAL.—The Secretary may provide a write-down or net recovery buy-out under this section on not more than 2 occasions per borrower with respect to loans made after January 6, 1988.''.

(c) Section 353 of such Act (7 U.S.C. 2001) is amended by striking subsection (o).

(d) Section 355(c)(2) of such Act (7 U.S.C. 2003(c)(2)) is amended to read as follows:

''(2) RESERVATION AND ALLOCATION.—

''(A) IN GENERAL.—The Secretary shall, to the greatest extent practicable, reserve and allocate the proportion of each State's loan funds made available under subtitle B that is equal to that State's target participation rate for use by the socially disadvantaged farmers or ranchers in that State. The Secretary shall, to the extent practicable, distribute the total so derived on a county by county basis according to the number of socially disadvantaged farmers or ranchers in the county.

''(B) REALLOCATION OF UNUSED FUNDS.—The Secretary may pool any funds reserved and allocated under this paragraph with respect to a State that are not used as described in subparagraph (A) in a State in the first 10 months of a fiscal year with the funds similarly not so used in other States, and may

reallocate such pooled funds in the discretion of the Secretary for use by socially disadvantaged farmers and ranchers in other States.''.

(e) Section 373(b)(1) of such Act (7 U.S.C. 2008h(b)(1)) is amended to read as follows:

''(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may not make or guarantee a loan under subtitle A or B to a borrower who on, 2 or more occasions, received debt forgiveness on a loan made or guaranteed under this title.''.

(f) Section 373(c) of such Act (7 U.S.C. 2008h(c)) is amended to read as follows:

''(c) NO MORE THAN 2 DEBT FORGIVENESSES PER BORROWER ON DIRECT LOANS.—The Secretary may not, on 2 or more occasions, provide debt forgiveness to a borrower on a direct loan made under this title.''.

SEC. 2. REGULATIONS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Agriculture shall promulgate regulations necessary to carry out the amendments made by this Act, without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code; and

(2) the statement of policy of the Secretary of Agriculture relating to notices of proposed rule-making and public participation in rule-making that became effective on July 24, 1971 (36 Fed. Reg. 13804).

Mr. ROBB. Mr. President, I ask unanimous consent that the amendment be temporarily set aside.

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

Mr. ROBB. Mr. President, very briefly, this is an amendment to correct a measure that was in the 1996 agriculture bill. There are $48 million in this emergency bill to provide for direct operating loans to farmers. But most of the minority and small farmers are not able to get to those loans because of a disqualifying provision. This corrects that. We will try to work it out so it will be accepted when it is taken up on the floor.

Mr. President, I rise today to offer an amendment to improve access to the USDA's lending programs for farmers.

The emergency supplemental appropriations bill we're considering contains enough funds to allow $48 million more money to be available for direct operating loans. These loans are crucial to farmers, especially in the spring, because they use the borrowed funds to buy the seed, fertilizer and other material essential for planting, which they repay after harvest.

Unfortunately, there are many minority and socially disadvantaged farmers who will not have access to these critical loan funds because of a provision in the 1996 farm bill. That provision bars a farmer—forever—from turning to the USDA's loan programs if they have ever defaulted previously on a federally-backed agricultural loan. This inflexible provision permanently eliminates the farmers' access to these loan programs, even if the cause of the previous default was the result of racial discrimination against the farmer perpetrated by the Federal Government, or a disaster beyond the farmer's control, or a medical condition which affected the farmer's ability to pay.

My amendment addresses this situation.

FARAD

Mr. BAUCUS. Mr. President, I understand that the USDA is working toward the release of funds relating to the competitively awarded Smith Lever 3(d) Food Safety grants program. An eligible activity of this program is the Food Animal Residue Avoidance Database (FARAD). The American people are demanding higher levels of food safety, and the FARAD program will help develop better methods of assuring the safety of food products from our livestock sector.

The Smith Lever 3(d) Food Safety program contains a total of $2,365,000, but it has been suggested that only $195,000 would be available for the FARAD activities. However, I understand that FARAD is not limited by the suggested amount of $195,000 and that additional funds under the Smith Lever 3(d) Food Safety grants program could be directed to FARAD as a competitive award. I further understand that no funds under this program have been obligated for the current fiscal year.

Mr. BUMPERS. The Senator from Montana is correct. The suggested figure of $195,000 is not a binding cap on the funds potentially available to FARAD in fiscal year 1998. I understand that grants under the Smith Lever 3(d) Food Safety program will be awarded in the near future and that proponents of the FARAD program should be advised that additional competitive funds may be available and they may wish to craft their applications to reflect this opportunity.

DISASTER ASSISTANCE

Mr. CLELAND. Mr. President, I would first like to thank my distinguished colleagues, the Chairman, Senator STEVENS and Ranking Member Senator BYRD for addressing the issue of providing relief for Georgia disaster victims in this bill. And, to my colleague, Senator COVERDELL the Senior Senator from Georgia for his direct involvement and for offering his amendment to see that adequate relief is obtained for Georgia. I am proud to be a co-sponsor of his amendment. I would also like to thank my colleague Senator BUMPERS, for his skillful work as the Ranking Member on the Agriculture Appropriations Subcommittee in his efforts to incorporate the valuable requests for disaster assistance into this bill.

Mr. BUMPERS. I thank the Senator.

Mr. CLELAND. I would like to follow up on the comments made yesterday by my colleagues, Senator COCHRAN and Senator COVERDELL with a question to Senator BUMPERS. I wanted to confirm the report that the $60 million from the Emergency Conservation Program along with the amendment providing an additional $50 million from the Emergency Watershed and Flood Prevention program provided in the 1998 Emergency Supplemental Appropriations Bill will be sufficient to fully cover the losses in Georgia resulting from the recent flooding and tornado?

Mr. BUMPERS. My colleague from Georgia is correct. The reports from officials at the Department of Agriculture would suggest that with an additional $50 million, which would bring the total supplemental appropriation for the Emergency Watershed and Flood Prevention account to $100 million along with the $60 million allocated for the Emergency Conservation Program, the needs of Georgia as well as the numerous other Americans around the country who are in need of natural disaster relief will be met.

Mr. CLELAND. I thank my colleague for his assistance. The vital funds for disaster assistance provided in this bill will be a blessing for those farmers in Georgia who have been so devastated by the severe weather that they have endured for the past year. I also will be thankful to see that relief is provided to those in the Northeast and California as well as the many other Americans who have been victims of natural disaster. I thank Senator BUMPERS for his leadership in this effort for the people of Georgia and all those affected.

Mr. WARNER. Mr. President, I am privileged to be the chairman of the Subcommittee on Transportation and Infrastructure of the full Committee on Environment and Public Works. I have been involved in the Patent and Trademark Office space consolidation for the past 4 years. However, this has had a much longer history of review. In August of 1995, GSA, the Department of Commerce, and the PTO negotiated with OMB on alternatives for proceeding to consolidation and the placement of the PTO's expiring leases scheduled for 1996. The administration determined that there were insufficient funds available in the President's budget for the foreseeable future to pursue these alternatives of direct Federal construction or an equity lease.

Let me repeat, Mr. President: That history has shown that often construction is less expensive than the option of leasing. There is no mystery here. The problem is, we do not have $250 million to construct such a building. Budget constraints dictate a lease in this instance.

For this reason OMB then authorized the General Services Administration to transmit a prospectus, pursuant to the Public Buildings Act, to the House Transportation and Infrastructure Committee and the Senate Environment and Public Works Committees requesting authorization to acquire a competitively procured, 20-year operating lease for 1,989,116 occupiable square feet (osf) to consolidate the PTO on a Northern Virginia site within boundaries extending from the Potomac River along the Dulles corridor. Once again, let me stress that this is a competitively procured lease.

Mr. President, the prospectus was approved by the Senate Committee on Environment and Public Works on October 24, 1995, and the House Committee on Transportation and Infrastructure on November 16, 1995. The Senate

Committee on Environment and Public Works carefully considered the need for the facility, various alternatives, and the costs of each approach before authorizing the lease procurement to be conducted by the GSA for the PTO. Further, both Committees directed GSA to amend its Source Selection approach to provide ''that any evaluation used for such acquisition considers proximity to public transportation, including MetroRail, to be a factor as important as any other non cost factor.''

I have been assured by the PTO, Senator GREGG, that prior to the issuance of the Solicitation for Offerors (SFO), the PTO undertook a detailed analysis and review of case law, news articles, and recent Federal acquisitions and leases such as: the Internal Revenue Service, the Federal Communications Commission, and the Ronald Reagan Building etc. to identify potential problems with the PTO procurement.

In short, the analysis that the Senator seeks was performed by the Administration in developing the prospectus, was reviewed by both the House and Senate authorizing committees, and approved in 1995. Furthermore, as I have already stated, the PTO and the Administration are continuing to revalidate that analysis.

Mr. President, to date, all analysis of this procurement has shown that under the current budget scenario, this procurement is needed by the PTO, and is in the best interest of the taxpayers. PTO currently resides in expired holdover leases. This is an untenable and costly situation that must be addressed immediately.

Senator GREGG will now join in a colloquy.

As we discussed, am I correct that the current language as drafted excludes comparison in the requested report between leasing and federal construction?

Mr. GREGG. That is correct.

Mr. WARNER. Would the Senator also agree that the budget will not likely enable us to proceed with any project which will be scored as a capital investment?

Mr. GREGG. That is correct.

Mr. WARNER. Does the Senator have a view as to whether the Appropriations Committee would be prepared to fund a lease/purchase arrangement, given the scoring impacts that would result in such a transaction?

Mr. GREGG. No we are not.

Mr. WARNER. Is it the Senator's understanding that a lease-purchase would require that budget authority be scored against this project? Where as a operating lease is only scored for the annual rent payment?

Mr. GREGG. Yes, that is my understanding.

Mr. WARNER. I thank the Senator. Is it true that this budget authority for any lease-purchase would be scored against GSA's Federal Buildings Fund?

Mr. GREGG. That is my understanding.

Mr. WARNER. Is it the Senator's understanding that there is no capital available for either construction or lease-purchase of this project? That is what the Senate Environment and Public Works Committee was relying upon when we authorized this long-term lease.

Mr. GREGG. That is also my understanding.

Mr. WARNER. Finally, I am concerned that the study comparing the cost versus the benefit of relocating to a new facility compares ''apples to apples''. Therefore, it is important that such things as the cost of space required to accommodate new staff at the PTO's existing locations; the costs of bringing existing facilities into compliance with current, not grandfathered, codes for life safety and accessibility for the disabled, and the costs of providing amenities such as day care facilities be considered as part of the costs of PTO's remaining in its current space. Do you agree?

Mr. GREGG. I believe that these things should be considered in the cost versus benefit analysis.

Mr. WARNER. I have taken a very active role in this matter because of the wonderful, loyal, dedicated service of the thousands of employees of PTO. I think our Federal Government owes them no less than the opportunity to have a new facility to perform their valuable work, and I hasten to say this building will largely be financed not by Federal taxpayers funds but by funds derived from the sevices performed by the people.

I yield the floor.

Mr. STEVENS. Mr. President, I do not know of any further amendments on our side. There will be a managers' package. I understand Senator SMITH has an amendment, and Senator MURKOWSKI has an amendment.

Mr. President, before we do anything more, I would suggest the absence of a quorum and wait for the leader to come.

Mr. KENNEDY. Will the Senator withhold so I may speak briefly?

Mr. STEVENS. We have a pending matter with people entitled to speak now if we go back on the bill. I would suggest the absence of a quorum so we can straighten that out, and the Senator can speak. If we make this arrangement, anyone who wants to speak may do so.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

ORDERS FOR THURSDAY, MARCH 26, 1998

Mr. STEVENS. Mr. President, in behalf of the leader, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 9:30 a.m. on Thursday, March 26, that immediately following the prayer the routine requests through the morning hour be granted, and the Senate resume consideration of S. 1768, the emergency supplemental appropriations bill.

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

Mr. STEVENS. Mr. President, tomorrow the Senate will resume consideration of this emergency supplemental appropriations bill with 50 minutes remaining on the Enzi amendment to begin at 10 o'clock. We have a couple of calendar items to take place before that time. So we will start on the bill at 9:30.

I further ask unanimous consent that the vote on or in relation to the Enzi amendment occur at the expiration of the 50 minutes, which will be at 10:50 a.m.

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

Mr. STEVENS. Following that vote, I anticipate final action on IMF, amendment No. 2100. And that leaves the Nickles amendment as the only other issue that is presently brought to debate to be concluded prior to ending this bill.

It is my understanding that about seven amendments on what we call the finite list are before the body now. We have two that have been brought forward on this side.

I now ask unanimous consent that, unless an amendment is listed on that list tonight before we conclude business today, no further amendment other than what is on that list be in order for tomorrow.

If you want to read that list, I will be happy to read that list.

The PRESIDING OFFICER. Is there objection?

Mr. MURKOWSKI. Mr. President, I wonder if we could find out if our amendments are on the list?

Mr. STEVENS. They have both been identified and they are on the list as far as I am concerned. We will put them on the list now.

The PRESIDING OFFICER. Is there objection? The Senator from Massachusetts.

Mr. KENNEDY. I would like to, if I could, include a slot for an amendment that will be related to the Nickles amendment if it is necessary to call that up.

Mr. STEVENS. All right. As long as it is disclosed tonight, fine.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. As I understand, that will be a Kennedy amendment to the Nickles amendment, relating to the Nickles amendment.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.