

The Cheyenne River Sioux Tribe Equitable Compensation Act would establish a trust fund within the Department of the Treasury for the development of certain tribal infrastructure projects for the Cheyenne River Tribe as compensation for lands lost to federal public works projects. The trust fund would be capitalized from a small percentage of hydropower revenues and would be capped at \$290 million. Independent research has concluded that the economic loss to the tribe justifies such a compensation fund. The tribe would then receive the interest from the fund to be used according to a development plan based on legislation previously passed by Congress, and prepared in conjunction with the Bureau of Indian Affairs and the Indian Health Service.

This type of funding mechanism has seen unanimous support in the Congress though recent passage of the Lower Brule Sioux Tribe Infrastructure Development Trust Fund Act as well as the Crow Creek legislation passed last Congress. Precedent for these infrastructure development trust funds capitalized through hydro-power revenue was established with the Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Act of 1992, which set up a recovery fund financed entirely from a percentage of Pick-Sloan power revenues to compensate the tribes for lands lost to Pick-Sloan.

I believe it is important for the Senate to understand the historic context of this proposed compensation. As you may know, the Flood Control Act of 1944 created five massive earthen dams along the Missouri River. Known as the Pick-Sloan Plan, this public works project has since provided much-needed flood control, irrigation, and hydro-power for communities along the Missouri. Four of the Pick-Sloan dams are located in South Dakota and the benefits of the project have proven indispensable to the people of my State.

Unfortunately, construction of the Big Bend and Fort Randall dams was severely detrimental to economic and agricultural development for several of South Dakota's tribes, including Cheyenne River. Over 100,000 acres of the tribe's most fertile and productive land, the basis for the tribal economy, were inundated, forcing the relocation of roughly 30 percent of the tribe's population, including four entire communities.

The Cheyenne River Sioux Tribe Equitable Compensation Act of 1998 will enable the Cheyenne River Tribe to address and improve their infrastructure and will provide the needed resources for further economic development within the Cheyenne River reservation community. However, the damage caused by the Pick-Sloan projects touched every aspect of life in South Dakota, on and off reservation. The economic development goal targeted in this approach is a pressing issue for surrounding communities off reserva-

tion as well, because every effort toward healthy local economies in rural South Dakota resonates throughout the State.

Language included in this bill would prohibit any increase in power rates in connection with the trust fund. This legislation has broad support in South Dakota. South Dakota Governor Bill Janklow has endorsed this type of funding mechanism for the compensation of South Dakota tribes, and fully supports S. 1905.

Mr. President, the tribes in my State experience some of the most extreme poverty and unemployment in this country. Under the current Chairman, Gregg Bourland, the Cheyenne River Sioux Tribe has been a leader in economic development initiatives within the reservation community and I believe this bill will reinforce and further the economic development successes of the tribe. I look forward to educating my colleagues about the importance of this bill to the Cheyenne River Sioux Tribe and I encourage swift Senate action on this bill.●

PATENT AND TRADEMARK OFFICE'S LEASE PROCUREMENT

● Mr. WARNER. Mr. President, I rise today to set the record straight about the Patent and Trademark Office's lease procurement for a new or remodeled facility. There is a continuing misinformation campaign being waged to delay the Patent and Trademark Office's lease procurement or put it back to square one.

Allegations are being made that, to the taxpayer's detriment, the new facility is vastly overpriced and that a new federal construction option has not been considered.

The fact is that the procurement has been conducted by the book and has undergone several, impartial reviews, all of which conclude that the project is on the right track, competitively sound and should continue.

Mr. President, we all know that funding is not available to support the federal construction of a new headquarters for PTO because of the limitations of the Balanced Budget Act. We also know that the new lease, authorized by the Senate Environment and Public Works Committee in Fall of 1995, will result in cost savings of \$72 million over the life of the lease. That cost savings will accrue in spite of moving costs, an upgraded work environment, new furniture and other improvements designed to enable the PTO to more effectively do its job.

The PTO is fully fee funded and does not receive any taxpayer support. All lease and moving costs will be borne by PTO's customers in the normal course of business.

The Subcommittee on Transportation and Infrastructure intends to have a hearing on this matter in September. In the meantime, I am submitting a number of points regarding the procurement, in addition to a letter

sent to me by Bruce A. Lehman, Assistant Secretary of Commerce and Commissioner of Patents and Trademarks.

I urge you to take time to hear the real story of the PTO project. The clear facts are that failure to take action to consolidate PTO space will result in wasteful use of funds and prevents PTO from modernizing services for its customers.

The material follows:

THE FACTS ON THE PATENT AND TRADEMARK OFFICE PROCUREMENT

No taxpayer funds are being spent on the project. PTO is fully user fee funded.

PTO's largest user groups support the project. The American Intellectual Property Law Association, the Intellectual Property Owner's Association and the Intellectual Property Section of the ABA have all expressed strong support in numerous Congressional letters for continuation of the ongoing procurement.

Federal construction is not a viable option. The Administration and PTO's Appropriations Committees agree that a competitive lease is the only viable option since neither user fees nor taxpayer funding are available to construct or purchase a facility for PTO.

Consolidated project will save the PTO at least \$72 million. Whether the project proceeds or the PTO remains at its current leased, unconsolidated locations, the PTO will spend approximately \$1.3 billion in lease costs over the next 20 years to house the agency. Delaying consolidation will prevent PTO from passing this \$72 million in savings on to its fee-paying customers.

Senate Bill already caps build-out costs. The Senate Appropriations Bill (S. 2260), as passed, would cap interior office build-out at \$36.69 per square foot, the Government-wide standard rate. Moreover, these costs are included in the new rent amount.

PTO's projected moving costs are reasonable. All moving costs were taken into account in computing the \$72 million in savings. PTO's projected costs are comparable to those spent by other recently consolidated agencies.

PTO will not purchase \$250 shower curtains, etc. Estimates for \$250 shower curtains for the fitness facility, \$750 cribs for the child care center, \$309 ash cans for smoking rooms, and \$1,000 coat racks for training facilities were intentionally "worst case" estimates used for the purpose of calculating the cost savings that would result from consolidation. Standardization, mass buys and competitive furniture purchases will generate lower actual costs. PTO has not yet made any requested appropriations of user fees for furniture purchases. Proceeding with the procurement and applying a sharp pencil to PTO's future appropriations requests for furniture can only enhance the \$72 million in savings.

Any environmental costs will be totally funded by the developer. All three sites competing for PTO's lease already house Federal employees. The Government just constructed a federal courthouse on the Carlyle site, the Defense Department has occupied the Eisenhower site for over 20 years, and the PTO has occupied the Crystal City site for over 25 years. There is no evidence that developers cannot accomplish any environmental work that may be required to further develop these sites.

DOC's IG concluded that the project should proceed. The IG's key conclusion was that PTO will benefit from the project and will realize long-term cost savings. Both the IG and an independent consultant to the DOC Secretary (Jefferson Solutions) found that

enhanced building capability, which is the goal of planned interior upgrades, is not unreasonable in terms of cost and purpose. And S. 2260, as passed, would place the ceiling on build-out that the IG recommends.

Two of the PTO's three unions fully support the project. National Treasury Employees Union locals 243 (representing clerical and administrative staff) and 245 (representing trademark examining attorneys) have already signed a partnership agreement supporting PTO's plans for the project. The PTO is continuing talks with the third union.

U.S. DEPARTMENT OF COMMERCE,
PATENT AND TRADEMARK OFFICE,
Washington, DC, July 29, 1998.

Hon. JOHN W. WARNER,
U.S. Senate, Washington, DC.

DEAR SENATOR WARNER: In light of recent reports on the U.S. Patent and Trademark Office's (PTO) on-going procurement process to competitively acquire new, consolidated space for the PTO, I want to assure you that this procurement is based on sound principles.

These reports are focused on estimates of furniture costs mentioned in our Deva and Associates business case study. This study was undertaken to compare our present, unconsolidated space with a worst-case scenario of moving to a new, consolidated facility under the GSA prospectus.

Many of the dollar amounts cited in the Deva report are being touted as what the PTO is spending for furniture at a new facility. Nothing is farther from the truth. I personally assure you, we have never contemplated nor will we spend \$250 for a shower curtain, \$750 for a crib, or \$1,000 for a coat rack. I agree that some of these furniture estimates are too high even for a worst-case scenario. However, it must be kept in mind that even with these extremely high estimates, this procurement project still shows savings of at least \$72 million. No one is disputing this fact.

I look forward to working with you and our appropriators to ensure that any expenditures for furniture are prudent and responsible. Delaying or stopping this procurement will only increase space costs for our fee-paying customers.

Sincerely,

BRUCE A. LEHMAN,
Assistant Secretary of Commerce and
Commissioner of Patents and Trademarks.●

AUNG SAN SUU KYI THE INDOMITABLE

● Mr. MOYNIHAN. Mr. President, for eight years Nobel Peace Prize winner Aung San Suu Kyi has battled the military junta in an indomitable, peaceful way which deserves the admiration of us all. For five of these years she was held under house arrest. This is no longer the case, though events of the last week show that her freedom continues to be limited, as is the freedom of all Burmese citizens.

Last Friday, Aung San Suu Kyi began a journey to meet with members of her National League for Democracy in Nyaungdon township, outside of the capital. She never made it. The thugs who run the military junta blocked her passage. She spent six days in her car surrounded by soldiers who prevented her from crossing a bridge about 30 miles outside of the capital.

These actions were rightly criticized by many of the foreign ministers attending the annual meeting of the As-

sociation of Southeast Asian Nations (ASEAN), including our own Secretary of State, Madeleine Albright. As Keith B. Richburg reported in the Washington Post yesterday, "the foreign ministers of six nations and the European Union confronted a top Burmese official today with a blunt message: No harm must come to the Nobel Peace Prize winner." I think it is clear that we in the Senate share this sentiment. We hold the leaders of the military junta in Burma responsible for the safety of Aung San Suu Kyi. Period.

She has demonstrated uncommon restraint and valor in her often tense encounters with the junta. This last week has been no exception. She sat in her car for days, yet when she spoke, she did so firmly and without rancor. She called for dialogue between the NLD and the junta and consistently speaks of upholding the rule of law. She has recently called for the true parliament of Burma—the one elected in 1990—to be convened by August 21. Perhaps this will be an opportunity for the junta to step aside.

The junta has failed miserably. Burma is a country rich in resources which has been run into the ground by an irresponsible junta. Its elected leaders have been censored, jailed, and worse. The junta has no legitimacy and should step aside and let the rightful and elected government of Burma take control. The people of Burma made clear their preference. Eight years is long enough to wait.●

I-90 LAND EXCHANGE

● Mr. GORTON. Mr. President, on July 23, the Subcommittee on Forests and Public Land Management held a hearing on legislation I have introduced to complete an important land exchange in my state. The bill, S. 2136, would authorize and direct the Forest Service to conclude an exchange with Plum Creek Timber Company which has been under formal discussion for several years.

The exchange is in an area of Washington surrounding the Interstate 90 corridor through the central Cascades. This area is characterized by a "checkerboard" ownership pattern of intermingled ownership between Plum Creek and the Forest Service. These lands are among the most studied not only in my state but the Nation.

The problems of checkerboard ownership are well recognized and understood in the west and northwest. This exchange, trading 60,000 of Plum Creek land for 40,000 acres of Forest Service land, would help resolve many management issues for both owners. It would make management more efficient, especially on an ecosystem basis.

I introduced my bill to provide impetus to complete this exchange by year's end because of the need for a speedy resolution. If the exchange is not completed by the end of this year, Plum Creek will have no choice but to resume logging their land in 1999. The company has deferred harvests on 90

percent of the exchange lands for the past 2 years and they have firmly stated they cannot continue to do so.

There is broad public support for the exchange and for completing it in a timely fashion. Our governor, Gary Locke, and the Lands Commissioner, Jennifer Belcher, have endorsed the exchange—urging it's completion by the end of 1998. The State Legislature unanimously approved a resolution in support of the I-90 exchange. Major newspapers in Seattle and other cities have recognized the need to finish this exchange. Many environmental groups support a land exchange.

Mr. President, our subcommittee hearing pointed out the difficult problems we face in Washington when we try to resolve issues. There always seems to be a controversy, no matter how worthy the purpose. My legislation and the I-90 exchange are no different.

Representatives from the environmental community, Plum Creek and the Forest Service testified on July 23. While mainstream environmental groups heartily support an exchange, they would prefer to see changes in the lands package identified in a draft Environmental Impact Statement released earlier this spring. Environmental groups are concerned about legislation circumventing appeals and litigation.

The Forest Service wants to complete the exchange, but opposes legislation. I am disappointed that the Administration, having worked on this proposal for so long, would oppose a bill designed to enact a land exchange it has negotiated. Each party has spent over \$1 million getting to this point. Must we spend more, only to run the risk of seeing the entire exchange fall apart as a result of the heavy weight of appeals and litigation?

The I-90 exchange has been proposed in various shapes and sizes for more than a decade. Since it was first considered, the Northern Spotted Owl has been listed under the Endangered Species Act and the President has put his Northwest Forest Plan in effect. Plum Creek has even completed a massive Habitat Conservation Plan on 170,000 acres of its lands—including those in this exchange. This Plan, now two years old, was negotiated with the U.S. Fish and Wildlife Service. With this background and the resulting studies, I am confident we can complete an exchange on these lands that represents a consensus.

Mr. President, I recognize and support the idea of getting it right. We have been at this exchange too long not to do just that. When I introduced S. 2136, I indicated it was simply a place holder. The final Environmental Impact Statement will be completed later this summer. It has been my intention to amend the legislation to incorporate necessary changes based on the final EIS.

After hearing the testimony of all parties, I have urged them to work together to identify a lands package that