

## SENATE—Tuesday, July 26, 1994

(Legislative day of Wednesday, July 20, 1994)

The Senate met at 8 a.m., on the expiration of the recess, and was called to order by the Honorable BYRON L. DORGAN, a Senator from the State of North Dakota.

## PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

\* \* \* *he that is greatest among you shall be your servant.*—Matthew 23:11.

\* \* \* *by love serve one another.*—Galatians 5:11.

Almighty God, in this place of great power, we thank You for the many among the powerless who serve the Senate faithfully day in, day out. Thank You for those who maintain buildings and grounds, who prepare food and serve it, who clean our offices, who provide security and order as tourists crowd the building.

Gracious God, let Thy blessing abide upon each of these, Your servants, and their families. Help them to understand that their daily tasks are indispensable to the work of the Senate. Help all of us to appreciate the importance of each other.

We pray in the name of Him who is the servant of servants. Amen.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, July 26, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BYRON L. DORGAN, a Senator from the State of North Dakota, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. DORGAN thereupon assumed the chair as Acting President pro tempore.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there

will now be a period for the transaction of morning business not to extend beyond the hour of 9:15 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each. The first hour shall be under the control of the Senator from Nebraska [Mr. KERREY] or his designee. The Senator from North Dakota [Mr. DORGAN] is to be recognized to speak for up to 10 minutes.

Who seeks recognition?

Mr. DURENBERGER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Minnesota [Mr. DURENBERGER].

## HEALTH CARE REFORM

Mr. DURENBERGER. Mr. President, I know the hour is early and the Chamber itself is not full of our colleagues, but that is far from unusual at this time of the morning. I appreciate particularly your being here, Mr. President. And I appreciate also the special prayer of the Chaplain this morning for all of the people who bring the real sense of service to the tasks that they perform. They enjoy their work because they recognize that being a public servant is a very special vocation.

That vocation is what brings me to the floor this morning. I want to talk about a commitment I made to my constituents in Minnesota quite a number of years ago. In fact, it was probably a commitment I made in action before I ever thought about running for the Senate. That was to do something about the high cost of health care in this country, the medicalization of the health care system which was driving the costs up, and the problems we were creating through a value system oriented toward high technology, medical exotica, and away from public health and community health.

The kind of health care that is expressed more in real human relationships at the personal and community level—in a concern for the behavior of people, the raising of children, intelligent lifestyles, and proper health habits—is being destroyed by the medicalization of the system.

We, in Minnesota and the upper Midwest, have a traditional ethic, a culture that leads us to be servants to others and to try to change systems when we see something going wrong, or something that could be done better. We are constantly trying to do that. And I offer my comments this morning in that spirit.

As you listen to the health care reform debate, you are going to hear words like "health insurance," "purchasing cooperatives," or "health plan purchasing cooperatives." And for the Presiding Officer from North Dakota, for the Chaplain, who also has his roots both in North Dakota and in Minnesota, you will understand those are words with which you grew up. It is a way in which people, together, seek to resolve problems that are commonly experienced, where one alone cannot do it. It is a way in which people cooperate to solve their problems.

Some of the rich traditions in health care in our part of the country go back to the cooperative movement in which people banded together to bring teachers to their community, to bring doctors to their community, to support a nurse who would travel around the community. So I am affected with a sense of *deja vu* when I hear us talk about health care reform in concepts like bringing back the cooperatives as a more appropriate way to buy health care than the way we do it now.

That is our approach, and maybe it is a sign of the times. Maybe it is a sign that all the speeches about values and getting back to basics are finally beginning to pay off.

One of the difficulties experienced by those of us who have been involved for any length of time in the health care reform debate is definition. My colleague from Rhode Island—who has now spent, I think, as of next month, 4 straight years on Thursday morning breakfast meetings trying to help us define the problem and to wrestle with some solutions—and I are blessed by having served for 16 years, in my case, and I think 18 years for Senator CHAFEE on the Senate Finance Committee. Currently that committee is chaired by our colleague, Senator MOYNIHAN from New York. And during a whole series of hearings on health care reform in the last year or so, he has made almost a fetish of defining our terms: What do you mean by this word? What do you mean by that word?

So again it is sort of surprising that we come to the floor today and we cannot even define "health care reform." We cannot define "universal coverage." We have difficulty defining "cost shifts." These terms which have been used in this debate continually as sort of a cause for which we are all fighting lack definition that can help bring us together on a solution.

Yesterday's headline, for example, in the Washington Post, which everybody

came back from a weekend and picked up, says "White House Open to Delay of Reform." "White House Open to Delay of Reform." And I thought, well, we are going to get August off. We do not have to do anything because we are not going to do reform.

Well, if you read the article, it says that the deadline for universal coverage, that is, 100 percent of Americans enrolled in health plans with health security cards, has been delayed. I do not know delayed to what, but it used to be 1998 and now it is delayed to sometime in the future.

But, Mr. President, that is not health care reform. That is not health care reform. That is expanding access to the system through a health plan or through health insurance to all Americans, but that is not reform. That is part of our equity job, as people in politics, to guarantee access to health care, but it has nothing to do with reforming health care.

The dictionary definition of reform is, "To make better by removing faults and defects." And during the course of our discussions today, tomorrow, or however long we are going to be permitted to do this in the morning, we are going to take on some of the faults and the defects in the current system. There are faults and defects in the coverage system in this country today, which we will talk about. For example, running a Canadian system in the middle of America for the elderly, the disabled, and low-income people while everybody else has the benefit of an American system. I think that is a fault in our current system. But that is not what they are talking about here when they talk about delaying health care reform. They are just talking about extending that system to all Americans. Reform of the health care system is going on right now. It is going on intensely in the State which the Presiding Officer represents. It is going on intensely in my State of Minnesota, his next-door neighbor. It is going on wherever you look.

You cannot pick up a newspaper or listen to a radio or go into a doctor's office without hearing a lecture on either the benefits of or the evils of health care reform, because things are changing. It is going on all over America. It is going on in communities all over America. It is changing the way that we buy into the system. It is changing the way doctors, hospitals, nurses, and all kinds of people are providing health care. It is motivated by the fact that each of these people is trying to raise quality and lower costs.

The ACTING PRESIDENT pro tempore. The Chair advises the Senator that he has consumed 5 minutes.

Mr. DURENBERGER. Mr. President, I ask unanimous consent to continue for an additional 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURENBERGER. Mr. President, the reform that is taking place right now is real reform. But it lacks the benefits of guidance from the rules in the health care system. What is happening at the White House right now, as far as I can tell, is I think most of us get the doctors who just have been to see Ira Magaziner, now come up to talk and to suggest, or somebody else goes down there and gets a pitch, and then comes up to talk to us about health care reform.

The problem seems to be that all of these people are confusing real reform with expanding coverage. And expanding coverage is a fine goal, but it does not change the system itself. It simply provides the dollars through revenues and savings to help buy health plans for more people.

One of the shocking things that we do not hear much about was the CBO estimate on the Clinton health plan. In February, when Bob Reischauer came to the Finance Committee to report on the cost estimates for the Clinton health plan, which tries to combine system reform and coverage, he said that if everything goes perfectly well, by the year 2004, the medical costs and health care costs in this country will be 19 percent of our GDP; \$2.7 trillion just in 1 year—19 percent of the GDP.

So if you take the present system and you define health care reform as expanding coverage to everybody, what do you get? You may get coverage for everybody, but the cost is 19 percent of our GDP. Today, we cannot afford 14 percent of our GDP. It is 19 percent under a system that equates reform with coverage.

System reform and coverage expansion, therefore, are two different goals. We can accelerate reform in the system now. We have to phase in coverage.

I think that is what the administration meant by "delay." Frankly, I think reform is the only way to get the coverage. Reform is how we get cost containment, and without cost containment we cannot afford coverage.

One of the fallacious arguments made currently is that there is no cost containment in the moderate bill such as the mainstream proposal which was adopted by the Finance Committee.

That is absolutely wrong.

This kind of proposal is all about reform, and it is all about cost containment. All of the reforms which accelerate the role of the buyer in the system, insurance reform for small groups and individuals, group purchasing for everyone in these groups under 100, insurance products that can actually be compared for price and quality and value—all of that enhances the role of the buyer in the system.

But for the producers of health care, there are provisions for integrated and efficient plans, information on quality and outcomes, preemption of anti-competitive rule, national rules by

which local markets can operate, medical liability reform, and antitrust reform. How many of us in our communities have struggled with the doctors and hospitals trying to integrate their services to bring down costs? They cannot, because of the current state of antitrust law. That changes. How many people have read the stories about the costs of paperwork in the current system? Anything from \$50 to \$100 billion a year can be saved by administrative simplification. All of that is in here.

You just walk through your own real life experiences with people in your communities, and you will find cost containment in this bill; changing the way people buy, the way they get in the system, what they buy, what that product looks like, the fact that they will have choices. Most people who work even for the largest companies do not have a choice of health plan. We offer them a choice of three health plans, and we require the employer not to unduly influence the choice of those plans by giving a larger contribution to one plan than to another. We require that every employer in America has to provide access to health plans, at least three, either through a co-op or through their own purchase for all of their employees. No one has that today. You are lucky, if you go to work, to see an insurance plan.

In the future, people will be able to buy a health plan either on their own through an insurance agent or when they go to work, and even if their employer is not contributing 80, 70, or 60 percent of the premium, there will be a choice of three health plans there. The cost of getting those health plans is covered.

So the bill itself, the system reform that is built into this, will make major contributions to cost containment.

There is a third argument that I intend to deal with at greater length at another time. That is the fact that we have lost sight of the President's promise on January 25 in his State of the Union message—when he said that every American ought to have the guarantee of a private health plan that cannot be taken away.

Let me repeat what the President promised: A private health plan that cannot be taken away.

If we could continue down that track, we would have real reform. But because this is Washington, we concentrate on guaranteeing, and we forget the word "private" as in private health plans. And we forget the fact that every older person in America, when he or she reaches 65, is forced to get out of an American health care system and get into a Canadian system, run by the Government. The same is true with the disabled and low-income people.

The President said "private health plan." Where is the endorsement that everybody in America can have the

right to a private health plan that cannot be taken away? That would be real reform. So let us get on with that.

Related to that is the argument about cost sharing.

The ACTING PRESIDENT pro tempore. The Senator has consumed an additional 5 minutes.

Mr. DURENBERGER. Mr. President, I ask unanimous consent to continue for 2 minutes, and then I will yield the floor to my colleague.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURENBERGER. Mr. President, I appreciate the tolerance of my colleagues from Nebraska and Rhode Island, in particular.

But on the issue of cost shifting—and perhaps others will take this issue up, and I will discuss it myself later in the week. But one of the arguments that has been made for over a year as to why we have to have universal coverage is to stop cost shifting. The reality is that the real cost shift in this system is not from the uninsured.

The real cost shifting occurs right here.

It happens every year when we cut back on payments to doctors and hospitals under Medicare and Medicaid. And the difference between what we will pay in the Government system and what the doctors and hospitals actually need in Bismarck, ND, or Omaha, NE, is shifted onto private payers in the American system, which paralyzes.

Today, we are paying 59 cents on the dollar of charges to doctors who serve Medicare patients, and about 70 cents on the dollar to hospitals. What happens to the difference? The difference is either made up by the doctor's office, if he can, by seeing a patient twice instead of once. That is why the costs continue to climb at 10 or 11 percent a year, or the difference gets shifted onto a private-paying patient. That is where the cost shift is.

It is happening right here.

Universal coverage is not going to solve that problem. Only a series of decisions will solve that problem, decisions to adequately fund Medicare and Medicaid—better yet, to allow people who are the beneficiaries of Medicare and Medicaid to buy private health plans and have us compensate those plans for their premiums.

That would be real reform.

Mr. President, I appreciate the opportunity that we are having this morning to discuss some of these issues, and I promise to be back at a future time before the debate begins in earnest in August to try to explain the commitment that many of us have made to doing real health care reform this year on our way to universal coverage.

I yield the floor.

Mr. KERREY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Nebraska [Mr. KERREY].

Mr. KERREY. Mr. President, I ask unanimous consent to speak for 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### HEALTH CARE REFORM

Mr. KERREY. Mr. President, my colleagues and I this morning have come to the floor to talk about health care reform. We are the group, or at least part of the group, that has been described as the mainstream coalition.

We come today with great respect for the work that is being done this week by Majority Leader MITCHELL who is writing and intends to introduce shortly a health care reform bill which he hopes to enact this year. To be clear, we do not come to the floor to oppose Senator MITCHELL. Rather, we come constructively hoping that our work will help him achieve the majority he seeks.

From the beginning of this debate, we have held to the belief that health care reform must transcend party politics. Thus, the mainstream coalition is a combination of two bipartisan bills. The first, Senators BREAU, DURENBERGER, and LIEBERMAN introduced a bill called the Managed Competition Act of 1993. The second, Senators CHAFEE, DANFORTH, BOND, and later, KERREY and BOREN, among others, sponsored a bill called the HEART bill.

The mainstream coalition bill is a combination of these two pieces of legislation, with additional input and suggestions and changes made by Senator BRADLEY of New Jersey and Senator CONRAD of North Dakota. While there are differences, the Senate Finance Committee bill derives most of its operative mechanisms from this mainstream effort.

Mr. President, the coming together of this group of Republicans and Democrats is not accidental. We did not unite because of a desire to position ourselves in the center or to appear more moderate. Instead, we are united by the following set of common assumptions:

First, Americans spend too much on health care. Sheltered by a third party reimbursement system which now socializes the cost of 80 percent of all health care bills, Americans have been on a spending binge. The problem is not—and I repeat is "not"—that we do not spend enough; the problem is that we spend too much.

Second, the market can control costs, reduce inefficiencies, eliminate waste, and minimize fraud. Just 3 years ago, there was considerable doubt about this fact. Today, after unprecedented change in the market, the good news is that we can count on the market to be our best ally for controlling costs.

Third, the Government will be needed to help tens of millions of our citizens

who will not be able to pay the bills without our collective effort. At some point, the market breaks down and our conscience will not allow any American to be denied access or coverage. One way or the other, we are going to pay. Our moral character will not permit us to turn anyone away. Either we pay with direct, clear, and fully disclosed subsidies, or we pay indirectly with cost shifts. The mainstream coalition prefers to go direct.

Fourth, we politicians—representatives of the people—cannot be trusted to say "no" to increased demands for public spending. The definition of health is constantly broadening, technology is coming on line at break-neck speed, our life spans and expectations continue to grow and, given the chance, we would rather have someone else pay the bills. Thus, the mainstream coalition believes we need a failsafe mechanism to guarantee and enforce a balanced Federal health care budget.

Fifth, if we politicians suffer the malady of not being able to say "no," in the private sector the comparable problem is greed. Across the board, the current system is ripe for gaming at considerable cost in public and private dollars. Not only do we spend a lot of money, we waste a lot of money. What we need is a system where accountability and consumer access to information is our No. 1 virtue. The market will not work unless we get engaged in the job of evaluating price and quality. To do the work of making these evaluations, we need to know whether a procedure is worth the price. We need to know if a less expensive alternative exists and whether the outcomes would be comparable.

Sixth, most Americans will need to change their behavior to make this work. If we expect something for nothing, we will not make it work. If we expect to live forever, we cannot make it work. And if we continue to finance sickness instead of health, we will wonder why it does not seem to work. Doctors are going to have to change; hospitals will have to change; pharmaceutical companies and equipment manufacturers are going to have to change; and most important of all, Americans—as patients, payers, and citizens—are going to have to change to make this work better.

Seventh, we need health care reform which rises above party politics. The only way the American people will support reform is if it has the support of the majority of both parties in this Congress. A 51-vote strategy just will not work. High costs and lack of coverage in our health care system are neither a Republican problem; nor a Democratic problem; they are an American problem.

Eighth, we must pass a health care reform bill this year. We are dedicated to working toward this end. If we do

not, costs will continue to rise and fewer and fewer people will be able to afford health care coverage. The President and the First Lady have done this country a great service. Even though we will not be passing their legislation, we will be passing a bill thanks to their leadership and effort.

As I said earlier, Mr. President, the foundation of the mainstream coalition is the Senate Finance Committee bill. This is not a perfect product and needs some change. However, it is a good beginning, and we believe it has the best chance of passing Congress this year.

The mainstream bill is similar to other approaches on the left and on the right. It contains insurance market reform; subsidies for low-income families; extended tax deductibility for self-employed and individual taxpayers; cost containment; expanded choice; administrative simplification; malpractice reform; antifraud and abuse provisions; and a set of mechanisms which move us rapidly toward universal coverage.

The mainstream coalition bill is a national market-based solution to health care reform. It sets up a framework of national rules that allow local markets to operate more efficiently to deliver high-quality health care at affordable prices to all Americans.

The highlights of market based reform are:

First, establishing national standard benefits packages and national standards so that consumers can choose among health plans based on quality and cost effectiveness.

Second, market-based cost containment, including incentives to encourage cost-conscious consumer purchasing.

Third, small market reforms, such as eliminating preexisting conditions as a reason to deny coverage, adjusted community rating, and voluntary purchasing cooperatives.

Fourth, allowing large employers to continue to play a central role in keeping health care costs down through active negotiation with health plans.

Fifth, administration simplification.

Sixth, provisions to combat fraud and abuse.

Seventh, malpractice reform.

Eighth, a failsafe mechanism which does not allow deficit financing of Federal health care spending.

Mr. President, we do not believe we can or should reform everything in this first year. In essence, we are not only fixing those things we are certain are broken, we are preserving those things which are working well. Future reform will be made easier by mechanisms which require full disclosure of how much is being spent at the Federal level, which taxes are being used to make those expenditures, and who is paying and who is being subsidized.

Mr. President, I would like to issue this warning for those who are

uninitiated in the ways of health care reform: Sometimes it seems like God has put this issue on Earth to torment us and amuse Him. It is an issue guaranteed to make you humble. Humility comes when you discover that many actions designed to help create as many problems as they solve.

Fifty years ago, Americans were given special tax breaks designed to make it easier to buy health care.

While it has become a sacred fringe benefit, tax deductibility has also encouraged us to buy, buy, buy with little regard for price.

Thirty years ago, Americans passed national health insurance for our citizens over 65 and a Federal-State payment system for citizens who could prove they were poor or disabled. While these programs have reduced the suffering and fear of old and young alike, they have also driven tremendous new demand into a market that responded with more expensive technology and solutions driving costs higher for everyone.

Today, our efforts to hold down costs by focusing on prevention and the financing of health instead of sickness can save money in the short run but cost us money in the long run. Death, the symptom we all seek to avoid at all costs, is not only low cost but it is in the end unavoidable. If we expect our hospitals and doctors to give us eternal and pain-free life, we are knocking on the wrong door.

Mr. President, the majority leader says that he is days away from laying down a bill before this Senate which will set the stage for as good a debate and discussion of the economics and morality of health care as Americans have ever seen. I believe that the Senators in this body are ready to do the work. The mainstream coalition hopes that most of the Senate Finance Committee bill is include in this proposal. If it is, we will begin with bipartisan agreement and proceed to honest and easier to understand nonpartisan differences of opinion. With this as our beginning, I do not doubt we will end by enacting reform which satisfies the American people.

Mr. President, I close by thanking the distinguished Senator from Rhode Island, who has been working a long time on health care reform. It does seem to an awful lot of people who are outside of this process that all we are doing with the mainstream coalition is trying to cobble together a bill but, as I have tried to indicate, there are significant unifying agreements that have held this group together and that give, I believe, the American people a clear sense of how it is that we want to reform health care to not only give the American people a sense, but the majority leader a sense as well of what it is that needs to be done if we expect to enact health care reform in 1994.

Mr. President, I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Chair will advise the Senator from Nebraska, under the previous order, controls the hour until 9 a.m.

Does the Senator yield time?

Mr. KERREY. I yield such time as is necessary for the Senator from Rhode Island.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

Mr. CHAFEE. Mr. President, I thank the Chair and the distinguished Senator from Nebraska for his comments. He has been a really key player in the coalition that he described, which goes under the name of the mainstream coalition. He has been working on this since certainly last November and really prior to that. I thank him not only for his work there but for his remarks this morning.

#### PRIVILEGE OF THE FLOOR

Mr. CHAFEE. Mr. President, I ask unanimous consent that privileges of floor be granted to Doug Guerdat of my staff.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, following up on what the distinguished Senator from Nebraska said, in November of last year a bipartisan group of Senators, and I think it is very, very important to note the term "bipartisan" because we have Democrats and Republicans involved in this group, began to work on a compromise for health care reform. We were drawn together by a common goal of believing that this issue was important enough that it should not be destroyed by party politics. We really had two objectives.

The first objective was to assure that every American had access to affordable health care coverage. That was the first thing. Every American.

Second, we wanted to do something to slow the rate of growth of the cost of health care.

In this group of Senators were Senator KERREY from Nebraska, Senator DURENBERGER, who just spoke so well here, Senator BREAU, Senator DANFORTH, Senator BOREN, Senator BOND, Senator LIEBERMAN, Senator BRADLEY, Senator GORTON, Senator CONRAD, and myself. And we became known as the mainstream coalition.

Earlier this month, as has been pointed out, the Senate Finance Committee reported a health care reform bill, and that Senate Finance Committee bill embodied the principles of the mainstream coalition.

What were some of those principles? They have been ticked off here both by the Senator from Minnesota and the Senator from Nebraska.

We wanted to eliminate, and we did, job lock so that insurers would not be able to refuse coverage to anyone, either he or she, who came in and who were sick. In other words, you could

not be kept from getting insured because of a preexisting condition.

We provided subsidies to the low- and middle-income families to help them in the purchase of insurance. The way we did this, Mr. President, was we started covering those who were 90 percent of the poverty level or below.

Who are we talking about? These are the working poor. As the Chair knows, if someone is on an assistance program, that individual will receive Medicaid. It is when the people go to work, leave the assisted program, AFDC, or whatever it might be, take a job where the job does not provide health care coverage, that individual is really giving up a lot. He or she is giving up the insurance that comes with Medicaid if one is on an assistance program.

So what we do is we start providing a voucher to purchase health insurance to those at 90 percent of the poverty level or less. Then we move upward and extend that to those who are 100 percent of the poverty level, and indeed we go up as high as 200 percent of the poverty level. At 200 percent of the poverty level, we do not pay the entire premium. It is on a declining scale, as you move up from 100 percent of the poverty level to 200 percent. These are the subsidies I am referring to.

Next we eliminate the onerous paperwork that doctors and hospitals have to fill out in order to have a bill paid. We reduce the cost of medical malpractice insurance both for doctors and hospitals by reforming the medical liability laws.

This is a very, very important part of our plan, that we go into considerable detail. We do not just say reform medical liability. We have a whole series of specifics. We put a cap on pain and suffering of \$250,000. We have limitations. First, we require that if someone wants to sue a doctor or sue a hospital, he or she must start off with an alternative dispute resolution approach. In other words, go through an arbitrator. You cannot just go directly to the courts. One has a right to appeal from the decision of the arbitrator to the courts, but first one must start through the alternative dispute resolution route.

We provide workers with the choice of health insurance plans. If you work for a large company, you must have a choice of at least three plans. And we give them comparative information so that these individuals can choose the plans based on quality and based on price. This is all involving the uniform benefit package, as the Senator from Nebraska previously outlined.

We increase the number of doctors and nurses in rural and urban areas where there are shortages of health care providers. We allow those who are self-employed or individuals to deduct 100 percent of the health insurance cost. It is clearly an anachronism existing in our health insurance deductibility privileges now. As the Presiding

Officer knows, if you work for a large company you can receive the most grandiose of health care programs, and that is not taxable to you as an individual. That is what is known in the trade as a tax-free fringe benefit. If you leave that company and you go out on your own, as an entrepreneur, as a farmer, as any individual, individual practitioner of the law, for example, first, if you so seek to buy health insurance, clearly it is more expensive than if you are part of a big company. The plan you get will cost you much more than it cost General Motors for that same plan. But when you pay for that plan, you can only deduct 25 percent of the cost. It is an outrage.

Why should you get it all free when you work for a company, but when you go out and do what we think is right in America, go out and have your own business, when you start out it costs you more to get the program to start with, and then you can only deduct 25 percent of it?

We provide under our plan you can deduct 100 percent of that. We increase the availability of primary care and preventive services.

We believe that at a minimum these reforms, and they are reforms, will provide comprehensive health insurance coverage to more than half of the uninsured population that is out there now.

As the Chair knows, the statistic that is commonly used is 37 million Americans at any one time are without health insurance coverage, for a variety of reasons. First, they cannot deduct it or can only deduct 25 percent of it. Second, it is very, very expensive. Third, they cannot afford it. So for a variety of reasons, they are not covered. Fourth, they have a preexisting condition.

We believe that these reforms that I have delineated here will cover more than half of those 37 million Americans. In other words, 20 million Americans who are out there now uninsured, a very substantial percentage of them children, will be able to get health insurance coverage with these reforms that I have mentioned.

This objective can be met without imposing any mandates on small business. This does not rely upon the so-called employer mandate or an individual mandate.

Why are we objecting to the employer mandate? We believe that many small businesses would be forced to lay off their employees or shut their doors if they were required to provide insurance under the so-called employer mandate which currently provides, under the plans that have been presented, that the employer pay 80 percent of the health insurance premium of every single one of his or her employees.

In addition, we believe that this can be done without adding to the Federal deficit. We are hopeful that, with addi-

tional financing, we will be well within striking distance of universal coverage by the year 2002.

Now, you will note that I used the term "universal coverage." It is a little fuzzy what universal coverage means. Does universal coverage mean 100 percent, everybody in the United States of America covered, every citizen or every legal alien? I do not know. I suspect that universal coverage does not mean 100 percent. I suspect that universal coverage means probably something in the neighborhood of perhaps 97, 98 percent.

But we believe that under our program we can reach 95 percent of everybody in the United States and with some additional financing we think we can get up close to the 97, 98 percent by the year 2002.

Many have criticized our approach by saying that, "OK, you reached 95 percent, but what about the other 5 percent of the population?"

That is a misrepresentation of our program. We say that at least 95 percent of Americans must be insured by the year 2002. That is what we say in the mainstream approach, and, indeed, that is what is in the Finance Committee bill. If that goal is not met, if we do not reach 95 percent coverage, then Congress must act on a series of recommendations to increase insurance coverage.

Opponents of our approach paint a picture of 12.5 million Americans uninsured who are either too poor to buy insurance or so sick that insurance companies will not sell policies to them. In reality, we provide subsidies to help low-income and middle-income Americans purchase coverage, and we prohibit insurers from denying coverage to those who are sick.

On the other side of the political spectrum are those who try to paint our proposal as Government intervention at its worst. They label our subsidies as a great big new entitlement program and accuse us of eliminating consumer choice.

Mr. President, within the next few weeks, the Senate will begin consideration of health care reform. We do not yet know the details of the proposal that will be brought to the floor by the majority leader, Senator MITCHELL. But I am absolutely convinced that no health care reform bill will pass this year without strong bipartisan support. I believe just as strongly, as does the Senator from Nebraska, who has been such an important member of our group, that it is essential that any health care reform measure pass by a very, very strong majority in this body. It will be unfortunate if some kind of a program sneaks through 52-48 or 51-49 or 53-47. That does not lay the stage for a good future for health care reform.

I seek a program that is going to pass here 80-20 or 70-30, a healthy, strong,

bipartisan support for that measure on the floor of the Senate.

I believe Congress has the unique opportunity to enact legislation this year. We, as members of the mainstream coalition, have been forced to make certain compromises. In this bill that we are supporting, not every one of us are for every feature of it, but we submerged our own beliefs in order to get strong bipartisan support for the whole.

Some support employer mandates; others individual mandates. Some support limiting the tax deductibility of health insurance plans. That is the so-called tax cap. If you poll the members of the mainstream coalition, nearly half of them are for the tax cap; the other half are against it. So those who are for it said, "All right, we will back off, because it is something that is disapproved by half of our group," and, also, the belief that many on the Democratic side feel very strongly against the so-called tax cap.

Some advocate a single benefit, standard package, while others wanted no standards. So we had to make some compromises. Each of us had to give up something in order to reach an agreement.

Despite our willingness to find a workable middle ground on this issue, certainly passage of a health reform bill this year is not assured.

Last week, the President stated at the National Governors' Association meeting in Boston that the general approach we had was something he could support. Immediately, he was attacked by some members of his own party as selling out on the proposition of universal coverage.

If we do not succeed in enacting health care reform this year, certainly the blame will not lie with members of the mainstream coalition who are so anxious to get something done.

I might say we are under attack from both ends of the political spectrum and sometimes we are accused of being traitors to our respective parties. We are also being attacked by special interests who feel threatened by the approach that we have taken.

If we do not succeed—this mainstream coalition and others who are dedicated to getting a bill that will pass—it will be because, Mr. President, extremists on both sides of the aisle refused to compromise. There are those who seek perfection and there are those who do not want to do anything. And if they can get together and defeat what the others want to achieve, it seems to me it would be very, very unfortunate.

As the Chair well knows, in political life there is a saying that the perfect is sometimes the enemy of the good. What does that mean? That means that those who seek everything, those who want the employer mandate and everything that goes with it, who are not

going to budge an inch, may well end up with nothing. And so it is best to settle for something that can be passed.

This is not the last time we are going to be dealing with this subject. This subject is not to be heard of never in the future once it is passed in 1994. We will have a chance to revisit it in 1995, 1996 and in future years.

So, Mr. President, it is my fervent hope that we do not let this great opportunity that we have here to do something significant in connection with those points that I ticked off and the Senator from Nebraska previously ticked off—doing something about persons in cooperatives, doing something about preexisting conditions, reform of the insurance market, doing something about medical liability reform, and making certain that those who are individually self-employed have full deductibility of their health insurance premiums.

These and a whole series of other reforms should be enacted this year. I certainly hope we do not let this opportunity slip between our fingers.

I thank the Chair.

I yield the floor.

Mr. KERREY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Nebraska [Mr. KERREY].

Mr. KERREY. Mr. President, am I correct we have until 9:05? Is that the order?

The ACTING PRESIDENT pro tempore. The Senator from Nebraska controls the time until 9 a.m.

Mr. KERREY. Mr. President, in the 10 minutes left, unless some other Members come, I would like to talk about a couple of things that I think are going to be very actively debated after the majority leader lays down his bill.

The first is the idea of cost control. One of the arguments that is gaining a lot of favor is you cannot get cost control until you get universal coverage, and you cannot get universal coverage until you get cost control. It is a very nice little phrase. It seems to be persuasive just because it has a certain balance to it. And, though I believe we need mechanisms to get us as quickly as possible to universal coverage both for moral and for economic reasons, I believe the evidence is rather startling that we are getting cost controls now.

Indeed, one of the most important things for us to do as we begin this debate is to open up our windows and look out and see what is going on in the market. To ask people to bring us information about what the market has been doing for the last 3 years will produce, I believe, some rather startling and good news for colleagues who are trying to figure out how it is that we should control costs of health care. The market is working. We hear some objections to it. That is where the

"any willing provider" issue comes from. It comes from people who are saying, "Gee, the market is working too well." We hear complaints from people who are saying, "Gee, all of a sudden people are actually competing for my services and they are not guaranteeing me the job and income I had before."

The market does that, as we all know. It is working. It creates some insecurities. It creates some difficulties. It creates some uncertainty. But the stunning change, the unprecedented change that is going on right now in the market I believe should give us a considerable amount of confidence and provide us with a clue about how to reform the other programs that we operate—particularly Medicare and Medicaid—how to get the Government programs under control, and how to produce the revenue that we need, the money that we need to extend coverage to every single American.

The second thing I would say that is sort of connected, is why I, for one individual, one Senator, do not like the proposal to mandate that businesses purchase insurance. To be clear, not only do I not object to asking people to pay who are free riding the system; not only do I not object to that, indeed I am an advocate of making sure that every single American pays something—has some contribution. That contribution ought to be based upon their capacity to pay. My objection to the mandate has to do with a number of considerations.

First, it is a regulatory device. It is indirect and thus it is far less efficient than going direct. If we see an individual or a business whom we believe ought to be paying, we ought to go direct. We have a tax system in place and we ought to have the courage to go direct, if we see somebody free riding the system, and get the money from them. That would be, in my judgment, a far simpler, a far more efficient way to approach it.

The second problem I have with the mandate of insurance is that it embeds additional costs in employment. We already have businesses that are making decisions about technology, making decisions about hiring, that are adverse to employment as a consequence of saying, "I have \$10,000, \$12,000, \$15,000, sometimes \$20,000 a year in cost of hiring before I ever get to a salary, before I ever decide what the wage is going to be." Thus, we are saying here is another \$3 or \$4 an hour, in some cases, we are going to impose as an embedded cost of employment that employers will factor in before they make hiring decisions.

There are far more progressive ways for us to generate the revenue—particularly if we go direct, it seems to me. I think the mandate—in my judgment—must be seen as a way for us to generate revenue to pay for the bills.

But I think it is a very inefficient way to do it and is also something which will embed cost in employees and I believe create a disincentive, the very kinds of disincentives we do not want to have.

The distinguished occupant of the chair has spoken eloquently on the floor about crime and has alerted an awful lot of people who had sort of fallen asleep at the switch about the problem of crime. All of us, when we go home and wrestle with the problem of crime, typically come to the conclusion, at least I do, that one of the unifying things that solves this problem is a job. If somebody has a job and is working, particularly a job that produces some sense of dignity, some sense of self-worth and value, it is far less likely that individual is going to turn to crime.

Thus, if we pass legislation that discourages people from hiring at the very time we are saying we want them to hire more, I think we will create the kind of environment that will make it difficult for us to solve other problems.

The next thing I would talk about—as much as I believe the market can work, I will make it clear that there are times when I am prepared to say let us pay the bills. There are many Americans out there who are simply not going to be able to pay the bills. They are disabled, they have lost the capacity to earn—for whatever the reason, they simply cannot pay the bills. I am prepared to pass the collective hat.

I have had the opportunity, as a consequence of my own disability, to visit many, many people in hospitals. When I meet the person about whom I have said, "My gosh, I do not think they are going to be able to pay for the prosthesis; I am not sure they are going to be able to pay for the rehabilitation," I have yet to find myself in a situation where I did not think I could persuade 99 percent of the citizens of Nebraska to pass the collective hat to help those individuals pay the bills.

There will be times when it is necessary for us to pass the hat. And we are not going to be able to do it with premiums. We are going to pass the collective hat through our tax system and we are going to make expenditures through our tax system. In other words, Government is going to finance this thing. Either directly or indirectly, Government is going to be involved in financing it.

The question for us must be, first, in what circumstances do we finance it? And, second, once we have decided to finance it, what is our source of revenue? One of the things I will argue that we need in this legislation is a much more honest budget and much more strict accountability on our part required when we finance. Let me give an example.

It would surprise most Americans to hear the numbers of what the Federal

Government currently spends. I go home and I hear people say, get the Federal Government out of health care, who, very often, are getting Federal money. At a townhall meeting I heard a woman get the entire audience to give her a standing ovation when she said, "Whatever you do, get the Federal Government out of health care."

I am always interested in standing ovations and so I was kind of curious about her own circumstance, and discovered that she is on Medicare. Furthermore, she is on the Frail Elderly Program, which means that Medicaid is paying her part B. In her mind, Medicare is not a Government program. She is a good person, an intelligent person, but in her mind Medicare is not a government program.

I have heard so-called private sector business people who are involved in hospitals that are 501(c)(3) tax exempt operations, that think of themselves as private sector businesses, that are getting at least 40 percent of their revenue from the Federal Government. Many rural governments get over 70 percent of their tax dollars from the Federal Government.

We need to disclose this, otherwise it is going to be very difficult for us to decide where do we want to help pay bills; and, once we have made that decision, how do we want to pay for them?

This year, in 1994 fiscal year starting October 1: \$318 billion of direct spending and \$70 billion of tax spending. That is the decision we have all made. Very few people have stood on the floor and objected to those expenditures; a \$38 billion increase in spending at the Federal level from last year to this year. But the only dedicated source of revenue that we have is a payroll tax and a premium.

The payroll tax generates about \$90 billion; the premium generates about \$15 billion. Mr. President, we are about a couple of hundred billion dollars short. I say to my colleagues and the citizens who wonder where we get the money, we get the money from other taxes. A full 28 percent, by my accounting, of income tax dollars, and 28 percent of corporate income tax dollars, are collected and used to pay for Federal health care spending today. Without people knowing about it, without our having informed them that that is what we are doing, it is impossible, in my judgment, for us to have an informed and rational and constructive debate—not only, as I said, about where are we going to pass the collective hat.

I want to make it clear to you, Mr. President, I have seen far too much tragedy and far too much suffering out there to say otherwise. I am willing to pass the collective hat. I prefer to subsidize other people. I do not want to be subsidized. To be clear, if I am being subsidized a couple of hundred thou-

sand dollars a year, that means I am sick, and I would rather not be sick.

Much more important, we need a rational debate. Once we have decided that we are going to provide assistance, whether it is Medicare or Medicaid or the VA or the Army or Air Force or Navy or Marine Corps or CHAMPUS or Federal Employee Health Benefit Program or an NIH or the tax deductibility and the FICA offset—once we have made the decision to provide the subsidy, then we need to have a debate about which taxes are we going to use to pay the bills.

I hope that my colleagues understand that we have come to the floor—and there is a large group, a mainstream group—we have come to the floor to engage in a constructive debate. We want to help Senator MITCHELL pass a bill this year. He has committed to getting that done in 1994, and I can think of no greater piece of good news than to have Senator MITCHELL, as the majority leader, now in the homestretch, working to get that done.

I see Senator BOND on the floor. Mr. President, does the Senator from Missouri wish to speak? I yield the floor to the Senator from Missouri.

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator from Missouri is recognized.

#### EFFECTIVE HEALTH CARE REFORM THIS YEAR

Mr. BOND. Mr. President, I thank my distinguished colleague from Nebraska. I want to join with him in expressing our commitment and our interest and our optimism that we can have effective health care reform this year. A lot of us have worked a long time to identify what is wrong in the health care system and what can be done about it. I believe that a consensus has emerged in this body. I have talked with colleagues on both sides of the aisle, and I think we understand what is wrong.

We know that we have some of the finest health care in the world available in the United States today, and we do not want to destroy that. But we have too many people who do not have health care. We have people who lose their health care insurance or other coverage because they get sick. Companies—"cherry pickers" they are sometimes called—quote very low prices for healthy groups, and then when you get sick, they cancel the policy. That is unacceptable.

We also have cost shifting. Hospitals and other health care providers have to provide care to those who cannot afford it or who do not pay and, as a result, they charge those who do pay for private insurance or for their own health care. They charge on the average something like 130 percent of the cost to cover up the charges for the cost-shifted, uncompensated care.

We have health care costs that have gone up too high because of medical

malpractice judgments, liabilities, and lawsuits that reward the lawyers rather than those injured by malpractice. And that causes doctors and hospitals to go through needless procedures, not for the health benefits that they provide, but as defenses against lawsuits.

We have an outmoded administrative system where we have, going into the 21st century, a 19th century quill-and-scroll type of accounting for health care. You file your health care claims and they are handled by hand, by paperwork. The burden costs billions of dollars.

We can deal with all of those. There are a number of bills that have been proposed in this body. I happen to join the distinguished Senator from Rhode Island [Mr. CHAFEE], on the HEART proposal. There is a Durenberger-Breaux bill. There are measures that are supported by my distinguished colleague from Nebraska, and others, that solve the problems of health care but do not try to fix what is not broken.

I join in congratulating the President and the First Lady for having made health care a priority. It is time that we get on with the job of dealing with fixing what is wrong in health care. But it is clear, as I have talked to people in my State and I suspect as my colleagues have talked to people in their States, that the American public is not ready and a majority in this body is not ready to turn health care over to Government, to have Government bureaucracies setting prices, establishing budgets, telling people that they must get health care, imposing a payroll tax. It is known as an employer mandate. It is a payroll tax.

That is not the way to get universal coverage. It is a payroll tax on employers that would cost jobs. We need real malpractice reform. We need electronic filing for health care administration. And, most of all, we need to bring the forces of competition to work in the marketplace so that under a reformed health care insurance system, people will shop for health care. They can utilize cooperatives. They are not going to be forced to purchase through a Government-run monopoly, an HPC, a regional health care alliance. They can make their choices. They can buy health care coverage that is the best deal for them.

We have seen where competition exists in the small market—experiments in California, in my State, and other States, where cooperatives have worked—and yes, you can bring down health care costs. You can do it through competition. You can stop cost shifting if the Federal Government will reimburse hospitals and health care providers under Medicare and Medicaid the full cost of the service. The Federal Government is the culprit.

Mr. President, I join with my colleagues in saying a mainstream effort

can succeed, and we urge the majority leader to work with us to fix what is wrong with health care.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota [Mr. DORGAN], is recognized for 10 minutes.

Mr. DORGAN. Mr. President, under the previous order, I understand I was allowed 10 minutes this morning.

The PRESIDING OFFICER. The Senator is correct.

#### HEALTH CARE REFORM AND PHARMACEUTICAL DRUGS

Mr. DORGAN. Mr. President, this has been a very interesting discussion, and I certainly share the goals of those who have spoken. I am most interested in the question of competition.

I might say that in at least one area of health care, competition does not seem to be a regulator in which price competition produces reasonable prices for consumers. That is in the area of pharmaceutical drugs.

Tomorrow morning, Senator PRYOR and I are cochairing a hearing in the Governmental Affairs Committee on the question of drug prices. There has been a lot of discussion about different aspects of health care, but very little about the pricing of prescription drugs in this country.

A while ago, I recall meeting a woman in her mid-eighties at a senior center. This woman had very little money and had significant heart problems—heart disease and diabetes. She told me she could not afford the medicine her doctor prescribed for her heart disease and diabetes. She said, "I only take half the dose the doctor tells me to so my medicine will last twice as long." That is how this woman in her mid-eighties affords her medicine. It is a shame that happens in this country. Part of the reason for that is the high cost of prescription drugs.

Let me begin by saying that my colleague, Senator PRYOR, has done an enormous amount of work in this area, important work and excellent work. When I was in the House of Representatives, I introduced the central piece of prescription drug legislation that Senator PRYOR had been the principal author of in the Senate. I was pleased to do that. He has done a great amount of important work on this subject, and I am pleased tomorrow to cochair the hearing with him.

The hearing tomorrow is going to focus on one aspect of drug pricing, and an interesting one. The question will be: Why do pharmaceutical manufacturers charge more for the same drug in almost every case in the United States than they charge in other countries? Why, for the same pill, put in the same bottle, made by the same manufacturer, do they charge more to the American consumer than they do the consumer in Mexico, in Canada, in Eng-

land, in Sweden, in Germany, in France, or in almost any other Western nation?

I do not know the answer to that. But I have some charts that I want to share this morning. Let me just run through a couple of them. I do not have the blowups with me, but let me tell you what about the international pricing of prescription drugs.

Before I do that, remember that prescription drugs prescribed by a doctor are not a luxury. It is not like ordering cable television or like deciding to eat the next Twinkie. It is a necessity. A doctor prescribing a prescription drug is saying to a patient: You need to do this for your health.

Let me go through some examples of drugs and their prices in different nations. The General Accounting Office [GAO] has done a lot of work to put together this sample of drugs that are sold in different nations. Each drug in the sample is of the same strength, the same dosage, and made by the same manufacturer. But let's look at the price charged in the United States versus other countries for a sample of leading drugs. GAO has given me data on 20 of the 100 best selling drugs in the United States.

Here are some examples of what the GAO will tell us tomorrow.

Premarin is a drug used for estrogen replacement. If you buy it in the United States, the manufacturers' wholesale price is 162 percent more for that same drug than if it were purchased in Canada. Buy it here, it will cost 197 percent more than if you buy it in England. Buy it here, it will cost 219 percent more than if you buy it in Sweden.

Zantac which is used to treat ulcers—buy it here, you pay 30 percent more than if you buy it in Canada; buy it here, 58 percent more than if you buy it in England; buy it here, 109 percent higher price than in Sweden.

Xanax, which is used to treat anxiety—buy it here, pay 183 percent more than in Canada; buy it here, pay 279 percent higher price than in England; buy it here, pay 488 percent higher price than in Sweden.

Valium—also used to treat anxiety—buy it here, the price is 432 percent higher than in Canada; 1,044 percent higher than in England, and nearly 1,100 percent higher than in Sweden.

Why? By what measure do the pharmaceutical manufacturers, using the same pill, put in the same bottle, produced in the same way, and shipped to comparable markets charge a much higher wholesale price, which is passed on to the consumer, in the United States than virtually any other country in the world.

I do not know the answer to that. They will say, well, research and development, we need to get the money for research and development. I certainly support research and development. We

give very generous tax credits, in fact, for research and development to the pharmaceutical manufacturing firms. The fact is they spend more on advertising and promotion than they do on research and development, but research and development is very important. We ought to plug money into research and development. We do a lot of that in the public sector through Government spending at NIH, which, incidentally, then breeds a great deal of profit for the private companies that end up manufacturing drugs developed by NIH scientists. But private companies also invest in research and development.

I do not want to stop that, and I do not want to impede that. But, when you look at the pharmaceutical manufacturers and find that in 1992 they had triple the average rate of profit of all the companies in the Fortune 500, you wonder whether this price is for profit, maybe excess profit, or for research and development.

You look at the head of one company, one pharmaceutical manufacturer, and he was paid a salary equivalent to all 100 U.S. Senators. The head of one pharmaceutical company is paid nearly \$13 million, and you ask, is that research and development? Does that justify charging an American consumer double or triple or 10 times the price for the same drug, in the same bottle, manufactured by the same company as is charged in Germany or France or Sweden or Denmark? I do not think so.

You talk about market forces. I hear it all the time in the Chamber. Market forces in this country do not produce drug prices that in my judgment are competitive or fair, and the question is, what do we do about that? The price of drugs for American consumers has gone up. Outpatient drug spending has increased from \$12 to \$36 billion between 1981 to 1991; \$12 to \$36 billion over a period of about 10 years. The point of this is that this free market does not work for prescription drugs. You can buy the same pill, or the same drug, in the same container, in different countries and pay a vastly different price.

For some reason, we are systematically being overcharged. If my consumers in North Dakota, wanting the same prescription drugs on which we now spend over \$80 million, had just driven over the line north into Canada, they would have bought the same drugs for \$20 million less. Why? If North Dakotans had bought all their drugs in England, instead of spending just over \$80 million, they would have spent just over \$50 million. They would have saved about \$30 million. Why? You can ask the same question about Germany, France, Italy, and others.

I asked drug companies: Will you market for lower prices at a loss? If you sell in this country for a dollar and charge 20 cents in Mexico, does that mean you are marketing at a loss in

Mexico? Of course, not. They could not sell in Mexico at 20 cents if it were a loss. So we have a lot of interesting questions to ask tomorrow at the hearing. What is this scheme of pricing drugs that charges the U. S. consumer so much more than other consumers in the world?

I hope we get some answers, and I hope that we can use those answers in the construct of a discussion about health care reform and prices charged to American consumers.

Mr. CHAFEE. I wonder if the distinguished Senator will yield for a question.

Mr. DORGAN. If I have time, yes, of course, I will.

The PRESIDING OFFICER. The Chair would inform the Senator that morning business is just about to close.

Mr. CHAFEE. I ask unanimous consent for 2 additional minutes.

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

Mr. CHAFEE. Mr. President, I would ask that the distinguished Senator in his inquiries tomorrow bear in mind the biotech industry, and I particularly think of a small biotech company in my home city in my State, Providence, RI. That company is a venture capital company. It is called Psychotherapeutics. That company is seeking a cure for two major diseases affecting the elderly, Alzheimer's and Hodgkin's. I have been informed by that company, which so far has not produced a dollar of revenue, that they anticipate their total expenditures before they get any return will be \$200 million. Now, \$200 million for somebody in the Federal Government is not much, but \$200 million for a Providence, RI, company is a lot of money. They are raising that money through venture capital, selling stock.

So I hope that when the inquiries are devoted to a company making too much money, charging what they think is a lot, they bear in mind this little company, which I hope succeeds. I hope they get a cure for Alzheimer's; I hope they do something for Hodgkin's; I hope whoever invests in that company will make a lot of money; I hope that company will be a splashing success; and I hope that the head of that company, Dr. Seth Rudnick, will be paid a handsome salary. I want them to succeed.

So my question is I hope that when the inquiries are made it is borne in mind that this company will not have a penny of return to anybody who invests in it until their total expenditures reach, in their judgment, \$200 million. So I appreciate what the Senator is doing.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DORGAN. Mr. President, in order that I might respond, may I ask unanimous consent to extend morning business for 1 additional minute?

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

Mr. DORGAN. Mr. President, I share all of the hopes of my friend. He has talked about many hopes. I hope he would share my hope that when and if they find this miracle cure they are looking for with generous tax provisions on venture capital, generous tax provisions on research and development, they will not decide to price it by asking Americans to pay double, triple, quadruple, or 10 times the price at which they will market that same drug in England, Sweden, Germany, Italy, Canada, and other countries around the world.

I am all for miracle cures, and I want to encourage these companies looking for them. I want them to price those miracle cures fairly in the American marketplace when they find them.

Mr. President, I yield the floor.

#### IS CONGRESS IRRESPONSIBLE? YOU BE THE JUDGE ABOUT THAT

Mr. HELMS. Mr. President, the incredibly enormous Federal debt is like the weather—everybody talks about it but nobody does anything about it. Many Senators talk a good game when they are back home about bringing Federal deficits and the Federal debt under control, but look how they vote on spending bills passing the Senate.

As of yesterday, Monday, July 25, at the close of business, the Federal debt—down to the penny—stood at exactly \$4,631,353,530,795.77. The debt, do not forget, was run up by the Congress of the United States. The big-spending bureaucrats in the executive branch of the U.S. Government cannot spend a dime unless and until it has been authorized and appropriated by the U.S. Congress. The U.S. Constitution is quite specific about that, as every school boy is supposed to know.

And do not be misled by declarations by politicians that the Federal debt was run up by one President or another, depending on party affiliation. Sometimes they say Ronald Reagan ran it up; sometimes they say George Bush. These buck-passing declarations are false because the Congress of the United States is the culprit.

Most people cannot conceive of a billion of anything, let alone a trillion. It may provide a bit of perspective to bear in mind that a billion seconds ago, Mr. President, the Cuban missile crisis was going on. A billion minutes ago, not many years had elapsed since the crucifixion of Jesus Christ.

That sort of puts it in perspective, does it not, that Congress—repeat: Congress—has run up a Federal debt of 4,631 of those billions of dollars. In other words, the Federal debt, as I said earlier, stands today at 4 trillion, 631 billion, 353 million, 530 thousand, 795 dollars, and 77 cents.

**BUDGET SCOREKEEPING REPORT**

Mr. SASSER. Mr. President, I hereby submit to the Senate the Budget Scorekeeping Report prepared by the Congressional Budget Offices under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through July 22, 1994. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution of the budget (H. Con. Res. 287), show that current level spending is below the budget resolution by \$4.9 billion in budget authority and \$1.1 billion in outlays. Current level is \$0.1 billion above the revenue floor in 1994 and below by \$30.3 billion over the 5 years, 1994-98. The current estimate of the deficit for purposes of calculating the maximum deficit amount is \$311.7 billion, \$1.1 billion below the maximum deficit amount for 1994 of \$312.8 billion.

Since the last report, dated July 20, 1994, there has been no action that affects the current level of budget authority, outlays, or revenues.

I ask unanimous consent that the report be printed in the RECORD.

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

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, July 25, 1994.

Hon. JIM SASSER,  
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the 1994 budget and is current through July 22, 1994. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 64). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated July 18, 1994, there has been no action that affects the current level of budget authority, outlays, or revenues.

Sincerely,

JAMES L. BLUM,

(For Robert D. Reischauer, Director).

**THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1994, 103D CONGRESS, 2D SESSION, AS OF CLOSE OF BUSINESS JULY 22, 1994**

(In billions of dollars)

	Budget resolution (H. Con. Res. 64) <sup>1</sup>	Current level <sup>2</sup>	Current level over/under resolution
On-budget:			
Budget authority	1,233.2	1,218.4	-4.9

**THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1994, 103D CONGRESS, 2D SESSION, AS OF CLOSE OF BUSINESS JULY 22, 1994—Continued**

(In billions of dollars)

	Budget resolution (H. Con. Res. 64) <sup>1</sup>	Current level <sup>2</sup>	Current level over/under resolution
Outlays	1,218.1	1,217.1	-1.1
Revenues:			
1994	905.3	905.4	0.1
1994-1998	5,153.1	5,122.8	-30.3
Maximum deficit amount	312.8	311.7	-1.1
Debt subject to limit	4,731.9	4,542.2	-189.7
Off-budget:			
Social Security outlays:			
1994	274.8	274.8	( <sup>3</sup> )
1994-1998	1,486.5	1,486.5	( <sup>3</sup> )
Social Security revenues:			
1994	336.3	335.2	-1.1
1994-1998	1,872.0	1,871.4	-0.6

<sup>1</sup> Reflects revised allocation under section 9(g) of H. Con. Res. 64 for the Deficit-Neutral reserve fund.

<sup>2</sup> Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

<sup>3</sup> Less than \$50 million.

Note.—Detail may not add due to rounding.

**THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONGRESS, 2D SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1994, AS OF CLOSE OF BUSINESS JULY 22, 1994**

(In millions of dollars)

	Budget authority	Outlays	Revenues
<b>ENACTED IN PREVIOUS SESSIONS</b>			
Revenues			905,429
Permanents and other spending legislation <sup>1</sup>	721,182	694,713	
Appropriation legislation	742,749	758,885	
Offsetting receipts	(237,226)	(237,226)	
Total previously enacted	1,226,704	1,216,372	905,429
<b>ENACTED THIS SESSION</b>			
Emergency Supplemental Appropriations, FY 1994 (P.L. 103-211)	(2,286)	(248)	
Federal Workforce Restructuring Act (P.L. 103-226)	48	48	
Offsetting receipts	(38)	(38)	
Housing and Community Development Act (P.L. 103-233)	(410)	(410)	
Extending Loan Ineligibility Exemption for Colleges (P.L. 103-235)	5	3	
Foreign Relations Authorization Act (P.L. 103-236)	(2)	(2)	
Marine Mammal Protection Act Amendments (P.L. 103-238)			4
Airport Improvement Program Temporary Assistance Act (P.L. 103-260)	(65)		
Federal Housing Administration Supplemental (P.L. 103-275)	( <sup>3</sup> )	(2)	
Total enacted this session	(2,748)	(645)	
<b>ENTITLEMENTS AND MANDATORIES</b>			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted <sup>2</sup>	(5,562)	1,326	
Total Current Level <sup>3,4</sup>	1,218,395	1,217,054	905,429
Total Budget Resolution	1,223,249	1,218,149	905,349
<b>Amount remaining:</b>			
Under Budget Resolution	4,854	1,095	
Over Budget Resolution			80

<sup>1</sup> Includes Budget Committee estimate of \$2.4 billion in outlay savings for FCC spectrum license fees.

<sup>2</sup> Includes changes to baseline estimates of appropriated mandates due to enactment of P.L. 103-66.

<sup>3</sup> In accordance with the Budget Enforcement Act, the total does not include \$14,203 million in budget authority and \$9,079 million in outlays in funding for emergencies that have been designated as such by the President and the Congress, and \$757 million in budget authority and \$291 million in outlays for emergencies that would be available only upon an official budget request from the President designating the entire amount as an emergency requirement.

<sup>4</sup> At the request of Budget Committee staff, current level does not include scoring the section 601 of P.L. 102-391.

<sup>3</sup> Less than \$500,000.

Note.—Numbers in parentheses are negative. Detail may not add due to rounding.

**"A LEGACY OF TRADITION AND LEADERSHIP: THE MCCAIN FAMILY"—A TRIBUTE TO SENATOR JOHN MCCAIN AND THE MCCAIN FAMILY AT MARINE BARRACKS, WASHINGTON, DC**

Mr. NUNN. Mr. President, in June when the Senate was debating the defense bill, I made a short statement about the commissioning ceremony for the U.S. *John McCain*—named after Senator JOHN MCCAIN's father and his grandfather. I pointed out the extensive legacy of outstanding service in uniform of the McCain family for many, many generations.

This legacy of tradition and leadership was honored again last Friday night at Marine Barracks, Washington, DC—the oldest post in the Marine Corps. At what many consider the Nation's premier military parade, the guest of honor and reviewing official was Senator JOHN S. MCCAIN.

Senator MCCAIN was joined by many members of his immediate and extended family and many friends for what was a most impressive gathering and event. The Assistant Commandant of the Marine Corps, Gen. Richard D. Hearney—himself a highly decorated combat pilot as is Senator MCCAIN—was the host of this tribute of military precision and pageantry to one of our Nation's real heroes and his family—JOHN S. MCCAIN, our colleague.

I ask unanimous consent that the narration that accompanied the ceremony be placed in the RECORD at this point.

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

**A LEGACY OF TRADITION AND LEADERSHIP: THE MCCAIN FAMILY**

Military service is a special calling and, to many Americans, a proud family tradition as much as it is a profession. Names such as Lee, Roosevelt, Pershing, Eisenhower, and MacArthur have emerged generation after generation. In the annals of military history, another name—McCain—can be traced back over two hundred years and represents a lineage and legacy of honorable military service—a family tradition of honor, courage, and commitment. In fact, there has been a McCain in the service of his country since the Revolutionary War, when a McCain served on General George Washington's staff. Tonight we pay tribute to three generations of McCains, beginning with Admiral John S. McCain, and concluding with his grandson, the honorable John S. McCain, the third, Senator from the State of Arizona.

John Sidney McCain graduated from the United States Naval Academy in nineteen oh-six. At age 52, Captain McCain became a naval aviator after having served thirty-two years of sea and shore duty. At the end of World War Two, as a Vice Admiral, he witnessed the Japanese surrender aboard the U.S.S. Missouri. His uncle, Henry P. McCain and brother, William, both retired from the United States Army as General officers.

Admiral McCain's son, John Sidney McCain Junior, was a nineteen thirty-one graduate of the United States Naval Academy. During World War Two, he distinguished himself in battle as a submarine commander by sinking three Japanese combatants and several patrol craft. He rose to the rank of admiral and served as commander in chief, U.S. Naval Forces Europe. Shortly thereafter, he became commander in chief, Pacific, in which capacity he directed the American forces' gradual disengagement from Vietnam between nineteen sixty-eight and nineteen seventy-two. It was during those years that his son, Lieutenant Commander John S. McCain, the third, lay seriously wounded in a North Vietnamese prison after having been captured on October twenty-sixth, nineteen sixty-seven.

A nineteen fifty-eight graduate of the Naval Academy, John McCain had earned his wings as a naval aviator at Pensacola, Florida and had flown his first mission in the Caribbean during the nineteen sixty-two Cuban missile crisis. In Vietnam, on his twenty-third combat mission, he was shot down by a Soviet missile over Hanoi at forty-five hundred feet. After ejecting, he landed in a lake, his right leg and left arm broken, his right arm shattered. Lieutenant Commander McCain remained a prisoner of war for five and one-half years until March fifteenth, nineteen seventy-three. Today, John S. McCain continues to serve his country—now in his second term as a United States Senator from Arizona.

Ladies and gentleman, we are pleased to honor the distinguished McCain family and privileged to have Senator John S. McCain, the third, as our reviewing official for this evening's parade. Accompanying Senator McCain in the reviewing area are General Richard D. Hearney, Assistant Commandant of the Marine Corps \* \* \* and Colonel John Sollis, commanding officer, marine barracks.

#### ESTONIA

Mr. GORTON. Mr. President, 3 weeks ago Russian President Boris Yeltsin delivered a blow to Estonia's efforts to remove Russian troops from its borders. He publicly rescinded his promise to withdraw the 2,000 remaining troops from Estonia by August 31.

The complete removal of Russian troops from the Baltics remains one of the most important post-cold war issues for defining Russia's new role in Eastern Europe. If we are to convince that nation that it cannot interfere in the "near abroad," we must ensure that it abides its promises of complete withdrawal.

Since the collapse of the Soviet Union, Russia has moved slowly on this issue. In 1992, a full year after the Soviet Union disintegrated, Russia was still stationing 130,000 troops in the Baltics. Until this year, all three Baltic countries still housed Russian troops. And, now it appears that there is no schedule for the removal of all troops from Estonia.

The United States should play an important role in resolving this issue. The success we have experienced to date is a direct result of international pressure. This body has voted on numerous occasions, beginning with the

1992 Freedom Support Act, to condition some portion of our Russian aid on troop withdrawals. Even with that pressure, Russian compliance has sputtered. The remaining troops in Estonia should be seen as a defeat as much as the victory for our efforts.

Nearly 3 years after this debate began, we should demand complete withdrawal for Estonia. That country, and the Baltics as a whole, have done as much as any other former Soviet Republic to earn our promise of protection from Russia. It has embraced political and economic reform with a vengeance, and developed an unmatched post-Soviet record of economic growth. Over the past 2 years it has achieved roughly 3.5 percent unemployment, 1.7 percent inflation, and a stronger and more stable currency than any other either in the former Soviet Union. It has also made strides to eradicate the difficult problem of discrimination against ethnic Russians.

Mr. President, the Baltics are former Soviet Republics that should be removed from the Russian sphere of influence. We should make them a part of the West. We should admit them into NATO, and reward their brave economic reforms, their democratic institutions, and their civilian control of military with aid. And we should follow through on our efforts to remove all Russian troops from their borders.

On Thursday, the House and Senate conferees of the foreign operations appropriations bill will determine whether to retain language the Senate approved by a vote of 89-8 less than 2 weeks ago. That language would move up from December 31, 1994, to August 31, 1994, the date by which Russia must withdraw all troops from the Baltics in order to receive any Russian aid. The Senate conferees should do all they can to see that the Senate version is retained. That language appropriately responds to Mr. Yeltsin's comments, and has the overwhelming support of this body.

Mr. President, this is an issue that is important not only to a newly democratic country that recently emerged from 45 years of subjugation. It is a question of how the United States will control a Russian tendency to concern itself in its neighbors affairs. Our interests are clear: we should demand the complete withdrawal of Russian troops and demonstrate to both our friends and potential enemies that democracies will be rewarded with efforts to protect their sovereignty.

#### THE PAN AMERICAN DEVELOPMENT FOUNDATION'S HUMANITARIAN AWARD TO MARIA JULIA POU DE LACALLE, FIRST LADY OF URUGUAY

Mr. DODD. Mr. President, I rise today to bring to the attention of my Senate colleagues a remarkable

woman, Maria Julia Pou de Lacalle, the First Lady of Uruguay.

Mrs. Lacalle has worked tirelessly over the years as an advocate for the needy. She has been widely recognized in Latin America as a leader in promoting assistance to families in need, not only in Uruguay, but throughout the hemisphere.

She was recently given the Pan American Development Foundation's distinguished Humanitarian Award, in recognition of her efforts with Accion Solidaria, a social welfare organization. This award is one of the most prestigious citations given to any citizen in the Western Hemisphere.

I would ask unanimous consent that a translation of Mrs. Lacalle's acceptance speech on the occasion of receiving this prestigious award be printed in the RECORD at the end of my remarks. I urge my colleagues to take the time to review her very thoughtful comments.

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

#### REMARKS OF FIRST LADY LACALLE

Mr. President, Mr. Joao Baena Soares, Secretary General of the Organization of American States, Mr. George Kroloff, President of the Panamerican Development Fund, Ministers of State, Amb. Luis Macchiavello, Director of the OAS Office in Uruguay, National Authorities, Ladies and Gentlemen:

My very first words, which express my feelings, are words of gratitude to the Organization of American States and to the Panamerican Development Fund, for having considered our nomination for this award which every year honors a person for his or her dedication and work for the benefit of the less fortunate sectors in our American societies.

And I say "our" thanks because I consider that, although I am formally receiving this award personally, because it has been so established, it is our institution, ACCION SOLIDARIA, with which we celebrate this recognition.

Today's event makes us recall with pride the origin, growth and consolidation of our work, which in recent years reflects the effort of so many people all across the country.

Inspired by our needs but with understanding, we felt the necessity to work in what we have called "the country of now", in order to provide answers to present needs such as health and education. This could not wait until later when the country might provide some relief for those people for whom "very soon" is too late in life.

We felt this future was now, and in order to quicken the pace we shared our work with many people who gave their time, generated ideas, granted financial support. All of us together, in "solidarity", fulfilled some of the goals for which we rejoice today, with pride, not arrogance. And along the paths we walked searching for solutions to major health and education issues, we encountered The Panamerican Development Fund, from which we sought answers and from which we found not merely solutions to many of our problems, but also a generous spirit. They helped us beyond our goals, they impelled us forward and encouraged us to break patterns in order to increase the scope of our endeavor.

We rejoice in "solidarity" because this sentiment is the source of our endeavor, the way we work and its final goal. We intend to be present wherever our help is required. We are able to answer, making no distinctions whatsoever. Our motto has been "make what is necessary possible", and almost always, when it was necessary, it was possible.

It has been said, and we want to share this thought with you, that humanity took too long to absorb the demands of the French Revolution. Thus, the 19th century was undoubtedly the century of liberty, and pursuing that goal many went to fight and paid with their lives for having faith in this idea. Slowly we built. The 20th century has been the century of the fight for equality in its broadest sense: for equal rights, for equal opportunities, for the still imperfect practice of tolerance as an essential ingredient of co-existence.

We hope—and from our position we are striving for it—that the 21st century may be—must be—the century of fraternity, without which, we think, the efforts to achieve the other two aspects of this revolutionary trilogy would be senseless. Since 1789 we have intellectually agreed on all three. However, it has been very hard to realize these goals.

When even today we hear—and aided by technology we see—that in so many places on earth, religious intolerance runs rampant, ideological fanaticism often dominates, or terrorism reigns, we realize that the road ahead is still long and painful. But we have learned something in our lives, we know that when there is a will there are ways. But the will must exist, and if not, we must strive for it to emerge as a compelling impulse so as to find the way towards fraternity. France proclaimed it and the world accepted it as essential to the human being.

Progress on paper is meaningless; virtues should not be declared but exercised and lived. We Uruguayans are privileged to live in a country where "solidarity"—a privileged way to exercise fraternity—is part of our national character. So much so that it did not take long to explain our projects to a society in which we live and the aims proposed to meet our dreams. We wanted to show the openness of our endeavor, assume responsibility for the confidence placed in us. Thus the growth of activities and expectations guided our work, which day by day was motivated by this confidence and supported by different sectors of society.

All this was achieved with the help of many people, and for this reason I can speak so freely about it; but above all it was done with much dedication and much love.

This is the key word, the magic term that opens doors as well as hearts, that feeling which is vital to every human being, so much so that when it is scarce or absent it takes away the sense of life itself. I want to share with you a thought that has flowed like a torrent of irrepressible truth. It has also been a lesson that we have learned from our people at this time: if there is one thing that makes us all equal it is our need for affection, our need for love. Beyond social position, economic status, diversity of ideologies, all of us, absolutely every one of us has a need to love and to be loved.

This is a good starting point to begin work: we live in liberty and in an egalitarian society. Let us then make this society live in fraternity with these values for which it has so ardently strived.

Now, in the International Year of the Family, it is undoubtedly more than appropriate for each of us, from within our families

where we are loved without question, just for being part of it, to set an example and live positively in this fraternity which we hope may be the essential characteristic of the new century. Let us remember the children and the young people. They often watch us, confused, telling us how our attitudes prevent them from hearing our thought and advice. When we think about them let us make an effort to build a world where they can grow with faith, hope and love.

A wise oriental proverb urges us not to move our lips if we are not sure that what we are about to say is more beautiful than silence. Finally, I dare confide to you two feelings that exist in my heart at this moment: a feeling of enormous gratitude towards my father, from whom I received the example of a lifetime dedicated to others by easing their pain, giving all of himself to his profession as a medical doctor with total selflessness, and making us appreciate that there are some circumstances in life for which there are no timetables. He also demonstrated that one can act on a strict professional basis, as he did and taught, while embracing every aspect of the human soil.

We are both root and branch. We have a past and we have a future. Today I wish to tell these three young persons here with us today, my children, that our life in itself is just a blue-print, and we are not always the only architect in its formation. Everyone needs others. Because of this, if I were sure that they will always have an open heart towards all those who may be wanting, and that they are willing to knock on the doors of those who may need advice and affection, if I had the certitude that they already have within them the strength of character which can and should be accompanied by sensitivity, by compassion, by a feeling of sympathy for others, then I think I entitled to receive this award with the peace of mind of having done my duty. Because the absolute priority in our lives and in our families should be to live those values to which we have dedicated so much time and so much work within our community.

So be it, I pray.

#### JORDAN AND ISRAEL: A HISTORIC MOMENT ON THE ROAD TO PEACE

Mr. LIEBERMAN. Mr. President, I rise today in celebration of the historic events which have occurred in Washington this week. King Hussein of Jordan and Prime Minister Yitzhak Rabin of Israel—the first pair of foreign leaders to address the U.S. Congress together—have ended 46 years of war between their two countries. What striking words in their "Washington Declaration":

After generations of hostility, blood and tears and in the wake of years of pain and wars, His Majesty King Hussein and Prime Minister Yitzhak Rabin are determined to bring an end to bloodshed and sorrow.

Americans deserve to celebrate these historic events and feel pride in the vigorous and productive efforts of President Clinton and Secretary of State Christopher in creating an environment conducive to the signing of this peace declaration. Americans should feel greatly encouraged that lasting peace in the Middle East may, at last, not just be a dream but could actually come to be before much longer.

As I watched the ceremony in the Rose Garden at the White House, I was struck by how much these two countries have in common. Perhaps now their relationship can flourish in the open in all areas in interaction—politics, economics, security, culture, and religion. The United States must continue the strong leadership role it has played for so many years, through so many different administrations, to ensure this happens—for there are many tasks which lie ahead. Secretary Christopher made the point earlier this week that "This is a situation where the economics of it may be driving the politics of it \* \* \*." Economic security is vital to Jordan and this is an area where the United States can provide encouragement. As Prime Minister Rabin said in his address to Congress, " \* \* \* the United States is helping the bold make a peace of the brave." Neither we nor the parties in the region can afford to falter in our journey on this road to peace.

The events of the past days are only a beginning, not the end of this journey. As King Hussein so poignantly highlighted in the Rose Garden:

This is the moment of a commitment and of a vision. Not all of what is possible is within the document we have just ratified, but a modest, determined beginning to bring to our region and our peoples the security from fear, which I must admit has prevailed over all the years of our lives, the uncertainty of every day as to how it might end, the suspicion, the bitterness, and the lack of human contact.

We have seen in the past months—and it was further reinforced in these past few days—what men of vision and courage can do. King Hussein and Prime Minister Rabin will take their rightful place in history as peacemakers alongside the likes of Anwar Sadat and Menachem Begin. But, we should not forget the role the United States has played in creating an environment which promotes and permits the peace process to go forward. President Clinton and Secretary Christopher have earned the thanks of all people of peace—in Israel, in Jordan, and here in the United States—for their untiring efforts in bringing about the event of this week. Americans can be proud of the role they have played in awakening the prospects of peace. Much hard work lies ahead for all of the parties involved. We must persist, however, and not lose faith in the rightness of the cause in which we all labor. Failure to do so would doom the children of the Middle East to more of the "blood and tears" and "pain and wars" which these two courageous leaders are working to stop.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is now closed.

DEPARTMENT OF THE INTERIOR  
AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

The PRESIDING OFFICER. The Senate will now resume consideration of H.R. 4602, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 4602) making appropriations for the Department of the Interior and related agencies, for the fiscal year ending September 30, 1995, and for other purposes.

The Senate resumed consideration of the bill.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia [Mr. BYRD] is recognized.

Mr. BYRD. It is my understanding that there are 50 minutes—

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. Equally divided between the proponents and the opponents.

The PRESIDING OFFICER. Under the previous order, the Senator from New Jersey [Mr. BRADLEY] for an amendment, has 50 minutes which will be equally divided.

Mr. BYRD. Mr. President, I thank the Chair.

Yesterday, we had a good day. We disposed of several amendments. I believe there were three rollcalls on amendments and one procedural vote. I had hoped we might be able to dispose of more amendments on yesterday. But "life is a shuttle," and we are busy just as everybody else is busy. There does not seem to be time enough in the day.

I hope that we will be able to complete the work on this bill today. It is unfortunate, in a way, that we have to be interrupted from 10:30 a.m. until 2 o'clock p.m. On the other hand, there is much rejoicing in the progress that is being made in connection with Middle East peace, and that, of course, is related to the interruption of what will occur here, so we will not get very much done until 2 o'clock p.m. But "what cannot be eschewed must be embraced," and we are here ready to do business. I see other Senators are on the floor.

I can keep honest counsel, ride, run, mar a curious tale in telling it, and deliver a plain message bluntly: that which ordinary men are fit for, I am qualified in, and the best of me is diligence.

So I am here. I see that my distinguished colleague, Mr. BRADLEY, is also here and ready to expound his views on his inimitable amendment—in my view, something else. But for now I shall take my seat and listen with great interest to his efforts to persuade Senators, who, I hope, will not be persuaded.

The distinguished Senator from New Mexico [Mr. BINGAMAN] is here to plead my cause and to unsheathe his sure sword in an effort to dismantle the amendment and dismount the author of the amendment.

So let us go about our business.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey [Mr. BRADLEY] is recognized to offer an amendment.

Mr. BRADLEY. Mr. President, let me say parenthetically before I offer the amendment that I do not think that an amendment has had such an introduction, or anything like such an introduction, since Governor Cuomo introduced President Clinton at the convention in 1992.

Let me say that I appreciate the chairman's highlighting of the amendment, and I appreciate his courtesy in arranging for it to come at this time.

Mr. BYRD. Mr. President, if the Senator will yield, the Senator is always very courteous. He has always been very courteous to me. I appreciate that fine quality in him.

I will say no more except as Wolsey said to Henry VIII, "Be just and fear not."

AMENDMENT NO. 2401

(Purpose: To reduce the amount appropriated for the Department of Energy for fossil energy research and development)

Mr. BRADLEY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. BRADLEY] proposes an amendment numbered 2401.

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

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

The amendment is as follows:

On page 62, line 1, strike out "\$436,451,000," and insert in lieu thereof "\$426,451,000."

Mr. BRADLEY. Mr. President, I rise today to offer an amendment to cut \$10 million from the Interior appropriations bill. The Department of Energy has proposed funding a new program. The Advanced Computational Technology Initiative is its title. This effort is an attempt to put the supercomputer programmers at the national laboratories at the service of oil and gas producers to develop new technology and reduce the costs of production.

Last year, the program was funded at \$7 million for fiscal year 1995. The Department recommended \$50 million in funding. Already in the Senate-passed energy and water bill \$30 million has been included for this program. Within the Interior appropriations bill another \$10 million has been added.

My amendment would simply strike this additional \$10 million. In other words, \$40 million has been provided. This would cut back \$10 million.

The ACTI Program has been an evolving concept. Originally, it was designed to use national lab supercomputers to enhance 3-D seismic capabilities. This proposal was attacked

by the major oil field service industries, who feared that these public funds would take away their business. In fact, they have so stated in no uncertain terms.

DOE responded to the criticism, I think, by simply blurring the program's goals. It has now been redesigned and broadened to include any possible application of new computer and supercomputer capability to the oil and gas industry. So, instead of being very precise—this is about 3-D seismic capabilities—they have made the program vague, so that they do not have quite as strong opposition from the major oil field service industries.

I would like to make several points in defense of this spending cut. First, it is important to note that my amendment will not eliminate this program. Instead, the amount will only limit the increase in the size of the program to roughly 350 percent. So this amendment is modest. It limits the increase of the program to 350 percent.

When the House considered this program within the Interior bill, only \$3 million was included for ACTI. My amendment would simply move us closer to the House position. Then the difference between the House and the Senate would be narrower in conference.

Second, Mr. President, in cutting discretionary spending, we have to look closely at any funding for what obviously could be commercial application. There is the clear risk that this funding will merely offset private sector R&D money that would be spent otherwise. One of DOE's principal measures of program success is "level of customer satisfaction." Indeed, the whole project is described as part of "the administration's development of a consumer-oriented industrial policy."

Mr. President, while the oil and gas industry has been struggling domestically, it is hard to see that this initiative will do much to lift these firms that are struggling economically. What they need, and what they seek, is a higher price for their product. Without a clear demonstration of the purpose and targets of this program, this Government effort, it is one more unnecessary subsidy, one more Federal intrusion into the marketplace, and one more attempt to use the political process to steer public funding to benefit a narrow part of the economy.

Last, although there is nominally a 50-50 cost sharing requirement in the ACTI program, in reality, the Government can pick up the whole tab. DOE documents state the following:

The overall average cost participation is targeted at 50 percent. \* \* \* However, most projects have had in-kind cost participation. This is where DOE funds the national laboratory or university for its efforts on a project, and industry covers its costs of staff, data, facilities, and wells.

In other words, just about anything an oil and gas company does as part of

its day-to-day operations could qualify against this cost share requirement. So where is the 50-50 cost share?

The oil and gas industry is not the only domestic industry in trouble. This program, especially in view of its sudden increase in size and scope, will invite imitators; we will have every industry that wants to be at the public trough in here trying to get their version of this program. Those imitators will cost us millions and millions more than we do not have to spend.

Mr. President, I have spoken on the Senate floor numerous times about the need for principles to guide our attempts to cut spending. Without a set of principles to guide our actions, we will continue to argue in circles about the merits of every program on the chopping block, yet, eliminate none of it. This is exactly the kind of business-as-usual spending that has caused the American people to become cynical about Congress and, frankly, I do not blame them.

That is why I ask myself two simple questions each time I set out to cut spending. The first question is: Does it provide something that is in the general interest and is essential to American public life? The second is: Is taxpayer funding the only and most cost-effective way that this specific important public purpose will be met?

Mr. President, I believe these two principles reflect basic American values and take into account the obvious limitations we have on Federal spending. And clearly, on the second question—are taxpayers' funds the only and best way to support this program? I think the answer is unambiguous. The answer is, no, this is not the best way to support this program.

The oil and gas industry should not be a "customer" to the national labs, as DOE states—a customer for which taxpayers foot the bill. It is as if this industry is not already getting significant taxpayer support. The tax subsidies to the oil and gas industry are \$2 billion annually, in that neighborhood. So industry has been at the trough before, and often, and remains.

Commercial research, which is by its nature enriching a particular private sponsor, is almost always best left to the private sector. If the profits are there, the work will be done.

I never will forget the debate we had about the R&D tax credit of a few years back. Some major research-based companies came to see me and said, "We need the R&D tax credit." Others came in and said, "No matter whether you give us the tax credit or not—and we would like to have it—we are going to continue to do our research, because we see that our long-term interests are to be served if we are on the cutting edge of research. We have always devoted x percent of our sales budget to research, and we will continue to. If you want to give us this credit, we are

going to make more money." It was a direct subsidy to the bottom line of firms already engaged in research.

If the profits are there, the research will be done. It is not advisable for us to add to the \$2 billion that the taxpayers already provide the oil and gas industry, with an increase of over 350 percent for this particular program that has a rather ambiguous definition of what is supposed to be accomplished.

So, Mr. President, as I stated earlier, my amendment will not eliminate the program; it will merely reduce its expansion. This is not a bold step, but I think it is an appropriate one. I urge my colleagues to support this amendment. I reserve the remainder of my time.

How much time do I have remaining? The PRESIDING OFFICER (Mr. MATHEWS). The Senator has 14 minutes 15 seconds remaining.

Mr. BINGAMAN addressed the Chair. Mr. BYRD. How much time does the distinguished Senator need?

Mr. BINGAMAN. I will use about 9 minutes at this point.

Mr. BYRD. I yield 9 minutes to the Senator from New Mexico.

Mr. BINGAMAN. I thank the Senator. I appreciate the time from the Senator from West Virginia.

Let me make a few points in response to the amendment. I obviously oppose the amendment. People need to understand what this program is a little better, I believe, before they vote. Let me describe what it is. This advanced computational program is intended to assist the oil and gas industry and the domestic energy industry by use of the technology we have developed in our national laboratories to allow us to put off the abandonment of domestic oil and gas wells, to increase production from those wells, since it is generally recognized that under present practices about one-third of the oil in those wells is actually produced, absent some change in our practice. And, of course, the other purpose is to increase the recovery of known resources and expand our knowledge about the oil and gas resources available to us domestically. The larger purpose is to create jobs and tax revenue for the country.

Clearly, in my view, this is a funding item in the bill before the Senate today which helps to accomplish that objective. The Senator from New Jersey has proposed in his amendment to delete the money involved here, the \$10 million, on a variety of grounds.

Before I get to those, let me clarify what the facts are as I understand them. The bill which is before us—the Interior appropriations bill—contains \$10 million for this program. It does not contain \$30 million, it contains \$10 million. And the proposal by the Senator from New Jersey would eliminate that \$10 million. There is funding also in other parts of the Department of Energy for pursuit of the same initiative.

But the only funding in this bill that is supportive of the initiative would be stricken by this Senator's amendment.

The Senator from New Jersey claims one of his bases is that the oil and gas industry is not the only domestic industry in trouble. He says that in his "Dear Colleague" letter. Clearly, that is true. There are other domestic industries in trouble, and I, for one, think we should look for ways to assist some of those other industries as well. But there is a serious problem in the domestic oil and gas industry, particularly as it relates to independent producers, who are the ones that go out and find the additional oil and gas that is needed.

Assisting this industry is not inappropriate at this time. We have lost tremendous employment in the oil and gas industry. The Senator from Oklahoma, who is here on the floor, can expound better than I can on the devastation which that industry has seen in recent years because of the low price of energy, because of the competition of the foreign sources.

A second of the objections or bases that the Senator from New Jersey has raised: He says in his "Dear Colleague" letter that the proposal has been attacked by the oil field service industries.

Mr. President, we had a hearing on this exact initiative in my home State at Roswell, a hearing of the Energy Committee. Senator DOMENICI and I were both present at that hearing. We took testimony on the initiative, and we talked to members of the industry. Particularly, we had testimony from a Mr. Robert Lowe, who is a vice president of Western Geophysical, which is the largest seismic exploration company in the United States. It is one of the so-called oil field service industries which supposedly objects to this funding. It is his testimony, and I will quote here, that:

The Department of Energy initiative is an exciting opportunity. It offers the opportunity for developing technology that may enable the American seismic exploration business to be more competitive vis-a-vis foreign competitiveness, and it could lead to increased domestic reserves and production which we all desire.

Another example is from Clinton County, KY. Oil in that part of the Appalachian is found in fractured seams, and the scientists in my home State, in Los Alamos at the national laboratory there, are working with independent producers in Clinton County, KY, to map those fractures so that when a well is drilled instead of a one-in-five chance that they will strike the fracture, they are able to pinpoint exactly where to drill.

This is a county that has, I would point out, a per capita income of \$6,800 per person. Only 16 counties in the country are poorer.

So this is something which the industry supports. It is something which

will help us create jobs and help us to deal with the growing dependence on foreign oil.

Another of the arguments made by the Senator from New Jersey is that there is a risk that this is merely paying for work that the industry can and will do anyway.

Mr. President, the argument that this is work that the industry would do anyway is just not accurate and does not reflect the significant technological capabilities that reside in our national laboratories. This is not work that the private sector has been able to do on its own. This is work which is only now becoming possible because of the great computational capability that we have developed in our national laboratories, primarily for our defense needs. But we are finding that this same computational capability has great application and can be used with those same engineers and scientists to pursue much better development and production of our oil and gas resources.

So, this is not something which the industry was doing on its own. This is something which the laboratories can make a very real contribution in and have been making a very real contribution in.

I think there is a strong case to be made for going ahead with this requested funding. This, I would point out, is the level of funding that was requested by the administration. The Appropriations Committee here has not requested any increase from the administration request. They are merely trying to maintain the level of funding that was requested in the administration's bill.

This is one of the most cost-effective programs that we have. Instead of trying to prop up the price of oil, this is an opportunity to lower costs through increased productivity. In my view, it is a win-win for the country. Consumers benefit because it will generate additional domestic resources at lower cost; taxpayers benefit because additional taxpaying economic activity will be generated for each dollar invested in the oil and gas industry; and industry itself benefits through lower cost of production.

Obviously, the environment also benefits because the better job you can do at pinpointing where to drill, the fewer wells you have to drill. It reduces the so-called footprint of oil and gas production.

In my view, this is a major benefit to the domestic energy security of our country, and I hope that the amendment of the Senator from New Jersey will be defeated by the Senate.

I appreciate very much the time that the Senator from West Virginia has yielded.

I yield the floor.

Mr. BYRD. Mr. President, I yield to the distinguished Senator from Oklahoma [Mr. NICKLES]—how much time would he need?

Mr. NICKLES. Will the Senator yield me 7 minutes?

Mr. BYRD. I yield 7 minutes to the distinguished Senator in opposition to the amendment.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I appreciate Senator BYRD, the chairman of this committee, for his leadership in opposition to this amendment.

One, I wish to give different information to my colleague from New Mexico. I appreciate his statement. But he said that the committee is just following the administration's budget request of \$10 million. That is not actually accurate. I believe the facts are the administration in the Interior bill has requested \$20 million, and the committee has only funded \$10 million. I will say again it is because this committee has been faced with some very difficult budget choices.

We are actually spending \$336 million in BA less this year than we did the previous year. The administration had requested a total for this initiative of \$50 million, \$30 million of which is in the energy bill, and \$20 million of which is in the Interior bill; and the Interior bill was only able to fund \$10 million.

Let me just touch on the issue. My colleague from New Mexico is exactly right when he says that this industry, the oil and gas industry, is going through some very difficult times. That is not the sole reason why this amendment is here. It is not the sole reason why the administration is trying to move forward to try to do some things to enhance domestic production. But it is a fact that the oil and gas industry has lost about 450,000 jobs over the last decade.

But even more importantly is what can we do to help protect our national interests. We have some problems of national interest, not so much to bail out small producers. I think this technology may enhance domestic production. That is the key, not to assist or subsidize particular producers but what we do on it from a national perspective to help our country.

We are now spending over half of our trade imbalance on oil—over half. It is not just with Japan. People talk about trade imbalance and they talk about, look how large it is with Japan. Over half of our entire negative trade balance is because we import a lot of oil. We are spending a lot of dollars overseas to import oil. Oil imports today are right at 50 percent of our domestic consumption, and that makes us very vulnerable for all kinds of problems.

Most of us remember the shortages we had in 1973 and also in 1979 because our imports were fairly large at that time, and we were curtailed because of political reasons. Countries were upset with us because of our policies in the Middle East or toward Israel, or for

whatever other reason. So they curtailed their production, and their production caused shortages in this country. We had hundreds of thousands of jobs that were lost, and we had tremendous inflation as a result.

I might mention that in 1973, if my memory serves me correct, we were importing about 34 percent of our oil. With the shortage in 1979, we were importing about 43 percent of our oil. Today we are importing 50 percent.

So it is a national issue that says: Wait a minute. What can we do to arrest that increase in demand on oil, or what can we do to slow down the increase in import percentages?

One of the things that this administration said is, let us do what we can to enhance domestic production.

Most of our colleagues who are not that familiar with the oil and gas industry are not aware of the fact that when you produce oil out of a reservoir you usually leave the majority of the oil in the ground. You do not produce that reservoir totally dry. You take your rig and move elsewhere. In most cases you quit producing when it is no longer economic. We have thousands and thousands of wells that are no longer economic, so we end up leaving a lot of oil in the ground which we will never produce.

The purpose of the advanced computational technology initiative is twofold. The national laboratories are a national asset, a strategic asset, primarily designed for defense purposes. But they also have enormous capability, computer technology and capability to enhance our strategic interests. And one of our strategic interests is production of oil and gas so we do not end up becoming so dependent on imports.

The Advanced Computational Technology Initiative Program would include reservoir and geologic modeling, and that is reservoir characterization, geophysical images 2-D and 3-D, seismic interpretation, and information science that deals with networking data storage, high-speed input and output.

This information will be available for all persons to enhance domestic production. Is it a subsidy for Exxon? No. Exxon has the technology. Is this a subsidy to Mobil or big companies? No, not really. They are not really interested in developing—I am going to say domestic resources beyond a certain point. When they are no longer economic most of the big companies get out.

There are some small producers, and I will just mention in my State, because I am more familiar with the figures. In our State we have something like 100,000 wells, 70,000-some of hole wells, marginal wells, that average about 2.2 barrels per day. At today's prices they are hardly economically viable. They are barely viable.

Well, one of the things that we hoped to be able to do with this enhanced technology to get this out into the hands and into the field is to be able to make some of those fields, or at least make some of the information, available to producers in the areas to where, one, they can do a better job, be better for the environment, so we can enhance our production and not have to spend so many dollars overseas on imported oil and make our country more vulnerable; and, two, the case of curtailment of production overseas.

So I urge my colleagues to oppose the amendment of the Senator from New Jersey.

I yield the floor.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Mr. President, I appreciate the comments of my distinguished colleagues from New Mexico and from Oklahoma. I would like to address the points that they raised.

First, on the issue of the oil and gas service industry, I ask unanimous consent to have printed in the RECORD an article from *Inside Energy*, August 1993, that describes the opposition of the oil and gas service industry.

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

[From *Inside Energy*, August 1993]

DOE MULLS ALTERNATIVE OIL/GAS OPTIONS  
(By Bill Loveless)

A non-profit research organization in Houston is offering itself to DOE as an intermediary that would match the department and its national laboratories with industrial partners in oil and gas research projects. The Houston Advanced Research Center maintains that under its plan DOE would be assured of investing in the best possible collaborations and of seeing the results disseminated quickly to industry.

But HARC's proposition is competing for DOE's attention with a different approach being taken by a group of major oil companies, which contend that no such middle man is necessary to forge projects between the department and industry.

In a proposal submitted to DOE in July and discussed during a meeting convened by the department in Houston last week, HARC depicted a program that would receive \$4 million in federal funds in FY-94, \$50 million in FY-95 and \$100 million in FY-96.

Under a contract with DOE, HARC would organize and manage the so-called "Partners for Energy Research Leadership" (PERL) as an "arm's length mechanism" for directing DOE funding to industry-picked research projects. PERL would function through an advisory board whose members would include representatives of DOE, HARC and industry.

"No coordinating body linking the nation's research talent to the research needs identified by industry currently exists," HARC said in its written proposal to DOE. "PERL will substantially reduce the time it takes research to get into the hands of users and will make better collaborative use of the research talent available for the task of keeping America at the forefront of energy research and technology."

HARC submitted the proposal to DOE in response to the department's ongoing Domestic Energy Initiative, an exercise launched by Energy Secretary Hazel O'Leary earlier this year to search for ways of promoting domestic oil and gas production without endangering the environment. While DOE does not intend to submit its findings to President Clinton until September, officials there have already said one of their goals is to provide more support for new exploration and production technologies.

Deputy Secretary William White, who is spearheading the initiatives for O'Leary, reiterated that interest in a letter inviting about 25 individuals to a meeting in Houston Tuesday to discuss the oil and gas industry's needs in two- and three-dimensional seismic technology DOE's Los Alamos and Sandia national laboratories already are using their unparalleled expertise in super computing built to support their nuclear weapons say those labs and others in the department's complex could do even more of the industry.

"The laboratories possess tremendous capabilities in geophysical modeling, atmospheric modeling, high performance computing, and related activities that can be used to enhance seismic technology development and application," White said in an Aug. 10 letter inviting representatives from major and independent companies to the Houston meeting.

White and other officials involved in the DOE initiative could not be reached last week for their views on the HARC proposal. An official with the Independent Petroleum Assn. of America said that group had not yet taken a position on the plan.

But one major player among the independents, Mitchell Energy Corp., the Woodlands, Texas, has endorsed HARC's plan. "Organizations such as the Houston Advanced Center can serve as a model for a partnership between the private and public sector and academia to engage in realistic, cost-shared, market-oriented, research and technology transfer." John Watson, Mitchell's senior vice president for governmental and regulatory affairs, wrote Elena Subia Melchert, an official in DOE's Fossil Energy division, Aug. 13.

Vying for DOE's attention is the so-called "Committee of Majors," a group of 10 major oil companies attempting to develop a plan to expand the DOE labs' involvement in R&D partnerships with industry. While led by majors, the group has involved independent producers and service companies, as well as DOE labs, in discussions, according to Frank Kovarik, director of the Institute for Improved Oil Recovery at the University of Houston, who is serving as the group's staff director.

The committee arose from a meeting of majors, independents and about six DOE labs in Santa Fe, N.M., in June, which Kovarik said he organized at the request of Los Alamos and Sandia, as well as Lawrence Livermore National Laboratory, DOE's third nuclear weapons research center. Another meeting was to be held today (Aug. 23) in Houston, with Chevron Technology Co., one of the participants, as the host, he said. White was expected to attend the meeting.

"I think the consensus of the group is they don't want any third party or technology broker wedged between the producers and DOE," Kovarik said. "In the past, the producers feel, that's been one of the problems—there's been too many brokers between the producers and the key people at DOE."

The majors' committee has not yet arrived at a specific recommendation for DOE. But

Kovarik said, "My bet is that we'll look for the cleanest and most direct way to deal with DOE, without any third parties."

Others are not so eager to see the national labs broaden their involvement in 3-D and other seismic technology. The International Assn. of Geophysical Contractors recently notified of its "strong opposition" to any such plan. In an Aug. 6 letter to DOE, IAGC Chairman Louis Schneider Jr. described 3-D as a "mature technological" that is already used widely by industry and does not require federal support in order to be improved.

Moreover, Schneider maintained, the more work the national labs do in seismic technology for the oil and gas industry, the less there will be for geophysical businesses and other members of the Houston-based organization.

Mr. BRADLEY. I would like to quote from that article. It says: "The International Association of Geophysical Contractors recently notified its 'strong opposition' to any such plan." That was referring to the plan under consideration. Quoting further:

In an August 6 letter to DOE, IAGC Chairman Louis Schneider described 3-D as a "mature technology" that is already used widely by industry and does not require Federal support in order to be improved.

Moreover, Schneider maintained, the more work the national labs do in seismic technology for the oil and gas industry, the less there will be for geophysical businesses and other members of the Houston-based organization.

So, Mr. President, there was strong and clear opposition to the kind of research in 3-D seismic technologies that was proposed initially.

Mr. President, I have here a *Christian Science Monitor* article of June 20, 1994, which I ask unanimous consent to have printed in the RECORD.

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

LOOKING FOR OIL

(By Scott Pendleton)

SAN ANTONIO.—Pink blobs surrounded by blue swirls—the rendition might appear to be nothing more than abstract art. But it's actually an image of the earth beneath 13,500 acres of South Texas ranch land, as mapped using three-dimensional seismic technology.

To Steve Gose, it's a treasure map of unprecedented precision, showing previously undetectable natural-gas fields waiting to be drilled.

"I've never seen anything that good [from geophysical data]," he cheers. Mr. Gose is chairman of The Exploration Company, a small San Antonio natural-gas concern that holds an exploration lease on that and other nearby land totaling 50,000 acres.

That acreage is typical of the United States: It has been picked over by oil companies for six decades or longer. In the US, the most heavily drilled country in the world, most remaining undiscovered fields are small and costly to find.

Hundreds of thousands of jobs were lost in the oil industry when the price of oil collapsed in the 1980s from more than \$30 a barrel to less than \$10. Companies could no longer expect to recover their high exploration costs, and domestic exploration slowed dramatically. Gose lost his own \$500 million fortune in the crash.

Now, by giving oil companies a way to lower their costs, 3-D seismic imaging and

other relatively new technologies, such as horizontal drilling, are making it economically feasible for oil companies to explore the US again.

"Obviously, I'd like oil to be \$35 a barrel," says William Wilbert, an independent oilman in San Antonio. "But I'm not an idiot. I know that was a way-inflated price. To make a long story short, I can make money at \$15 a barrel." Spot market prices rose last week to more than \$19 a barrel, the highest price in more than a year.

Seismic data are acquired by sending vibrations into the ground and then recording them as they bounce back from the tops of different rock layers. A geophysicist can interpret the processed data and produce a contour map of the subsurface, showing rock formations that might contain oil and gas. He can also map seismic attributes that may indicate the presence of hydrocarbons.

In 3-D seismic studies, the data are collected on a much finer grid than ordinary 2-D seismic surveys and yield an image with far better resolution. Three-dimensional seismic imaging has been used for more than 15 years by large oil companies hunting for big discoveries in coastal waters and onshore.

The results are impressive. When Exxon Corporation examined its exploration efforts for the Gulf of Mexico between 1987 and 1992, it found that 43 percent of the wells drilled based on two-dimensional data had encountered hydrocarbons, while wells that were based on 3-D data had a 70 percent success rate.

Sharp declines in the cost of computers to compile the data from 3-D seismic surveys and the improvement in 3-D software have allowed small firms like The Exploration Company to take advantage of 3-D technology to pinpoint reserves that previously only larger companies would have had the resources to extract. Three-dimensional surveys collect far more data than 2-D surveys; the effective spacing of seismic lines may be very small—only 110 feet, rather than more than ¼ mile in 2-D seismic studies.

Since 87 percent of oil and gas discovery wells in the US are drilled by small companies, the growing use of 3-D seismic technology means more domestic oil and gas will be found even as the number of costly, unproductive wells, or "dry holes" will decline, trends that industry data show are already under way.

"In the last year, there has been an absolute explosion" of interest in 3-D seismic imaging by independent companies, says Linda Ewing, a San Antonio geophysicist who owns Frontera Exploration Consultants. Mrs. Ewing interprets 3-D seismic data, turning out finely detailed maps of the subsurface.

"Three-D is expensive, but a dry hole is much more expensive," she adds. "If you save yourself from one bad [drilling] location, you've paid for four [3-D] surveys."

Barry Brooner, president of the South Texas Geological Society in San Antonio, recalls a demonstration of 3-D seismic imaging to his members last year. The technique revealed a buried stream channel filled with sand far below the surface of the land, the kind of geologic structure that can contain natural gas.

Normal seismic studies can spot subsurface details as small as 25 feet thick, Mr. Brooner says. But this channel was only 10 feet thick.

"The audience was pretty stunned," he says. "Everybody became believers at that point."

Adds Mr. Wilbert: "Just about everybody who's drilled a well in the last year has used 3-D."

As valuable as 3-D seismic technology can be, it isn't always cost effective. "If my target is never going to pay off a \$500,000 3-D survey, there's no application," Brooner says. Adds Ewing: "On a shallow well [costing] \$60,000, you might as well just go drill the well."

One additional advantage of 3-D seismic data is that investors like it, notes David Coover, an independent oilman in Corpus Christi, Texas. If two companies are trying to raise money for drilling, investors will buy into the deal that is based on 3-D, he has found.

The results obtained for The Exploration Company illustrate the technology's benefits. Five years ago, the company acquired exploration leases on the 33,000-acre Paloma Ranch and the 17,000-acre Kincaid Ranch in Maverick County, which borders Mexico.

Gose was interested in the Pearsall rock formation, which contains high-pressure gas underneath and entire lease. But the geological formation is broken into compartments by fractures in the rock. Poor permeability between compartments prevents a vertical well from recovering a profitable amount of gas.

His plan was to try to link multiple compartments with a horizontal well, greatly boosting the production potential relative to the cost of the well. However, the drilling fluid used in the initial well was too heavy and choked the rock pores, preventing production. The company will try again later.

Meanwhile, a geophysicist had drawn the company's attention to a seismic phenomenon related to the shallower Glen Rose rock layer. Since the 1930s, oil companies drilling into it had occasionally found gas when they penetrated ancient coral reefs. Since both the reef and the surrounding rock are limestone, it is difficult for seismic data to indicate where the reefs are. But the geophysicist pointed out what appeared to be a signature in the seismic data that correlates with the high-porosity characteristic of reefs. A test confirmed his hunch.

Suddenly, the company could see the ancient reefs, structures which on adjacent acreage had produced 45 billion cubic feet of natural gas. However, it was still necessary to spot the highest point of the reef. Otherwise a well might penetrate at a lower point and find water, which usually lies below the gas.

In the lease acreage, the rock layers tend to tilt to the south, making the north end the likely high point of a hydrocarbon reservoir, says Robert Scott, the geologist who works with The Exploration Company on the Maverick County leases. That made it important to know the shape and extent of a potential field.

Last December and January, The Exploration Company commissioned a 3-D survey for \$500,000. Ewing at Frontera Exploration Consultants interpreted the data and produced the color map, with pink representing dozens of areas of high porosity—the reefs. "It looks like the Bahamas," Gose says.

When Scott saw the map, he raised his arms in triumph. "You can see why the early people out here randomly drilling had such poor success," Scott says.

Notwithstanding the rattlesnakes just emerging from their winter nests, last spring The Exploration Company and a partner paid \$400,000 to drill a well based on the 3-D map. They were rewarded with a potential 44 million cubic feet per day, confirming the 3-D seismic map.

"If you believe what that seismic [map] shows, we've got dozens of locations [to

drill]," Gose says. The company has already picked 35 drill sites. Now it must raise drilling money from outside investors. [See story, right.]

The income from the recent discovery well, Gose explains, will not be enough to finance additional wells as fast as he'd like to drill. To prevent reservoir damage and maximize production, the company plans to limit the well to 2 million cubic feet per day. But production so far has been limited to half that because of the small size of another company's pipeline that gathers the gas from the well. That means it will take up to 300 days of production just to recover the money spent drilling the well.

Meanwhile, Ewing has pointed out to Gose that the 3-D survey indicates another potentially gas-bearing zone that was previously unknown, lying below the Pearsall. And a shallow zone, the Georgetown, is proving productive over the entire lease.

"It's not spectacular, but it's good bread and butter. We'll probably drill several hundred of those before we're through," Gose says.

Mr. BRADLEY. It says clearly: "Just about everybody who's drilled a well in the last year has used 3-D."

So you have opposition from the oil and gas service industry. You have an investment in research in a technology that is already mature and that is widely used by the oil and gas industry. And so some red lights went off for the proponents of investing heavily in 3-D seismic technologies. They recognized they could not successfully push a proposal that was confined only to 3-D seismic.

And so, what did they do? They broadened the proposal at that point, and they broadened the proposal by making it more ambiguous.

For example, there was a public hearing in Ohio at the end of this past June. There, it was clear that the initiative will be used to address any type of oil and gas production problems, computational or engineering; in other words, the kitchen sink.

Many of the problems identified at the workshop are problems currently being addressed in the DOE and the GRI programs, the Gas Research Institute programs. Such things as nationally fractured reservoirs, reservoir characterization, directional drilling, some of the things the distinguished Senator from Oklahoma enumerated. They are already being pursued not only in the private sector but in existing Federal research.

So, Mr. President, what is clear is that the original proposal, which was initially criticized by the oil and gas services industry and supported what was acknowledged to already be a mature technology and widely used by the industry as a whole, was set aside and a much more ambiguous, wide-ranging set of goals and possible ways to spend the money were put in the language of the bill.

I can appreciate those who are strong supporters of the national labs wanting an additional \$40 million to come into the labs for producing programs that

will yield customer satisfaction on the part of the oil and gas industry. But it is a very ambiguous concept.

It would be better, however, if we had a very clear idea of what the money was going to be spent on. I think the national labs are a national resource. I think it is important that they do research. I think it is even important that we give them some money to do research in this field—there already is \$30 million in the Energy and Water appropriations bill—just not another \$10 million in this Interior appropriation.

And that then brings us to the point of the majors versus the small independents. As the distinguished Senator from Oklahoma has said, the majors have been doing this kind of drilling for a long time to mature technology. They have also been using computers in a very sophisticated way.

But then they get to the point of cost share. I would argue that the majors might be able to cost share, but the only way the small independent would be able to cost share is if we blurred the definition of what cost sharing means. And indeed that is what has happened in this amendment.

The DOE document states:

The overall average cost is targeted at 50 percent. However, most projects have had in-kind cost participation. That is where DOE funds a national laboratory university for its efforts on a project, and industry covers its cost of staff, data, facilities, and wells.

In other words, for a small producer to qualify for a cost sharing, all he has to do is to continue to do what he would do anyway.

I think the ambiguity of the program generally, combined with the extreme ambiguity and generosity on what consists as a cost share, basically says that this program is simply meant to, on the one hand, enhance the efforts of the national lab and, on the other hand, act as a direct gift to the oil and gas industry.

Mr. President, in times where we have tight budgets, in times where people stand on this floor and make arguments about cutting spending to education and cutting spending to children and cutting spending on the environment, to come to the floor and say that we need to have more spending on top of the \$2 billion that we already give the oil and gas industry through tax subsidies for some vaguely worded research program at the national labs where there is no strong cost share portion, I think is a big mistake.

I hope that we would just pare it back a little. I was respectful enough of the Senators involved and also the national labs not to seek to eliminate the program, but to just pare back \$10 million.

I hope that we could find it within the Senate's reach to understand that reducing something by a marginal amount sends a powerful signal that we are willing to cut some spending. Re-

fusing to do so simply means that we are in the old game of putting some money in this appropriations bill, some money in that appropriations bill, like roads converging on a city from many different directions. And in this case, the city is the national labs getting money from this road and then that road and another road.

I believe that it is very important that we cut spending, cut the oil and gas spending in this bill, with this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I rise in opposition to the amendment offered by the Senator from New Jersey. Senator BRADLEY's amendment would eliminate funding recommended by the committee in this bill for the Administration's Advanced Computational Technology Initiative [ACTI].

The Department of Energy included a total of \$50 million for the Advanced Computational Technology Initiative in its fiscal year 1995 budget request to the Congress, \$30 million of which is included in the Senate version of H.R. 4506, the fiscal year 1995 Energy and Water Development appropriations bill, which passed the Senate on June 30 and is now in conference with the House. Because of budget constraints and significant increases requested in other program areas within the Interior bill, the committee was able to include only \$9,670,000 of the \$20 million proposed by the Department in fiscal year 1995 for the Advanced Computational Initiative. The committee has, therefore, already reduced the Department's request for this initiative by approximately one-half.

Mr. President, the Advanced Computational Technology Initiative is designed to develop, enhance, and apply advanced exploration and production technologies available through the National Laboratories to help natural gas and oil producers lower exploration, development, and processing costs. Specifically, this initiative would utilize the supercomputing capabilities and advanced mathematics applications developed by the National Labs for weapons research to perform three-dimensional seismic processing and reservoir modeling and simulation needed to lower the costs and improve the efficiency of oil and gas reservoir management.

Mr. President, I believe this is an important initiative. After suffering through two major oil embargoes and a war in the Persian Gulf, this Nation continues to depend on foreign sources to meet 44 percent of our daily energy requirements. The Energy Information Administration [EIA] estimates that the United States currently produces

8.6 million barrels of oil a day and the EIA projects that U.S. production will decrease to 7 million barrels a day by the end of this decade. The Energy Information Administration also predicts that imports of oil to the United States will rise to 56 percent of our daily energy requirements by the year 2000 and continue increasing to 60 percent of our daily requirements by the year 2010.

Mr. President, this Nation is losing its ability to produce oil and natural gas. Historically, the United States has relied on major oil companies to explore for and produce our domestic supplies of oil and natural gas. During the past decade, however, we have witnessed a massive exodus of these companies to offshore sources for energy production. Independent oil and gas producers now drill 85 percent of the wells in the United States and account for 64 percent of gas production and 49 percent of oil production. But, the number of domestic oil and gas producers is declining. Rig counts have gone from 3,970 structures in 1981 to 768 rigs operating today. In 1981, there were 681 geophysical crews working in the United States. Today, there are 87 geophysical crews working in the United States.

In a mature producing region like the United States, advanced technologies are critical for the continued development of our energy resources. As we become increasingly dependent on the smaller independent oil and gas producers, we must recognize that the ability of these producers to invest in the necessary research and development of advanced technologies that will enable independents to find and produce oil and gas reserves is limited.

The Department's proposed Advanced Computational Initiative will allow the National Laboratories to enter into partnerships with independent oil and gas producers—on a 50-50 cost-shared basis—so that the small producer can gain access to the data and technologies that will enable the small producer to manage more effectively existing reservoirs and find new reserves.

Mr. President, I indicated earlier that budget constraints limited the committee's recommendation for this initiative. But, let me be clear: I support this initiative. As a result, I oppose the amendment offered by the Senator from New Jersey. At the appropriate time, I will move to table this amendment.

I know that there are other Senators who perhaps would like to speak in opposition to this amendment.

I thank Senator BINGAMAN and the distinguished Senator from Oklahoma for their remarks and I will, therefore, yield the floor at this time so any other Senators may be heard on this amendment.

Mr. BRADLEY. Mr. President, I just make a few concluding comments. Then if the distinguished chairman

would like, I am prepared to yield back the remainder of my time until the vote.

Let me just make two final points. One is that the ACTI Program has been referred to primarily as a technology transfer activity—transferring technology from the national labs to the oil and gas industry. I think the fact is that the initiative goes far beyond the idea of technology transfer.

It is one thing to make generally available to an industry, analysis that stems from either Federal science or from defense initiative research. That is a technology transfer. You are going to do this work anyway and as a by-product of the work, certain things are learned and you agree to share them with the American industry affected that could benefit from this technology that you have stumbled onto in the course of your defense research. You have found out the nondefense uses. It is another thing entirely to do customized, essentially commercial collaborative research with a single firm or group of firms—the customer in this case—especially where the firm or firms can retain proprietary rights over the joint product. The latter, not the former, is the more accurate description of ACTI.

So this is not technology transfer. This is a direct effort to subsidize a particular industry, giving \$10 million of taxpayer money to this industry which is already heavily invested in research.

One last thought. The proponents will assert that there is an extraordinary industry interest and excitement about the program. I do not think there is anything extraordinary about it. You can gin up very strong indications of industry support for just about any or all programs in which a particular industry is going to get money. Of course, everybody is for it if they are going to give money. That is what this program is all about. But I think the chairman of the committee made a very interesting point when he commented about the Interior appropriations bill. He has run a very tight ship. Virtually every program in this Interior appropriations bill—I will not say all, but virtually all; many, many of them—have been cut in this appropriations bill.

He has demonstrated great fiscal restraint and said we have to spend less. He has told petitioner after petitioner, "Sorry, you're going to have to use less money, not more money."

But that is not the case with this program. Last year, this program was \$7 million. In this bill, combined with the energy and water bill, it goes to \$40 million, nearly a 500-percent increase in 1 year in this program. This runs contrary to the whole effort of the bill to cut back on spending.

Program after program has been told, "Sorry, you're going to have to take

less this year." "Sorry, you want 10, you get 7"—cutting back, cutting back, cutting back. And along comes this program, and it gets nearly a 500-percent increase in 1 year.

All I am saying, Mr. President, is let us only increase it 350 percent, not 500 percent. I think that that is a modest suggestion, a modest effort to say let us actually cut some spending; let us not just give speeches about cutting spending, but let us cut spending; let us treat this program as we have treated other programs that have sustained cuts in times of budgetary stringency.

So, Mr. President, it is a very simple argument. And it is asking the American taxpayers: Where do you want to have this \$10 million spent? Do you want to save it and reduce the deficit? Or do you want the \$10 million to go into the coffers of the national labs for customized research for an oil and gas industry that is already spending millions and millions on research, with only a very vague definition of what research it could be spent on? It is a waste of money.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, I thank the distinguished Senator from New Jersey, and I thank Senator NICKLES and all Senators who have participated. I am prepared to yield back my time. But before I do, I ask unanimous consent that I may make the motion to table but that the vote thereon occur at 2 o'clock p.m. today.

The PRESIDING OFFICER. Is there objection?

Mr. BRADLEY. Reserving the right to object, is there any chance the distinguished chairman of the committee can make the motion to table either earlier or later than 2 o'clock?

Mr. BYRD. The Senate reconvenes at 2 o'clock p.m., and I was hoping we would have a vote at 2 o'clock p.m. on the motion to table.

Mr. BRADLEY. I have no objection.

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

Mr. BYRD. Mr. President, I move to table the amendment and ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. All time has been yielded back, Mr. President?

The PRESIDING OFFICER. The Senator is correct; all time has expired.

Mr. BYRD. Mr. President, it is my hope that during the interval, when the House and Senate meet in a joint meeting, our staffs on both sides may be able to work through some of the amendments. It may be possible that we could find ourselves agreeing on some of the amendments, and that upon our return this afternoon to session and following the vote that has been ordered on the motion to table

the Bradley amendment, we could move through some of those amendments quickly.

Would the distinguished Senator from Oklahoma care to respond?

Mr. NICKLES. Mr. President, I concur with the chairman of the committee. We have about 60 amendments that are on the list, but many of them I do not expect to be called up. Senator HELMS has notified us he will not be calling up his amendment. We can strike that amendment. There may be other amendments reserved in case he was successful with his amendment.

I also urge our colleagues that if they intend to offer their amendments to notify us so we can work with them and possibly accept them, if possible, and if not, schedule them for debate and votes and, hopefully, be able to bring this longer list down into something we can get a handle on and possibly finish the bill later today.

Mr. BYRD. Mr. President, I thank my friend.

Mr. President, then, in accordance with the indications that have been made by my colleague on the other side of the aisle, I ask unanimous consent that the amendments that are shown on the list as being authored by Senator HELMS be stricken from the list.

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

Mr. BYRD. Mr. President, I hope that we will go late in the effort to complete action on this bill. Other than this bill, there are still waiting in the wings the VA-HUD appropriations bill, the Labor, Health and Human Services appropriations bill. The Defense appropriations bill will be marked up in full committee tomorrow. I believe that will complete the list.

I am also advised that the amendment on the list, which was expected to be offered by Senator FEINSTEIN, will not be offered. I ask unanimous consent that that amendment be stricken from the list.

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

Mr. BYRD. Mr. President, I ask unanimous consent that the pending amendment be set aside and I may offer an amendment at this time.

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

#### AMENDMENT NO. 2402

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 2402.

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

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

The amendment is as follows:

At the appropriate place in the bill, insert:  
 "Provided further, That funds provided pursuant to this authority may not exceed \$10,000 per employee."

Mr. BYRD. Mr. President, the purpose of this amendment is to provide a cap on the amount of funds which may be provided for the payment of burial costs and related out-of-pocket expenses. Authority for the use of funds for such purposes was approved by the Senate yesterday. This amendment would modify that language to provide a cap of \$10,000 for employee.

Mr. DOMENICI. Mr. President, I would like to take a few moments to express my thanks to the chairman for his amendment providing for the burial expenses for those brave firefighters who lost their lives protecting this Nation's natural resources. It is indeed a tragedy that such people should be taken from us in this manner, and we will always remember them for their service to our country. Although we cannot possibly repay the families for the loss of a loved one, I think that it is fitting that we provide for expenses incurred during this difficult time.

The Senate recently passed a resolution in the memory of those who lost their lives in nearby Glenwood Springs, CO. I joined Senator BINGAMAN in co-sponsoring a similar resolution in memory of the three men who died in a helicopter crash near Silver City, NM, and the Senate agreed to this resolution just last night. It is my hope that we can draw from these tragedies the resolve to ensure that we have done all that we can do, to maintain our Federal lands in such a manner that the risks of future catastrophic fires are minimized.

I am certain that my Senate colleagues will join me to do whatever is possible to avoid further disasters of this nature.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment offered by the Senator from West Virginia.

So the amendment (No. 2402) was agreed to.

MOUNT ST. HELENS NATIONAL VOLCANIC MONUMENT

Mrs. MURRAY. Mr. President, yesterday I offered an amendment to shift resources within the bill to ensure that an ongoing project in my State is completed as intended. I am pleased it has been adopted.

The committee bill provides roughly \$4.2 million for completion of the Johnston Ridge Observatory and associated roads at Mount St. Helens National Volcanic Monument. The problem we have is technical; of the funds provided for this project, there is too much money in the roads account and not enough in the facilities account.

All my amendment does is shift some funds into the facilities account from the roads account to ensure the observ-

atory itself is completed. Otherwise, come next spring, tourists visiting the monument will have a very nice road to drive on, but no observatory from which to view the volcano.

I would like to emphasize that my amendment does not add any funds to this project. Nor does it cut any funds from any other project in the bill. It simply reallocates between two accounts resources already in the bill for this project.

Mr. President, I have a letter from the Forest Service which affirms the need for this change. I ask unanimous consent that it appear in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mrs. MURRAY. During the July 4 recess, I had an opportunity to visit the monument with my husband, my daughter, and her friend from northern Virginia. Believe me, she was as impressed by the volcano as I was by the amount of work the Forest Service, the State, and the county have done in turning this area into a world class recreational destination and geological research facility.

The funds in this bill, if properly allocated, will allow the Johnston Ridge Observatory—named for the geologist who perished in the eruption—to be completed.

EXHIBIT 1

U.S. DEPARTMENT OF AGRICULTURE,  
 FOREST SERVICE,  
 Vancouver, WA, July 12, 1994.

Hon. PATTY MURRAY,  
 Dirksen Building, Washington, DC.  
 Attn: Rick Ilgenfritz

DEAR SENATOR MURRAY: I am responding to a phone call from Mr. Rick Ilgenfritz, of your office, to Mr. Larry Seekins, our Public Services Staff Officer. Mr. Ilgenfritz's question was, "If a total of \$4.2 million was made available in 1995 for the Mount St. Helens Coldwater/Johnston Project, how would you split the funds between Recreation Facilities and Roads?"

Here is our recommendation:

Recreation Facilities Construction (CNRF) .....	\$2,400,000
Recreation Roads Construction (CNRF) .....	1,800,000
Total .....	4,200,000

This would complete the Johnston Ridge Observatory. However, there would still be a need of \$1 million to complete the planned viewpoints along SR 504 between Coldwater Ridge Visitor Center and Johnston Ridge Observatory. Also, \$3.8 million would still be needed to complete the Administrative Facilities at Chelatchie Prairie and Pine Creek. And an additional \$900,000 would be needed in 1996 for contract administration.

We will be glad to answer any other questions you may have.

Sincerely,

TED C. STUBBLEFIELD,  
 Forest Supervisor.

Mr. BYRD. Mr. President, that seems to be about all we can do as of now.

I ask unanimous consent that an amendment by Mr. BOND be removed from the list.

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

Mr. BYRD. I hoped we might do more, but this seems to be about all we can do at this time.

Mr. DOMENICI. Mr. President, I wonder if I might take a minute to make a comment on the Bradley amendment.

Mr. BYRD. Yes, indeed, I yield the floor.

Mr. DOMENICI addressed the Chair. The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, the Advanced Computational Technology Initiative is the Clinton administration's \$50 million proposal to assist the domestic oil and gas industry. The program is an expansion of the Enhanced Oil Recovery Technology Partnership I helped start.

The ACTI Program will consist of collaborative computational projects undertaken by the national laboratories and industry participants. Universities and other research institutes can also participate.

Topical areas initially identified by the ACTI Program include reservoir and geologic modeling reservoir characterization; geophysical imaging—2-D and 3-D seismic data acquisition and interpretation; and information science networking, data storage, high speed input and output.

Projects will be funded by DOE and leveraged by industry cost-sharing—average 50 percent. Cost participation includes both cash and in-kind contribution to assist smaller businesses.

The United States consumes approximately 17.2 million barrels of oil per day. Of that, 8.6 million is produced domestically and 8.5 million is imported.

That is a higher percentage than at any time since the early 1970's when the United States was subject to the Arab oil embargo.

The majors are no longer exploring extensively for oil and gas in the continental United States. Where U.S. oil and gas reserves exist in large enough quantities to interest the majors; in places like the outer continental shelf and off the coast of Alaska, Federal regulations, or the threat of drilling bans, has forced the majors out.

As the majors move their research and exploration activities overseas, they leave behind independents to squeeze what remains out of mature U.S. fields. Independents now drill 85 percent of the wells in the United States.

Unfortunately, the independents are the least able to afford enhanced recovery technology needed to exploit what remains. As a result, the Energy Information Agency estimates that by the year 2000 imports will rise to 56 percent and to 60 percent by the year 2010.

There were 3,970 rigs in place in the United States in 1981. That number has fallen to 768 today. However, more threatening for the long term is that,

with the reduction in drilling rigs, has come a significant drop in the number of geophysical crews seeking new finds.

ACTI is an effort to provide resources that otherwise simply would not be available to a small independent—maybe not even to the majors.

Our national laboratories such as Sandia and Los Alamos have significant resources with applications to the oil and gas industry.

As an example, the Enhanced Oil Recovery Partnership which serves as the basis for ACTI has pioneered the use of horizontal radar to provide down-hole imaging for drillers. The geophysical expertise at the labs developed from years of conducting underground tests at the Nevada test site is directly applicable to advanced reservoir management. Finally, the computer capabilities at the labs can process seismic data in ways never before available to the oil and gas industry.

For example, supercomputers can provide 3-dimensional models of reservoirs so that drillers know precisely where to drill wells and in which direction to direct horizontal bore holes.

Using these capabilities, independents will be able to drill fewer wells but increase production and continue production from existing marginal wells. That results in benefits for the environment and reduce our dependence on imported oil.

Mr. President, I was not here during the debate on the Bradley amendment, which amendment would strike \$10 million that the Appropriations Committee put in this bill to use advanced computer technology to help energy companies, in particular small and medium-sized petroleum producers in this country, to use the computational skills and other techniques that are available through our national laboratories.

Frankly, I think this is one of the most exciting programs we have. It is a real partnership in the exchange of technology to the betterment of many of our small and medium-sized companies that are trying desperately to compete in the world market in the production of oil and gas.

Obviously, this program started a few years ago as a very small seed. The reason I know that is because during the Bush administration, the Secretary of Energy actually set aside a very small amount of money to start a technology transfer activity between energy-producing companies, those that drill wells and try to keep the oil and gas coming out of the ground. It was eminently successful. And from it, this President recommended \$20 million for the program, for which our Appropriations Committee gave the Energy Department \$10 million.

I have discussed the effectiveness of this program and how much more effective it will be if the \$10 million appropriated by this committee is put to

work through the national laboratories with independent and medium-sized petroleum production companies. Obviously, they must put up a big share of money. It is not a gift. It is a matching program using our technology, our expertise in the laboratories, especially computer availability, to enhance our competitiveness in the production of oil and gas. It is a good thing. If we have an Energy Department, we ought to use it for this kind of thing. If we have big laboratories with big computer capacity that is devoted to energy and nuclear activities, they ought to be used for this kind of thing. I hope the Bradley amendment is defeated.

I thank the Senator for yielding.

Mr. BYRD. Mr. President, I thank the distinguished Senator from New Mexico for his statement. I join with him in hoping the Bradley amendment will be tabled.

Meanwhile, Mr. President:

We cannot but obey  
The powers above us. Could I rage and roar  
As doth the sea . . . yet the end  
Must be as 'tis.

Therefore,

until our stars that frown lend us a smile.

I will desist and await future events.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### AMENDMENT NO. 2403

(Purpose: To provide for costs associated with certain timber sales)

Mr. BYRD. Mr. President, I send to the desk an amendment on behalf of Mr. WOFFORD and Mr. COCHRAN, and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside, and the clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mr. WOFFORD (for himself and Mr. COCHRAN), proposes an amendment numbered 2403.

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

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

The amendment is as follows:

On page 61, line 3, insert the following new paragraph:

The Secretary of Agriculture is authorized to utilize \$10,600,000 taken from the fiscal year 1995 appropriated National Forest System account to provide for all costs necessary to prepare, offer and administer completely timber sales other than those funded by the regular fiscal year 1995 timber sales program in regions 2, 3, 8, and 9 with a contract term not to exceed 1 year: *Provided:*

That the Secretary of Agriculture shall execute the contracts funded with this authority so that these funds are offset fully in the same fiscal year by increased receipts net of payments to States, and that an amount not to exceed \$10,600,000 is returned by the Secretary to the account from which the funds were drawn: *Provided further,* That any such sales shall comply with all applicable laws and regulations: *Provided further,* That transfer of purchaser credits shall not be used in payment for timber sold under this initiative: *Provided further,* That no timber sales authorized under this section shall substitute for timber sales that would otherwise generate receipts contributing to the Congressional Budget Office February 1994 Timber Receipt Baseline for fiscal year 1995: *Provided further,* That funds shall be returned to the account and available for spending as offsetting collections only if and to the extent that total National Forest Fund timber receipts of the Forest Service (excluding amounts for deposit funds) in fiscal year 1995 exceed \$420 million: *Provided further,* That funds provided under this authority remain available to the Secretary until expended.

Mr. BYRD. Mr. President, I ask unanimous consent that the amendment be agreed to, that the motion to reconsider be laid on the table, and that any statements in explanation thereof be included in the RECORD as if read.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Mr. President, we have reviewed the amendment. We have no objection.

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

Mr. WOFFORD. Mr. President, on behalf of Senator COCHRAN and myself, I offer this amendment which will help protect the jobs of thousands of people who depend on the national forests for their livelihoods.

In northwestern Pennsylvania, these families and the communities they live in depend on the Allegheny National Forest for work and revenue. According to a study by the University of Pittsburgh at Bradford, almost 42 percent of the jobs in the area are linked to timber. A nearly 50-percent decrease in the Forest Service timber sales program for 1995 compared to 1994, will affect every citizen in Warren, Elk, Forest, and McKean Counties. The Allegheny National Forest is the economic foundation of the region. And we all know what happens to a house when it has a weak foundation.

The amendment Senator COCHRAN and I are offering will allow the timber sale program of the Allegheny National Forest to operate at 1994 projected levels. The amendment gives the Forest Service \$10,600,000 to make timber sales in regions 2, 3, 8, and 9 of the Forest Service, with a contract term not to exceed 1 year. Region 8 includes Pennsylvania.

The \$10.6 million will not add to the deficit. It will be offset fully in the same fiscal year through increasing timber sales.

The Allegheny National Forest is the most profitable hardwood forest in the

United States. Among its wealth of different tree species, the most valuable is black cherry, a wood prized by manufacturers of solid lumber and veneer, and by their customers in the furniture, plywood, and architectural woodworking industries worldwide.

This amendment will help keep hardwood lumber, veneer, particleboard, and papermills running throughout the Northeast, Appalachia, and the Midwest, where they are the economic backbone of many rural communities. And it will keep thousands of hard-working men and women on the job.

Revenue from timber sales is critical for local communities in northwestern Pennsylvania. Under the Twenty-Five Percent Fund Act of 1908, 25 percent of gross receipts from Forest Service timber sales are returned to local governments to be used primarily for roads and schools. Last year nearly \$4.5 million was returned to these rural communities to help educate our young people and maintain roads. I have heard the concerns of school superintendents, teachers, and parents who worry that a huge loss of funds would mean that children's education will suffer.

Entire communities have been moved to action because of this proposed cutback in timber sales. School superintendents, business people, workers, and county commissioners all have been meeting with my staff, calling and writing to show their concern and frustration over the proposed cutbacks.

Mr. President, the real issue of the Allegheny National Forest isn't about numbers or percentages, it's about people's lives. It is about their jobs, their children's education, and their future. So I urge my colleagues to support this important amendment.

Mr. SPECTER. Mr. President, I would like to add my name as a cosponsor to legislation offered today by my colleague, the Senator from Pennsylvania [Mr. WOFFORD], and the Senator from Mississippi [Mr. COCHRAN]. This legislation would authorize the Secretary of Agriculture to transfer up to \$10,600,000 in funds from the National Forest System account to provide for timber sales costs not funded by the fiscal year 1995 timber sales program in regions 2,3,8, and 9, which includes Pennsylvania.

The administration's proposed 50 percent reduction in the Allegheny National Forest [ANF] timber sale budget would reduce the available timber from last year's level of 62 million board feet to 35 million board feet in fiscal year 1995. I find such a reduction in the allowable timber harvest of one of the most fiscally and environmentally well-managed national forests in the country disturbing. Lower ANF timber sales will reduce revenues to the U.S. Government and potentially lead to the overforestation of private lands. In addition to the impact that the pro-

posed reduction would have on 5,540 regional jobs directly related to the industry, local jurisdictions would experience substantial budget shortfalls. Twenty-five percent of gross timber sale revenue is currently used for education and road maintenance. Last year, ANF regional governments located in Elk, Forest, McKean, and Warren Counties received approximately \$4.6 in revenue from timber sales.

The most important aspect of the ANF, however, is the fact that it is an above-cost forest. In other words, the revenues received from forest timber sales exceed the cost of conducting the timber program. After deducting timber program expenses and returning \$4.5 million in payments to local governments, the ANF returned \$9 million in net receipts to the U.S. Treasury last year. A reduction in the ANF timber sale budget would actually result in an increased loss of revenue for the Federal Government.

I believe that in allocating resources to national forests for timber sales management, there is a need for regional forest service personnel to give preference to those national forests whose revenues from timber sales outweigh the costs of their timber programs. Future proposals concerning reductions in appropriations for timber sales management should be allocated on the basis of a below costs determination as opposed to reducing the budgets of forests such as the Allegheny that are classified as above-costs forests.

Accordingly, I urge my colleagues to support this amendment to ensure sound environmental management practices that benefit both northwestern Pennsylvania and the Federal Government are maintained.

The amendment (No. 2403) was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### ORDER OF PROCEDURE

Mr. EXON. Mr. President, I ask unanimous consent that I be allowed to proceed as if in morning business for no more than 1 minute.

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

The Senator from Nebraska [Mr. EXON] is recognized.

Mr. EXON. I thank the Chair.

(The remarks of Mr. EXON pertaining to the submission of amendment No. 2404 are located in today's RECORD under "Amendments Submitted.")

JOINT MEETING OF THE TWO HOUSES—ADDRESS BY THE KING OF THE HASHEMITE KINGDOM OF JORDAN, KING HUSSEIN I; AND, BY THE PRIME MINISTER OF THE STATE OF ISRAEL, PRIME MINISTER YITZHAK RABIN

#### RECESS

The PRESIDING OFFICER. The Senate will now stand in recess until the hour of 2 p.m.

Thereupon, the Senate, at 10:33 a.m., recessed until 1:58 p.m., and the Senate, preceded by the Secretary of the Senate, Ms. Martha Pope; the Deputy Sergeant at Arms, Robert A. Bean, and the Vice President of the United States, proceeded to the Hall of the House of Representatives to hear the addresses by King Hussein I of the Hashemite Kingdom of Jordan, and by Prime Minister Yitzhak Rabin of Israel.

(The addresses, delivered by the King of Jordan and the Prime Minister of Israel, are printed in the Proceedings of the House of Representatives in today's RECORD.)

At 1:58 p.m., the Senate having returned to its Chamber, reassembled, and was called to order by the Presiding Officer (Mr. KERREY).

#### DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

The Senate resumed consideration of the bill.

#### AMENDMENT NO. 2401

Mr. BYRD. Mr. President, I move to table the pending amendment.

The PRESIDING OFFICER. The question occurs on a motion to table amendment No. 2401 offered by the Senator from New Jersey.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll. The PRESIDING OFFICER (Mr. MATHEWS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 63, nays 37, as follows:

[Rollcall Vote No. 232 Leg.]

#### YEAS—63

Akaka	Dorgan	Kassebaum
Bennett	Exon	Kempthorne
Bingaman	Faircloth	Kennedy
Bond	Feinstein	Levin
Boren	Ford	Lott
Boxer	Gorton	Lugar
Breaux	Graham	McConnell
Bumpers	Gramm	Mikulski
Burns	Grassley	Moseley-Braun
Byrd	Harkin	Moynihan
Cochran	Hatch	Murkowski
Conrad	Hatfield	Murray
Craig	Heflin	Nickles
D'Amato	Hollings	Nunn
DeConcini	Hutchison	Pell
Dodd	Inouye	Pressler
Dole	Jeffords	Pryor
Domenici	Johnston	Reid

Riegle  
Rockefeller  
Sarbanes

Shelby  
Simon  
Simpson

Stevens  
Thurmond  
Wofford

NAYS—37

Baucus  
Biden  
Bradley  
Brown  
Bryan  
Campbell  
Chafee  
Coats  
Cohen  
Coverdell  
Danforth  
Daschle  
Durenberger

Feingold  
Glenn  
Gregg  
Helms  
Kerrey  
Kerry  
Kohl  
Lautenberg  
Leahy  
Lieberman  
Mack  
Mathews  
McCain

Metzenbaum  
Mitchell  
Packwood  
Robb  
Roth  
Sasser  
Smith  
Specter  
Wallop  
Warner  
Wellstone

So the motion to lay on the table the amendment (No. 2401) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. If I may have the attention of my colleagues.

The PRESIDING OFFICER. The Senator will be in order.

Mr. BYRD. Mr. President, I ask unanimous consent to remove Mr. DORGAN's amendment from the list and also Mr. KEMPTHORNE's amendment from the list.

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

Mr. BYRD. Mr. President, we have 59 amendments remaining on the list. It is our intention to try to finish this bill tonight. The managers on both sides would appreciate it very much if Senators who do not intend to call up an amendment will get in touch with us so we can remove their names from the list. We can then more adequately determine how many amendments really remain to be called up.

The distinguished Senator from Texas [Mrs. HUTCHISON] has an amendment.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 2405

(Purpose: To express the sense of the Senate that the health, safety, and welfare of the people of the Edwards Aquifer region of South Central Texas depend on water from the Edwards Aquifer and that this water supply should not be interrupted)

Mrs. HUTCHISON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Chair would inform the Senator from Texas that the pending question is the committee amendment on page 49, line 12.

Mrs. HUTCHISON. Mr. President, I ask that the pending amendment be set aside.

The PRESIDING OFFICER. The Senator's amendment seems to be drafted to this amendment.

The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] for herself, Mr. LOTT, Mr. SHELBY, Mr. HELMS, and Mr. BURNS, proposes an amendment numbered 2405.

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

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 49, between lines 14 and 15, insert the following new section:

SEC. EDWARDS AQUIFER.

(a) FINDINGS.—The Senate finds that—

(1) in order to avoid a water emergency in South Central Texas, the withdrawal of water from the Edwards Aquifer (designated as a sole source aquifer under title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act") (42 U.S.C. 300f et seq.)) should not be limited without appropriate consideration of the impacts on municipal, agricultural, industrial, and domestic water users;

(2) section 10(a) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)) authorizes the Secretary of the Interior to permit the taking of a threatened or endangered species incidental to an otherwise lawful activity, which may include the withdrawal of water from a sole source aquifer; and

(3) the State of Texas is working, in cooperation with the Department of the Interior and the Department of Justice, to implement the water management plan for the Edwards Aquifer region enacted by the State in 1993.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Secretary of the Interior should take whatever steps are necessary and allowable under law to minimize adverse impacts on users of the Edwards Aquifer while conserving threatened and endangered species, including issuing a permit pursuant to section 10(a) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)); and

(2) nothing in this section should relieve any person from any State or local requirement for—

(A) water conservation or the development of alternative water resources; or

(B) strategies necessary to reduce demand on the Edwards Aquifer.

Mrs. HUTCHISON. Mr. President, not since the Alamo has the city of San Antonio and the surrounding countryside been besieged by so many attackers from a faraway government. A Federal court may soon impose limits on pumping from the sole-source aquifer of the city of San Antonio—our country's tenth largest city—which also affects farmers and ranchers outside of the city, and all through south central Texas, in order to enforce spring flow requirements set by the U.S. Fish and Wildlife Service.

This past week, the Environmental Protection Agency announced new wastewater discharge flow restrictions that would prevent San Antonio from using its water system when spring flows out of the aquifer do not meet the Fish and Wildlife requirements.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mrs. HUTCHISON. Yes, of course.

Mr. BYRD. Mr. President, the amendment offered by the Senator from Texas is a sense-of-the-Senate resolution regarding the water management situation at Edwards Aquifer in Texas. The amendment has been worked out with the Environment and Public Works Committee, which has jurisdiction over the Endangered Species Act. There appears to be no objection to the amendment on this side, and I recommend its approval on this side.

Mrs. HUTCHISON. I thank you, Senator.

Mr. President, if I could ask unanimous consent for about 3 minutes to just state for the record what the problem is.

The PRESIDING OFFICER. The Senator is recognized.

Mrs. HUTCHISON. I thank the gracious Senator from West Virginia.

Mr. President, the State of Texas regional solution to managing water resources, the Edwards Aquifer Authority, remains unable to begin operations to alleviate the crisis because the Department of Justice will not grant it pre-clearance under the Voting Rights Act.

This is a very difficult problem. The city, the 10th largest city in the United States, has a number of very important military bases, that must not be stopped or hampered in any way.

Divine intervention, the last hope of Colonel Travis, has also failed. South central Texas had only 1/20th of its usual summer rainfall this year. Instead of setting new standards of intrusion into local government's affairs, the Federal Government should be sending help. And that is what I am hoping that we will be able to do today.

What we must do, through this sense-of-the-Senate resolution, is say that this is a local and State problem. In fact, Governor Richards has sent a letter to Members of the Senate saying that she does want to be able to handle this at the State level. The mayor of San Antonio is asking for forbearance from the Federal Government, so that they can work with the State to alleviate this problem.

So the time has come for us to step aside. The solution, Mr. President, is at the local level. That is why I ask my colleagues to send the message that we want the State and local Government to be able to handle this. We want the statutory requirements to be met to the fullest extent possible, but, Mr. President, it is also important that people, the economic benefits, and the welfare of all of San Antonio and the surrounding region be considered as part of this equation.

I have worked for the last 2 weeks on this amendment and I could not have come to the floor today without the help of the chairman of the Appropriations Committee, the Senior Senator from West Virginia, and the ranking

minority member of this subcommittee, Mr. NICKLES. The chairman and the ranking member of the Environment and Public Works Committee, Chairman BAUCUS and Senator CHAFEE, have also worked with me to resolve this issue for the relief and benefit of the people of San Antonio and the farmers and ranchers of south Texas, and to maintain environmental standards as best we possibly can without forcing people to go without water.

But this is a crisis in my State. Sometimes we may think that a crisis in our States does not get consideration, but in this instance the chairman and the ranking member did give us that opportunity. I appreciate it very much.

This amendment says that the Senate wants this to be a State and local issue, that we certainly want the city of San Antonio and the farmers and ranchers of that area to have access to the water they need, and most important, that they need to have the time for them to work out a local solution. That is the purpose of this amendment.

For the help of the two Senators of the Appropriations Committee and the two Senators of the Environment and Public Works Committee, the people of San Antonio and south Texas are very grateful.

Thank you, Mr. President.

I ask for the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. NICKLES. Mr. President, first, I wish to congratulate Senator HUTCHISON for her leadership in this amendment and also her willingness to work with us in trying to take care of a very serious problem in the city of San Antonio and south central Texas. There is no question that water is a very vital resource. And when the water supply was put in jeopardy because of an over-stringent application of or interpretation of law, she has called for some remedies, she called for some relief, which I might mention is already in the law.

So I would encourage the Secretary of the Interior to listen to the elected officials and also to local officials, as Senator HUTCHISON has called for. We strongly support this amendment and urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas.

The amendment (No. 2405) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I wonder if I might inquire of the distinguished Senator from Texas as to whether or not she intends to call up a second

amendment which is listed under her name.

Mrs. HUTCHISON. Mr. President, I am working on something right now and I will be able to have an answer for you very shortly.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 49,  
LINE 12

The PRESIDING OFFICER. The pending question is the committee amendment on page 49, line 12.

Mr. MCCAIN. I thank you, Mr. President.

Mr. President, I intend to make a motion to table the committee amendment concerning Ellis Island Bridge. I will be making that tabling motion at the convenience of the managers of the bill and the others who wish to speak on this issue.

As I want to give every Member who is interested in this issue a chance to speak, I will speak on it and by that time I hope to have agreement from the distinguished managers of the bill as to when it would be convenient to make the tabling motion.

Mr. President, I will be making a tabling motion in opposition to the committee amendment which would allow the Park Service to authorize construction of a bridge from New Jersey to Ellis Island National Landmark. The House bill contains language prohibiting the Park Service from studying and permitting this project.

I am concerned about the committee's action to strike this language for two reasons. Park and local officials have expressed their concerns that a permanent bridge to Ellis Island would damage the historical nature of the island and that the construction of such a bridge would be a waste of taxpayer dollars.

The construction of a bridge from New Jersey to Ellis Island is not a new proposal. A temporary bridge was constructed in 1985 to aid in the delivery of construction materials and personnel to the island for rehabilitation work on the landmark. The intent was for the bridge to be removed after the improvements had been completed.

In 1991, Congress directed the Park Service to conduct a study of options for improving visitor access to Ellis Island including the feasibility and costs of making permanent the existing temporary bridge. Specifically, the Park Service looked at four options: upgrade the existing bridge; build a new bridge; lower the fares for the visitor using the ferry; and no action.

The Park Service recommended no action. The report pointed out that the bridge alternatives would result in significant adverse impacts to the island. The Park Service wrote:

The permanent establishment of a bridge to the island represents an adverse effect to the cultural resources of the park, a National Register and World Heritage resource.

Mr. President, according to the experts at the Park Service, Ellis Island

has a unique place in the history of our Nation—one that we must pass on to future generations so that they can appreciate the diversity that created this country. The bridge would diminish that historical spirit of the island, where over 90 million Americans can trace their roots.

In addition to the Park Service, many conservation groups and political leaders have spoken out against this project. Twenty three members of the congressional delegation from the State of New York wrote to the Park Service in opposition to the bridge. The list of opposition to this project also includes: the National Trust for Historic Preservation; the National Parks and Conservation Association; Preservation Action; the New York State Office of Parks; Recreation and Historic Preservation; the Preservation League of New York State; Preservation New Jersey; the Municipal Arts Society of New York City, and the New York Parks and Conservation Association.

Mr. President, with the Park Service recommendation against this proposal and this impressive array of groups opposing it, you may ask why the House language is necessary. The issue of building this bridge should be over. Unfortunately, it is not.

Notwithstanding the 1991 Park Service report objecting to the bridge, in September of that year, the fiscal year 1992 Transportation Appropriation Committee Report earmarked \$15 million for the construction project. Because of Congress imposing this project on the Department, the Park Service was forced to conduct an EIS on the construction of the bridge—an environmental impact statement.

I want to repeat that, Congress directed the Park Service to do a study on increasing visitor access to Ellis Island focusing on the construction of a permanent bridge. The Park Service spent considerable time and resources on the study. The study recommended not building a permanent bridge and, goes even further by saying that the temporary bridge should be removed once the rehabilitation work on the island is complete. What does Congress do? We fund the bridge anyway—to the tune of \$15 million.

Mr. President, this makes no sense. We have entrusted the Park Service to protect our Nation's historical treasures. Yet when they believe a project is inappropriate, we push their expert judgment aside and demand construction of an unwanted bridge anyway.

I believe the other body acted properly when it restricted further funding of this project. In this instance, we should praise the House and follow their lead.

The House language will ensure that the Park Service does not have to expend its limited resources further on a project which is so vehemently opposed. A full environmental impact

statement on the construction of a bridge could cost as much as \$2.6 million. Money which I am sure could be put to better use by the already overburdened Park Service.

In addition to the cost of the EIS, there is also the \$15 million already appropriated for the construction of the bridge. We should act to rescind this money in order to prevent further pressure from being applied on the Park Service to complete a project it does not want, and we do not need.

As I said earlier, the House language enjoys wide support. I ask unanimous consent that letters of support from Citizens Against Government Waste, the National Trust for Historic Preservation, Preservation Action and the New York Parks and Conservation Association appear at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1.)

Mr. McCAIN. I will not read all of the letters to the Senate, but they contain two cogent points these letters make I must share with my colleagues. Thomas Schatz, the president of Citizens Against Government Waste wrote:

Congress cannot afford to keep funding unnecessary and irresponsible projects when America's fiscal future remains in doubt.

The National Trust for Historic Preservation and Preservation Action went even further when they wrote:

The National Trust for Historic Preservation and Preservation Action oppose a permanent bridge between the mainland and Ellis Island. We believe that visitor access, interpretation of the Ellis Island experience, and preservation of the historic and cultural resources can best be provided by through transportation by boat.

Mr. President, I understand the concerns about increasing visitor access to Ellis Island. I agree that we should make every effort to ensure that people can visit our Nation's historic treasures in an affordable manner. However, the construction of a bridge to Ellis Island is not the appropriate way to resolve this matter.

The Park Service has already studied this issue and determined that a bridge would damage the historic nature of the island. The completion of such a project would not only damage the resources of the island, but would be a waste of taxpayers' money. We should reject the committee amendment.

Mr. President, I also would like to quote from a letter that was sent by 23 members of the delegation from the State of New York and I ask this letter be made a part of the RECORD as well.

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

(See exhibit 2.)

Mr. McCAIN.

This bridge would be an irresponsible use of taxpayers' dollars. The \$15 million for construction of the bridge, and some estimates put the final cost closer to \$25 million, would be better spent on other restoration projects

on the Island or even used to reduce the deficit. As you know, more than half of the Island's historic buildings continue to rot behind barbed wire and weeds.

Another worthy project that continues to languish is the Island's Family History Center, a place where people could learn about their family's arrival in America through original ship manifests and photos. The Park Service is valiantly attempting to address both of these critical issues but lack of funding has hindered their efforts on both fronts.

Mr. President, I suggest the recommendations of the 23 members of the New York delegation be paid attention to as we address this issue.

Finally, I do not expect to win this vote. I did not win the one on Pennsylvania Station, and I will lose many others in the future. But at some point we will stop doing these things because the American people are demanding it.

I often remind my colleagues of the 26- to 28-percent approval rating that the Congress has because of doing things like this, which are not sought by the Park Service, nor sought by Government agencies, are opposed by the very organizations who are dedicated to the preservation of our Nation's history and historical preservation. Yet they seem to go on.

#### EXHIBIT 1

COUNCIL FOR  
CITIZENS AGAINST GOVERNMENT WASTE,  
Washington, DC, July 25, 1994.

Hon. JOHN McCAIN,  
U.S. Senate, Russell Senate Office Building,  
Washington, DC.

DEAR JOHN: On behalf of 600,000 members of the Council for Citizens Against Government Waste (CCAGW), we support your amendment to the FY95 Interior Appropriations bill, H.R. 4602, to oppose a proposed "footbridge" to Ellis Island from New Jersey.

There is no indication that a bridge to the Island would enhance or expand visitor access, because New York and New Jersey already provide ferry service to the Island and Statue of Liberty. Moreover, a footbridge violates the authenticity of experience to Ellis Island visitors, who are provided the same experience as the millions of immigrants who floated past the Statue of Liberty when they first arrived in America. Indeed, the National Park Service concluded in its April 12, 1991 Ellis Island Access Report that a bridge would damage the historic nature of the Island and that it should not be constructed.

The initial \$15 million in construction costs is nothing but a waste of taxpayer dollars. Some cost estimates have put the final cost closer to \$25 million, funds that could be better spent by reducing the deficit or restoring some of the Island's historic buildings, which are rotting behind barbed wire and weeds. Congress cannot afford to keep funding unnecessary and irresponsible projects when America's fiscal future remains in doubt.

Thank you for this cost-saving amendment.

Sincerely,

THOMAS A. SCHATZ,  
President.

NATIONAL TRUST FOR  
HISTORIC PRESERVATION,  
Washington, DC, July 25, 1994.

Hon. JOHN McCAIN,  
U.S. Senate, Russell Senate Office Building,  
Washington, DC.

DEAR SENATOR McCAIN: On behalf of the Board of Trustees and the more than 250,000 members of the National Trust for Historic Preservation and the Board of Directors and members of Preservation Action, we are writing to support your efforts to stop funding for a proposed permanent bridge between the mainland and Ellis Island. We urge that the language in the House Bill, which provides that the National Park Service cannot issue permits for the proposed bridge, be retained in the legislation.

The National Trust for Historic Preservation and Preservation Action oppose a permanent bridge between the mainland and Ellis Island. We believe that visitor access, interpretation of the Ellis Island experience, and preservation of the historic and cultural resources can best be provided through transportation by boat.

Thank you for your consideration.

Sincerely,

RICHARD MOE,  
President, National  
Trust for Historic  
Preservation.

NELLIE L. LONGSWORTH,  
President, Preserva-  
tion Action.

NEW YORK  
PARKS & CONSERVATION ASSOCIATION,  
Albany, NY, July 25, 1994.

Hon. JOHN McCAIN,  
U.S. Senator, Senator Russell Office Building,  
Washington, DC.

DEAR SENATOR McCAIN: New York Parks and Conservation Association is an affiliate of National Parks and Conservation Association. Both organizations have long been concerned about the impact of the bridge project on the integrity of Ellis Island and understand that the method by which this project was authorized in Congress precluded a public discussion of its merits.

We believe the amendment being offered by you to prohibit the National Park Service from spending funds on permits for this project sets forth a reasonable alternative. It provides a twelve month moratorium which will slow this process down to enable all interested parties to more fully participate in a dialogue about this very complex issue with long term implications for this national treasure.

Please contact us if you would like any additional information.

Sincerely,

RICHARD WHITE-SMITH,  
Executive Director.

#### EXHIBIT 2

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, June 16, 1994.

Hon. BRUCE BABBITT,  
Secretary, Department of the Interior,  
Washington, DC.

DEAR MR. SECRETARY: We understand the National Park Service is currently preparing an Environmental Impact Statement in connection with a proposed "footbridge" to Ellis Island from New Jersey. Aside from urging you to ensure the Park Service gives full consideration to the "no build" option which is before them, we hope you will oppose this waste of the taxpayer money and defacing of a national landmark.

A bridge would violate the historic spirit of Ellis Island and negatively alter the visitor experience to one of this country's most emotionally-charged landmarks. Ellis Island has always been approached by boat. Millions of immigrants first touched American soil at the front of Ellis Island, with the Great Hall before them, and did so straight from the ship that brought them from the "old country." They did not walk to or from Ellis Island. The bridge, by contrast, would bring visitors to the back of the Island, perhaps near the incinerator—an inauspicious welcome to one of America's greatest historic treasures.

In addition, there is no indication that the bridge would increase access to the Island, ostensibly the reason for the bridge, because Ellis already has ferry service from both New Jersey and New York. As many visitors to Ellis Island are schoolchildren and the elderly, it seems very unlikely that they would be making the mile long roundtrip walk over the bridge, often battling high winds and bad weather. Pedestrians to Ellis Island would still have to catch a ferry to visit the Statue of Liberty, and that would require the construction of new visitor-handling and ticketing facilities so tourists could go from the Island to the Statue. Furthermore, the proposed "footbridge" would be large enough to transport a tour bus, which would inevitably put pressure on the Park Service to construct parking facilities and turnaround facilities on the Island.

This bridge would be an irresponsible use of taxpayers' dollars. The \$15 million for construction of the bridge, and some estimates put the final cost closer to \$25 million, would be better spent on other restoration projects on the Island or even used to reduce the deficit. As you know, more than half of the Island's historic buildings continue to rot behind barbed wire and weeds. Another worthy project that continues to languish is the Island's Family History Center, a place where people could learn about their family's arrival in America through original ship manifests and photos. The Park Service is valiantly attempting to address both of these critical issues but lack of funding has hindered their efforts on both fronts.

Anyone who has taken the ferry to Ellis Island knows that a poignant part of the experience is found in its isolation. After voyages that had taken weeks or months, hopeful immigrants had to wait for immigration clearance, a doctor's OK, and finally the ferry to take them to New York . . . all while they looked across the water to America where they hoped to start a new life. This experience will change forever if we build a bridge to the Island. All Americans will regret this tragic modernization of our shared history.

Our national treasures will disappear unless we respect and cherish them. We urge you to oppose this defacing of Ellis Island and consider other alternatives to increasing access to the Island from New Jersey.

Sincerely,

Charles E. Schumer, Hamilton Fish, Jr., Thomas J. Manton, George J. Hochbrueckner, Jack Quinn, Charles B. Rangel, Susan Molinari, Peter T. King, Jerrold Nadler, Rick Lazio, Carolyn B. Maloney, Maurice Hinchey, E. Towns, Major R. Owens, Nydia M. Velázquez, Nita Lowey, Elliot L. Engel, Sherry Boehlert, John J. LaFalce, Gary L. Ackerman, José E. Serrano, Daniel Moynihan, Al D'Amato.

Mr. McCAIN. So, Mr. President, I ask the managers of the bill when they would prefer I propose a tabling motion

so all who wish to speak on this issue would have the opportunity to do so?

Mr. BYRD. Mr. President, on our side of the aisle the two Senators from New Jersey will speak in relation to the amendment. Other than those two Senators, I know of no other Senators.

Mr. MCCAIN. Mr. President, I thank the distinguished chairman. If there are no other speakers besides the two Senators from New Jersey, I will propose a motion tabling the amendment at that time, if it is agreeable to the managers.

I yield the floor.

(Mr. KERREY assumed the chair.)

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, this is quite a surprise for me. I am sorry that the Senator from Arizona chose to leave the floor before we could respond to this request from, as they say in baseball, from out of left field, because what we are discussing is a very important historical monument.

I have particular contact with this monument because embossed in the list of those who came through are my parents—my mother, father, four grandparents—who came into Ellis Island via boat, deep in the hold, days and days on the ocean. They came because they wanted to be in this country.

Frankly, I am in a state of shock by this presentation, because suddenly this now becomes an issue discussed from the distant State of Arizona, in which the Park Service has a significant measure of responsibility. But, Mr. President, I do not know when in the process of our negotiations we decided to turn over decisions to the Park Service about which we in the U.S. Senate think differently.

There is one reason why that bridge is going to be constructed—and that is so people can see the history of their ancestors who came in the early 20th century. Millions came responding to the call: "Send me your tired, your poor, your huddled masses." They came to Ellis Island, and we ought to be proud of it. We ought to say that every American should see it, every schoolchild ought to visit there. They ought to study the names and see what their descendants did to contribute to the well-being and the development of this country.

Right now, an average family will have to spend \$18 to take a ferry ride to Ellis Island. They have to stand in long lines where maybe they can buy some food on the line, because they are going to be there for long periods of time, instead of being able to park their car and walk across a footbridge.

We are not talking about a giant toll bridge for automobiles. We are talking about a pedestrian bridge. We are talking about something that is aesthetically in keeping with the structures on

Ellis Island which was built, incidentally, rehabilitated by the contributions of volunteers who felt that this sacred place ought to be visited by as many visitors—Americans or otherwise—who want to see it.

We conceived of the idea of the bridge only after the temporary bridge was put in place so that it could be serviced by the trucks and equipment that had to get to Ellis Island.

It appeared, for the first time, that there was an alternative to waiting for ferry service and spending \$18 for a family, plus parking, plus the inconvenience of getting downtown. We say now, "Sure, you are welcome to see this national historical place, but you may have to spend \$25, \$30, \$40 parking downtown in the area around the Battery, around the financial district and then get on the ferry and wait until the ferry is ready to take you back," instead of saying, "Let's make it just as convenient as we do the Grand Canyon, with places for parking, with places for visitors where we have access routes included."

So instead of doing that, suddenly now there is an emergence of concern about what we are spending on this bridge. I am concerned about it, too, Mr. President, but there are things on which we make decisions about spending money. I know, I am chairman of the Transportation Subcommittee on Appropriations. We make decisions. We do not always like spending the money, but we like the results. We like the roads and we like the airports, we like the bridges, we like the Coast Guard—we like all those things because they are necessary to service the needs and to provide a quality of life for our citizens. And so this bridge was proposed.

It mistakenly, in my view, was eliminated in the House. I had many discussions with the House Members who, after hearing the case, may have a different view of that action. I submit that if the Senator from Arizona will permit us, let the Senate bill stand as it is, and we will go to a conference. The Senate will have its position, and the House will have its position, and we will make a decision.

Mr. President, we hear that this facility presents an adverse effect on the natural resources of the parks, that it diminishes the historical nature. But, Mr. President, nothing diminishes the historical nature of this park more than the costs for getting a family there to see it.

As a matter of fact, the Park Service had another proposal, other than the decision that was made by the Senate and by the Congress. They proposed as an alternative a disguise. They have suggested maybe we ought to build a tunnel. I think the whole bridge is about 1,200 feet, a quarter of a mile or less. And the Park Service, in its brilliance, suggests that we ought to construct a tunnel.

Does that tell you something about where their thinking is? They are a good arm of the Federal Government. We often disagree with branches of Government. But this is a proposal submitted by a thoughtful group of people who have negotiated long and hard. But Congress decided that we would try to put this bridge in place, to perhaps replace the one that is now being used to service Ellis Island.

So, Mr. President, the mission of this amendment is, in my view, designed to restrict access in some way—I am sure that is not the intent, but that is the result—as opposed to making it available to people of modest income, who cannot afford the \$25, \$30, whatever it is they need, to get to Ellis Island. Those who cannot afford it are left out.

We are not satisfied with that approach. We think that those who want to see the people who came to this country searching for refuge, for opportunity, for freedom from persecution, ought to be able to visit Ellis Island. It might give them a better idea about the different cultures, the different religions, the different people, the different parts of the world from where they came, and to see the names of those descendants who helped to build this country.

There is a mission that, frankly, mystifies me. I would have thought that our friend and colleague from Arizona would have given us an opportunity to discuss this matter. One can offer amendments, one can make suggestions, but I always thought it was an ordinary process here that when amendments are considered that affect one person's State or one person's interests, that some discussion takes place before suddenly we are faced with an amendment on the floor.

We are faced now with a decision about whether or not we are going to continue to have this national treasure available to all who want to see it at a time when it is harder and harder for families to make ends meet. Not to be able to reduce the cost for access to this great monument, to experience the roots of our society, I think, is unfair to lots of people.

The Park Service has estimated that more than 7,000 people a day would use the pedestrian bridge.

That translates to about 25 million Americans using the bridge to visit Ellis Island over the next decade.

The objection is, Mr. President, that it would alter the historic landscape. As I heard the tales from my grandparents and my parents when they arrived, they did not see much of a landscape. They came out of the holds of ships, were huddled in masses, sent to this place and processed through by people who often could not pronounce their names and changed their names as they came into this country.

But there was a moment when they set foot in America. That was the pre-

vious part of the trip. Mr. President, not to have that fully accessible is something that I just do not understand. We are going to fight hard to maintain this committee amendment. I hope that our colleagues will understand that this is an important opportunity to preserve access and availability of visits by Americans and others from all over who want to see this historical site.

I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I had not intended to speak again on this issue, but I feel compelled to respond to the Senator from New Jersey who mentioned my name on several occasions.

First, I would like to address the issue of what the Senator from Arizona is doing on this issue. I would like to quote from a New York Times editorial which says:

Actually, the island belongs to the National Park Service, and spiritually to tens of millions of Americans from coast to coast whose kin streamed through the Great Hall in the late 1800's and early 1900's. The Supreme Court will not change that. But it would be a sad mistake to give New Jersey the civic jurisdiction it seeks.

This is part of an article arguing that Ellis Island is part of the State of New York. I do not intend to get into that discussion, but I believe that the New York Times is correct when they say that this island spiritually belongs to tens of millions of Americans from coast to coast whose kin streamed through the Great Hall in the late 1800's and early 1900's, including many citizens of my own State.

Mr. President, I do not come before you claiming expertise on the issue. First of all, I remind the Senator from New Jersey this is not authorized. I am surprised that the Senator from New Jersey is surprised because the fact is I have consistently opposed unauthorized appropriations, and I have done it as strongly and ferociously as I can.

Mr. President, as I say, I do not have a lot of knowledge about this issue, but I do believe the National Trust for Historic Preservation does. The National Trust for Historic Preservation says:

The National Trust for Historic Preservation and Preservation Action oppose a permanent bridge between the mainland and Ellis Island. We believe that visitor access, interpretation of the Ellis Island experience, and preservation of the historic and cultural resources can best be provided through transportation by boat.

The New York Parks Conservation Association, which I am sure does have some knowledge of this issue, says:

New York Parks and Conservation Association is an affiliate of National Parks and Conservation Association.

We believe the amendment being offered by you to prohibit the National Park Service from expending funds on permits for this project sets forth a reasonable alternative. It provides a twelve month moratorium which

will slow this process down to enable all interested parties to more fully participate in a dialogue about this very complex issue with long-term implications for this national treasure.

I agree with the Senator from New Jersey that we should not do everything that the National Park Service tells us. But I also think it is wrong to ignore studies that are conducted by the National Park Service. In this study, they said:

The bridge alternatives would result in significant impacts. The permanent establishment of a bridge to the island represents an adverse effect to the cultural resources of the park, a National Register and World Heritage resource. Were Ellis Island located in Manhattan or Jersey City, it is unlikely that this immigrant processing station would have become such a resonant symbol of the American experience. Reached and departed only by water, it became the Isle of Hope/Isle of Tears, and occupies a singular place in our history and consciousness. To alter Ellis Island's relationship to the mainland with a bridge would drastically alter its historic character, and change forever the experience of the park visitor.

Finally, at the end of their executive summary they said:

Alternative "D", the No Action Alternative, proposes to remove the existing, temporary bridge at the conclusion of its use as the construction access for the rehabilitation of Ellis Island. Visitors will continue to pay the present competitive fare for access by ferry from New York and New Jersey, and the National Park Service would continue to closely monitor the ferry rate structure to ensure that the cost to the visitor is fair and competitive.

I believe that the Senator from New Jersey mentioned the costs of such a trip for a family of four, I think he said \$18 for a ferry trip. It costs \$35 to get into Disney World per person. So I do not think that \$18 for an entire family, at least in the view of some, is an outrageous sum. Perhaps it is.

But the fact is the amendment is not authorized. It is not supported by the Park Service. It is opposed by the National Trust for Historic Preservation, opposed by 23 members of the delegation from the State of New York, and I think that at least this measure should be up for further study before we decide to devote \$15 million—in the view of the delegation from New York, as much as \$25 million—to an unauthorized project.

Mr. President, I yield the floor.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. BRADLEY. I think many of the things that the distinguished Senator from Arizona does are in the interest of the country. I think he is well-meaning in many of the things he proposes to do. But I rise in strong opposition to this effort to strike money for a bridge between the New Jersey shore and Ellis Island. I strongly stand with my colleague in his fight to maintain the money for this bridge.

My colleague, Senator LAUTENBERG's, effort here is one that comes not only

from his position on the Appropriations Committee but because, as he said in his moving speech, of his own family's history of finding the names of his own family members on the walls of the building at Ellis Island, and therefore his determination to make sure that Americans have access to this historic monument.

Mr. President, the National Park Service preserves natural wonders in this country, such as the Grand Canyon, for all Americans to have access because of their natural beauty and wonder. The Park Service also preserves monuments of human creativity and human achievement such as Ellis Island. The Park Service has a dual mission to protect and make accessible areas of natural interest and areas of human interest. Ellis Island falls into the category of human interest.

Millions of Americans feel a strong attachment, as my distinguished colleague has said with his own family, because their families have fled tyranny, repression, and come through Ellis Island with the hope that a new day has begun. Ellis Island should be open to the maximum number of Americans. It should not be restricted by income. It should not be reserved for only those who can afford to visit this national monument.

The distinguished Senator from Arizona mentioned that it was opposed by 23 members of the New York delegation. That is not surprising. I mean, the New York delegation claims that they control access. They derive all the parking revenues. My distinguished colleague can correct me if I am wrong, but I have not heard anybody from the New York delegation proposing that a bridge be built from the New York side all the way to Ellis Island. For anyone who knows the geography, the reason is quite clear. It is a long way from the New York side to Ellis Island, while it is 1,300 feet from the New Jersey side to Ellis Island. So I am not surprised by that objection. But let us look at this issue of making this national resource accessible to people.

Under the amendment that is in the bill, the bridge would be constructed for about \$7.5 million; 25 million people would visit in a year. Last year, 4.5 million people visited. Why is it that so few people visited this renovated Ellis Island? Might it relate to the cost? Indeed, I think it does. If you want to go to Ellis Island to show your children their ancestors' names on the wall, what you do is you drive into Manhattan. You pay a toll to get into Manhattan if you are coming from Kansas or if you are coming from New Jersey; you pay a significant toll. Then you drive through the crowded streets of Manhattan down to the lower end of Manhattan, where you park your car in an expensive parking lot. And you pay as much as \$20 to park. You pay \$3 or \$4 to get through the tolls, and about \$20

to park. You have a family with a lot of children. You do not want to discourage those children. You do not want to leave two or three of the kids in lower Manhattan. You want to take your whole family to see Ellis Island, and hope that the names of your ancestors are on the wall of Ellis Island. You are a family with five children.

So you are now going to pay \$6 per person to get on the boat to go to Ellis Island. That is \$42 for the family for the boat ride. Then there is \$20 for parking. There is \$4 for the tolls. Pretty soon, if you are going to buy any food, it is another \$10 or \$15, and you are up to about \$80 or \$90 in order to visit Ellis Island.

The distinguished Senator from New Jersey is proposing, instead of doing that, to make it accessible to anybody who can drive into Liberty State Park on the New Jersey side, park, and walk 1,300 feet across a bridge to Ellis Island? It makes eminent sense to me. It seems not to make sense to the distinguished Senator from Arizona.

The distinguished Senator from Arizona says the reason he is opposed to this is it is not authorized. Well, Mr. President, I looked through the Interior appropriations bill. I looked through again, remembering there are monuments of natural interest, monuments of human interest, and monuments of national interest. The Grand Canyon, no one can dispute, is one of the Seven Wonders of the World. But as I look through the money being spent on the Grand Canyon, I find \$3 million for visitors center rehabilitation. It was not asked for by the Park Service; it was not asked for. The administration did not request it. It is not in the House bill.

So, Mr. President, I am curious why something that was not requested by the administration when it comes to the Grand Canyon is OK, but something that is not requested by the administration when it applies to New Jersey is not OK.

I find that to be slightly out of whack, but I have a suggestion. I have a suggestion as to how we could solve all of this. That is to look at this great natural resource in Arizona, the Grand Canyon, and there we see that, in order to obtain admittance to the Grand Canyon, it costs \$10 per car to get access to see this great natural wonder. We have already tabulated that for a family of five to get access to Ellis Island, it costs over \$80.

What if we just said that access to the Grand Canyon should be on a per person basis, not the \$4 per person that exists now, but say \$6 per person? Well, Mr. President, if we simply said it costs \$6 per person to visit this great natural resource, the Grand Canyon, that would raise about \$13 to \$14 million more for the U.S. Government, which is precisely the amount that this bridge would cost.

So I say to my friend from Arizona that I am with him on cutting spending. But there are important resources that are both natural and human that we need to preserve access to. I do not know whether he wants to deal with the issue of raising the fee for access to the Grand Canyon or not. I guess we could do it on this bill if we wanted to so propose.

But I hope that, at a minimum, we will reject the attempt to strike this bridge, with 25 million people having access to this enormous resource that covers the pageant of America's journey to this country from all over the world. And it should be available to as many Americans as possible, not for only those who can afford to pay for the toll, for the parking, for the boat ride, and for a small snack once on Ellis Island.

A few years ago, I made a big fight to knock out the \$1 fee for the Statue of Liberty. I did that because I did not think that the great lady standing in the harbor saying, "Give me your tired and huddled masses" should have a price tag on it. I kind of feel the same way about Ellis Island. But there is a fee there.

Let us at least treat it fairly and make access available to the maximum number of Americans. That is what a bridge from the New Jersey side extending 1,300 feet would do; provide that access.

So I strongly back the efforts of my colleague from New Jersey, and I salute him for his desire to open up this national monument to the maximum number of Americans.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Chair recognizes the Senator from Arizona.

Mr. McCAIN. Mr. President, in response to the Senator from New Jersey concerning the Grand Canyon, first of all, I did not support the section of the committee report concerning the rehabilitation of the Grand Canyon Visitors Center. I did not propose it.

If the Senator from New Jersey would want to strike that provision in the bill, I would vote in favor of that. Second, I am sorry the Senator from New Jersey is not aware that we have attempted to raise the fees into the Grand Canyon in the form of a proposal that we think is very important, and in the future it may apply to Ellis Island. That is, in return for a \$2 increase in the entrance fee to the Grand Canyon, private individuals and companies and corporations throughout America would match those funds, and we would basically double the amount of revenue we receive. We would hope that the Senator from New Jersey, who has taken an interest in the Grand Canyon, would support its passage. We think it is a unique proposal and one that deserves serious consideration. So that is

my response to the comments of the Senator from New Jersey about the Grand Canyon. I appreciate his interest in the Grand Canyon.

Mr. LAUTENBERG. Mr. President, I am sorry that we are taking the Senate's time now to debate this issue, which has a national implication but is very much regionalized in the New York-New Jersey area. My distinguished colleague and friend, Senator BRADLEY, outlined some of the things we should not be concerned about. We ought not to be concerned about 23 Members of the New York delegation who want to take jurisdiction, more than just access, from the National Park Service which owns this property.

But, Mr. President, if we wanted to duplicate the immigrant experience, I suggest that we do something like the following: Put guards or rangers on the island who do not speak English, who cannot communicate in the tongue of those who are coming to visit; that when they arrive, they ought to be chilled to the bone sitting in the wet hold of a ship for a while; let them spend a few hours out there in the harbor. We will not send them out to sea—just rock them back and forth until they maybe get seasick and hit the land. Then on the land, they ought to get somebody with a button hook that you use for your shoes to pull down eyelids to see if the people had pink eye or other diseases, or look at the shapes of their hands to see whether or not they are going to send them back to the point of embarkation from where they came.

We ought not to be able to provide them with casual snacks or things of that nature, as we do now. In those days, people came practically stripped of possessions, reduced to fear and anxiety, because they were going to this strange place that attracted them, and they knew they could not speak the language and could not communicate with those who were going to receive them.

Mr. President, in order to duplicate that immigrant experience, there would have to be a terrible tragedy in this country of ours. We would have to reduce our facilities to accept and welcome people to bare bones.

Mr. President, we are discussing for a moment the treasure known as the Grand Canyon. Perhaps we ought to reduce that to its earlier status and not have bus traffic, automobile traffic, lodges, restaurants, facilities, helicopter flights through the Grand Canyon. Maybe we should not have white water trips, but return the Grand Canyon to its natural state so that people understand what it was like to see the Grand Canyon in its early days, and have the full natural experience. Bring your tent, your blanket, your mess kit and your canteen, and go into the Grand Canyon.

Mr. President, we are not going to duplicate the original experience at

Ellis Island and go back to the early 1900's, when my grandmother carried my mother in her arms, who was a year old, and frightened to death because they did not know what they were getting into; but they knew what they wanted to leave. Or my father's family. My grandmother brought my father and his two brothers. Not one spoke a word of English. They went on to college—not my father, but his brothers—and to make a contribution to this country of ours. That is what it was about. We ought to let people get there who want to see it, who want to feel it, who want to understand what it was like and not have to pay for a ferry ride so you can hear the music, get the hot dogs and maybe a beer on the way. That is not the way Ellis Island was introduced to people. You cannot duplicate the experience, but we can provide access.

Mr. President, I hope that this attempt to delete the committee amendment on the bridge fails. Thank you very much.

Mr. McCAIN. Mr. President, before the Senator leaves the floor, I want to make a very important point here. The Senator from New Jersey alleges that the Grand Canyon funding is in the bill. I point out to the Senator from New Jersey that it is in the committee report. In the bill is the language regarding appropriations for Ellis Island. The Senator from New Jersey well knows the dramatic and significant difference between report language and bill language. The courts have ruled time after time that report language is not binding. In fact, as I have read through the list in the report which includes funding for Harper's Ferry National Historic Park, WV; Edison National Historic Site in New Jersey, and all these others, I do not like them, because they are earmarked. But they are not binding in law. What is binding in law, I say to the Senator from New Jersey, is the bill language which the courts would uphold as necessary.

Also, in my remarks I did not pretend to, nor do I claim to know about Ellis Island. I left that to the Senators from New Jersey and the Senators from New York and the 23 Members of the New York congressional delegation, who oppose the Senate's actions to strike this bill language which would in effect require the expenditure of this \$15 million. Since the senior Senator from New Jersey brought it up, we have done a lot in the Grand Canyon, and I do not expect the Senator to know about it. But I expect him to be informed before he comments on it.

There is a bill I had passed in 1987 concerning air tours over the Grand Canyon that says restore natural quiet—a bill that, thanks to the help of the Senator from New Jersey, stops the flows through the Grand Canyon dam, the dramatic shifts and flows—do I

have it reversed as to who is senior and junior here? I will do it by name. Senator BRADLEY was very helpful in getting the legislation through which stopped the fluctuating flows through the Grand Canyon, destroying the riparian areas, archeological sites, the fish spawning areas. We passed that into law, and it has now been enforced. We stopped that degradation, and we stopped construction on the north rim of the Grand Canyon of a new facility that was proposed to be built. We are now talking about a reservation system to visit the Grand Canyon.

So I also say to the Senator from New Jersey [Mr. LAUTENBERG] for his edification, that we do have Native Americans living in the Grand Canyon. I encourage him to visit them. They are called the Havasupai Tribe, and they have been there several hundred years. We have done a lot to restore the Grand Canyon to its original state. But the fact is that there is a difference between what is in a report of a bill and what is in actual bill language. We know that the courts have ruled on that.

I yield the floor.

Mr. BYRD. The distinguished Senator from Arizona will shortly move to table the amendment. I believe there has been a good discussion over here. I will vote against the motion to table.

Inasmuch as we have had that discussion and we have several other amendments on the list, it is my hope that we could move on quickly. I would simply suggest that.

Mr. LAUTENBERG. Mr. President, if the manager of the bill would just permit me 1 minute to make sure the RECORD reflects there is no money in this bill. That money was appropriated in fiscal year 1992. The committee amendment simply confirms that funds can be expended and that right now there is nothing in our bill that prohibits the use of those funds.

What I believe the distinguished Senator from Arizona wants to do is to remove that language so the expenditure of those funds is prohibited.

I have nothing more.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. I agree with the—

Mr. BYRD. Mr. President, I have the floor.

Mr. McCAIN. I apologize.

Mr. BYRD. No. I yield to the distinguished Senator.

I would like to retain the right to the floor.

The PRESIDING OFFICER. The Senator from West Virginia retains the right for the floor.

Mr. McCAIN. Mr. President, I ask the Senator to yield 1 minute.

Mr. BYRD. Yes.

Mr. McCAIN. I thank the Senator from West Virginia.

The Senator from New Jersey is correct. I stand corrected.

The fact is by striking the language which says "None of the funds available to the National Park Service in this act may be used to process permits necessary for construction of a bridge at Ellis Island," and then allows by law the expenditure of the funds, I still maintain that is very different from report language which does not have the force of actual law.

But I think we have probably discussed this issue enough, and I would say to my colleagues unless they have further comments I will ask the Senator from West Virginia when he is prepared for my tabling motion.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I may say to the distinguished Senator I will only take a minute.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Mr. President, I ask unanimous consent that from the list one amendment under the name of Mr. WELLSTONE be deleted and I ask unanimous consent that two amendments under the name of Mr. ROBB be stricken.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. Mr. President, I believe everyone has been heard on this. I hope we can move forward quickly. As I say, I will vote against the motion to table. I hope other Senators will do so.

I also trust that during the vote we might be able to ascertain what Senators, who have names on the list, really intend to call up amendments and those who do not.

So, Mr. President,

If it were done when 'tis done, then 'twere well

It were done quickly. . . .

I yield the floor.

Mr. McCain. Mr. President, I make the motion to table.

The PRESIDING OFFICER. The question occurs on the motion to table.

Mr. McCain. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question occurs now on the motion to table the excepted committee amendment on page 49, lines 12 through 14 of the bill. On this question, the yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. I announce that the Senator from Oklahoma [Mr. BOREN] is necessarily absent.

The result was announced—yeas 43, nays 56, as follows:

[Rollcall Vote No. 233 Leg.]

YEAS—43

Bennett	Gramm	Moynihan
Bond	Grassley	Murkowski
Brown	Gregg	Nickles
Campbell	Hatch	Nunn
Coats	Helms	Packwood
Cochran	Hutchison	Pressler
Cohen	Jeffords	Roth
Coverdell	Kassebaum	Simpson
Craig	Kempthorne	Smith
D'Amato	Kohl	Specter
Dole	Lott	Thurmond
Domenici	Lugar	Wallop
Durenberger	Mack	Warner
Faircloth	McCain	
Gorton	McConnell	

NAYS—56

Akaka	Feingold	Metzenbaum
Baucus	Feinstein	Mikulski
Biden	Ford	Mitchell
Bingaman	Glenn	Moseley-Braun
Boxer	Graham	Murray
Bradley	Harkin	Pell
Breaux	Hatfield	Pryor
Bryan	Hefflin	Reid
Bumpers	Hollings	Riegle
Burns	Inouye	Robb
Byrd	Johnston	Rockefeller
Chafee	Kennedy	Sarbanes
Conrad	Kerrey	Sasser
Danforth	Kerry	Shelby
Daschle	Lautenberg	Simon
DeConcini	Leahy	Stevens
Dodd	Levin	Wellstone
Dorgan	Lieberman	Wofford
Exon	Mathews	

NOT VOTING—1

Boren

So the motion to lay on the table the committee amendment on page 49, lines 12 through 14, was rejected.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kansas.

Mr. DOLE. Mr. President, if we may have order? I think the Senator from Illinois will offer the amendment, and then I will speak.

The PRESIDING OFFICER. The question before the Senate is the first excepted committee amendment.

The Senator from West Virginia, the manager of the bill.

Mr. BYRD. Mr. President, has the Senator from Illinois or the Republican leader been recognized? If not, I seek the floor.

The PRESIDING OFFICER. The Senate Republican leader has been recognized but in the Chair's opinion has yielded the floor.

Mr. BYRD. Mr. President, I would like to get a vote on the pending committee amendment first.

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

If there be no further debate, the question is on agreeing to the amendment.

The committee amendment was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate is not in order.

Will Senators please take their conversations from the Chamber. The Senator from West Virginia has the floor.

Mr. BYRD. Mr. President, there are several amendments still on the list. I have a feeling that most of those amendments are only place holders. I would like to see if we can get some understanding as to what Senators really intend to call up those amendments. We have been on the floor a long time today:

. . . careful hours with time's deformed hand  
Have written strange defeatures in my face. . . .

I would like to get on with this bill. I understand that the Republican leader and the distinguished Senator from Illinois have an amendment they want to call up. We could do that in 2 or 3 minutes, if it is agreeable.

Mr. DOLE. Two or three minutes.

Mr. BYRD. Then I believe Mr. WALLOP has an amendment. We could probably dispose of that within 3 or 4 minutes?

Mr. WALLOP. Mr. President, it will not take long to dispose of it, but I will require slightly longer than that for the remarks I wish to make.

Mr. BYRD. Are there any other Senators that have amendments they intend to call up?

Mr. NICKLES. Will the Senator yield?

Mr. BYRD. Yes.

Mr. NICKLES. Mr. President, it is my belief on this side of the aisle we do not have that many more amendments. I know Senator MURKOWSKI is still working on an amendment.

Senator NUNN and Senator COVERDELL are working on an amendment. Senator DOMENICI has an amendment, and once we finish Senator WALLOP's amendment, I think we are pretty close to being finished on this side.

Mr. BYRD. Would it be a fair proposition to ask unanimous consent that of those Senators who have names on the list, if they do not report to the desk by 4:30 p.m. today that they really intend to call up their amendments, that all remaining amendments will be stricken from the list?

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Reserving the right to object. Will the distinguished chairman accept an alternative? I share the view with the managers of wanting to complete this bill. Will the Senator give us until, say, 4:30 to check with all Members on this side? We will personally contact them by telephone, and maybe somebody can do it on the other side, and we will report back by 4:30; would that be agreeable?

Mr. BYRD. Yes, that is a fine proposal. Understand, this does not mean we are opening up—

Mr. DOLE. I understand.

Mr. BYRD. We are not opening up the list for additional amendments. We want to get the amendments off the list. That is fine.

I yield the floor.

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 2406

(Purpose: To provide funds for a grant program to restore and preserve historic buildings at historically black colleges and universities)

Ms. MOSELEY-BRAUN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. Does the Senator seek unanimous consent to set the pending amendment aside?

Ms. MOSELEY-BRAUN. Yes. I ask unanimous consent that the pending amendment be set aside.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Ms. MOSELEY-BRAUN], for herself, Mr. DOLE, Mr. COCHRAN, Mr. COVERDELL, Mr. GRASSLEY, Mr. MACK, Mr. MATHEWS, Mr. PELL, Mr. ROBB, Mr. ROTH and Mr. SIMON, proposes an amendment numbered 2406.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 16, line 23, strike "\$40,000,000" and insert "\$42,000,000".

On page 16, line 26, following "1996" and before the period, insert the following: "Provided, That \$2,000,000 shall be for a grant program to restore and preserve historic buildings at historically black colleges and universities: *Provided further*, That none of these funds shall be made available until authorized".

Beginning on page 41, line 18, strike all starting with the semicolon through "99-658" on page 41, line 24.

Ms. MOSELEY-BRAUN. Mr. President, at the outset, I want to thank the Senator from West Virginia for his gracious acceptance in allowing Senator DOLE and me to move forward with this amendment. This amendment really is the Dole/Moseley-Braun or the Moseley-Braun/Dole amendment, and I have been delighted at the support and assistance of the minority leader in working through the issues that this amendment covers.

Specifically, this amendment will provide funding for the historically black colleges and universities as requested in the President's budget. Frankly, the Nation's historically black colleges and universities have provided academic excellence for over 130 years.

As so eloquently stated in Fisk University's original charter, historically

black colleges and universities have measured themselves "by the highest standards, not of Negro education, but of American education at its best."

Throughout their history, historically black colleges and universities have produced some of our Nation's most distinguished leaders, including the late Dr. Martin Luther King, Jr., several current U.S. Representatives and, of course, our colleague, Senator HARRIS WOFFORD.

Yet, these institutions have distinguished themselves in the field of higher education over the years by maintaining the highest academic standards while increasing educational opportunities for economically and socially disadvantaged Americans, including tens of thousands of African-Americans.

Although they represent only 3 percent of all U.S. institutions of higher learning, historically black colleges and universities graduate fully 33 percent of all African-Americans with bachelor's degrees and 43 percent of all African-Americans who go on to earn their Ph.D.'s.

Nonetheless, in order to meet the educational needs of these promising individuals, these schools have had to keep their tuition and fees well below those of comparable universities.

In 1990-1991, the average tuition and fees charged by private historically black colleges and universities was \$4,657—less than half the \$9,351 average charged by private colleges nationwide.

Moreover, historically black colleges and universities have also had to keep their costs low in order to increase financial aid for their students, who are disproportionately more dependent on financial aid than students at other U.S. colleges.

A study conducted by the United Negro College Fund found that 90 percent of students at private historically black colleges and universities require financial aid compared with 65 percent of private college students nationally.

The study also found that nearly one-half of these students come from families earning under \$25,000 a year.

Mr. President, given that historically black colleges and universities have found it increasingly difficult to support student aid, it should not be surprising that they are unable to restore and preserve the historic landmarks which sit on their campuses.

The Dole/Moseley-Braun amendment allocates \$2 million, the same amount requested by President Clinton, for the Department of Interior's historically black colleges and universities historic preservation initiative.

In 1992, the Department of the Interior, along with the National Park Service and the American Gas Association, began a campaign to identify the most significant and physically threatened historic landmarks at historically black colleges and universities.

After a comprehensive review, the Interior Department selected 11 architecturally and culturally significant historic landmarks for its historic preservation initiative. These historic landmarks include: Gaines Hall at Morris Brown College, which is associated with many persons of national significance, including W.E.B. Du Bois; Leonard Hall at Shaw University, which was the first 4-year medical school in the Nation; and Walter B. Hill Hall at Savannah State College, which served as a library for blacks when they were denied access to public libraries.

Mr. President, the United Negro College Fund has agreed to match these Federal funds in order to protect these historic landmarks that symbolize the hope of the civil rights struggle and the contributions that historically black colleges and universities have made in the education of our Nation's citizens.

I would like to conclude my remarks by urging my colleagues to support the Dole/Moseley-Braun amendment and by reminding them when Thurgood Marshall was refused admittance to the University of Maryland Law School because of the color of his skin, he received his education at a historically black university and that, of course, has made all the difference in the history of our Nation.

I would like to now yield the floor to my colleague, the minority leader, the Senator from Kansas, who has been so gracious in working through this issue and who has a real concern in this area.

Thank you very much, Mr. President. Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, first, I thank the managers, the distinguished chairman of the committee, Senator BYRD, and the ranking Republican, Senator NICKLES, for their consideration of this amendment. I also thank CAROL MOSELEY-BRAUN, the distinguished Senator from Illinois.

Mr. President, recently I was criticized in the Washington Post for "delaying a black college bill." Well, I am happy to report that Senator MOSELEY-BRAUN and I are in agreement on the historically black colleges preservation bill and that this bill should be moving through the Senate very soon. I very much appreciate the efforts of the distinguished Senator from Illinois to resolve this matter. She understands that trying to help a small, impoverished college in my own State restore a historic building does not mean I am anti-historically black colleges. To the contrary, I am well aware of the special challenges historically black colleges face and I certainly appreciate what is being done here today. I have for many years contributed a portion of my speaking fees to the United Negro College Fund.

The State of Kansas does not have a historically black college because the University of Kansas and other schools in my State have for many years provided educational opportunities to students of all races. The educational options for African-Americans in the South and border States before 1964 were much more limited. In many cases, historically black colleges were the only option available to African-American students who were interested in pursuing higher education.

As the Senator from Illinois pointed out, if it was not for the opportunities provided by historically black colleges—astronaut Ronald McNair, Rev. Dr. Martin Luther King, Secretary Hazel O'Leary, U.N. Ambassador Andrew Young, opera singer Leontyne Price—would have never reached their fullest potential. No wonder historically black colleges hold such a special place of pride and affection in the African-American community.

Despite the past and present achievements of historically black colleges, many of these schools have continued to struggle financially. One of the saddest results of the hardships faced by historically black schools is that they have been unable to preserve and maintain historic buildings on their campuses. These buildings represented the hopes and dreams of some of our country's best and brightest African-Americans. Their deterioration is nothing less than a crisis for our Nation.

In 1991, as response to this critical situation, Secretary of the Interior Manuel Lujan selected 11 buildings on black college and university campuses for restoration. Secretary Lujan pledged \$10 million for the project from the Department of the Interior's historic preservation fund to be matched by funds from the United Negro College Fund. The funds for the initiative were never obligated because it was determined that a separate authorization was needed.

Now that Congress is close to passing a bill to authorize the historically black colleges preservation fund, I am joining with Senator CAROL MOSELEY-BRAUN to ask the Senate to provide \$2 million toward the effort started by the Bush administration. It is my understanding that this funding would go to restore Gaines Hall, the oldest building in the Atlanta University complex, and St. Agnes Hall at St. Augustine's College in Raleigh, N.C. St. Augustine college is one of the earliest historically black colleges.

I urge my colleagues in the Senate to join us in supporting this initiative to restore historic buildings on the campuses of historically black colleges. As Congresswoman CORRINE BROWN has testified,

These historic buildings have been too important to the higher education of African-Americans to lose—not just for the role they have played in the past, but for valuable les-

sons they can teach future generations of African-American students.

I thank my colleagues, and I urge my colleagues to support the amendment. I yield the floor.

The PRESIDING OFFICER. Is there further debate?

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, the amendment proposed by Senators DOLE and MOSELEY-BRAUN, and others, restores the funding proposed in the President's budget for an initiative for building rehabilitation on historically black colleges and universities. The amendment also makes these funds subject to authorization. The amendment is offset fully by funds no longer necessary for the Palau Compact because implementation has been delayed.

I not only have no objection to the amendment, I support the amendment and urge its adoption.

The PRESIDING OFFICER. Is there further debate?

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I wish to congratulate the Senator from Illinois and the Senator from Kansas. We have no objection to this amendment.

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

The amendment (No. 2406) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, Senators should stand when they address the Chair.

I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 2407

(Purpose: To require a study of units of the National Park System and National Wildlife Refuge System for deauthorization)

Mr. WALLOP. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Does the Senator from Wyoming seek unanimous consent to set the pending committee amendments aside so that he may offer this amendment?

Mr. WALLOP. The Senator does. I did not realize the parliamentary situation. I thank the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. WALLOP] proposes an amendment numbered 2407.

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

The PRESIDING OFFICER (Mrs. BOXER). Without objection, it is so ordered.

The amendment is as follows:

On Page 17, line 20 insert the following before the period: "Provided further, That not to exceed \$200,000 shall be used for a joint study with the Fish and Wildlife Service of which not to exceed \$100,000 shall be used to undertake a comprehensive review of the relative importance of each unit of the National Park System to the overall mission of the National Park Service, including, but not limited to, consideration of land acquisition, annual operation and maintenance expenses, personnel requirements, alternatives to retention of such unit that may be available at the State or local level (including within the private sector) and prepare and submit to the Committees on Appropriations and Energy and Natural Resources of the United States Senate and the Committees on Appropriations and Natural Resources of the United States House of Representatives by December 31, 1995 a report that shall include a list of not fewer than five units to be deauthorized with whatever recommendations the Secretary deems appropriate for the disposal of any lands or interests in lands within such units, and of which \$100,000 shall be used to undertake a comprehensive review of the relative importance of each unit of the National Wildlife Refuge System to the overall objectives of the System, including, but not limited to, consideration of land acquisition, annual operation and maintenance expenses, personnel requirements, alternatives to retention of such unit that may be available at the State or local level (including within the private sector) and prepare and submit to the Committees on Appropriations, Environment and Public Works, and Energy and Natural Resources of the United States Senate and the Committees on Appropriations, Merchant Marine and Fisheries, and Natural Resources of the United States House of Representatives by December 31, 1995 a report that shall include a list of not fewer than five units to be deleted from the System with whatever recommendations the Secretary deems appropriate for the disposal of any lands or interest in lands within such units".

Mr. WALLOP. Madam President, I will try to abbreviate my remarks at the request of the managers of the bill. I believe they will find this amendment acceptable.

Madam President, I happen to be from the State with the first national park and happen to have an abiding passion for the national parks of America. Those who may have heard me speak to the issue during the consideration of the California desert bill and the establishment of yet another park will understand that what we have been doing in this Congress for the last several decades, and in particular the last decade, is to add numerous new parks and no new resources for the Park Service to deal with them and no new personnel. In fact, if you look, personnel will be reduced by some 1,300 over the next 5 years.

My amendment would direct the Secretary to study the 367 units of the National Park System and the 730 units of

the National Wildlife Refuge System and report to the appropriate committees the identification of not fewer than 5 areas in each system which should be deauthorized or deleted.

I ask my colleagues to consider that of all of the Federal agencies, there are two that administer programs that are loved by both the public and by Members of Congress. The programs that I am referring to are the parks and refuges administered by the Department of the Interior through the National Park Service and the Fish and Wildlife Service.

While most citizens and legislators welcome a park or a refuge in their district, few have considered what has happened to the overall Federal pattern of ownership in these areas. The Department of the Interior, whose appropriations we are considering today, is facing a huge shortfall in funding to take care of existing obligations.

This Congress, like every Congress before it, will continue to authorize new park and refuge areas, and the administration will continue to establish refuges administratively. Let us take a moment to look at the National Park Service, Madam President.

Over the years, the mission of the National Park Service has evolved in many directions. Beginning with Yellowstone National Park in 1872, parks were established almost exclusively for their natural values. Then in 1933, the first historical park was added to the Park System. In the 1960's the first recreation areas were added. In the 1970's came urban park areas and cultural parks.

In recent years, the National Park Service mission has expanded to include efforts which are most appropriately described as urban renewal, economic development, and local open space preservation projects.

The National Park Service was not created for the purposes of managing urban renewal projects. There are other Federal agencies that would be and, in fact are, better administrators of those programs.

However, Congress continues to place the Park Service in the position of overseeing every conceivable type of project that pops into the head of some Senator or Congressman seeking reelection.

In the last 6 years alone, Congress has established over 30 new units of the park system. Because there exists no comprehensive vision for the agency, these areas have been added on a piecemeal, case-by-case basis. This does not include hundreds of park boundary expansion proposals that have been authorized, nor does it include the additional National Trails and National Wild and Scenic Rivers Systems units that have been added.

In this Congress alone the committee has already recommended to the full Senate 10 new park areas, 9 expansion

areas, and we will consider a whole host of other new parks and expanded parks prior to sine die.

Throughout this Nation, there are billions of dollars worth of private land that have been taken into Federal control through acts of Congress that have created new national parks or expanded existing units of the system.

How many acres are so affected? No one knows. That it is worth billions is not debated.

So far, the National Park Service has refused to comply with the law which required the Secretary of the Interior to provide Congress with a list of these properties in priority order.

What they have provided is a partial list giving out-of-date property values that shows that there are at least 364,000 acres worth \$1.2 billion.

We have been using this figure for the past four administrations. At the very least the figures need to be brought up to date.

But the Senate should know that this is the same National Park Service that estimated the Redwoods National Park would only cost \$320 million. In fact, the final cost was \$1.4 billion.

I hope everyone remembers the last battle of Manassas. Surely, we were told, the few acres would not cost more than \$13 million. Madam President, \$130 million later the Federal Government is the proud owner of the property at Manassas.

Madam President, this situation would be bad enough as it is, but it is made worse by the Secretary of the Interior's attitude toward reimbursing the owners of private property who happen to find themselves within the boundaries of a national park because Congress and the administration thought it was a good idea. Secretary Babbitt has made it clear that he does not care one whit about these citizens and their property.

When Secretary of the Interior Bruce Babbitt testified on the California desert bill before the Senate Energy and Natural Resources Committee on April 27, 1993, he made a statement that makes his position very clear.

When referring to land trades for the Catellus Corp. which owns several hundred thousand acres of land in the desert, he said:

One way to do trades on a predictably equal value basis is to look at the rest of the BLM base outside of these areas and say to Catellus: We would like to block you up; the lands are roughly of equal value, and if you do not want to do it we would be happy to let these inholdings just sit in this area as inholdings forever.

That, Madam President, is exactly what we are doing to several thousand other landowners throughout this Nation whose property has become part of National Park Service units. We are allowing the Secretary of the Interior to " \* \* \* let these inholdings just sit \* \* \* as inholdings forever" unless they cave in to Federal pressure.

I for one do not wish to treat our fellow citizens so shabbily. If we decide that we have to take their land for the greater good, we should promptly reimburse them for the land we have taken.

Many of these new areas have been extremely costly to date, they have added significantly to the already huge backlog in funding facing the agency. And all of these areas take away from existing parks.

Madam President, I ask unanimous consent to submit for the RECORD a State-by-State list of the National Park Service shortfall in annual operations, construction, and land acquisition program budgets.

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

STATE BY STATE NPS SHORTFALL  
(In thousands)

State	Number of NPS areas	Annual operations	Construction/land acquisition
Alabama	5	4,757	53,024
Alaska	15	6,659	165,352
American Samoa	1	753	0
Arizona	20	12,627	391,615
Arkansas	5	1,861	46,619
California	20	31,840	936,427
Colorado	11	4,102	100,156
Connecticut	2	250	25,481
District of Columbia	8	12,082	358,426
Florida	11	7,807	126,618
Georgia	11	2,538	108,786
Guam	1	971	8,140
Hawaii	7	5,476	51,120
Idaho	5	5,998	366,129
Illinois	2	1,252	5,870
Indiana	3	2,824	13,012
Iowa	2	306	3,900
Kansas	3	201	10,956
Kentucky	4	2,952	8,101
Louisiana	2	875	6,284
Maine	3	1,257	94,869
Maryland	15	10,860	337,646
Massachusetts	11	3,821	133,924
Michigan	4	1,090	25,056
Minnesota	6	2,286	18,067
Mississippi	4	4,158	58,097
Missouri	6	2,973	36,106
Montana	7	8,412	391,684
Nebraska	4	334	2,929
Nevada	3	8,529	254,696
New Hampshire	2	44	20,340
New Jersey	7	11,549	480,800
New Mexico	13	2,000	87,517
New York	23	13,764	456,052
North Carolina	10	15,198	116,367
North Dakota	3	536	11,823
Ohio	5	751	64,998
Oklahoma	1	388	19,700
Oregon	4	1,640	134,165
Pennsylvania	15	11,566	397,188
Puerto Rico	1	1,158	0
Rhode Island	1	99	0
South Carolina	6	646	1,186
South Dakota	4	1,089	27,030
Tennessee	11	11,051	155,390
Texas	13	2,993	141,163
Utah	11	9,553	78,606
Vermont	2	0	12,655
Virginia	18	22,294	514,549
Virgin Islands	4	1,103	64,180
Washington	11	4,923	184,379
West Virginia	6	3,089	295,975
Wisconsin	3	1,121	4,422
Wyoming	7	10,099	425,673

Mr. WALLOP. Madam President, between 1970 and 1992, 90 units and over 50 million acres have been added to the National System. Quite a few of these 50 million acres do not qualify as National Park Service quality. In the process we have been destroying the integrity of one of America's great traditions—our national parks.

New park legislation over the last 5 years has reduced the effectiveness of

every dollar in the Park Service's budget to the point where the system is ready for the ambulance to take it to the emergency room. If we continue to authorize the way we have been, we can skip the emergency room and go directly to the morgue. We already have units, and portions of units that have been effectively closed to the public because the Park Service does not have the personnel or funds to keep them open.

According to information supplied to Congress by the National Park Service, the agency currently faces a 37-year backlog in construction funding, a 25-year backlog for land acquisition, and a shortfall of over \$400 million for existing park operation and maintenance. As the National Park Service faces a cut of 1,300 positions in the next 5 years, the expansion of the Park System becomes an even more critical issue.

Systemwide, the Park Service has been deferring maintenance for so long that now entire road, sewage, and water systems in many of our parks need to be entirely replaced. Continued maintenance deferral only adds to the increase of project costs.

The Government Accounting Office has adequately documented the state of the park employee housing in more than one report. In short, we have become slum landlords.

Turning to the Vail agenda, the report of the Park Service to its management, we find that the steering committee reported that the greatest strength of the Park Service was its employees.

The report states that the typical employee is there because they are challenged by the opportunity to preserve and protect some of the Nation's most meaningful and enriching natural resources. This is despite a pay scale that is commonly one or two steps below that of employees with comparable responsibility and experience in other agencies.

This is also despite employee housing which is commonly not up to code, run down, or nonexistent. We simply cannot do any better by the Service's employees, the Service's single greatest asset, if we continue to dilute every appropriated dollar by constantly authorizing new and marginally qualified units to the System.

Prior to this summer, we all had the opportunity to read newspaper reports and editorials and to view television programs which explained that visitors centers in our parks would be opening later and closing earlier. Certain campgrounds, trails, and other facilities would be closed to park visitors. Interpretive programs would be curtailed and several vital and needed maintenance projects would be deferred to save money.

Madam President, what about the National Wildlife Refuge System? I am

talking about the 499 refuges, 180 waterfowl production areas, and 51 coordination areas when I refer to the System. I am not talking here about the fish hatcheries or other properties under the jurisdiction of the Fish and Wildlife Service.

Congress has just as great an appetite for refuges as it has for parks. For example, look what has happened at the Archie Carr National Wildlife Refuge. When the refuge was designated 4 years ago, Congress announced it would spend \$9 million to acquire more than 9 miles of undeveloped beach and more than 800 acres within the boundaries. Since then Congress has spent \$6.9 million. The race for the best remaining parcels is being lost to land speculators. At risk is a sea turtle nesting beach of global importance.

So far, the State and two coastal counties have earmarked or spent more money, and acquired more land, than the Federal Government for the Federal refuge.

Two private groups, the Nature Conservancy and the Mellon Foundation, also have contributed property. Still, only about 30 percent of the refuge is now in public hands.

For fiscal year 1994, Congress initially planned to give nothing from its \$82.7 million national refuge budget to buy land for the Archie Carr National Wildlife Refuge. After strong lobbying Congress provided a \$1.39 million appropriation.

For 1995, we have even less money to spread among 37 different national wildlife refuge projects, \$62.3 million. Still, the Clinton administration asked that the turtle refuge receive one of the largest appropriations, \$7 million.

We are currently considering only \$3 million. A refuge in Texas and one in San Francisco are supposed to get the largest allotments, \$5 million each.

Simply put, the Department of the Interior is out of money for land acquisition in the National Park Service and the Fish and Wildlife Service. There is no new source of revenue to pay for the cost of managing, maintaining, or developing what Congress has created in its last five sessions.

We know we have recently created units of the National Park System that are not meritorious, nor nationally significant; they only drain scarce personnel and fiscal resources away from other areas. In fact, recently, we have had a Park Service official testify before our committee that there are park units that should be eliminated from the system.

The same appears to be true of the National Wildlife Refuge System. The Fish and Wildlife Service's Final EIS on the refuge system, Refuges 2000, is a litany of attempts to put fewer and fewer dollars to more and more places—all without benefit of an overall master plan.

The point I want to make here is that these two Department of Interior

agencies have great needs for land acquisition, but have almost no chance of meeting those needs.

It is time to cull these two systems of excess units that represent a budget burden while no longer meeting their original purpose. I am suggesting that we begin with only five units of each system. It is only a start but a worthwhile endeavor. It is something that needs to be done.

Congress would still be required to make the final determination as to whether a park or refuge unit established by an act of Congress should be deauthorized or terminated.

I realize this will be a hard choice for the Congress and the administration but the choice must be made. It is our duty to occasionally review what we have done in Congress.

The studies called for by this amendment would help us achieve better oversight of the park and refuge systems.

If we have park or refuge units that do not merit national status it is only good business to remove them to a more appropriate jurisdiction.

I urge my colleagues to support this amendment.

Madam President, I ask unanimous consent that an article that appeared in this morning's Washington Times which says that visitors are down in the National Park System by something like 2 percent for the simple reason that they are visiting the degraded and substandard facilities that are overcrowded, unhealthy, and unworthy of a system that has been to date the envy of the world.

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

[From the Washington Times, July 26, 1994]

ATTENDANCE AT NATIONAL PARKS SEEN  
FALLING OFF

ARCHES NATIONAL PARK, UT.—Is America's love affair with its overcrowded national parks falling?

For the first time since the end of World War II, the number of people visiting national parks is heading down in a decline that started two years ago.

And that spells trouble for businesses that cater to park visitors.

Even in this desert park of 2,000 natural stone arches, where visitor numbers had jumped 51 percent since 1990, attendance may be down this year, says Park Superintendent Noel Poe.

"We didn't believe it could continue forever. Maybe we're at that point," Mr. Poe said.

Neighboring Canyonlands, where growth had been even higher than Arches, also is in a decline.

But not every park is down.

Attendance at some parks that draw from major population centers is climbing, including Yosemite, up 9 percent, and Rocky Mountains near Denver, up 17 percent for the first five months of this year.

But nationally, visits to the park system's 332 reporting units, ranging from parks to battlefields, were down 2.2 percent through May, and initial reports for June and July suggest further drops.

Last year, visits totaled 273.1 million, down from the previous year's 274.7 million. In 1947, the number was 25.5 million.

Many reasons are given why park system numbers are down, ranging from an uncertain world economy to the international attraction of all the World Cup soccer matches to overcrowding of the parks themselves.

"People are tired of going to overcrowded parks," said Rod Greenough of Salt Lake City office of the National Parks and Conservation Association.

However, some businesses believe measures imposed to control crowds, such as reservation systems, have also discouraged visitors.

"It appears that in preparing for the overcrowding of past years, the park service may have actually done its job a little too well," said Brenda Tormo, president of the Grand Canyon Chamber of Commerce.

Suzanne Cook, an economist with the U.S. Travel Data Center in Washington, said domestic travel business data would suggest park visits should be up.

"The indicators that I have, like lodging data, are up 4.2 percent this year," she said.

Ms. Cook said the parks' decline also may be a sign of the changing tastes of baby boomers.

But don't expect this slight attendance decline to eliminate long waits for parking places and camping spots.

If it's a reprieve, it's not much of one, said Mr. Greenough and officials at several parks.

"I'd compare it to a prisoner of war getting a glass of water thrown in his face," said Ken Hornbeck, who assembles and analyzes visit numbers for the park service.

And it doesn't mean outdoor recreation is down on all the nation's public land.

Recreation consumers just have more choices, including travel to millions of acres of less-crowded public lands administered by the Bureau of Land Management or U.S. Forest Service. Neither agency keeps close tabs on visitor numbers.

Mr. WALLOP. Madam President, I hope that I am correct in understanding the committee's attitude toward this. Not every single piece of property that the Park Service holds, and every single piece of property that the Department of Fish and Wildlife Service holds is important to Fish and Wildlife or to the Park System. But one thing is certain. If we do not begin to find the means by which we restore integrity to these great services, the great blessing that Americans think will be their inheritance will be damaged beyond repair. This is just a tiny start.

Madam President, I yield the floor.

Mr. BYRD. Madam President, I am prepared to accept the amendment on this side. I hope that the Senate will agree to it.

Mr. WALLOP. Madam President, I am informed that Senator NICKLES asked that for the moment I manage the floor in his behalf. With leader's acceptance of that, I am prepared as well to accept the amendment.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment of the Senator from Wyoming.

The amendment (No. 2407) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. WALLOP. Madam President, just last month Bob Armstrong, Assistant Secretary for Land and Minerals at the Department of the Interior, testified before the House Natural Resources Committee on the general health of the domestic petroleum industry.

In his testimony, Mr. Armstrong cited numerous reasons why U.S. companies are spending more than half of their exploration dollars overseas, not the least of which are the collapse of oil prices and various regulatory barriers. Yet he failed to mention perhaps the most significant reason: The Outer Continental Shelf moratorium provisions that are included in the Interior appropriations bill year after year.

These moratoriums cover areas where there is the highest undiscovered resource potential for oil and gas. Domestic crude oil production is at its lowest level in more than 30 years, and imports are on the rise. Yet, once again we have foreclosed the opportunity to reverse these trends by adding these moratoriums on the OCS development. Why? Because the administration claims these areas need further study. Madam President, there is an old saying. "The way to do nothing is to have a study."

They want to make sure that any drilling is done in an environmentally sound manner. The problem with their approach is that it is nothing more than an extravagant political gesture which destroys honest dialog about real dangers, and real problems. And real prospects fall short. The administration claims on the one hand to have a domestic natural gas policy. They want to increase production of natural gas. But, Madam President, there can be no natural gas or oil if there is no drilling.

So while the Interior Department studies the abundant resources of the areas of the Outer Continental Shelf, and the attempt to shape the policy to produce energy there, it has become clear to me that their effort amounts to nothing more than political posturing for the benefit of an environmental constituency.

Clearly, less rhetoric is the key to reducing our reliance on imported energy. We have the technological prowess to develop oil and gas resources in an environmentally responsible man-

ner. There are far fewer accidents in the ocean, which are caused by the drilling and production of oil and gas, than are caused by transportation into this country.

Great progress is being made in better determining the location of offshore energy resources through the use of 3-D seismic invasion. But these innovative techniques will sit idle or be used to develop the wealth and resources of the rest of the world unless we lift the moratorium and get on with the business of the exploration and development on the OCS. America's energy industry is a valuable asset to America's economy. Fifty billion dollars, half of our overseas balance of payments deficits, went just solely to the purchase of petroleum.

So we cannot expect to maintain a strong and viable country, let alone the strength and viability of national interest, through a policy which encourages consumption at home and production abroad.

Madam President, I thank the Chair. 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. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Madam President, this is a request that is joined in by my colleague on the other side, Mr. NICKLES.

I ask unanimous consent that, of the three amendments listed under Mr. BROWN, two amendments be eliminated from the list; that the four on the list under Mr. DOLE's name be deleted; that the amendment listed under the name of Mr. DECONCINI be eliminated; provided, further, that the amendment by Mr. GRAHAM of Florida be stricken from the list; that the amendment by Mr. HATFIELD be stricken from the list, that the remaining amendment by Senator HUTCHISON be stricken from the list; that two of the three remaining amendments by Mr. MCCAIN be stricken from the list; that the amendment by Mr. MCCONNELL be stricken; that the three amendments listed under Mr. METZENBAUM's name be stricken from the list; that the three remaining amendments under Mr. WALLOP's name be stricken from the list; that one of the two amendments by Mr. WELLSTONE be deleted.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. Madam President, I thank my colleague, Senator NICKLES, and his staff and I thank my staff and the other staff persons and the Senators for their cooperation in helping us to reduce the list. I hope that other Senators who may be within hearing

distance, or who may be watching the proceedings, will get in touch with us and see if we can eliminate their names as well, so we can move on to third reading and final passage.

## UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Madam President, I ask unanimous consent that the remaining committee amendments on page 81, line 7; page 81, line 16; page 81, line 18; and page 82, lines 3 through 6, be agreed to, and that the motion to reconsider be laid on the table.

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

So the excepted committee amendments at page 81, line 7; page 81, line 16; page 81, line 18; and page 82, lines 3 through 6, were agreed to.

Mr. NICKLES. Will the chairman yield?

Mr. BYRD. Yes.

Mr. NICKLES. In looking at our side, we just have a few amendments left. Senator BROWN and Senator BURNS wanted to keep an amendment. I am not sure whether they will require votes. Senator COVERDELL and Senator NUNN were working on language dealing with the disaster and, hopefully, that will be coming soon. Senator DANFORTH has an amendment dealing with endangered species. I am not sure if that is a colloquy or amendment. Senator DOMENICI is working on an amendment, and I have requested that he come to the floor soon. It deals with southwestern fishery. Senator MURKOWSKI has two, one of which is a sense-of-the-Senate, which I hope we will agree to. The other I am not sure; it may require a vote. And Senator GRAMM wanted to keep two spots. I am not sure what they pertain to. We are narrowing the list fairly quickly.

I urge any colleagues that still have their names on the list, if they have an amendment, we are receptive to trying to dispose of them.

I ask unanimous consent that Senator SPECTER's name be added as a cosponsor to Senator WOFFORD's and Senator COCHRAN's amendment which was adopted earlier today.

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

Mr. BYRD. Madam President, I thank the very able Senator from Oklahoma [Mr. NICKLES]. Does he have any response from Mr. MACK as to whether or not his amendment is going to be called up?

Mr. NICKLES. I think we need to keep that open for the time being.

Mr. BYRD. Very well. I thank the Senator. I believe, under the proposal that Mr. DOLE made earlier, Senators should let both managers know, or their respective manager know by 4:30 p.m. if they indeed are going to call up their amendment. If we do not hear by then, I think we will attempt to get unanimous consent to strike the remaining amendments from the list. Perhaps we will set a time for a motion

to proceed to third reading and a final vote.

Madam President, I yield the floor.

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

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

Mr. BYRD. Madam President, I am informed by Senator NICKLES that Senator MACK has indicated he does not intend to call up his amendment on the list. I, therefore, ask unanimous consent that the amendment be deleted from the list.

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

## AMENDMENT NO. 2408

Mr. BYRD. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mr. LEAHY (for himself and Mr. LIEBERMAN), proposes an amendment numbered 2408.

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

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

The amendment is as follows:

At the appropriate place in the bill, insert: Within the funds provided in the Endangered Species Prelisting and Recovery Program for the Fish and Wildlife Service, there is up to \$500,000 available to purchase the Greenland highseas fisheries quota of Atlantic salmon for the third and final year of the National Fish and Wildlife Foundation's Atlantic Salmon Demonstration Program for the Northeast.

Mr. BYRD. Madam President, I ask unanimous consent that the amendment be agreed to and that a motion to reconsider be laid upon the table, and that any appropriate statements in explanation thereof appear in the RECORD as though read.

Mr. LIEBERMAN. Reserving the right to object, and I will not object. I thank the chairman and the ranking member for their support of this amendment which will approve this magnificent project to return the salmon to the rivers of New England. I thank the Senators.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

So the amendment (No. 2408) was agreed to.

Mrs. MURRAY. Madam President, I rise in strong support of H.R. 4602. Many speakers have preceded me, so I know all my colleagues understand what this bill represents. It is a prime example of a major shift in congress-

sional decisionmaking priorities. In years past, politicians were elected to bring home the bacon. More recently, however, they have been elected to cut the fat.

This may be the first year in a long, long time that nearly every appropriations bill has included major spending reductions. I serve on both the Budget and Appropriations committees, so I have had a hands on opportunity to see this shift take place over the past year and a half.

We have already considered several appropriations bills this summer. They each carry a similar profile. They try to hold the line on important programs; they reduce FTE's; they phase down programs at, or close to, the end of their usefulness.

The Interior appropriations bill is no different. In this bill, the committee has provided funds for only the most important programs, to achieve only the most critical goals. Critical conservation goals. Critical resource management goals. Critical investment goals. As you can imagine, Madam President, this has required a lot of tough decisions.

Coming from a Western State, I can appreciate the difficulty in making these choices. I know the maintenance backlog at our national parks. I know the demand for tourist services and public education. I know the pressing need to repair culverts and restore habitat in the national forests.

The agencies under the jurisdiction of this bill are a big part of communities all over Washington. When they lose employees, the communities lose neighbors. When they lack funds to implement laws or regulations, they create controversy. Each time the Senate considers even the obscure little provision in a bill like this, we send a ripple effect through States like mine.

Against this backdrop, H.R. 4602 is an attempt to balance competing demands under difficult circumstances. While there are many worthy projects and important issues which the committee could not address, I feel this bill reflects an effort to be fair. Now that the committee has made these choices, now that we have identified our priorities, it is terribly important—to my State and many others—that we move quickly to pass this bill.

Briefly, I would like to highlight some of the reasons H.R. 4602 is important to Washington State. First and foremost, it provides critical funding necessary to implement the Clinton forest plan.

Funds are provided for this purpose to the Forest Service, the Fish and Wildlife Service, the Bureau of Land Management, the National Biological Survey, and the Bureau of Indian Affairs. Although the committee was only able to provide about 75 percent of the needs identified by the agencies, H.R. 4602 contains enough for these

agencies to legally implement the plan. These funds are sufficient to allow planning, watershed assessment, and section 7 consultations to proceed. In other words, to get things moving and keep them moving.

In addition, funds are provided for watershed restoration. This work provides much needed jobs throughout the national forests in my State. It is also a solid investment to make sure the forests of the future remains healthy and productive.

Many people have criticized the President's plan. Believe me, it is easy to criticize, because multiple-use forest management is very complicated. But it is also easy to oversimplify the problem when things are not going well.

Those of us elected in 1992 inherited a train wreck. This administration was asked to correct for a decade of over-cutting, followed by 5 years of mismanagement, inaction, litigation, and division. Who in their right mind would believe this problem could be repaired overnight?

To use President Clinton's words, his plan will bring the 25 million acres of national forest into a "scientifically credible, legally responsible, and economically sustainable" management plan. There is a lot at stake; I think we in Congress need to support the effort.

Posed with the choice between jobs and the environment, the President said, "both." The goal is to keep the forest healthy and the harvest rate sustainable. That way, we will know how much timber can be cut while maintaining biological diversity. It will take some time yet to know if the plan will work. If it does, the Pacific Northwest forest plan will be a national model for multispecies ecosystem management. I certainly hope all my colleagues will recognize the significance; this administration is willing to take the heat to demonstrate that the choice between jobs and the environment is false.

There are several other issues addressed in this bill that are important to Washington State. It contains \$3.5 million for the Park Service to conduct an environmental impact statement on the acquisition and removal of two hydroelectric dams on the Elwha River. In May 1994, the Park Service completed a feasibility study on restoring salmon runs to the Elwha River pursuant to Public Law 102-495, the Elwha River Ecosystem and Fisheries Restoration Act. This study concludes it would be feasible to restore the salmon runs by removing the dams. Such course of action would enable the Federal Government, the Lower Elwha S'Klallam Tribe, and certain private interests to avoid lengthy, contentious, and expensive litigation.

I recognize that proceeding with dam removal in future years would force the Federal Government to incur significant costs. However, I believe that

costs of such action would be less than exposing the Government to a costly, court-imposed settlement. I hope to introduce legislation to authorize involvement on the part of the Bureau of Reclamation in the future. For now, I hope the Federal Government will continue to proceed with implementation of Public Law 102-495.

H.R. 4602 also provides funds for several important local Federal Government obligations. For example, it includes \$2.5 million under State and private forestry special projects to complete the Federal obligation to Skamania County, WA related to construction of the Skamania Lodge. This is an extremely important item given the historic relationship of Skamania County to the Federal Government under the Columbia Gorge National Scenic Area Act. Non-Federal funds were raised and expended on this project with the understanding the Forest Service would contribute to community efforts. It is doubly important considering the reduction in timber production on the Gifford Pinchot National Forest, which comprises over 85 percent of the county landbase.

In addition, H.R. 4602 includes \$4.2 million to complete work at the Johnston Ridge Observatory at Mount St. Helens National Volcanic Monument. In the first 7 months it was open, 800,000 people visited the Coldwater Visitor Center. Overall, 3.3 million visitors saw the monument during 1993. During this time, a shuttle bus service has been operated enabling people to reach Johnston Ridge. However, full road and parking facilities have not been completed. Such facilities will be necessary to accommodate anticipated visitation to Johnston Ridge.

Finally, there are funds in the bill to address several land acquisition projects that will ensure important conservation goals are met, including the Alpine Lakes region, the Nisqually National Wildlife Refuge, the Skagit Wild and Scenic River, and Cape Horn in the Columbia Gorge.

The Land and Water Conservation Fund has been hit particularly hard by spending reductions. This is truly unfortunate, as it offers the best opportunity for nuts and bolts conservation activities. For example, the I-90 corridor in the Cascade Mountains is comprised of checkerboard ownership in some of the most biologically diverse old growth forests of the region. LWCF funds could be used to consolidate Federal ownership to ensure wildlife conservation and recreational opportunities are maintained.

In fact, the bill includes \$3.7 million to acquire the Silver Creek drainage, the last remaining undisturbed migration corridor from the North Cascades to the South Cascades. However, funds are scarce, and this project only represents the tip of the iceberg. I encourage the Forest Service to work with

the principal landowner in the corridor to determine whether a comprehensive land exchange is possible. This would be the best way to protect the corridor and relieve pressure on scarce LWCF resources.

Madam President, there are many more important provisions in this bill. Every State with significant public lands, every State with an interest in energy conservation, every State with a national park needs this bill to pass. It is a good, tough bill. It reflects our need for tight purse strings, but it also supports so many worthy programs. I urge all of my colleagues to support H.R. 4602, so we can move quickly to conference with the House and complete work on this bill.

#### THE NATIONAL ENDOWMENT FOR THE ARTS

Mrs. MURRAY. Madam President, I rise today in support of the National Endowment for the Arts.

Since its inception in 1965, the NEA has expanded opportunities for all Americans. It has broadened our cultural experience and allowed an entire nation to participate in the arts.

Madam President, we have heard all the horror stories and gruesome tales of NEA funding. It is easy to focus on the sensational. It is easy to score debating points. It is easy to use the NEA for an agenda that has nothing at all to do with funding for the arts.

In the midst of these election year politics, let us keep our eye on the facts. Fewer than 50 of the 100,000 grants made by the Endowment in its 29-year history have created controversy. That is five-thousandths of 1 percent of its activity. That is a pretty impressive record.

You see, Madam President, no one has ever accused me of being a member of the cultural elite. I am just an ordinary citizen and a mom. So, when I review the NEA budget, I do it from that perspective. I focus on the ordinary aspects of NEA funding. On the ways our kids benefit from NEA-backed programs. And, on the impact of budget cuts to the NEA on our young people's education.

The fact remains that few Government agencies have a record of cost effectiveness that can match that of the NEA. For less than one dollar per citizen, the NEA has supported this Nation's cultural life. You should not reward fiscal responsibility with budget cuts.

Madam President, the National Endowment for the Arts invests in artistic programs which directly benefit citizens throughout the Pacific Northwest.

In my home State of Washington, the State Arts Commission receives grants that allow it to fund arts organizations and arts activities in the K-12 schools. And, it undertakes special projects for isolated rural communities.

Thanks to the NEA, the children of my State do not have to be rich to

learn about the arts. They do not have to live in cities. The treasures of our National Gallery are available for schools in central and eastern Washington. And, NEA-funded programs continue to benefit my friends and neighbors across the State. And, I will bet most of our colleagues have had similar experiences in their States.

That is why I am so concerned about these cuts. Many Washington State organizations receive direct funding from the Endowment through the programs targeted by the cuts. Let me take a minute to tell you about some of these programs which could be cut by this bill.

The NEA funds a Contemporary Theatre which delights audiences annually with its production of "A Christmas Carol" and its season of plays by contemporary playwrights.

NEA funding allows the University of Washington's Meany Hall to present the finest mix of modern dance and classical and world music that you will find on the west coast. It reaches more than 50,000 people annually by making performances possible in Seattle—and in Bellingham, Olympia, and Tacoma as well.

In addition, Meany Hall conducts community outreach activities that make a real difference in young people's lives. The hall enables visiting artists to serve at-risk youth in our community through public school workshops, student matinees, and lecture demonstrations.

The Carter Family Puppets receives a grant from the NEA that helps them entertain and educate young audiences with original stories and folk tales from all cultures from their studios in the Phinney Ridge area.

Young people marvel at the work of Dale Chihuly. I have a poster in my front office of his nationally recognized Pilchuk Glass School. Thanks in part to NEA grants, he has resurrected the fine art of blown glass, and given our young people a direct link with this beautiful art form.

The NEA helps young people in Washington State. Seattle's Children's Theatre is one of only four Equity children's theatres in the country. It is valued for its efforts to address issues surrounding ethnic diversity and families.

And, last but not least, the Southeast Effective Development is a community arts organization that serves Seattle's central area with arts programs for at-risk youth.

The Endowment helps nurture the arts in Washington in numerous other ways as well.

Centrum, a nonprofit arts organization located in the small coastal town of Port Townsend, was founded 21 years ago because the National Endowment for the Arts made a key \$35,000 start-up grant. That grant enabled the organization to begin developing arts pro-

grams in an abandoned military facility called Fort Worden.

In the ensuing years, Centrum has established a national reputation for programs ranging from elementary and secondary school arts workshops to senior citizens Elderhostels.

Centrum makes a major difference to the quality of life in our State. It also pumps over \$4 million annually into the Port Townsend economy, which is reeling from the depressed timber industry across the Olympic Peninsula.

Madam President, it is the best of all possible scenarios. NEA dollars improve the quality of life in Washington and provide a multiplier effect for business as well.

The Seattle Opera is one of Washington State's many NEA beneficiaries. Some believe this funding only goes to their staged productions which played to more than 100,000 people last season. But, the Seattle Opera reaches an additional 150,000 people of all ages through its educational programs.

Tacoma and Pierce County have benefited greatly from the endowment.

The NEA has assisted the construction of the new Theatre on the Square and helped restore the historic Rialto Theatre. These spaces stage more than 250 performances per year for families through Pierce County.

And, the NEA has provided funding through the Western States Arts Federation. The Federation has enabled citizens to see dances, music, and theatre representing many cultures and art forms.

You see, Madam President, these are just a few of the ways the NEA has been contributing to the cultural life and economic health of my small corner of the country. We have heard all about the controversial grants, but let us keep focused on the entire picture. Let us recognize the enormous good done by the NEA.

Before I conclude these brief remarks, I must recognize the leadership of NEA's new Chair. I have a great deal of confidence in Jane Alexander. In meetings with her, I am all the more excited about her goal of improving the agency's image, and her vision to bring the best art to the most people.

Madam President, I strongly urge my colleagues to support this great institution and to appropriate as much of the President's \$171.1 million request as possible.

#### NATIONAL ENDOWMENT FOR THE ARTS

Mr. WOFFORD. Madam President, Pennsylvania's cultural life is as rich and diverse as its people. The National Endowment for the Arts has played an invaluable role in strengthening our cultural life. Through its grants to organizations and individuals, the NEA has enabled the arts to thrive in Pennsylvania and across the Nation. From our large cities to the smallest rural areas, the National Endowment for the Arts makes opera, folk arts, drama,

dance—our cultural heritage—accessible to all Americans.

I recently met Adia Dobbins-Hickman, a high school student from Johnstown, PA. Adia participates in the Summer Music Institute that is run by the Johnstown Symphony Orchestra. She told me that this program is training the next generation of musicians. This music program enables children to spend part of the summer learning music from members of the Johnstown Symphony Orchestra. In Johnstown, the arts are a community effort. Businesses, schools and parents all help support the Summer Institute—and the NEA is a full partner in this program.

The NEA also helps support the Pittsburgh Dance Council. The artists who are associated with the Pittsburgh Dance Council bring the joy of dance into the Pittsburgh public schools. This year they presented "Frick on Stage" at a middle school, the Frick International Studies Academy. Students were involved in every stage of the performance. They performed, made the sets and the costumes, and did the choreography.

These are just two examples. Since the NEA was founded in 1966, the number of community-based local arts agencies in Pennsylvania grew from 0 to 75, and the number of performing arts companies, museums, arts centers and other arts organizations grew from 300 to 3,000. And each year, public funding has brought arts education to thousands of Pennsylvania school children.

In the past few years, Congress has taken a careful look at the process for making Federal grants for the arts—and many improvements were made. Yet some continue to try to use the NEA to make a political point. The NEA has made over 100,000 grants. Yet only a handful get national attention. I do not agree with every grant that the NEA has made over the past 26 years. Some are not my taste, and some are personally distasteful. But I was not elected to the Senate to be an arts critic.

Funds invested in the arts yield a substantial and direct financial return. Almost all grants made by the NEA require some match of funds by the grantee—so NEA funds leverage significant additional private and public support for the arts. In addition, the arts generate both direct and secondary benefits in employment and revenue, contributing substantially to the economic health of communities throughout the Nation.

But the greatest contribution of the NEA is that it enriches the lives of millions of Americans and enables us to enjoy and appreciate our cultural heritage.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. Madam President, I regret that it is necessary once again this year to take the Senate's time to discuss issues pertaining to the Tongass National Forest in the southeastern part of my State.

Unfortunately, it seems to take increasing amounts of time of all of us to try to work through the issues with this area of Alaska. It is a great portion of my State. I should have a map here to point out to the Members of the Senate exactly what I am talking about. The southeastern panhandle is essentially the Tongass Forest, as it is a very vital part of the economy of our State. It has been a substantial producer of jobs, income, and recreation. It is a diversified area.

I raised in committee the subject of an amendment, and I passed an amendment around. At that time the distinguished Senator from Louisiana [Mr. JOHNSTON] asked that I not offer that amendment because he wanted a chance to consider it.

I thank Senator JOHNSTON and his staff on the Energy Committee for taking the time to work with me on that amendment, and I thank Senator BYRD and his staff, particularly Sue Masica, for the time they worked on that amendment.

On reflection, and after having discussed the matter with the industry people in my State, I am not going to offer that amendment, and I want to explain to the Senate why not. I hope that there will be a chance in other instances here this year to raise the question of the activities of the Forest Service that go beyond the scope of existing law, but I have decided, as I said, that this is not the time to proceed with the amendment that I circulated.

That amendment, Madam President, was in effect to tell the Forest Service to abide by existing law. The amendment would have prohibited the expenditure of funds to implement brand new management practices that are not authorized under the Tongass Timber Reform Act. Those management prescriptions are "goshawk perimeters" and "habitat conservation areas." For the memory of the Senate, that is an act that was passed after a series of years of deliberations. It set forth a new concept for management of the Tongass Forest, and it specifically revalidated the whole concept of land-use planning in the Tongass Forest.

In order to have any activity by the Forest Service in the Tongass, it must be pursuant to the procedures laid out by Congress in authorizing the Tongass land management plan. We call that TLMP. Those management prescriptions are not part of that Tongass land management plan and have not re-

ceived the National Environmental Protection Act approval as is required by law. They have already reduced the harvest volumes in the Tongass for commercial timber operations by 40 to 50 to 60 percent.

Those prescriptions, Madam President, have withdrawn 300 square miles of the Tongass Forest. They violate the spirit of the bill we call ANILCA, the Alaska National Interest Lands Conservation Act.

In that act, which passed the Congress and has set the pattern for development of and use of Federal lands, and particularly has established the policy for future use of Federal lands, section 1326, and I read it and quote from it, states:

No further executive branch action which withdraws more than 5,000 acres in aggregate of public lands within the State of Alaska shall be effective except by compliance with this section. To the extent authorized by existing law, the President or the Secretary may withdraw public lands in the State of Alaska exceeding 5,000 acres in the aggregate which withdrawal shall not become effective until notice provided in the Federal Register and both Houses of Congress. Such withdrawal shall terminate 1 year after notice of such withdrawal has been submitted to Congress.

That clause was intended—we call it the no-more clause—that there will be no more Federal withdrawal of lands in Alaska unless specifically approved by Congress if they exceed 5,000 acres in the aggregate.

That law prohibits executive branch action that unilaterally withdraws land.

What has happened in the southeastern area in the Tongass Forest is that the Forest Service has now drawn circles around goshawk trees, and they have established habitat conservation areas within the Tongass that have withdrawn more than 5,000 acres. No notice has been published in the Federal Register, and the Congress has not been notified as required by section 1326.

Madam President, the goshawk is not an endangered species. Similar action has been taken with regard to the wolf in southeastern Alaska. The wolf is not an endangered species in my State.

The withdrawals violate the Tongass Timber Reform Act itself. Set asides in the Tongass total 6.99 million acres, including 1.32 million added, as a matter of fact, in the TTRA. That means that of the whole Tongass Forest approximately one-tenth of the forest is still available for forest activity.

The whole area was set aside as an area to be developed by the Forest Service under management practices to set a standard for the private timber industry.

It was the great Gifford Pinchot theory that we should have national forests and keep them in public ownership, develop management plans for timber utilization, and use those plans

and implementation of them as a yardstick to measure the performance of the private timber industry.

The withdrawals that have been made in my State by law have been made for preservation purposes. They are primarily wilderness areas. They are roadless, and they are not capable of being harvested in any way or utilized in any way by the timber industry.

These additional withdrawals now come after the enactment of the Tongass Timber Reform Act in which Congress itself promised that the amount set aside for wilderness would not disturb the timber economy of southeastern Alaska.

What has happened is every year since the Tongass Timber Reform Act has been passed I have been forced to come here to the floor to confer with my friend from West Virginia to try to make the Forest Service abide by that law. And I was prepared to do that again.

Of the promises made in the Tongass Timber Reform Act, one of them was that the Forest Service would meet market demand. Prior to that time we had a commitment that there would be 4.5 billion board feet of timber made available every 10 years. The environmental community objected to that because they said it mandated cutting timber without regard to demand. So we negotiated. We said: All right. The Forest Service will prepare timber for market based upon its own projection of market demand. Section 705 of the Tongass Timber Reform Act specifically said:

Subject to appropriations, other applicable law, and requirements of the National Forest Management Act, the Secretary shall seek to provide a supply of timber from the Tongass timber forest which (1) meets the annual market demand for timber from such forest and (2) meets the market demand from such forest for each planning cycle.

That, to us, was a promise. We gave up the commitment. This was an absolute commitment. The law mandated availability of 4.5 billion board feet with a 10-year cycle. In its place was the concept of market demand estimation by the Forest Service and a commitment by the Forest Service to prepare timber for marketing to meet that demand.

Alaskans always view the word "promise" in connection with the words of Robert Service—and my friend, I am sure, from West Virginia will mention that—"A promise made is a debt unpaid."

I personally was criticized when I went back to Alaska for having agreed to the Tongass Timber Reform Act. It was a settlement of a long-standing dispute with the environmental community. But for the working people of the Tongass National Forest the debt remains unpaid.

Madam President, in no year has the Forest Service made timber available

to meet market demand, not once. And every year I have come to my friend from West Virginia and the Senator from Oklahoma, as a member of the Appropriations Committee, and said, "I have to have another amendment. We have to have some way to try to jack up the Forest Service to meet the requirements of this law, the Tongass Timber Reform Act."

The Forest Service has estimated that the market demand will be in the range of 400 million board feet throughout the 1990's. I think this estimate is very interesting. I ask unanimous consent that the estimate, along with other items I have attached here from existing law, be printed in the RECORD.

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

TABLE 3-119.—SUMMARY OF HISTORICAL AND PROJECTED PERIODIC ALASKA TIMBER HARVEST BY OWNER, HARVEST BY PRODUCT, AND PRODUCTION OF FOREST PRODUCTS, 1970-2010<sup>1</sup>

[Timber harvest by owner and timber imports (in million board feet)]

Period	All owners	National forest	Private	Other public	Timber imports
1975	554.7	489.4	17.7	54.6	0.0
1980	537.4	411.0	133.8	46.1	25.5
1985	572.7	280.7	265.2	25.8	34.5
1990	787.5	381.5	376.0	30.0	13.7
1995	595.5	403.5	162.0	30.0	15.0
2000	538.2	403.2	105.0	30.0	15.0
2005	527.1	397.1	100.0	30.0	15.0
2010	530.8	400.8	100.0	30.0	15.0

<sup>1</sup> Data are averages centered on the year they are reported for, except 2010 reports the average for 2008-2010. Annual data are reported in Brooks and Haynes (in press). Source: Haynes and Brooks, 1990.

TABLE 3-60.—ESTIMATED CHANGES IN PRODUCTIVE OLD-GROWTH FOREST ACRES COMPARED TO 1954, (INCLUDES DESIGNATED WILDERNESS)

Period	Percent of 1954 productive old growth remaining under current revised draft TLMP	
	Preferred	Alternative
Total old growth—1954: 5,438,547 acres		
Percent remaining in year:		
1990	93	91
2000	91	88
2010	88	78
2040	78	70
2150	70	

In addition, by the year 2150, much of the second growth will be 160-200 years old. Thus it will have old growth characteristics and can be used as habitat.

U.S. FOREST SERVICE,  
Juneau, AK, May 27, 1994.

Hon. TED STEVENS,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR STEVENS: I appreciate the time we had in your office to discuss Alaska issues. The visit will be most helpful to me as I assume my duties as Regional Forester. Duane Gibson asked that I provide clarifications regarding how the Forest Service in Alaska intends to address the proposed "PACFISH" watershed/habitat strategy that is currently being considered for application in the lower 48 as interim direction.

As stated in the Environmental Assessment for the proposed strategy in the lower 48. (Reference: Alternatives Considered But Eliminated From Detailed Study, page 24), Alaska was eliminated from consideration of interim direction because "Generally anadromous fish stocks and habitat conditions in Alaska are not as degraded as those in the

16 U.S.C. §1604 [NATIONAL FOREST MANAGEMENT ACT]

(g) Promulgation of regulations for development and revision of plans; environmental considerations; resource management guidelines; guidelines for land management plans.

\*\*\* [T]he Secretary shall \*\*\* promulgate regulations, under the principles of the Multiple-Use Sustained-Yield Act of 1960 [16 U.S.C.A. §§528-531], that set out the process for the development and revision of the land management plans, and the guidelines and standards prescribed by this subsection. The regulations shall include, but not be limited to—

(3) specifying guidelines for land management plans developed to achieve the goals of the Program which—

(B) provide for diversity of plant and animal communities based on the suitability and capability of the specific land area in order to meet overall multiple-use objec-

tives, and \*\*\* provide, where appropriate, to the degree practicable, for steps to be taken to preserve the diversity of tree species similar to that existing in the region controlled by the plan;

(d) Public participation in management plans; availability of plans; public meetings—

The Secretary shall provide for public participation in the development, review, and revision of land management plans including, but not limited to, making the plans or revisions available to the public at convenient locations in the vicinity of the affected unit for a period of at least three months before final adoption, during which period the Secretary shall publicize and hold public meetings or comparable processes at locations that foster public participation in the review of such plans or revisions.

MARKET DEMAND

contiguous United States. Agency biologists and others have determined that these stocks generally are not in need of interim direction to ensure options are maintained." The other reason was because of the specific instructions in the FY 1994 Interior and Related Agencies Appropriations Act to prohibit application of the PACFISH standards and guidelines to the Tongass National Forest.

The Forest Service in Alaska is currently responding to the Conference Committee direction to determine if any additional protection is needed on the Tongass National Forest. The study is due to be completed by the end of this fiscal year. The results of the study and other available information will be used to determine whether any change to management direction may be needed. That determination will be made through our land management planning process, with public involvement and NEPA compliance.

We in the Alaska Region of the Forest Service look forward to working with the States of Alaska and all interested parties as we proceed with the study and follow-up analyses.

Sincerely,

PHIL JANIK,  
Regional Forester.

[Excerpt from PACFISH Environmental Assessment for Lower 48]

Alternative B.: The option of applying interim direction to Agency-administered lands in Alaska was eliminated for the following reasons:

1. Generally, anadromous fish stocks and habitat conditions in Alaska are not as degraded as those in the contiguous United States. Agency biologists and others have determined that these stocks generally are not in need of interim protection to ensure that options are maintained.

2. The FY 1994 Interior and Related Agencies Appropriations Act contains language that prohibits the application of PACFISH standards and guidelines to the Tongass National Forest during fiscal year 1994.

3. During FY 1994, the Agencies will conduct stream analyses and studies and will review procedures regarding land management to evaluate the effectiveness of current stream protection and determine the need for additional protection of lands and resources they administer in Alaska.

Alternative C: The option of applying interim direction to watersheds beyond the range of anadromous fish, but where there is habitat important to at-risk resident fish species—such as the bull trout, was eliminated because it is beyond the scope of this environmental assessment, and because independent initiatives to address resident fish habitat management already have begun. This option will be further examined in the geographically specific EISs, which will consider local conditions and the status of various resident fish stocks.

Public involvement during the scoping process for the geographically specific EISs will examine options for management after the interim period and may produce alternatives that include some of the geographic options considered but eliminated from detailed study.

MANAGEMENT DIRECTION OPTIONS ELIMINATED

A number of management direction options for standards, guidelines, and procedures were considered, ranging from current direction to alternatives specifying riparian goals, interim riparian management objectives, standards and guidelines, a new definition of riparian area, Key Watershed identification, and increasing levels of road and/or watershed analysis.

Six management direction alternatives were eliminated from detailed study:

Alternative A: This alternative generally assumed that forest plan and LUP goals, objectives, standards, guidelines, riparian

areas, and procedures are sufficient for interim protection. However, it would have modified current direction by (I) applying

draft Forest Service California Region (R5) minerals management standards and guidelines within riparian areas;

SALE SCHEDULE SUMMARY—FISCAL YEAR 1992 AND 1993 TONGASS TIMBER SALE SCHEDULE ACCOMPLISHMENTS; 4TH QUARTER FISCAL YEAR 1994 AND TENTATIVE FISCAL YEAR 1995 TONGASS TIMBER SALE SCHEDULE

Fiscal year	KPC offer	APC offer	Independent offer		Total	Grand total
			SBA/SSTS	Open		
1992	225	224	33	7	40	489
1993	46	211	61	0	61	318
1994:						
1st-3d Qtr	111	0	5	23		
4th Qtr	70	0	31	40		
1994 total	181	0	36	63	99	1280
1995	220	0	74	26	100	2320
Volume under contract as of June 1, 1994	193	41	<sup>3</sup> (75) 48	5	53	287

<sup>1</sup> Includes 138 MMBF (sawlog + utility volume) of reoffer sales.

<sup>2</sup> Includes 26 MMBF (sawlog + utility volume) of reoffer sales.

<sup>3</sup> Three sales listed in the Tentative FY95 Sale Schedule but NOT included in the volume totals are:

(1) 1995—Saginaw (31.2 MMBF) (within goshawk home range).

(2) 1995—King George (22.5 MMBF); (within radius of known goshawk activity).

(3) 1995—Rowan (21.0 MMBF) (within goshawk home range).

Note.—All numbers are sawlog + utility volume.

Mr. STEVENS. Madam President, the third document is a chart that was prepared by the Forest Service to show the estimate of total old growth in the forest. This is a forest where many people want to protect the old growth, and we have joined with that idea. I joined in the Tongass Timber Reform Act to make certain that the specific areas that required protection in the Tongass were permanently protected. They are wilderness or LUD II. They are no longer subject to harvesting at all.

Now the claim is being made that the areas that were left open for timber harvesting, somehow or other, if they are harvested, will cause the old growth to disappear.

Madam President, when we talked about the concept of the availability of old growth in connection with the problems in the Pacific Northwest, specifically when we were talking about the area of the spotted owl, there was a problem there of disappearance, they thought, of the old growth. And there was even some debate over whether the owl habitat would be sufficient to preserve the spotted owl under the President's plan. That plan reduced old growth in the Pacific Northwest from 15 percent to 12 percent in this decade.

Madam President, the plan for the Tongass Timber Reform Act for the whole Tongass is such that the percentage of old growth remaining in this decade is 93 percent. Man has disturbed 7 percent of the old growth of the Tongass. By the year 2000, it is estimated to be 91 percent; by the year 2010, 88 percent. I could go down the list.

By the year 2150, the old growth—mind you, the year 2150—the old growth remaining in the Tongass under the plan that was submitted as the preferred alternative, by the way, in 1991, under that plan, 70 percent of the old growth will remain in southeastern Alaska, as compared to 12 percent of the old growth in all of the Pacific Northwest forest.

So I think anyone that wants to bring in a red herring around here is going to talk about old growth in the Tongass. The Tongass is practically all old growth. The question is whether the percentage of the Tongass that was left open for commercial harvest and to sustain the timber industry in Alaska will be allowed to be prepared for marketing and will in fact be marketed.

Incidentally, let me hasten to point out, Madam President, the cutting cycle in the Tongass forest is over 100 years. Less than one-tenth of the forest is available for harvest, and yet the sustained-yield cycle is over 100 years.

It does not take a rocket scientist to understand that we are not cutting this forest at a very rapid rate. The Tongass Timber Reform Act was to provide timber to sustain the then existing industry. We agreed the industry would never expand; that we would preserve a timber operation base there at the level it was at the beginning of the 1990's and no further. Everyone knew that the combination of the cutting cycle, plus the amount that was left open for commercial harvest would mean the timber industry could not grow anymore.

But what has the Forest Service done? It set up a policy to shrink it. Each year it has shrunk this industry that had made a promise to prepare timber to meet the demand to that industry in 1990.

I cannot believe that the Forest Service should be allowed to ignore the law, so I was prepared to offer an amendment saying, "Why don't you obey the law?"

The more I thought about that, I thought, "Why doesn't the industry take this Forest Service to court?" And that is what I am here today to say.

I have advised the southeastern Alaska forest industry to take this Forest Service to court; teach it to read the law, and get the courts to mandate it to abide by the law.

Each year, we appropriated funds. Every year for the last 3 years, the Senator from West Virginia and the Senator from Oklahoma have worked with me to make available money to be sure that the Forest Service could prepare timber for sale in the Tongass to meet that market demand.

We have a concept of a pipeline. So much money has been appropriated to allow them to have funds sufficient to meet market demand. But some of those, practically all of the sales, were challenged in some way by the environmental community. There were some contract disputes within the industry itself, but there was enough money to meet market demand, as it has been estimated.

The money provided by the Congress was for an environmental review of each timber sale under the National Environmental Policy Act. And those were to be completed prior to the timber sale being announced by the Forest Service.

This year, it announced timber sales, conducted timber sales. It let the contract or offered timber. And after the contract was let, they said, "Wait a minute. We are going to go out and we are going to draw 5- and 10-mile no harvest circles"—each one of those, by the way, is 70 to 300 square miles—"around every tree that has a goshawk nested in it."

Mind you, the goshawk is not endangered; it is not threatened in our State. It is in no way jeopardized by the timber harvest. Over two-thirds of the timber forest of the Tongass is there for perfect goshawk production. But this service now is installing a new concept without compliance with the Tongass Timber Reform Act, without compliance with the Tongass Land Management Plan, and without NEPA review.

The land use management concept is unique, by the way. It was applauded by the environmental circles. But now

they say, "Forget about it. Forget about it."

And what do they do beyond that? Now they have not announced or decided how large they are, but they are installing habitat conservation areas to protect the wolves in this area. They do not need them, obviously, in the wilderness area. Why are they putting up wolf protection areas in places that were set aside for timber production?

We all knew what areas for timber meant. It meant timber production. It meant trees were going to be cut. They were going to be cut in a 100-year cutting cycle, using standard land use management concepts. It was not a rapid clear-out of the whole area. There were to be scheduled timber contract sales and there were set-asides for small business. There were only two major large mills in the area. One is already closed now by the action of this Forest Service.

Madam President, I just do not understand how the administration thinks it can pass a law by edict. It has not even published it in the Federal Register. It just told the Forest Service employees to go out and mark a circle around every one of those trees that has a goshawk nest in it, and no one can cut a tree within that circle.

Those circles are often being made in the area that was designated to be a timber cutting area. They are, in fact, withdrawing land. Every one of those circles exceeds 5,000 acres. Every time they do it, they violate the law; not only the Tongass Timber Reform Act, but the Alaska Land Act, in the "no more withdrawal" section that I pointed out.

I cannot understand why any administration believes they have the authority just by edict to change the law. Our people made investments based upon the concessions that were made, the compromises that were made, in the Tongass Timber Reform Act. They opened up small mills. We attracted some very small operators. They were waiting for these sales. They are probably hit harder than anyone by these new circles that are being drawn by the Forest Service.

Now, I believe that there is no way that the Forest Service should be permitted to now adopt an option of protecting old growth habitat in an area that was set aside for timber production by promulgating an administrative policy to declare that within such a circle around every one of the goshawk nests and in the wolf habitat area that they have designated, there shall be no harvesting of timber.

As I said, in the spotted owl area, we know what happened. There, the old growth had been used. As I said, in the Pacific Northwest, as I am told, under the President's plan, the percentage of reduction in old growth in the Pacific Northwest, from 15 to 12 percent that is contemplated under the President's

plan, is the amount of old growth that will disappear in Alaska between now and 2010.

In over 150 years, we will not have used more than 30 percent of the old growth in the operation of our timber industry, but the Pacific Northwest will have used 88 percent under the President's plan, which many criticize, in the next decade.

I believe we have to find some way to deal with this. I have come to the floor today to say I am extremely disturbed. I cannot believe that I stood here on this floor and went through the debates we had on the Tongass Timber Reform Act, entered into the solemn compromises that we did, and the commitments that were made by the Congress to carry it out, and the Congress has in fact carried out our side, that this administration now says it will not allow the cutting within these circles and within these habitat areas in areas that were designated for commercial harvest.

The promises made under the Tongass Timber Reform Act have not been kept by this administration. This administration is now in the process of eliminating the remaining jobs in southeastern Alaska in the timber industry. The Forest Service and the extreme environmental community have really just driven a stake right in the heart of the Tongass forest economy. There are literally hundreds of timber workers and their families who are appealing to us to take some action. Unfortunately, I have to tell them I know of no law we could pass here now that would tell the Forest Service not to do things in violation of existing law that would have any more effect on them than the two we have already passed.

We thought there was peace in this area. I thought we had reached a conclusion that would yield an understanding between the various factions which exist in southeastern Alaska.

There is no reason for doomsday about the survival of old growth timber in the Tongass forest; six-sevenths of it will never be cut. The one-seventh that will be harvested will take a 100-year cycle to complete.

Let me say one other thing that bothers me, and the reason I am here today is that the extreme environmental community has contacted every Member of the Senate and urged them to vote against my amendment because, they say, I plan to disturb the Pacfish policy of the Pacific Northwest. Nothing could be further than the truth. And I am tired of these lying, deceitful people who come to Members of Congress and give out information like this.

The interim strategy provided for the Pacific Northwest did not apply to Alaska at the time when it was devised. I asked to be present and meet with the President and his advisers in the Pacific Northwest when they con-

ceived that policy, and I was told categorically you do not have to be there because we are not discussing Alaska situations. After the Pacfish policy was announced, some within the Forest Service said let us apply the Pacfish policy to Alaska.

Again I went back and talked to the President's assistant. I have a letter from Mr. McLarty saying: "Rest assured, we told you that policy does not apply to Alaska. It does not apply to Alaska."

Subsequently, the new regional forest manager, Mr. Phil Janik, assured me by letter dated May 27 of this year that "Alaska was eliminated from consideration of interim direction" associated with Pacfish. That was because—and I am quoting from his letter—"fish stocks and habitat conditions in Alaska are not as degraded as those in the contiguous United States."

Any determination that the Pacfish strategy ought to apply to Alaska, he told me, would be made through our land management planning process. That is what I am talking about now. He told me determination to apply Pacfish strategy to Alaska would be made through our land management planning process, with public involvement and NEPA compliance.

That promise he made me with regard to Pacfish is exactly what has not been done with regard to these new policies that have been announced with regard to the goshawk and the wolf.

I took the Forest Service assurance that they would comply with NEPA and with the TLMP planning process on Pacfish at face value. The amendment I presented to the committee was not an amendment that dealt with Pacfish, as the extreme environmental community has told Members of the Senate. The Pacfish policy was moot for Alaska, except through the land planning process. My amendment did deal with the land management actions that have been taken by the Forest Service concerning goshawks and wolves.

I believe those portions of the economy of our State that rely upon commitments from the Federal Government as to the areas that will be made available for our utilization for economic development have a right to expect that executive agencies will follow the law. They deserve much more than they have received at the hands of the extreme environmentalists, and the time is going to come when I am going to start making some of these people tell the truth. We could have some laws passed that would put some teeth into what they can and cannot do in the Halls of Congress.

But clearly the peace we thought we would get through the Tongass Timber Reform Act does not exist. I cannot believe that this Forest Service will continue this policy. As I have said, they have drawn, now, 5- and 10-mile no harvest circles around birds nests and

around areas they have designated as wolf habitat conservation areas, in areas they themselves have already let contracts for and planned sales in, to permit small businesses to harvest the timber.

I do believe the studies that are underway. If these tell me we have an endangered species in Alaska and we ought to take some action to preserve habitat to protect them, I will consider helping them. I do not disagree with the concept of protection of environment and species, but there is substantial protection in the Tongass already—nearly 7 million acres. I do believe the people who just decide for some whim they are going to protect a different bird, this goshawk, differently than they do in the Southeast—the Southeastern part and the Southwestern part of the United States, that they are going to do it differently in Alaska—that it needs to be considered by Congress itself.

I hope we find a way to convey to these people that it is time they read the law. It is time they understand that Alaskans made substantial compromises to finally get an agreement in the Tongass Timber Reform Act. That act was basically passed in order to assure that the southeastern portion of my State would have a constant timber economy.

Let me state the conditions again. There would have been no increase in that economy at all. We did not contemplate increasing production. There is no contemplated use of any of the lands that were set aside, some of the most important, productive timber areas were set aside for wilderness values. But the area that was designated to be available for timber harvesting has now been set aside by Executive action under a new process that is not authorized by law, was not contemplated by the Tongass Timber Reform Act, is not within the concepts that were announced by Congress in the Alaska National Interest Land Claims Act, and I believe there is no reason for us, as Alaskan Members of the Senate, here on the floor today to ask the Senate to go on record to, in effect, tell the Forest Service to abide by existing law.

So it is with great frustration I come to the Senate today. The projections have already been made by the Forest Service as to what is the demand. They are not subject to challenge, to my knowledge. We have specific legislation that requires the Secretary:

To provide for public participation in the development, review and revision of land management plans, including but not limited to the making of plans or revisions available to the public at convenient locations in the vicinity of the affected unit for a period of at least 3 months before final adoption, during which period the Secretary shall publicize and hold public meetings or comparable processes at locations that foster public participation in the review of such plans and revisions. And there are public processes for amendments to plans.

These management prescriptions that I am talking about were not announced, not published in the Federal Register. No public notice was given. All we know is that people who are permitted by contract to harvest timber were told: "Wait. You cannot go in this area. They have now been designated by the executive branch as being areas of no timber harvest now."

That is the executive branch usurping the power of Congress. I think it is dictatorial to the nth degree and I cannot really express my total—just disgust, to see this kind of development take place in an agency I have tried to help for so many years.

Madam President, again, as I say, I am not going to offer that amendment. I challenge any one of those people who put out those bulletins to Members of the Senate that Members have told me about to come forward and publicly meet me in front of the press and defend the lies they have passed out among the Members of the Senate. It is an atrocious practice that is going on around here, that people are passing out material and trying to convince Members of the Senate that another Member of the Senate, in particular this Member of the Senate, is going to do something that is unethical and unwarranted in terms of the conditions of his State.

Madam President, I thank the Senate and I yield the floor.

Mr. MURKOWSKI addressed the Chair.

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

AMENDMENT NO. 2409

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

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 2409.

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

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

The amendment is as follows:

On page 89, between lines 13 and 14, insert the following new section:

SEC. . WITHDRAWAL OF LANDS FROM TIMBER MANAGEMENT IN ALASKA.

(a) FINDINGS.—The Senate finds that—

(1) The United States Forest Service has begun to implement ad hoc prescriptive wildlife management measures in the Tongass National Forest that reduce land areas available for multiple use under the Tongass Land Management Plan (TLMP), thereby reducing timber harvest volumes in already prepared harvest units below the level needed to protect timber dependent communities;

(2) The prescriptive measures termed "habitat conservation areas" and "goshawk protective perimeters" are being used to withdraw lands from timber management which have been evaluated and approved for timber harvest pursuant to the TLMP, National Environmental Policy Act, the

Tongass Timber Reform Act, and the National Forest Management Act;

(3) Prescriptive management measures intended to protect wildlife population viability should be accomplished through amendments or revisions to the TLMP adopted in accordance with the process described in the National Forest Management Act at 16 U.S.C. 1604 (d) and (g);

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) funds made available under this act should not be used to implement management actions (including, but not limited to, prescriptions such as habitat conservation areas and goshawk protective perimeters) which withdraw lands from timber management or planned timber harvest in the Tongass National Forest, unless such management actions are imposed pursuant to a duly revised or amended Tongass Land Management Plan, such revision or amendment having been made in accordance with and subsequent to the public participation provisions of Section 6(d) of the National Forest Management Act (16 U.S.C. 1604(d)); and

(2) withdrawals of land areas of more than 5,000 acres from timber management or planned timber harvest in the Tongass National Forest for habitat conservation areas, goshawk perimeters or for other special management prescriptions, other than withdrawals provided for by the Tongass Land Management Plan or revisions or amendments thereto, should only be made in compliance with Section 1326(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3213(a)).

Mr. MURKOWSKI. Mr. President, as winter approaches, the people in southeastern Alaska, dependent on the timber industry—areas like Ketchikan, Craig, Klawock, Thorne Bay, Wrangell, Sitka, Rowan Bay, Coffman Cove, and Hoonah are going to suffer a severe hardship as a direct result of the actions of the U.S. Forest Service taken outside the law—outside the law, Mr. President—without regard for the public process, actions not supported by an administrative record and not supported by sound science.

A little earlier this afternoon, this body accepted a sense-of-the-Senate resolution by the junior Senator from Texas, Senator HUTCHISON, calling on the Secretary of the Interior to allow San Antonio and surrounding areas to continue use of historic levels of water from the Edwards aquifer.

My sense of the Senate asks the Forest Service to simply operate within the law of the land. Nothing more, nothing less. The amendment attempts to make clear that the Forest Service should not implement unilateral and unauthorized changes in land classifications, and that when it makes such far-reaching changes, it has to comply with Congress' previously provided land planning directives, including requirements for public comment. In other words, follow the law of the land.

The issue of timber harvesting in the Tongass National Forest has been contentious, as my senior colleague outlined, for a number of sessions in Congress, but throughout the years, we have agreed on tradeoffs that carefully

and delicately balance the protection of more than 6 million acres of wilderness in our timber block. While we must protect these wilderness areas, we also need to preserve the economic livelihood of southeastern Alaska and the people thereof by ensuring the continuation of reasonable timber harvesting.

That balance, crafted by Senator BYRD, Senator STEVENS, and others on the Appropriations Committee, has been threatened and is now at great risk by improper and unsanctioned Forest Service actions.

Congressional action in the Alaska National Interest Lands Act [ANILCA] and later in the Tongass Timber Reform Act, made clear both the intent of Congress and the specific application of the law. As the conference report on the Tongass Timber Reform Act stated, the Secretary was directed to provide "a supply of timber which meets the market demands subject to the appropriations process, the requirements of the National Forest Management Act and all other applicable laws"—all other applicable laws.

The Forest Service is clearly ignoring these instructions. It has not identified, as Senator STEVENS said, nor sought to meet the market demand for timber and is now actively violating its own instructions by making new and unsupported reductions in timber harvest outside the public process of forest planning.

The Forest Service has recently announced that despite the years of careful planning and efforts that have gone into crafting applicable and acceptable timber sales in southeastern Alaska, it is now going to overlay new no-harvest restrictions over areas previously approved for sales. These new restrictions were recently triggered by something that is new to this body. It is a petition list, a petition to list the Queen Charlotte goshawk and the Alexander Archipelago wolf under the Endangered Species Act. However, it is important to note that this is really a first in that these were only petitions, unsupported by any scientific evidence, not approved by the U.S. Fish and Wildlife Service and filed, and admittedly—admittedly-supported by organizations that were simply attempting to stop timber harvesting on forest lands.

So far, 16 nesting pairs of goshawks have been discovered. We do not know how many they previously had because they do not have that information. Around each tree, despite the lack of evidence that protection is warranted, the Forest Service is now proposing a 143,000-acre no cutting circle. The circles mapped so far would remove a total of 210 square miles from previously approved timber sales. The Forest Service would remove this area from previously imposed timber sales and would do so without any evidence that the goshawk is in danger or even

in the process of declining. In fact, there is no evidence that such protection is even helpful.

Mr. President, the Forest Service finds a goshawk's nest and they put a circle around the area.

In fact, there is no such evidence that such protection is even helpful with regard to the goshawk. Goshawks are highly mobile and frequently change their nesting location. One pair being studied earlier this year changed its nest from an unlogged area to one heavily logged area. It makes no sense spending this summer drawing circles around trees that the goshawks may not even use next year.

One might think this is trivial. But this is affecting people's jobs, their lives, their ability to educate their children, and their ability to pay their mortgages.

In addition to the goshawk, the Forest Service has come up with another one, the Archipelago wolf. Mr. President, there are thousands of wolves in Alaska. We have been in dispute in certain areas around my home of Fairbanks as to a reduction in the number of wolves so the caribou could prosper.

But as far as the Forest Service is concerned, they are proposing a new habitat conservation area on top of timber harvest zones previously approved until full scrutiny under provisions of the National Environmental Policy Act has taken place. Yet, the fact is that the wolf numbers, including those in heavily harvested areas, are on the increase. As a matter of fact, most of the wolves are on Prince of Wales Island where most of the timber is being cut, and the reason the wolves are on Prince of Wales Island is because their main feed is there, the Sitka black tailed deer. There are no wolves on other major islands in southeastern Alaska—Admiralty Island, Baranof and Chichagof. No wolves, just lots of deer.

So we have this inconsistency, and the Forest Service fails to recognize it. The fact is, wolf numbers, including those in the heavily harvested areas, as I said, are on the increase. The best 1989 figures showed a southeastern Alaska wolf population of 600-700. Today, the southeast Alaska wolf population is thought to be over 1,000.

The only legal justification for the Forest Service actions, the only legal authority is found in the National Forest Management Act which provides that "land management plans are to contain guidelines for the diversity of plant and animal communities."

It is very clear in the National Forest Management Act that provisions for wildlife are to be implemented or altered only through the full land management planning process including, Mr. President, provisions for public comment. That simply has not occurred.

In summary, the Forest Service action is premature. These species are

not listed as endangered, and there is no evidence that they are declining.

Further, Mr. President, the Forest Service action is not supported by the law and does not comply with requirements for public comment.

We only want the Forest Service to follow the law.

Mr. President, I have another amendment, but the floor leaders have left the floor and the status of this amendment with regard to the majority is unknown to the Senator from Alaska at this time. It is my understanding that the minority, the Senator from Oklahoma, is willing to accept the amendment. But in view of the circumstances, unless the Chair objects, I will use this time to go into my second amendment.

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

#### AMENDMENT NO. 2410

(Purpose: To provide design and construction drawings for the replacement of buildings accidentally destroyed by the National Park Service, and for other purposes)

Mr. MURKOWSKI. Mr. President, without losing my right to call for a vote, and in order to expedite the time in the Chamber, and within the appropriate procedure as dictated by the Parliamentarian, I would send my second amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 2410.

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

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

The amendment is as follows:

At the appropriate place in the bill, insert the following: "Provided, that consistent with existing law and policy, the National Park Service shall, at the request of the University of Alaska Fairbanks, enter into negotiations regarding a memorandum of understanding for the continued use of the Stampede Creek Mine property consistent with the length and terms of prior memoranda of understanding between the National Park Service and the University of Alaska Fairbanks: *Provided*, that within the funds provided, the National Park Service shall undertake an assessment of damage and provide the appropriate committees of the Senate and House of Representatives, no later than May 1, 1995, cost estimates for the reconstruction of those facilities and equipment which were damaged or destroyed as a result of the incident that occurred on April 30, 1987 at Stampede Creek within the boundaries of Denali National Park and Preserve; provided further, the National Park Service shall work with the University of Alaska Fairbanks to winterize equipment and materials, located on the Stampede Creek mine property in Denali National Park, exposed to the environment as a result of the April 30, 1987 incident."

Mr. MURKOWSKI. Mr. President, I am not sure of the status of the amendment which we are attempting to clear

on both sides, but in any event, while we wait for the disposition by the floor leaders, I would like to proceed.

Let me call your attention, Mr. President, to a situation that occurred in the spring in 1987. An explosion rocked a mine in a remote region of the Denali Park.

I am going to call on my staff to locate the specific area. It is about 140 miles from Fairbanks.

To give you some idea of location, this is Anchorage down here, and this is Fairbanks, and it is in the Denali National Park area, but it is not in the park itself. It is in the area that was designated park preserves, which was an addition to the park.

It was an explosion of great magnitude, as these pictures will show you. This is a before picture, Mr. President, that shows the Stampede Creek coming in, and it shows the mill where the ore is ground up. This is an antimony mine. It was the second largest antimony mine in North America up until the mid 1980's.

It should be pointed out that this is an isolated area, Mr. President. There is no road into the mine. The small road you see goes to an airfield about 4 miles away.

Here you have the creek coming through, and the mineral deposits are underground. This is the living area for the camp.

After the explosion, things looked a little different. This is the same picture of the mill after the explosion. This is another picture of the mill after the explosion.

One can clearly see that there was great damage done.

Mr. President, newspaper reports were sketchy. Few individuals really could have read between the lines to realize that one man's life's work was involved, and that the U.S. Army, the University of Alaska, and the National Park Service were interested parties but no one was willing to accept the blame as to who blew up the mine.

Let me give you a very short version of this story. The fact is the National Park Service illegally took private property and blew it up, Mr. President, and in the process most likely violated a number of environmental laws as well as the provisions of the Historic Preservation Act.

They did not have a permit, Mr. President. They simply blew it up.

This is in the area, as I indicated, in the Denali National Park reserve, in the Kantishna Hills region. The mine was first opened in 1959. Antimony is a high-priced metal used for alloys, medical purposes, and others. In 1942, a fellow by the name of Earl Pilgrim purchased the claims, and under his hand and direction the mine continued to operate and ship antimony until 1972. As I have said before, it was once the second largest antimony producer in North America.

The Stampede mine was found to be eligible for listing on the National Register on June 20, 1989. The area contains some old historic structures with the exception of the structures that were blown up. The site is rich in equipment, machinery, tools, and other objects that made up the things of a mining camp. Many of these items are unique to the Pilgrim operation that reflect his own inventiveness and mechanical skills.

In 1979, Stampede Mines, Ltd., entered into negotiations with the National Park Service and the University of Alaska, and as a result of those negotiations the mining company made a donation to the National Park Service of the surface rights, including a road access from the airstrip to buildings, water rights, stream banks, and so forth. It was thought at that time that the National Park Service possessed the wherewithal to better maintain and protect the historic structures.

However, at the same time, the University of Alaska, Fairbanks School of Mineral Engineering, was donated all the mineral rights, the mining equipment, and the fixtures with mineral development restrictions for the education of the students, with the provision that it would be noncommercial; that it would be used for educational purposes. No commercial mining would be allowed, only small-scale educational mining. The buildings, roads, trails, and airstrip were owned by the Park Service, however the university would be responsible for maintaining the buildings.

The School of Mineral Engineering was pleased with this arrangement, and they looked forward to utilizing the mine as a unique opportunity to learn firsthand about early mining procedures, the operations and equipment. Given the chance, they would like the opportunity to offer classes in the future.

I submit a letter from the dean of the School of Mineral Engineering which addresses the mineral school's interest in the Stampede mine. I ask that be entered in the RECORD.

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

UNIVERSITY OF ALASKA FAIRBANKS,  
SCHOOL OF MINERAL ENGINEERING,  
Fairbanks, AK, July 25, 1994.

Re university's Stampede Mine.

Hon. Senator FRANK MURKOWSKI,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR MURKOWSKI: This letter is in response to concerns about the Stampede Mine being too remote for academic programs. The University is developing programs that will be cost effective to operate remotely. It is anticipated that the classes will be small, between 6 and 12 students, all transported by Cessna Caravan to the airstrip. Students will be housed overnight, with fieldwork being conducted over a period of several days to a few weeks. We feel such a program will be an attractive offering to

our summer sessions and that its success will depend on cooperation with the National Park Service.

Should you have any questions, please call me. Thank you.

Sincerely,

ROBERT H. TRENT,

Dean.

Mr. MURKOWSKI. Mr. President, the educational program is consistent with the intent of the university's receipt of the property. The School of Mineral Engineering has developed a meaningful program that provides instruction and investigation about the environment by sound mineral exploration, mining techniques in a manner sensitive to the environment, as well as studying the geology, biology, and ecology of the area and studying the historical aspects of Mr. Pilgrim's mine.

The program has already helped the mineral industry develop methods to explore and find and develop minerals on land located in sensitive areas throughout Alaska, even on land controlled by the Department of the Interior.

Mr. President, it was to be an absolute win for the National Park Service, and a win in the field of education for the university. During 1986 and 1987, National Park Service personnel conducted field inspections of old mining sites located on their lands for the purpose of identifying potential contaminated sites and hazardous conditions.

At the end of July 1986, the Stampede Creek Mine was examined, and the inspectors recommended immediate action to examine the safety of old blasting caps and chemicals at the site. Before taking action, the inspectors recommended that the ownership issue be resolved. While the matter was treated as serious, but certainly not as an emergency, absolutely nothing occurred for the next 8 months.

Subsequently, National Park Service personnel and members of the U.S. Army explosive ordnance detonation team arrived at the Stampede Mine site and, on April 30, 1987, added a new dimension to the words "fire in the hole." The University of Alaska had no knowledge nor did the in-holders downstream that would be affected by the explosion. What did they do? They moved 4,000 pounds of ammonium nitrate that was private property of the university and placed it on top of the frozen Stampede Creek.

Mr. President, for those of you who are not familiar, ammonium nitrate may sound dangerous. But in a packaged state it is common fertilizer. The Park Service piled 4,000 pounds of this fertilizer on the top of the creek bed and added several half gallon bottles of acid. The Park Service then retrieved dynamite caps from the assay lab. Then finally they added 45 pounds of high explosives, set the charge, left by helicopter, and sat on a mountain waiting for the charge to go off.

Mr. President, the explosion left a crater 28 feet wide and 8 feet deep. Where does the creek go? The creek goes down to the river, and the river goes into the Tanana, and the Tanana goes into the Yukon and affects the fishery.

Did they have an environmental impact statement? Certainly not. Was the EPA asked to look into it? Certainly. Did the EPA look into it? No.

Mr. President, this is what it looked like prior to the explosion. Again, Mr. President, that is what it looks like after the explosion.

The action also blew up a 5,000-ton tailings pile, which has a current value of \$600,000. Unfortunately, the heavy metals of the tailings farm were blown about the surrounding environment.

The U.S. Army incident report 176-23-87 stated that the National Park Service personnel were aware that the detonation would result in damage to the surrounding buildings and, according to Sergeant Seutter, "At no time was it relayed to me that damage was unacceptable."

Mr. President, violations of law are very clear here. There are violations of the Clean Water Act, the Historic Preservation Act, section 404 of the Clean Water Act involving wetlands, not to mention the taking and destruction of private property.

What we have here clearly is a double standard. The Government and its agencies did not have to comply with the law.

Further, since the explosion, some \$2 million worth of mining equipment—some historic—has been damaged or destroyed due to exposure, inclement weather, and the normal Alaska freeze.

Mr. President, my amendment does not attempt to rectify all the wrong that has been done. My amendment would simply direct the Park Service to work with the University of Alaska Fairbanks to negotiate a memorandum of understanding so that the university may continue their worthwhile educational program with some assurance of a program continuity, and to ensure that the \$20,000 which the university invested and other moneys that they continue to invest will not be lost or spent in vain.

Mr. President, my amendment also directs the Park Service, with appropriated park funds, to provide the appropriate committees with cost estimates for the repair and/or restoration of buildings and equipment damaged or destroyed by the National Park Service in this unfortunate incident, and to winterize equipment and materials now exposed to weather; in other words, winterize the equipment that is in this mill so we do not lose it.

Mr. President, this amendment is not without precedent. This Senate took similar action on the Interior appropriations bill in the 102d Congress. The circumstances were almost identical,

except for the fact that the superintendent of the Olympic National Park did not blow up the Kiwana's Club Lodge, which was a Government-leased building. But she did burn it down to the ground. In the Olympic National Park case, the Senate responded appropriately and directed that the lodge be rebuilt and that the rescinded permit be extended.

I only ask my colleagues for equal treatment. The university's use of these buildings is based upon the transfer deed to the Park Service, which required that the buildings be available for educational uses.

I therefore urge my colleagues to support the amendment.

Mr. President, that concludes my remarks in support of the amendment.

Mr. NICKLES addressed the Chair. The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I appreciate the comments that were made by our friend and colleague, Senator MURKOWSKI, as well as those that were made by Senator STEVENS. Both spoke with great conviction concerning various lands in Alaska and some inequities that have happened through the Department of the Interior. I compliment them for their earnestness, and also their willingness to work together.

I might inquire of my friend from Alaska, he has both an amendment dealing with the mine and also a sense-of-the-Senate?

Mr. MURKOWSKI. I have both.

Mr. NICKLES. I thank my friend and colleague.

Mr. President, I have reviewed both amendments. I personally do not have a problem with either of those, one of which the Senator from Alaska dealt with, and talked about the mine and said we should review what the cost would be for an equitable solution with the Forest Service. I hope that we can concur with that one.

The second one is a sense-of-the-Senate amendment dealing with the same problem that the Senator from Alaska, Senator STEVENS, alluded to, and again, since it is a sense-of-the-Senate, I hope we can concur as well.

Mr. MURKOWSKI. Mr. President, I simply remind my colleague that earlier in the day we accepted a sense-of-the-Senate on the San Antonio aquifer which involves even a more significant analysis of the Endangered Species Act than my amendment. In our case, neither the wolf nor the goshawk have been designated endangered. But the Forest Service has seen fit to withdraw land far in excess of that allowed under the law.

So all we are asking for is that the Forest Service abide by the law. I certainly welcome any of my colleagues who care to debate what the law says. I yield the floor.

Mr. BYRD. Mr. President, I ask unanimous consent that the list of names of

Senators who have possible amendments be reduced as follows: that Mr. WELLSTONE's name be cut from the amendment list.

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

Mr. BYRD. Mr. President, I do not think any Senators on this side of the aisle whose names appear on the list intend to call up their amendments. I think all of the amendments shown on the list from this side of the aisle can be reduced to colloquies, and those are being developed at the present time. Therefore, there would only be those amendments that are still on the list by Senators from the other side of the aisle. They might be called up and might not. I wonder if my colleague has any suggestions as to how to proceed.

Mr. NICKLES. If the chairman will yield, we show Senator BROWN has an amendment and Senator BURNS has an amendment. I am not sure what Senator BROWN's is. I think Senator BURNS is trying to remedy his with a colloquy. Senators COVERDELL and NUNN, I think, can be done with a colloquy. Senator DANFORTH has an amendment, and he will be to the floor soon. Senator DOMENICI has an amendment trying to find sources of funding. I think he is just about to make that happen. Senator GRAMM is listed for two amendments. I am not sure they will be offered. Senator MURKOWSKI has both amendments now pending before the Senate and, hopefully, will be disposed of quickly. That will conclude the amendments outstanding on this side.

Mr. BYRD. Mr. President, I thank my colleague for his response. Which amendment by Mr. MURKOWSKI is pending?

Mr. MURKOWSKI. I believe my sense-of-the-Senate is the pending amendment. I offered my other amendment on Tongass as well.

Mr. BYRD. Which amendment is pending?

Mr. MURKOWSKI. I believe it is my sense-of-the-Senate resolution but would direct that question to the Chair.

Mr. NICKLES. If the chairman will yield, I neglected to mention that Senator MCCAIN is still listed as having one amendment as well.

The PRESIDING OFFICER. The sense-of-the-Senate resolution is not pending. Amendment No. 2410 is the pending amendment.

Mr. MURKOWSKI. Mr. President, to expedite this, I proposed the sense-of-the-Senate first and proposed my Park Service amendment second. I would be willing to proceed to whichever amendment the managers prefer.

Mr. BYRD. Mr. President, the amendment which the Senator identified—

Mr. MURKOWSKI. The sense-of-the-Senate amendment simply requires the Forest Service to live by the law of the

land with regard to setting aside and withdrawing specific areas that are not associated with any identification of any endangered species of any kind.

Mr. BYRD. The other amendment?

Mr. MURKOWSKI. My second amendment has to do with the University of Alaska and, reimbursement for the Park Service blowing up a mine. It is the Stampede Creek amendment.

Mr. BYRD. On this side, Mr. President, I am ready to accept and recommend that the Senate adopt the amendment dealing with the Stampede Creek. Is that the amendment pending?

The PRESIDING OFFICER. That is the pending amendment.

Mr. NICKLES. Mr. President, I concur with the Senator from West Virginia. We have no objections to this amendment.

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

The amendment (No. 2410) was agreed to.

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

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

The motion to lay on the table was agreed to.

#### IMPACT OF GRAZING FEE INCREASE

Mr. HATCH. Mr. President, last May, the Economic Research Service [ERS] of the U.S. Department of Agriculture released a report analyzing beef cow/calf operations with permits to graze on lands managed by the Forest Service and the Bureau of Land Management in 10 western States—"Cow/Calf Ranching in 10 Western States"—AER-682. The report states that ranchers with permits to graze cattle on Federal land-permittees—enjoyed higher net earnings than ranchers without such permits—nonpermittees—even though certain required costs—fencing, breeding stock, hired labor, et cetera—cost permittees more. The report concludes that these permittees paid "sufficiently less" than nonpermittees to graze their cattle on Federal land that more than offset these higher costs.

The current debate on reform of our Nation's grazing policies involves the issue of fees charged to graze on Federal lands. Secretary Babbitt proposes increasing the current Federal grazing fee of \$1.96 per animal unit month [AUM] to \$3.96 per AUM by 1997, while I have joined several of my colleagues in supporting S. 1326 to increase the fee to \$2.35 next year. This wide disparity about where the fee should be set is symbolic of a wider disparity in our views about the overall reform of rangeland policies. This debate, rather than being conducted and resolved in Congress, is being pursued through regulations put forward by the Secretary.

Since the report from the ERS indicates that a higher Federal grazing fee

"will be relatively small for the average permittee," and thus justified, I asked two professors from Utah State University [USU] to review the ERS report. I believe it is imperative that my colleagues and others who are interested in this debate have a complete understanding and thorough knowledge of what is occurring on our western rangelands.

Drs. Darwin B. Nielsen and E. Bruce Godfrey, acknowledged experts in the area of agriculture and agricultural financing, recently provided specific comments and questions regarding this report. I believe these comments are worthy of my colleague's consideration during the ongoing debate about grazing fee increases. Today, I am making these comments available so that, as my colleagues read the ERS report, they can have a second opinion on the report's contents. I ask unanimous consent that USU's analysis be printed in the RECORD.

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

[From the ERS Report No. 682, May 1994]

#### COMMENTS ON THE USDA PUBLICATION: COW/CALF RANCHING IN 10 WESTERN STATES

(By Darwin B. Nielsen and E. Bruce Godfrey)

The following comments are responses to the portions (Summary, etc.) of the original publication.

#### SUMMARY

A big deal is made of the supposed fact that fees on public lands are below the market value for forage. A single grazing fee for all public land users cannot collect full market value from each rancher. Regardless of the distribution of individual rancher values of grazing, there will be some with high total costs where the current fee is too high. There will be others where they have a low total cost and/or high returns associated with the use of public lands and the fee is less than they would be willing to pay at the margin. Low-cost ranchers are in a position to pay for permits if they choose. However, in recent years, new players have entered the permit value game and have distorted the logic of the original model of public land grazing. The new players are environmental organizations who buy permits with the sole purpose of retiring them from grazing. The Nature Conservancy is one such organization. In addition, one of the main thrusts of "Rangeland Reform 94" is to make it easier for these groups to buy and retire permits via "conservation use."

The authors argue that permittees "cannot own grazing permits," but this is not a valid argument. The government recognizes permit values for inheritance taxes. When the government deems it practical, they purchase permits to put land to other uses. BLM and FS officials have been party to transferring permits and aiding the parties in determining sale prices for permits. Thus, grazing permits are bought and sold in the market like other types of property.

The authors argue that current fees do not cover the cost of administration, and that fees should be increased to cover these costs. This, however, is looking at the problem from only one side. Has anyone investigated to see if administration costs are too high? In the short run, at least, the cost of produc-

tion has never been the driving force to set market prices. If market prices do not cover the costs of production in the long run, the producer of the goods goes out of business since he/she is too inefficient to produce and sell at competitive prices. Nonfee costs, which are major costs and much more than the fee, are never mentioned, even though they should be accounted for in the budgets if they are accurate!

The statement is made that rancher net income would decline as the fees increase, but more funds for federal, state, and local governments would offset ranchers losses in local spending. This may not be the case. One important detail has been overlooked. It has been assumed that ranchers will be able to remain in business as the fee and nonfee costs increase over time, which also implicitly assumes an inelastic demand curve for federal grazing. If there is any empirical data to support this, it should be listed. It also assumes that all of the grazing fees collected would be returned to the local area.

#### TEXT

The statement is made that "the cow/calf version of the 1990 FCRS represents just over 98 percent of the U.S. beef cow inventory." If that is the case, why didn't they include the states of Nevada and Washington in the analysis? North and South Dakota are included but have been treated differently in the fee issue for the past several years. The argument has been that the Dakotas were different than the 11 western states. They make a statement that the grazing fee formula or amount can be changed in two ways. "Congress can pass grazing fee legislation, the fee can be altered by executive order or agency regulations." Isn't this three ways fees can be changed?

"Most published research results indicate grazing fees charged were below market value at the time of the studies." Could a list of these publications be provided? If a reasonable return on the permit value was counted as a cost of grazing public land, I doubt that statement would be valid. The argument—grazing fees do not cover the cost of administration, thus, they should be increased—is an invalid argument as mentioned above. If grazing fees were forced to cover administrative costs, there would be even less incentive for the agencies to be cost conscious. In fact, increasing grazing costs could be an incentive to raise fees and eliminate grazing. For example Nelson (1979) showed that the difference between administrative costs and revenues for most uses of Interior lands was much greater for other uses (e.g., recreation) than it was for grazing. In addition, the total cost of an activity is not a defensible basis for fees. One has to consider the costs that would be incurred "with" versus "without" an activity. In the 1986 Grazing Fee Review and Evaluation, BLM personnel found that fees, based on the "with" versus "without" principle, were nearly equal to the fees being charged livestock operators to graze federal lands. If the government insists that the cost of administration is a valid argument for fees and fee levels, why don't they apply this principle to all users of public lands? Under this system we would not have to worry about determining values to the users of public lands, we would just have all of them pay the costs of administration of their particular use. The authors discuss "arguments for higher fees": (1) to cover costs of administration, (2) to be reasonable, and (3) to reflect the value of public forage. Which argument do the authors prefer?

The authors talk about the size differences between permittee and nonpermittee ranchers. The conclusion they make is that there

is "some advantage accruing to permittees that allowed them to become larger in the first place." What is the empirical basis for this statement?

A \$106 cost differential between permittee and nonpermittee is suggested. Is this difference statistically significant?

"Forage from other public sources was often more costly per forage unit than FS/BLM. \* \* \* Was this statement based on fees collected by an agency or total cost of grazing to the rancher or were the goods and services comparable? If it was not based on total cost to the permittee or lessee, then the comparison is erroneous.

Permittees had more capital for fences, horses, and breeding stock while nonpermittees had greater costs for machines, equipment, buildings, and trucks. How were the costs of these capital items allocated by enterprise and over time? Is the allocation of these costs just to the livestock enterprise, or were these costs allocated to other enterprises? If so, what criteria was used?

There are a few questions about Table 1 that need to be explained, since they are not discussed in the text. The key point made in the USDA publication is that permittee ranchers are economically better off than nonpermittees. There are several points to be made that question this conclusion.

Permittee ranchers had more stocker cattle than the nonpermittee ranchers and purchased fewer stockers than nonpermittee. Permittee ranchers kept a significant number of calves over as yearlings, so they gave up any profit on calves. Looked at another way, permittee ranchers get stockers at a lower cost than those purchased by nonpermittees, thus they make more on them. Since nonpermittee ranchers brought more stockers than permittee ranchers, they have lower returns on their stockers by the difference in the cost of stocker cattle going into the operation. This difference is equal to the profit given up on selling calves.

It is very difficult to allocate costs between sheep and cattle enterprises on the same ranch. Permittee ranches have more sheep than nonpermittee ranches. If the costs allocated to sheep production are overestimated, it will make permittee ranches appear more profitable than nonpermittee ranches.

Cost of bulls is not included in the budget (Table 1), and it is not clear if the value of cull bulls is included in receipts from other cattle. Permittee ranches would normally require more bulls per 100 cows than nonpermittee ranches. It is conceivable that a permittee ranch would require one bull per 25 cows, while a nonpermittee ranch-pasture operation might require one bull per 50 cows. Permittee ranchers would have significantly higher costs per cow for bull service.

The year 1990 appears to have been a relative good year for running stocker cattle. Price data for Utah shows 1990 as the highest price stocker cattle year from 1988-92.

The materials presented by USDA are confusing as to what year they are reporting. The budget in Table 1 is for 1991, the material in Tables 2 and 3 is for 1990 and is used in Table 1. On page one, it is reported that the data used was collected in the 1990 Farm Costs and Returns Survey.

It is mentioned that permittees use more pickup trucks and three times as many horses than nonpermittees. Given all of the harvested feed used by nonpermittees, how can permittees use more fuel and lube than nonpermittees? Is all the difference in gas for the pickup? Where is the cost of horses in any of these budgets? Horses are not free and

they eat year-round so they should have a cost to the cattle enterprise. The fact that permittee ranchers have more horses than nonpermittee ranchers is probably related to the type of grazing land permittees are using (public land), which is usually more difficult to manage for grazing.

If stocker enterprises were relatively unprofitable and if the purchase and sale of stockers were a larger part of nonpermittee costs and receipts, this would bias the results downward for nonpermittees. While one is not able to determine the profitability of stocker enterprises for either permittees or nonpermittees from the data provided in this publication, data from Cattle Fax suggest that stocker operations were not profitable in the 1990-91 period.

The authors indicate (page 6) that the average costs for permittees were significantly less than they were for nonpermittees. Was this purported difference statistically significant? If so, how was this determined? The authors also indicate that regression was used to determine if differences in size could be used to account for the difference(s) in costs. However, these results are not given. The only indication of the "goodness" of these regressions is suggested in footnote #10, where the R-squared values "ranged from .32 to 0.006." If this is the R<sup>2</sup> for the regression equations, it is likely that the equations could not be used to test the significance of any variable. As a result, the suggestion that there was no difference according to size could not be tested.

The statement (page 7) that there should be no difference between permittee and nonpermittee costs and returns is only true, theoretically, in the long run—after inefficient producers have been forced out of business. If small operators are willing to subsidize cattle operations as a "way of life," one would expect their costs to be greater than (larger?) operators who are not able to subsidize their cattle operation.

The statement in paragraph 2 (page 8) suggests that the cost of operating on rough terrain with inadequate water would be higher than it would be on lands where water is in ample supply and where the land was level. This difference is not reflected in the budgets (Table 1)—unless one assumes that permittees operate on "better" land than do nonpermittees.

Given the size differences in the number of cattle and sheep for permittees and nonpermittees, there would be many more full-time livestock ranchers in the permittee category. The residual returns part of Table 1 is misleading. If you are a full-time rancher with a permit, you are much more dependent on these residual returns than a small part-time or hobby livestock man in the nonpermittee category. Even though neither group is doing very well, a full-time rancher with negative returns is shown to be better off than a nonpermittee "rancher" with negative returns. These negative returns only amount to a small portion of his/her business and/or time for the small nonpermittee rancher.

The fees paid to the BLM/FS for grazing should give some strong evidence of dependency on public lands. The grazing fee in 1991 was \$1.92/AUM. Since calves go on the cows and are not counted, the cows would be the major grazing animal on the allotment. There should be a few bulls in the summer, and some yearlings might be grazed on a permit. But, these exceptions do not explain all of the problems of reported dependency on public lands. Let us look at data from Table 1.

Cow-calf.—\$11.13 paid in fees + \$1.92/AUM = 5.8 AUMs/cow unit.

Cow-calf yearling.—\$13.80 paid in fees + \$1.92/AUM = 7.2 AUMs/cow unit.

Average.—\$12.50 paid in fees + \$1.92/AUM = 6.5 AUMs/cow unit.

This would indicate that, on average, 6.5 months of grazing are provided by the BLM/FS. This appears to be significantly different than the 25 percent dependency reported in the text of the report footnote 6 on page 3.

An examination of the materials in Table 2 raises a few questions. The peak number of cattle per operation for permittees is reported to be 471 head. In footnote 9, this number is broken down as follows: 471 hd. cattle - 221 hd. cows - 250 hd. cattle - 206 hd. calves - 44 (assumed by report to be yearlings) - 10 (what about bulls—assume 10 hd. needed) - 34 (what about replacement heifers?) - 34 (assuming 15 percent replacement rate) = 0.

There does not appear to be any room for yearlings except for replacement heifers. This raises questions about the assumed number of yearlings for sale in Table 1.

If grazing fees (page 9) should be increased to account for inflation, one would also expect permit values to increase as a result of inflation. The data available suggest, however, that they have not increased in either monetary or real terms. This suggests that permits have declined in value (rate terms) even when fees have not increased (monetary).

The report seems to put a lot of importance on permit values until it comes time to use them. Let us assume the value of permits per ranch of \$56,168 is correct. The permittees should be entitled to a return or an opportunity cost on the money invested in permits. If this amount is added to the full ownership costs for permittee ranches, it will erase more of the reported difference between permittee and nonpermittee ranchers.

There are problems with the cost of production approach to value that have been discussed earlier in these comments.

In the conclusion section, they say: "One reason permittee's costs average lower is their lower costs for forage and pasture to which the relatively low FS/BLM grazing fees contribute." Since fees were the only item listed, they must think they are the only cost of grazing public lands. On the same page, they say: "the effect of increasing FS/BLM fees is relatively small for the average permittee because FS/BLM fees are only 3.7 percent of total cash costs per cow." Again, they fail to recognize nonfee costs, which would raise the percentage significantly.

The fee collected by the government is not the total cost to the rancher of obtaining an AUM of federal forage. The nonfee portion of total costs is not handled well in this report, and realistic comparisons of public and private costs of grazing can only be made on a total cost basis.

This statement is made in the conclusions: "Permittees adjust to lower land charges by increasing expenditures per cow for some other production items, such as hired labor, horses, fences, protein feeds, fuel, and lubricants." These items comprise many of the nonfee costs of grazing. Yet, it is difficult to see where they are considered in the budget. Horse costs are not considered, fence costs are hidden in labor, and miscellaneous, if they are included. Much of the time of the owner-manager is spent on public land grazing tasks that are required by the agencies. This time was "lumped off" in a negative return to management.

In the discussion of permit values, these economists slip over into the policy arena and forget their economics. They list the economic institutions that recognize permit values as assets to be taxed or held as security but cling to the policy that they have no value.

#### INTERIOR APPROPRIATIONS BILL FOR FISCAL YEAR 1995

Mr. DURENBERGER. Mr. President, I would like to thank my distinguished colleagues on the Interior Appropriations Subcommittee for the efforts they have made over my 16 years in the Senate—efforts that have significantly improved the quality of life of the people of Minnesota.

Of all the issues that Senate appropriations considers each year, I think those addressed in the Interior appropriations bill are among the most important to Minnesotans.

It is this bill that provides the funds for protecting our natural resources—our rivers and streams, our forests and prairies, our endangered species and game animals. This bill funds the National Park Service, the U.S. Forest Service, and the U.S. Fish and Wildlife Service, just to name a few.

During this, the last Interior appropriations bill of my Senate career, I cannot help but recollect all the wonderful things that the Subcommittee on Interior Appropriations has helped me bring to Minnesota.

Minnesota's nickname, the Land of 10,000 Lakes, does not come close to depicting my State's natural resources. The name suggests only water—of which we have plenty—but forests actually make up nearly one-third of Minnesota's land area. In fact, Minnesota also boasts two of the most beautiful national forests in the country—the Superior and Chippewa National Forests.

The 13.6 million acres of commercial forest land generate over \$4.4 billion for the State, making forest products the second largest manufacturing industry in Minnesota. And yet, forests are also an integral part of the State's outdoor recreation and tourism industry.

Approximately 1.2 million acres have been set aside for parks, refuges, wilderness, and other recreational uses that are so much a part of a Minnesotan's way of life. My State has developed a unique balance between timber harvesting and the protection of wildlife and their habitat. In fact, forest industry professionals—like Jack Rajala of Deer River—are among the most environmentally conscious people I know.

In 1992 and 1993, I was instrumental in providing Federal funding for eagle nesting ground land acquisition within the Chippewa. As a result, the Chippewa today is blessed with a revived and expanded bald eagle community. In fact, the Chippewa National Forest is now the home of more bald eagles than

anywhere else in the 48 contiguous United States.

Within the Superior lies the Boundary Waters Canoe Area Wilderness—hundreds of acres of pristine wilderness that are home to hundreds of species of wildlife. Over the past 14 years, I have secured both recreational and interpretive funding for the BWCA Wilderness. I know that people like Dick Flint, Chuck Dayton, and Kevin Proesholdt have expended a lot of time and effort on fine-tuning the balance between recreation and preservation within the BWCAW.

The BWCAW is home to the only thriving population of wolves in the lower 48 States. Thus, it is no coincidence that the Wolf Center was built in Ely, MN—in the heart of the Superior National Forest—so that world renowned experts like Dave Mech of the Fish and Wildlife Service can study wolves, and so all Americans can learn the beauty of this much misunderstood creature.

On the western edge of Superior National Forest is one of the Crown Jewels of the National Park Service: Voyageurs National Park. Voyageurs is a relatively new park—established in 1971—and as a result, much money has been needed to bring the park's treasured recreational opportunities to the forefront. Superintendent Ben Clary has proven to be very committed to the protection and expansion of Voyageurs, and I am honored to have had the opportunity to work with him in an effort to provide Minnesotans with a first-class park experience.

Over the years, the committee has provided over \$43 million to acquire almost 72,000 acres of land for Voyageurs. The Rainy Lake visitor center was built using appropriations in the mid-1980's. Plus, the committee allocated over \$4.5 million for restoration of the Kettle Falls Hotel, a historic inn within Voyageurs that still operates as a place of rest for thousands of visitors to the park.

Minnesota is also home to several National Wildlife Refuges. The Minnesota Valley National Wildlife Refuge is the largest urban wildlife refuge in the United States. The creation of this refuge was begun by my predecessor, former Vice President Mondale. I must also applaud Elaine Mellot and Mike Bosanko, with Friends of the Minnesota Valley—together, we were able to make this refuge a reality. Minnesota Valley now has a new interpretive center, and over 7,800 acres of land have been added to the refuge's protection.

Thus—in the heart of a major urban area—schoolchildren can see bald eagles, endangered plant life, and can otherwise escape from the city. It is a true refuge, for humans and animals alike.

The Wild and Scenic Rivers Act is a marvelous piece of legislation which

the Senate approved almost 10 years before my election. Over the years, I have been strongly committed to ensuring that wild and scenic rivers receive adequate funding to protect the scenic views and other recreational opportunities associated with the river landscape. Sections of both the Mississippi and the St. Croix Rivers have since been designated as wild and scenic.

As the State blessed with the headwaters of one of the world's greatest waterways, it is imperative that we protect the Mississippi River for future generations. In Minnesota, we do this in several ways. First, there is the Mississippi Headwaters Board, which is a Federal-State-local conservation organization. The Headwaters Board ensures that the waters from the river's origin to the Twin Cities of Minneapolis-St. Paul are preserved in their near-pristine quality.

Through the large urban areas of Minneapolis and St. Paul, the Mississippi River is guarded by a new addition to the National Park Service—the Mississippi River National Recreation Area. The idea for MNRRA rose from the Metropolitan Parks and Open Space Commission, a group of citizens who assisted in the development of long-range plans and funding for park and open space facilities in the Twin Cities metropolitan area. Shirley Hunt, who staffed our early efforts on this has been, with Chair Peter Gaul, so instrumental in its success.

The next step was the Metropolitan River Corridors Study Committee, created by Congress in 1980, to bring together Federal, State, regional, and local governments in an effort to enhance recreational opportunities in various river corridors across the country. This Appropriations Committee recognized the merit behind this sort of cooperative effort—and provided funds totalling \$214,000 for initial studies.

In 1983, I introduced legislation to authorize Federal-State-local matching grants for use in additional river conservation activities. This was yet another effort to develop a cooperative system for managing not only the Mississippi River, but other rivers throughout the country. While this legislation was never approved by Congress, it has been implemented on a smaller scale through MNRRA.

Finally, I sponsored title VII of the Arizona-Idaho Conservation Act in 1988 which created the MNRRA. Encompassing 72 miles of the river corridor through the Twin Cities metropolitan area, MNRRA was established to preserve, protect, and enhance the significant resources of the Mississippi for future generations. MNRRA fulfills the goals I had in mind in the Metropolitan Rivers Corridors Study, by uniting all levels of involvement—from the Federal Government to private industry—

in an effort to manage the many resources provided by the Mississippi River.

The legislation also created the Mississippi River Coordinating Commission, a 22-member body appointed to represent local and Federal interests in preparing a management plan for the MNRRA. One of the most significant aspects of the corridor is its importance to the economy of the Twin Cities, of Minnesota, and of the entire Nation. Joanne Kyral, superintendent of MNRRA, worked tirelessly to ensure that the final plan addressed all river uses—agriculture, navigation, riverside property rights, environmental protection, and recreation.

Thanks to the funding approved by my colleagues, the Park Service and the Coordinating Commission recently were able to submit the final proposed management plan to Governor Carlson for approval. The final plan outlines a management framework that ensures a balanced protection of the corridor's economic resources in addition to its natural, cultural and recreational resources.

Downstream of the cities, the river is protected by the Upper Mississippi National Wildlife Refuge. This refuge runs from La Crescent, MN, to St. Louis, MO. And, like the river itself, the refuge's unique and spectacular resources have been enhanced through a new visitor and interpretive center, as well as many acres of land acquired over the past 16 years.

As the chairman and ranking member know so well, the river and the refuge are threatened by nonpoint source pollution. Accordingly, the committee has wisely provided much needed funding for new land management protection activities on lands that border the river and the refuge.

In 1992, the Crane Meadows National Wildlife Refuge was added to the National Refuge System, becoming Minnesota's ninth refuge. Located in Morrison County, MN, this wetland/prairie complex is home to sand prairie and oak savanna—a rare sight in Minnesota.

And this year, for the first time, both the House and the Senate have granted funding for land acquisition in the Crane Meadows. I hope that we will be able to provide Crane Meadows with the full \$1 million, as approved by the Senate.

Although the mighty Mississippi is the major attraction for outdoor enthusiasts, the St. Croix River still stands out as one of the premier canoe rivers in the country. In 1965, the Minnesota-Wisconsin Boundary Area Commission was created to protect this river, as well as the Mississippi. Now, the St. Croix's unparalleled beauty and tranquility are preserved for all time through its designation as a Wild and Scenic River. More and more people can now appreciate this hidden treas-

ure due to the recently completed visitors center. And—thanks to the foresight of my colleagues on this committee—land acquisition for this 220-mile protected corridor is now complete.

Of course, despite all of these often overlooked refuges, forests and wilderness areas, Minnesota continues to be proud of its historical, cultural, and environmental heritage embodied in the Grand Portage National Monument, in Grand Portage, MN. It has been said, Mr. President, that if a true and accurate history of the United States were to be written, it should start at Grand Portage—a bustling crossroads of Native American and European cultures in the 17th century. Recognizing the monument's importance, in recent years the committee has funded studies for a new visitors center. For this, I have Curt Roy to thank. His dedication and commitment have ensured that Grand Portage receives the recognition it deserves.

The administrative/interpretive center would provide orientation facilities to help visitors understand the historical significance of the Grand Portage. This center will be an integral part of the park experience, and should continue to be a funding priority in the future.

Mr. President, Minnesota has been blessed with wonderful natural resources and I have been lucky to serve as its Senator for 16 years. However, I cannot help but think of how fortunate this Nation is to have such dedicated people managing these resources. I know how hard the park ranger works to educate visitors to Voyageurs National Park; I know how hard it is for a forest ranger on the "chip" to protect the forest in the face of budget cuts; I know how hard it is for these resource professionals to balance the competing interests; and, Mr. President, I know how hard it is for the members of the Interior Appropriations Subcommittee to handle the unenviable task of allocating scarce dollars among innumerable worthy projects.

Thus, as I conclude this statement, I want to thank those who have helped me over the years to effectively protect and enhance the natural resources of Minnesota.

I thank both Mr. BYRD and Mr. JOHNSTON, as current and former chairmen of this important subcommittee, for their commitment to the protection of Minnesota's wildlife and habitat.

I also thank Senator HATFIELD, and our former colleague, Senator McClure, for all the work they have done to ensure that Minnesota received adequate funding to continue its proud heritage of protecting its natural resource.

The next chapter in the history of Minnesota's environment will be written by others—and I can tell you that I am immensely proud of the small part I played in this proud history.

Mr. President, I yield the floor.

#### STATEMENT ON AMENDMENTS

Mrs. BOXER. Mr. President, last week, the Senate debated and ultimately gave its approval to the Agriculture Appropriations Act of 1995. The subject of that bill was one that is critically important to many farmers and ranchers in my State of California. Unfortunately, during this very important debate, the Senate was forced to spend hours considering and voting on two amendments offered by the senior Senator from North Carolina that were both irrelevant to the bill and, in my view, unnecessarily provocative and inherently divisive. In my view, there is no place in any Senate debate—indeed, in public discourse of any kind—for propositions that appeal to fear and prejudice, as I believe the Helms amendments did. I deeply regret that they were offered, and that is why I voted against them.

#### THE NEA

Mr. LEAHY. Mr. President, coming down to the Senate floor to defend the NEA has become a yearly ritual. This is the second time this year that I have spoken about the importance of the NEA to my home State of Vermont. The last time I spoke was almost a month ago, the day after the bill was reported out of committee.

I talk about my concern over the 5-percent targeted cut to the NEA budget in this bill. I talked about the important arts program in Vermont that would be hurt if these targeted cuts go through.

Since that time I have heard from many more Vermonters who are very concerned about what the targeted cuts in this bill will do to their community arts program. Particularly detrimental to these programs would be the 40.5-percent cut to the presenting and commissioning program.

Vermont programs that have received this funding include the Flynn Theater in Burlington, the Onion River Arts Council in Montpelier, the Catamount Film and Arts Co. in St. Johnsbury, Pentangle in Woodstock, and the Crossroads Arts Council in Rutland. Also important to Vermont is the Challenge Grant Program which is being cut by 5 percent. The Flynn Theater this year received a \$250,000 challenge grant. Last year, the Vermont Folklife Center in Middlebury received a \$280,000 challenge grant.

These programs do so much for their communities. The Catamount Film and Arts Co. has earned a national reputation for excellence in arts programming and community service. The \$5,000 that they receive from the NEA enables them to present over 25 live performing arts events each year. The Flynn Theater supports ongoing programs with low-income school children that help these children develop reading and language skills through playwriting and performances. It also supports workshops and study guides for

teachers that integrate arts into their curriculum. These are just a few examples NEA funds at work in my State.

Yesterday, the Senate voted down an amendment that would, in my opinion, have had extremely broad implications for the arts in this country. I echo the words of my friend from Connecticut, Senator DODD, who so eloquently brought to light what a seemingly innocuous amendment regarding restrictions would do to the kinds of arts that the NEA can fund.

The amendment would have disallowed any NEA funds to support any activity or work involving human mutilation or invasive bodily procedures on human beings or the drawing or letting of blood. As Senator DODD pointed out, the most casual observer of art can recall some of the great paintings in religious art over the centuries. Representations of the stoning of Mary Magdalene, the decapitation of John the Baptist, or the crucifixion of Christ could be interpreted to fall under this amendment.

I understand what this amendment was trying to do. I do not argue that some of the artist's work funded by the NEA have been personally offensive to me and some of my fellow Vermonters. But I believe that this amendment would have done irreparable harm to the NEA and the good programs that it supports.

I strongly support the good work on the NEA and its chairman, Jane Alexander. As a member of the Interior Appropriations Subcommittee, I assure you that when this bill reaches conference, I will work to fund the NEA at the highest level possible.

Mr. BYRD. Mr. President, the pending amendment is the Tongass amendment.

Mr. MURKOWSKI. The Tongass amendment.

Mr. BYRD. Would the good Senator be willing, in view what has been demonstrated on this side and the other side—would the Senator have it within the depths of his heart to withdraw his Tongass amendment?

Mr. MURKOWSKI. I would like to accommodate the managers of the bill. However, what we are asking for, in view of the action already taken by this body—they accepted an amendment by the Senator from Texas that dealt with many of the same issues raised in this amendment. What we are asking for is simply to say that it is the sense of the Senate that the existing law surrounding the designation of areas withdrawn from harvesting be followed. Knowing the Senator's friendship and long association with the senior Senator from Alaska who has just presented the case for what is happening in Alaska, the harm to our people in these huge withdrawals is very significant. We are finding more goshawk nests each day—and with every new nest the Forest Service draws a big cir-

cle around it and withdraws further areas. You would think the goshawk would be less in danger of extinction because more keep being found. We are simply losing productive land through withdrawals that are not authorized. There are no Federal mandates for these withdrawals, and it is against the law. All we are asking is the sense of the Senate that the Forest Service follow the law. I cannot understand why anybody would not find that acceptable since these species are not endangered.

Mr. BYRD. So this is the short and the long of it. I take it that the Senator has indicated that he does not want to withdraw his amendment.

Mr. MURKOWSKI. Mr. President, it is my understanding that there is an attempt being made now by the staffs to reach an agreement on the amendment.

Mr. BYRD. Very well.

Mr. BAUCUS. Will the chairman yield?

Mr. BYRD. Yes.

Mr. BAUCUS. If the amendment is offered in its present form, I would have to strenuously object to the amendment. I very much respect the characterization of the amendment by my good friend from Alaska. I must say that I have a different characterization of this sense of the Senate resolution. If it is offered in its present form, I would have to object and would argue that the Senate not agree to it. I understand that the staffs are trying to work out an accommodation. I hope it is worked out or that it is withdrawn. If an accommodation is not worked out, I would have to object.

Mr. MURKOWSKI. Mr. President, I encourage my colleague from Montana to identify his objection. Maybe I can address it adequately to give him some degree of comfort.

Mr. BAUCUS. If the Senator from West Virginia will yield.

Mr. President, essentially, this is a sense-of-the-Senate which directs the Forest Service to disregard evidence that has become available since the forest plan was adopted in 1993, evidence that two species are in fact so threatened that they could very well be endangered. That is a very different proposition than the sense-of-the-Senate resolution that was adopted, which was earlier offered by the Senator from Texas.

In that case, in the sense of the Senate offered by the Senator from Texas, I read the language.

It is the sense of the Senate that the Secretary shall take whatever steps are necessary and allowable under law to minimize adverse impacts while conserving threatened endangered species.

And so forth.

If we adopt, on the other hand, the sense of the Senate offered by the Senator from Alaska, we would be directing the Forest Service to not follow the law; that is, by going ahead with the

forest plans even though there is now very solid evidence that to do so would violate the Endangered Species Act, would violate the National Environmental Policy Act, and violate other acts, too.

Frankly, I think if the sense of the Senate were adopted it would greatly increase the probability of lawsuits because of the complexity. It pits timber workers against salmon commercial fishermen, and it just would be improper for the Forest Service to disregard new evidence that if the Forest Service had this present evidence in drawing up the plan it would not draw the plan in the way it has. So, basically, it is for those reasons.

Mr. MURKOWSKI. Mr. President, my colleague uses the terminology "evidence." Evidence, as we both know, by a dictionary definition has certain implications.

Considering the fact that there is no listing of either of these species by the appropriate agencies, it would certainly seem to be a premature action by the Forest Service to withdraw these land areas.

We are both from the West. I do not pretend to know an awful lot about the game species in Montana. But in Alaska we clearly allow the taking of wolf throughout the State of Alaska under certain restrictions by the Alaska Department of Fish and Game.

This is a fact. And it is based on good biology. If there were a shortage of wolf, obviously the State Department of Fish and Game, with advice from the U.S. Fish and Wildlife Service, would encourage the Forest Service's actions. The U.S. Fish and Wildlife Service has not taken any action or recommendations in this matter because they, too, agree that these species are not designated endangered. There is no reason to think they are.

I encourage my colleagues to recognize the objective behind what the senior Senator has said and what I am absolutely convinced of. There is a tremendous movement to simply stop timber harvesting on the national forest to the detriment of people's lifestyles and jobs. That is the bottom issue here.

These two species, based on the information we have, do not support listing. And it is premature to suggest that there should be any restriction on timber harvest as a consequence of wolf or goshawk.

We allow wolf hunting. The wolves are simply not on the larger islands because they do not swim from the small islands to the larger islands. As a matter of fact there are more wolves where there is timber harvest.

So as my good friend from the Committee on Environment and Public Works—and I know how that committee looks at resource development, particularly renewable resource development—should consider the fact that

these are not endangered species, nor is the Forest Service complying with the law in these withdrawals. As a consequence I fail to understand the basis for his argument.

Mr. BAUCUS. Mr. President, if the Senator will yield for another question.

Mr. BYRD. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, we can have a long involved debate on this issue. I will be very short about it.

I held a hearing in the Environment and Public Works Committee just Saturday. We had a hearing on the Endangered Species Act. It was a long and involved hearing. It was 8 hours, with 27 or 28 witnesses, open mike, and probably anybody under the Sun asked a question and made a statement. It was very long and involved.

It was revolving around reauthorization of the Endangered Species Act, which I introduced and I hope this Congress will pass, and I think will pass not this year but next year. One of the central tenets of it is to prevent listing in the first place.

One way to prevent listing in the first place is to spend a little more time and attention on candidate species or threatened species so there is no listing, so we do not then have the problems that occur when a species is listed.

I hope that both Senators from Alaska and all Senators in this body will take a long, hard look at that proposed reauthorization, because I think it does go a long, long way.

Let me just cut to the quick here. I ask the Senator. Perhaps he will get a chance to look at the proposed modification that his staff and my staff worked out. If he were to offer that modification, I would have no opposition, no qualms whatsoever, with the amendment and urge him to so modify it.

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

Mr. BAUCUS. I am glad to yield.

Mr. STEVENS. Mr. President, I ask the Senator from Montana, which has timber harvest in this area, what he would do if one of his constituents came to him and said: We had a valid contract to cut timber or the Forest Service had scheduled a sale, were notified that it could not be used until the Forest Service drew a 3- to 10-mile circle around every goshawk tree, when the goshawk was not endangered, was not threatened, was not listed in any way in an environment impact statement that had been prepared. What would the Senator say to his constituent who said, "What can I do with this administrative agency? They tell me to forget it. We do not have any way to deal with them." They then have the rings, the circles. You cannot go inside that ring. What does the Senator do?

Mr. BAUCUS. Mr. President, my first answer to the Senator from Alaska is I have now learned more about the situation, so I know more about it.

I tell the Senator this: In my State of Montana I asked timber workers, miners, sawmill workers, do they want the grizzly bear to become extinct? No. They want to preserve the grizzly bear. I asked if they want the salmon to become extinct? No, they do not. They want to find a way to save salmon from extinction. Do they want the wolf to become extinct? No. They want to find a way to save the wolf.

What we are trying with the reauthorization of the Endangered Species Act, to come up with a much better process where people buy in more quickly, communities are consulted much more, so that States themselves have a much, much larger role in first deciding whether a species shall be listed.

By the way, we are proposing independent peer review so that the Fish and Wildlife Service and the agencies themselves do not make these decisions only. It is peer review.

Second, by involving the States, for example, the State of Alaska, Alaska has a lot more to say in developing recovery plans and what habitat should be protected, and what not.

I cannot speak to the issue that the Senator just raised. I do not know enough about it. I know my State.

Mr. STEVENS. Mr. President, will the Senator yield one more time?

Mr. BAUCUS. I am going to do that when the Endangered Species Act comes up.

Mr. STEVENS. Mr. President, will the Senator yield one more time?

Mr. BAUCUS. I yield.

Mr. STEVENS. Mr. President, I will not make a long statement.

I ask the Senator this. Why does the Senator take his time having hearings, trying to suggest laws, trying to get his colleagues to understand those laws, and get the Congress and then the President to go through the process of making laws if the agency says it does not need a law? It can make up its own independent mind. It has control over the forests in my State. It can make up its own mind. And it has closed off access to an area around the tree which has a bird nest that it admits is not endangered, admits it is not threatened. But it just has that power.

Why does the Senator bother coming to the Senate? Why do we bother being Members of the legislature if through the audacity of administrators they can just say "We have the basic authority"?

Did the Senator give anyone in the administrative branch, in the executive branch of the United States, the authority to enact a regulation which closes part of the lands of the United States without complying with some law, a forest planning law, of the United States?

That is what we are talking about here today. We reached the point of boiling in regard to the laws that come out of the Senator's committee already, but we do not need them anymore.

The Forest Service says it does not need the law. Why do we worry about passing laws if we have an executive branch that just makes laws, and it did not publish them? The current law says you must publish intention to have a regulation. You must put it in the Federal Register. If I have the people of the Senate conduct the hearing, and the ANILCA law, which I read to the Senate this afternoon, says no land in excess of 5,000 acres from the State of Alaska shall be withdrawn without complying with specific conditions. They say that did not apply to them.

Why does the Senator bother passing laws? Why are we here? That is what we are saying. We just want a simple sense-of-the-Senate saying for God's sake follow the law.

I was going to offer an amendment to tell them once more this is the law, and put it in the law.

My colleague at least has a sense-of-the-Senate resolution. I am hopeful the Senate is sensible enough to tell the executive branch to follow the law.

Does the Senator from Montana object to that?

Mr. BAUCUS. Mr. President, the Senator from Alaska makes a fairly strong point, and I must say a very good point, with respect to the problem we now have with the Endangered Species Act. That problem now is that there are not sufficient criteria. There are not sufficient guidelines. There are not sufficient standards in the Endangered Species Act today. As a consequence, the Fish and Wildlife Service, and sometimes other Federal agencies, make decisions which are a bit arbitrary, which in many cases are not as soundly based on science as they should be, decisions which are based more on bureaucratic edict and fiat; decisions which do not include States; decisions which do not include local communities; decisions which do not include the views of the property owners, because, after all, the Endangered Species Act can, and in many cases does, have an effect on property rights.

It is the central point that the Senator makes, the reason why I have suggested we reauthorize the Endangered Species Act, which I think will dramatically improve the act and which, as a consequence, there will be much more confidence in the operation of the act, both in the environmental community and from the development community.

I do not want to give any long argument here. Other Senators have other business they want to conduct.

But the Senator from Alaska says he does not see anything wrong with following the law. I must say that is part

of the problem here. There is the National Environment Policy Act. There is the Endangered Species Act. There are other laws, albeit environmental laws, which this sense of the Senate says should not be adhered to, should not be paid attention to.

And, basically, the sense-of-the-Senate resolution says the Tongass plan in 1993 is it, period; irrespective of the other environmental statutes which also have to be followed.

And I say, therefore, we should follow the law. Unfortunately, there is a little confusion as to which laws we are talking about.

Mr. MURKOWSKI. Mr. President, let me pick up on one point made by the Senator from Montana that suggests we are asking for something that would obfuscate, if you will, vitiate the existing law that we live under and that is ANILCA.

As Senator STEVENS indicated, these species have not been endangered. There is no identification of endangering. The Forest Service simply made the withdrawal.

The inconsistency is, the more we find of the species, the larger the withdrawals, which clearly does not make sense, because they are becoming less threatened the more you find. But nobody has found that they are even threatened. The U.S. Fish and Wildlife Service has not indicated that they are threatened.

You know, I could not help but notice the sensitivity to something I feel very sensitive about, and that is the issue of dividing Alaskans.

Mr. President, the Senator from Montana mentioned the loggers and the fishermen. I would advise the Senator from Montana that we know something about fish. That is why everybody wants our fish. We had record runs the last 7 of the last 11 years—193 million fish last year, in spite of the Prince William Sound disaster.

If the rest of the country would follow some of the applications of renewable resource management like we have in the State of Alaska, you would not have the endangered species on the Snake River. What are you doing about that? Virtually nothing, because you want to have it both ways. You want to have cheap power, you want to have an agricultural industry, and you want to have fish. But you have hydroelectric dams that are taking care of your fish.

We are increasing our fishery resources through good biology. Our anadromous fish are recurring more and more every year.

But what you want to do is use arguments on fisheries to suggest that we cannot manage our renewable timber resources, and it just simply does not fly. There is no evidence to suggest that any endangered species exists currently in southeastern Alaska.

If you want to get into a debate here, it would be very interesting to go back

to the spotted owl, which they now acknowledge exists in abundance in northern California and you can raise them in captivity and they will simply go to whatever growth timber is available. That was a hoax that was pulled by this administration on the American people and the people of the Pacific Northwest at the detriment of about 60,000 jobs, I hope they do not forget it.

Mr. President, if there is no further discussion, I am pleased to say that staffs have reached—

Mr. STEVENS. Mr. President, I have a little further discussion.

Mr. MURKOWSKI. Excuse me.

I was going to send a modification to the desk.

Mr. BYRD. Go ahead.

Mr. STEVENS. I do not want to interrupt that. I do have one comment to make.

Mr. BYRD. Then when the senior Senator gets the floor, if he would yield to me briefly.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent to send a modified amendment to the desk and ask for its immediate consideration.

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

The amendment (No. 2409), as modified, reads as follows:

On page 89, between lines 13 and 14, insert the following new section:

**SEC. . WITHDRAWAL OF LANDS FROM TIMBER MANAGEMENT IN ALASKA.**

(a) FINDINGS.—The Senate finds that—

(1) The United States Forest Service has begun to implement prescriptive wildlife management measures in the Tongass National Forest that reduce land areas available for multiple use under the Tongass Land Management Plan (TLMP), thereby reducing timber harvest volumes in already prepared harvest units;

(2) The prescriptive measures termed "habitat conservation areas" and "goshawk protective perimeters" are being used to withdraw lands from timber management which have been evaluated and approved for timber harvest pursuant to the TLMP, National Environment Policy Act, the Tongass Timber Reform Act, and the National Forest Management Act;

(3) Prescriptive management measures intended to protect wildlife population viability should be accomplished through amendments or revisions to the TLMP adopted in accordance with the process described in the National Forest Management Act at 16 U.S.C. 1604(d) and (g);

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) funds made available under this act should not be used to implement management actions (including, but not limited to, prescriptions such as habitat conservation areas and goshawk protective perimeters) which withdraw lands from timber management or planned timber harvest in the Tongass National Forest, unless such management actions are imposed pursuant to the public participation provisions of Section 6(d) and other sections of the National Forest Management Act (16 U.S.C. 1604(d)).

Mr. MURKOWSKI. I believe that the amendment has been accepted.

I yield the floor.

Mr. BYRD. The amendment has been modified.

Mr. MURKOWSKI. Has been modified; and I believe it has been accepted.

Mr. BYRD. No, it has not been accepted.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. BYRD. Will the distinguished Senator from Alaska yield to me briefly?

Mr. STEVENS. Yes, I yield to my friend.

Mr. BYRD. Mr. President, with the concurrence of Mr. NICKLES, I ask unanimous consent that the amendments listed under the names of Senators BURNS, BROWN, and DANFORTH be stricken from the list.

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

Mr. STEVENS. Mr. President, I told my good friend from Montana that I would not ask him to yield again, but I do want to make a statement about the policies that he was commenting on.

I was one of the original cosponsors of the National Environment Policy Act, along with the distinguished Senator from Washington, Senator Jackson. That act specifically says, if there is a significant official act, its environmental consequences must be examined first. That, I would assume, would cover an action taken by a member of the executive branch in dereliction of two specific statutes of the United States, an act which is not specifically authorized by any other law, including the environmental laws the Senator from Montana has mentioned, the Endangered Species Act or NEPA. No NEPA study was made of the announcement of the goshawk circles or the wolf habitat zone. They were arbitrary executive actions without any NEPA review at all. Even PacFish got a NEPA review.

We support NEPA review. As a matter of fact, our law specifically requires NEPA review before a contact can be let to cut timber in Alaska. That applies in the rest of the United States and under the Tongass Land Management plan. That plan was not complied with, the ANILCA law was not complied with, the Tongass Timber Reform Act was not complied with. And yet we have spokesmen coming in for the extreme environmental organizations saying, "Look what those Alaskans are trying to do again."

All we are trying to do is say, "Live up to the law."

I do not understand the position of the Senator from Montana that somehow or other the actions taken by these administrative officials were taken in compliance with the law.

And again, I would not ask him, but I would assert to him that he has no

law he can cite that would authorize a member of the Forest Service to issue an edict closing lands in my State to harvest timber under valid contract and scheduled timber sales unless it is done in compliance with the law. I do not know of any law that authorizes that. I know of two specific laws that prohibit it. And NEPA does not authorize this until NEPA has been complied with.

Now I believe it is time for us, particularly those of us from the West, to listen, to listen to what is going on. This administration has within it groups of people who want to stop development on public lands. This is a prime example of what is going on in the West today. Those actions were announced in the Tongass forest, just announced. They were not published, as required by law. They were not studied, as required by law. The other side of the debate was never aired to the public. They were not submitted to Congress, as required by law. And no NEPA action was taken before those actions were announced.

Now, I say to the Senate and the Congress as a whole, particularly those of us from the West, you better wake up, because you are going to be coming in with these problems too. Those policies, if they are pursued in Alaska and succeed, they will be followed in the national forests of the rest of the United States.

I believe we are here to pass laws that will be observed by the executive branch. As a matter of fact, if we were in the majority and I was the chairman of a committee, those people would be before this committee and be under oath and be asked to explain why they were taking actions that were not permitted by law in any State of the Union.

Until we find some way in the Senate to enforce these laws, to tell people they must abide by them—they do not believe in them; by definition they do not believe in them—but they are the laws. If they want to change the practices of the Forest Service, they should comply with the law.

I will tell this to the Senator from Montana, Mr. President: The National Environmental Policy Act will not be amended, but the Endangered Species Act will be amended to assure that this will not happen, or it will not pass while I am here.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I think we are prepared to accept the modification by the Senator from Alaska, Senator MURKOWSKI. I urge the Senate to agree to this amendment.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I am prepared to recommend the adoption of the amendment by Mr. MURKOWSKI, as modified.

Mr. LEAHY. Mr. President, I want to commend the Senator from Montana, the chairman of the Environment and Public Works Committee, for addressing the Tongass National Forest issue. In the past 5 years, this forest has received more congressional attention than any other forest in the National Forest System.

It is important to ensure that the National Environmental Policy Act, the National Forest Management Act, and the Endangered Species Act are applied fairly to all public lands. The modified sense of the Senate amendment re-emphasizes the public participation components of these laws and guarantees that these important statutes still guide public land management.

The Senator from Montana is a true leader on environmental issues. The Senate, the people of Montana, and the country are lucky to have such a vigilant public servant.

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

The amendment (No. 2409), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico.

#### AMENDMENT NO. 2411

(Purpose: To require the Assistant Secretary for Indian Affairs to submit a report to Congress concerning the Shiprock Campus of Navajo Community College)

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself and Mr. DOMENICI, proposes an amendment numbered 2411.

Mr. BINGAMAN. 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 end of title III, insert the following new section:

SEC. 3. (a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Assistant Secretary for Indian Affairs of the Department of the Interior shall prepare and submit to Congress a report on measures necessary to address problems concerning the physical structure of Navajo Community College in Shiprock, New Mexico consistent with the responsibilities for the facility.

Nothing in this amendment is intended to require a change in priority for funding projects by the Department.

(b) CONTENT OF REPORT.—The report required under subsection (a) shall include a detailed list of the resources that are required to alleviate the health and safety hazards that have resulted from the poor condi-

tion of the structure described in such subsection.

Mr. BINGAMAN. Mr. President, a couple of days ago I learned that the Bureau of Indian Affairs Safety Management Office had just issued a building maintenance report recommending the immediate closure of the Navajo Community College Shiprock campus building. The college's Shiprock campus consists of this one building. Therefore, the closure of this building is the closure of the school.

I have known for a long time about the deplorable conditions at NCC's Shiprock facility because on several occasions I have been visited by the president and faculty of that school seeking help in repairing and renovating their facilities. I have responded to those requests for help by seeking funding for construction under the Tribal College Act. The Bureau of Indian Affairs has failed for several years to seek funding for construction under that act and the money has never been appropriated.

Unfortunately we have now come to this: a school enrolling over 400 young native Americans—many of whom have no other alternative for post-secondary education—will lose their school. This will leave the Shiprock area without a community college, will deprive at least 87 people of their livelihoods and will devastate the educational plans of many deserving students.

The safety problems and building deficiencies which the BIA has catalogued are not trivial—the college has been talking about them for a long time and trying to get help for a long time. However, I understand from the college that the work which the BIA has indicated must be done contains many duplicative listings and accordingly the cost to bring this school up to minimum standards may be considerably less than stated in the report.

Furthermore, I am advised that the cost of repair may well be less than the cost of demolition. It just does not seem to make sense to demolish a school when it could be kept open for the same sum.

My amendment requires the Bureau of Indian Affairs to report to the Congress within 30 days the measures which the Assistant Secretary intends to take concerning the physical structure of the building and a list of the resources that are required to alleviate the health and safety hazards that have resulted from the poor condition of that structure.

I understand that the college has many questions about the inspection report and the estimate of repair which the BIA has produced. I myself have many questions about the situation which I hope can be answered through this report.

I am hopeful that some way can be found to keep this school open. This report will be an important first step in

that process. The school year is near commencing and I think it is very important that we go ahead with this amendment at this time.

I, also, of course, commend my colleague, Senator DOMENICI, who is a cosponsor of this amendment with me. I know both of us urge the adoption of the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I do urge my colleagues to support this amendment that Senator BINGAMAN has just called up. I am a cosponsor. It is really an unbelievable situation. We just have to get some answers. We cannot close this campus, which is the principal place to educate many, many Navajo Indians. We just cannot let this happen.

The Bureau of Indian Affairs Shiprock Agency Safety Management Office has notified the Shiprock campus of Navajo Community College that it must immediately vacate building 1228 which houses the entire Shiprock campus program. This decision calls for at least 50 percent of repairs being complete before the building will be allowed to be reopened. Estimated repair costs are \$8.4 million.

This decision can be appealed to the BIA area office in Window Rock and the central office here in Washington, DC. The fall program might not be available to some 400 students unless we are able to find a way to ensure that the doors will be open.

Our amendment calls for a report to pinpoint what is needed to keep the Navajo Community College Shiprock campus open and serving its students. The fact that the facility has been able to reach this state of deterioration is a shame that should be rectified.

I am a bit puzzled by the lack of coordination within the Administration. It strikes me as very strange that the BIA can mandate the spending of money to repair a building while no requests for funds to address the problem have been made. I hope the report clarifies the internal budget process that allows this kind of emergency to happen. The President's budget had no request of any kind to address the problems at the Shiprock campus.

I urge my colleagues to support our effort to clarify this matter at the earliest possible date.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, we have reviewed the amendment offered by Senator BINGAMAN and Senator DOMENICI. We have no objection to that amendment.

The PRESIDING OFFICER. Is there further debate? The Senator from West Virginia.

Mr. BYRD. Mr. President, the amendment has been reviewed on this side of the aisle. We have no objection and are prepared to recommend its adoption by the Senate.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2411) was agreed to.

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

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

The motion to lay on the table was agreed to.

#### INDIAN HEALTH

Mr. DOMENICI. Mr. President, Indians supported a President in the last election based on the false perception that he would respond generously to their needs. Instead, American Indians are seeing a President who holds out the promise of a better health care system, while dismantling the substandard one they already have in place. This is hardly what the Indian people had in mind when they voted in overwhelming numbers for this President.

By treaty, law, court decisions, and policy declarations, the U.S. Government has forged a special relationship with America's poorest minority group. While supporting and encouraging self-determination, the U.S. Government remains directly responsible for providing health care and education for American Indians.

While there are many other areas of responsibility like housing, economic development, law enforcement, and natural resource protection, I would like to focus my colleagues' attention on the two key Federal responsibilities of health care and education for American Indians.

Few Members of the Congress seem to be aware of the fact that the President's budget for fiscal year 1995 proposed a reduction of \$247 million or 12.7 percent from the 1994 Indian Health Service [IHS] budget. Fortunately, Chairman BYRD, Chairman INOUE of the Indian Committee, and other Senators and Representatives have worked diligently to successfully overturn this disastrous recommendation.

The Senate Interior Appropriations Subcommittee, facing the same tight budget situation as the President faces, did more than replenish these vital funds. The subcommittee has recommended a total IHS Fiscal Year 1995 budget of \$1.969 billion, which is \$26 million more than last year's budget.

The original proposed budget effectively barred the hiring of new doctors, nurses, and other key hospital staff even though new hospitals and clinics are planned to open this fall. Other staff reductions were threatening to reduce critical medical services nationwide. The administration, in an unusual amendment to its original budget submission, restored half of the reduction, or about \$125 million. This was done after many objections were heard about the truly negative impact on Indian people of the original IHS budget for 1995.

In my own home State of New Mexico, a national priority 75-bed hospital in Shiprock will be competed this fall at a cost of about \$55 million. Under the President's plan, fully half of the new facility would have been left idle despite the well-documented need for immediate increases in medical service delivery. The Shiprock area is one of the fastest growing Indian areas in America.

Thanks to the House and Senate Appropriations Committees, \$9.4 million will be set aside for medical and supportive staff at the Shiprock hospital, known as the Northern Navajo Medical Center. The Tohatchi Clinic is also included in congressional restoration action at a level of \$3.4 million. This facility faced similar problems of idle capital investments in an area of high medical needs.

The IHS is the Federal agency directly responsible for providing health care to Indians through a system of hospitals, clinics, and centers. The IHS delivers babies, fixes broken limbs, provides surgery, treats cancer, gives dental care, and tackles mental illnesses.

In addition, the IHS provides necessary sanitation facilities for Indian housing and community needs. Unfortunately the sanitation facilities construction budget is sadly inadequate. The President originally requested no funds for poor and failing systems. Often, there is no system at all.

In New Mexico alone, every pueblo and tribe has at least one request in to the IHS for solid waste improvements, lagoon expansion, well construction or repair, pumps, meters, housing support, sewer system improvements, or facility replacements. This list is four pages long in single line summaries. To raise all Indian tribes and communities to a level I sanitation deficiency classification would cost \$1.7 billion in the Albuquerque area alone.

After reconsidering his initial mistake, the President increased his original budget for sanitation facilities from zero to \$42.5 million. Fortunately, the Senate subcommittee has increased this amount to \$85.1 million. Even with this increase, I remain disheartened that we will be unable to help New Mexico Pueblos like Zuni and Acoma tap new sources of water. At Zuni Pueblo, the water has a rotten egg smell, ruins water heaters, and cannot be used in many hospital applications. This Pueblo's request for \$13 million has gone unanswered for 5 years. I am still seeking a multiyear approach with possible cost sharing as a funding device.

On the education side of the ledger, it is a sad fact that Indian children have more impediments to completing a good education than all other Americans. Their dropout rate is the highest in the nation at 36 percent, compared to 28 percent for Hispanics and 22 percent for blacks.

According to "Indian Nations At Risk" (1991), prepared by the U.S. Department of Education, poor academic achievement is the norm for 60 percent of native American students. Among all ethnic groups, Indian children have the highest percentage—32.3 percent—of those students performing below basic skill levels in mathematics. Indian students have the smallest percentage of those performing at the advanced level—4.8 percent. In short, there is a greater percentage of Indians performing at the poorest levels than any other group and a smaller portion at the advanced levels than any other student group in mathematics.

By way of comparison, 15.5 percent of White students perform at the below basic skill level in mathematics, half the Indian level, and 22.4 percent of white students are in the advanced category—more than four times the Indian achievers. Asian students perform better, Hispanics and blacks are below whites but above Indians in achievement in mathematics. Indians remain at the bottom in this particular category and others as well.

The education problem for American Indians is well analyzed in "Indian Nations At Risk" and was addressed by the White House Conference on Indian Education in 1992.

The administration appears to be dabbling around the edges of the current and clearly inadequate educational system for Indians. I must give the administration credit for the proposed increases in the Indian School Equalization Program [ISEP]—\$12.4 million was added by the President. This is a needed and helpful, but slight increase in a total ISEP effort of \$261.8 million. At this level, the Bureau of Indian Affairs [BIA] estimates that payments to schools with Indian students will increase to \$2,992 per weighted student unit from the current level of \$2,874. With such factors as boarding schools and special education needs factored in, actual per-Indian student expenditures average over \$4,000 under this account.

A major weakness of the BIA education program for Indian students is the program for facilities management and construction. I have just received the sad word that the Shiprock Campus of Navajo Community College is being closed because the buildings have been condemned.

Some 450 students will be without classrooms this fall unless we are able to resolve this problem in the very near future. This condemnation highlights the type of problem generally pervading BIA school facilities.

I am also very familiar with a BIA elementary school on the Mescalero Apache reservation in New Mexico that was burned to the ground almost 5 years ago. This school remains a temporary school in a community center as very little is done to build the need-

ed new school. There are about 600 elementary school students on the Mescalero Apache reservation.

Estimates are that hundreds of millions of dollars are necessary to build every needed school and bring every existing Indian school up to standard. In the face of this \$550 million problem, the President requested \$43 million, primarily for repair and improvement of existing facilities. There are no funds requested by the administration for new school construction or for the planning and design of any new BIA schools. Last year, only \$13 million was requested for planning and design of new school construction.

Mr. President, I do not pretend to have the answers for every problem in Indian health care or education. As a Senator from New Mexico, I am very familiar with the wonderful Indian people who live in pueblos and on reservations. I know their joys and their problems. There are 19 pueblos, 2 Apache tribes, and about a third of the Navajo Nation in New Mexico.

Self determination and economic independence are certainly goals to be admired and pursued for the Indian people of New Mexico and this Nation. In the meantime, we cannot shirk our Government's treaties, laws, court cases, and policy declarations in favor of the Indian people of America. The Interior appropriations bill before us makes important improvements in this area, but much remains to be done. We should not be dealing in a new round of false promises where specific and clear commitments are most necessary.

I look forward to a better record on the part of the administration when the 1996 budget is submitted. In the interim, I will work for better budget decisions to help Indian people reach the quality of health care enjoyed by most Americans. I will also be involved to see that Indian education programs are more responsive to the realities of life on the reservation. We certainly need more innovation to help Indian students up the educational ladder.

If we need change in America, we need it in Indian health and education programs. It is particularly important that we do not deliver politics as usual to the first Americans.

#### AMENDMENT NO. 2412

(Purpose: To provide funding for the Southwestern Fisheries Technology Center)

Mr. DOMENICI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from New Mexico [Mr. DOMENICI], for himself and Mr. BINGAMAN, proposes an amendment numbered 2412.

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

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

The amendment is as follows:

On page 10, line 20, strike "\$45,525,000" and insert "\$49,848,000".

On page 2, line 11, strike "\$599,230,000" and insert "\$598,480,000".

On page 2, line 25, strike "\$599,230,000" and insert "\$598,480,000".

Mr. DOMENICI. Mr. President, I rise to offer an amendment to the fiscal year 1995 Interior and related agencies appropriations bill. The amendment I am proposing will provide funding for the continued construction of the Southwestern Fisheries Technology Center through the Fish and Wildlife Service. My distinguished colleague from New Mexico, Senator BINGAMAN, joins me as a cosponsor of this amendment.

The Southwestern Fisheries Technology Center consists of the Dexter National Fish Hatchery and the Mora Fish Hatchery in New Mexico.

The Fish and Wildlife Service will have obligated all available appropriations for the center by the end of this fiscal year, 1994. Further construction on the project will not proceed in fiscal year 1995 without the funds included in this amendment.

The amendment provides \$4,323,000 to fund phase 2 of the Southwestern Fisheries Technology Center. This funding is needed to construct a combined administration and dry laboratory facility and a new storage and maintenance building at Dexter.

The Dexter National Fish Hatchery is over 60 years old. It was established in 1931 to meet the demands for warmwater game fish in the Southwest.

Since 1978, the Dexter Fish Hatchery has focused its work on endangered species of fish. Today, Dexter is the only facility in the Nation dedicated exclusively to holding, studying, culturing, and distributing endangered fish for restocking in waters where they occurred naturally. Dexter currently is working on 13 endangered and 3 threatened fish species.

In fiscal year 1992, Congress began the task of rehabilitating the 60-year-old Dexter facilities. With phase 1 funding, a new production facility is being constructed.

To build the production facility, the current administration, wet laboratory, and storage buildings at Dexter had to be demolished. A 54-year-old residence is currently being used as temporary space while the new production facility is being constructed.

Phase 2 of the Dexter project to build a new administration building, wet laboratory, and storage buildings is now critical, and these funds are needed, and can be expended, in fiscal year 1995.

Additional funding is needed for the Mora Hatchery to equip and outfit the new production building, which is to be constructed with Phase 1 funding.

Without the Mora funds, the Mora Technology Center cannot initiate operations to begin native, threatened,

and endangered fish production and technology development.

Mr. President, the Southwestern Fisheries Technology Center is a unique part of the Fish and Wildlife Service. It will be the only center exclusively dedicated to the breeding and stocking of endangered fish, as the Dexter Center is now. The Dexter hatchery currently holds 13 endangered and 3 threatened species of fish, which are being propagated for reintroduction into native habitat as part of endangered species recovery plans.

Adding \$4,323,000 to the bill will significantly advance phase 2 of this center, and will complete the most significant parts of these facilities. The adoption of the amendment will allow both the Dexter and Mora facilities to be up and operating to support the requirements of the Fish and Wildlife Service, especially those related to endangered and threatened species of fish.

The full amount of the budget authority associated with this amendment—\$4,323,000—can be accommodated within the subcommittee's existing 602(b) allocation.

The fiscal year 1995 outlays associated with this amendment are \$648,525 under the Fish and Wildlife Service construction account in fiscal year 1995. These outlays are fully offset in the amendment.

I sincerely appreciate the assistance of the distinguished chairman of the Appropriations Committee in the consideration of this amendment. I thank my distinguished colleague from Oklahoma for his review of this amendment.

I urge the adoption of the amendment.

Mr. President, this amendment is offset by reducing funding in the bill for two New Mexico items funded in the bill through the Bureau of Land Management.

The reduction in BLM will achieve the \$648,525 in outlays needed to fund the Southwestern Fisheries Technology Center.

Mr. President, I understand both Senator BYRD for the majority and Senator NICKLES for the minority have no objection to this amendment.

I am pleased Senator BINGAMAN is my cosponsor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. If I could briefly comment, I compliment my colleague for the amendment. I cosponsor it and urge its adoption. I do believe we have found acceptable offsets which will allow this funding to be included in the bill. These are very important projects for our State, both for Mora County and north Chavez County.

We very much believe we need to go forward with the completion of these projects. This is important language, important funding to keep in the bill so that completion can occur.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I wish to compliment my friends and colleagues, Senator DOMENICI and Senator BINGAMAN, particularly Senator DOMENICI, because he has been working for several days now trying to find some offsets that were suitable and acceptable. He has done both and is funding a project I know he believes is very, very important to his State and to our country. I compliment him as well for finding some offsets within his State.

We have no objection to this amendment.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I congratulate the two Senators from New Mexico on the amendment. They have worked long and worked hard on it.

I am prepared to accept the amendment and recommend that the Senate adopt it.

Mr. DOMENICI. Mr. President, might I just extend my appreciation to Senator BINGAMAN for his work on this amendment.

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

The amendment (No. 2412) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wonder if I might inquire from the distinguished chairman and the distinguished comanager from Oklahoma as to what advice they might give the Senate with respect to what is anticipated for the remainder of the evening on this important piece of legislation.

Mr. BYRD. Mr. President, I am happy to state to the distinguished Senator that it is my belief that within 30 minutes, we will be voting on final passage of the bill.

That is the outlook at this point. I may be mistaken. There is one other possible amendment—

Mr. WARNER. I interpret that the time could be short.

Mr. BYRD. We have several colloquies. I might just say, I think it is a pretty good bet at an outside we would be voting within 30 minutes.

Mr. WARNER. Mr. President, I thank the distinguished chairman.

Mr. NICKLES. Mr. President, I will just notify the chairman of the committee, we have been working this side of the aisle, because we had a lot of amendments that were pending. I think

we have had great cooperation from our Members. To my knowledge, we only have one amendment that is outstanding that may require a vote. I think the remainder of the amendments have either been withdrawn or we have been able to work out colloquies to the Member's satisfaction.

That one amendment that is outstanding that may require a vote is Senator MCCAIN's amendment. I understand that the chairman of the committee is not willing to accept that, and so I will inform Senator MCCAIN and see if we cannot get that amendment withdrawn or voted on very shortly. So we should notify all Members that final passage may well occur pretty quickly.

I appreciate the chairman's leadership and cooperation.

Mr. BYRD. Mr. President, I thank the Senator for his kind words. Before the Senator from Virginia leaves, I understand now that, based on some words that I just received, it probably will be 7 o'clock on final passage.

Mr. WARNER. I thank the chairman.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BYRD. Mr. President, it appears, from checking the list on both sides of the aisle, that action has now been reduced to various and sundry colloquies, and if my colleague, Mr. NICKLES, agrees with me, I will ask unanimous consent that these several colloquies be entered into the RECORD. I very shortly will enumerate them.

Mr. NICKLES. Will the Senator yield?

Mr. BYRD. Yes.

Mr. NICKLES. Mr. President, we have contacted all the Members who had amendments that were on the list. Several have withdrawn those amendments. Others we have been able to satisfy with a colloquy. And some of the amendments we have accepted. So I am not aware of any additional amendments from our side on the bill, and so I think we are done.

I also might mention to the chairman there is no request on this side for a rollcall vote on final passage. It would be my hope that we could pass the bill by voice vote.

Mr. BYRD. Mr. President, I am advised on this side of the aisle that there are no further amendments. I would share the desire of the Senator that there be no rollcall vote on final passage. There will be a rollcall vote on the conference report, however, when it is brought back to the Senate.

Now, the list of colloquies, Mr. President: BINGAMAN and BYRD; BOND and

BYRD; BUMPERS and BYRD; CAMPBELL and BYRD; five colloquies by CRAIG, BYRD, and NICKLES; a colloquy by DANFORTH, BYRD, and NICKLES; one by DASCHLE and BYRD; DOLE and BYRD; DORGAN and BYRD; FAIRCLOTH, BYRD, and NICKLES; HATFIELD and BYRD; INOUE and BYRD; JOHNSTON, AKAKA, BYRD, and NICKLES; two colloquies by JOHNSTON and BYRD; one colloquy between KENNEDY and BYRD; one colloquy among LEAHY, LUGAR, BYRD, and NICKLES; one involving LEAHY, LIEBERMAN, BYRD, and NICKLES; one involving MATHEWS, BYRD, and NICKLES; one involving METZENBAUM, BYRD, and NICKLES; one involving MOYNIHAN, D'AMATO, and BYRD; one between MURRAY and BYRD; another one between MURRAY and BYRD; one involving SIMPSON, BYRD, and NICKLES; one involving WALLOP, BYRD, and NICKLES; one involving WALLOP and BYRD; one involving WELLSTONE and BYRD; one involving COVERDELL, NUNN, BYRD, and NICKLES.

Mr. President, I ask unanimous consent that the aforementioned colloquies, with the exception of the last one, be included in the RECORD as though read.

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

FUNDING PROVIDED BY THE U.S. GEOLOGICAL SURVEY THROUGH THE FEDERAL/STATE COOPERATIVE WATER PROGRAM

Mr. BINGAMAN. Mr. President, if I may, I would like to engage the chairman of the Appropriations Committee in a colloquy.

Mr. BYRD. I am agreeable to engaging in a colloquy with the Senator from New Mexico.

Mr. BINGAMAN. Water is the lifeblood of the West, as you know, and we are largely dependent on underground bodies of water to serve domestic, commercial, and industrial uses. As the West urbanizes and industrializes, the demands placed on our aquifers grow ever greater. The citizens of Albuquerque and the surrounding communities north of the city are growing increasingly concerned that the aquifer is being depleted at a faster rate than it is recharging. The long term implications of a net negative drawdown of the aquifer could spell disaster for these communities.

The U.S. Geological Survey, in conjunction with appropriate non-Federal entities, could undertake activities such as drilling monitoring wells that would provide much needed information on aquifer levels. I understand that the Federal/State Cooperative Water Program is a highly competitive program for which proposals must be submitted. I ask the Chairman whether we can expect that scientific and technical assistance for hydrologic studies could be provided by the USGS, through the Federal/State Cooperative Water Program, if a proposal is submitted by the State or local government(s) as a priority need?

Mr. BYRD. That is correct. Costs associated with this study could be shared equally by the USGS and a non-Federal cooperating agency, if a proposal is submitted by a local or State government as a priority need.

Mr. BINGAMAN. I thank the Chairman.

Mr. BYRD. I thank the Senator.

#### ROLLA RESEARCH CENTER

Mr. BOND. Mr. President, I wish to engage in a colloquy with the distinguished chairman of the Committee on Appropriations with regard to the terms and conditions of the Bureau of Mines' consolidation and closure plans as they relate to the Rolla Research Center in Rolla, MO.

As the chairman knows, I am deeply troubled about the impact the administration's plan will have on Missouri's mining industry, the ongoing environmental cleanup effort, as well as the impact on the University of Missouri-Rolla, the Missouri Department of Natural Resources, and others. I remain strongly opposed to the administration's plan and the process by which the decisions were reached.

Be that as it may, I wish to express my appreciation to the chairman who has worked under very difficult budgetary constraints to supply an additional \$3 million to provide partial funding to continue reduced operations of the Rolla, MO, and Tuscaloosa, AL, research centers and the Alaska field operations, all of which were scheduled for immediate closure under the Bureau's consolidation plan.

As we move into fiscal year 1995, I ask the distinguished chairman, what is the intent of the committee regarding transition of the Rolla Research Center?

Mr. BYRD. Yes, in fiscal year 1995, it is the intent of the committee that the Bureau provide adequate funding to maintain a necessary staff approximating 25 FTE's at the Rolla Center which should allow a successful collocation with the University of Missouri-Rolla to preserve their capacity to conduct environmental remediation research.

Mr. BOND. Mr. President, do I correctly understand that until such time that the property is transferred to the University of Missouri-Rolla, the Bureau of Mines should preserve the personnel necessary to operate the core equipment base and that all facilities needed to accomplish the continuing research will be kept at the Rolla Center and that these facilities will include all installed equipment such as benches, hoods, phones, and computer systems as well as all analytical instrumentation and metal processing equipment needed for planned environmental research, especially those devices deemed to be the core equipment base?

Mr. BYRD. Yes, that is the understanding of the committee.

Mr. BOND. Is it correct the committee has made this recommendation in

part, because of the Rolla Centers' demonstrated skill and strategic location for major metal processing and remediation operations, in part, to assist the Twin Cities Center in its efforts toward remediation, in part, to prevent the local expertise from being lost, and in part, to avoid the added costs and local economic trauma of a total shutdown?

Mr. BYRD. The Senator from Missouri is correct.

Mr. BOND. Finally, as this transition proceeds, I will continue to work with the chairman to monitor, evaluate, and, if necessary, to consider appropriate modifications should the Bureau's implementation prove unworkable or unwise. Will the chairman assist me in this effort?

Mr. BYRD. As always, I will be happy to work with the Senator from Missouri.

Mr. BOND. I thank the chairman for his assistance.

#### ENERGY EFFICIENCY PROGRAMS

Mr. BUMPERS. Mr. President, I rise to enter into a colloquy with my distinguished colleague from West Virginia, the chairman of the Senate Appropriations Committee, Senator BYRD. As my colleague knows, I have long supported State programs which promote the use of energy efficient and renewable energy technologies. In fact, I cosponsored the legislation which authorized many of these programs, including the State Energy Conservation Program, the Institutional Conservation Program—also known as schools and hospitals—and, the Low Income Weatherization Program. While I serve on the subcommittee and understand the funding limitations we operate under, I am very concerned by the committee's proposed reductions from the President's requests for energy efficiency programs in the Interior bill. The President proposed an increase of \$288 million in fiscal year 1995 to implement the Energy Policy Act of 1992, to fund various new initiatives and expand others, and to implement the voluntary programs contained in the climate change action plan, many of which are based on the Energy Policy Act. The House provided an increase of \$134 million for these accounts, but the Senate committee was only able to provide an increase of \$53 million for this important area.

I was a Member of this body in the 1970's when the State programs were originally authorized. In the fiscal year 1979 appropriations bill, total funding for the State Energy Conservation Program, the Institutional Conservation Program and the Low Income Weatherization Program was \$558 million. Accounting for inflation, to maintain these programs at the fiscal year 1979 level, we would need to provide them with over \$1 billion. This bill will provide only \$264.4 million.

These programs help create good jobs in our economy and leverage large

amounts of non-Federal dollars. For example, a recent survey showed that Federal funds flowing through the State Energy Conservation Program leverage \$17 to \$25 in non-Federal funds for every Federal dollar invested.

The Schools and Hospitals Program cost-shares the installation of energy efficiency measures in qualified buildings, reducing medical costs and permitting more money to go directly to education of our children. The State Energy Conservation Program delivers energy services to every sector of our economy, including the small business community in which I have a special interest, not to mention our homeowners.

In light of the important national goals these programs promote, especially the State grant programs, I believe the House-passed funding levels are preferable to what we have been able to do.

I wish to ask my distinguished colleague whether, in light of the importance of these programs, he could work toward restoring the funding in these programs to the House-passed levels during the conference which will follow today's floor action?

Mr. BYRD. I appreciate my colleague's strong support for these programs, and I will consider the concerns of the Senior Senator from Arkansas for the energy conservation programs.

U.S. BUREAU OF MINES

Mr. CAMPBELL. Mr. President, I would like to ask the Senator from West Virginia, and the chairman of the Appropriations Committee, to yield to me for the purposes of engaging in a colloquy on the issue of downsizing at the U.S. Bureau of Mines.

Mr. BYRD. Yes, I will be happy to yield to the Senator from Colorado.

Mr. CAMPBELL. I know the chairman has worked diligently to enact the principles of the National Performance Review by downsizing our Federal Government, and I commend him for his work thus far. I am sure he can understand my concern about the Bureau of Mines downsizing plan, as it greatly affects the mining industry, which is very important to my State of Colorado.

As I understand it, the focus of the reinventing government proposal is to cut unnecessary programs and employees from the Federal Government. Understandably, the Bureau of Mines does much of its research in the States, and I agree that the Bureau's plans to downsize must include some cuts in the field. Still, I believe that the Washington, DC office of the Bureau should share an equal burden of cuts in employees, particularly because there will be a need for less oversight if there are fewer employees in the field.

According to the information provided to me by the Bureau of Mines, the field offices will be sharing a greater burden of cuts than the Washington,

DC office in fiscal year 1995. My office has been in continual contact with the Bureau of Mines and we have been told that most, if not all of those 145 positions listed as "unallocated" will be designated to the field. Assigning these 145 positions to the field would equal the burden of cuts. Would the distinguished chairman agree with me that with respect to the Bureau of Mines, that the Washington DC, staff should be reduced in sync with the field? And further, is it also the Senator's understanding that most, if not all of the 145 unallocated positions will be designated to the field?

Mr. BYRD. Yes, I believe the Senator from Colorado makes a valid point. This administration has stressed the need for each agency to examine thoroughly its functions and cut wasteful spending. While the Bureau of Mines has done this, I agree with you that the Washington office of the Bureau should not grow as employees in the field are cut, and as the Senator says, the Washington office should share an "equal burden" of the affects from downsizing. The Washington office should bear its fair share of cuts consistent with the programmatic realignment which is to shift the center of focus of Bureau operations away from Washington, DC and to the field. To answer his second question, yes, the Bureau has assured me that most if not all of those 145 employees listed in the Bureau's numbers as unallocated will be assigned to the field.

Mr. CAMPBELL. I thank the chairman. I would now like to discuss the issue of reimbursable employees. The Bureau of Mines has informed me that of the 90 full time employees [FTEs] that are scheduled to be cut in the Denver field offices in fiscal year 1995, the Bureau expects approximately 40 to 45 employees will be funded by reimbursable agreements. Is that the distinguished chairman's understanding?

Mr. BYRD. Yes, the Bureau of Mines informs me that of the 90 FTEs slated for cuts this fiscal year from the Denver field offices, they expect 40 to 45 FTEs will be funded under reimbursable agreements.

Mr. CAMPBELL. According to the budget numbers provided to me by the Bureau of Mines, the Washington, DC office will get an increase in funds of more than \$1 million in fiscal year 1995 to a total of more than \$64 million. This increase in funds occurs at the same time that the Bureau is cutting and even closing several field offices. The Bureau has assured me, however, that of the \$64 million allocated to the Washington, DC office, nearly \$8 million will be allocated to the field, including; \$3 million for health and safety, \$3.8 million to environmental technology and \$450,000 to Denver for the personnel division. Reducing the Washington, DC budget by \$8 million would bring the Washington, DC budget to

close to \$56 million. I continue to believe that it is important for the Bureau to ensure that an equal burden of cuts be shared by the Washington, DC office. Is it the chairman's understanding that of the \$64 million in the budget account for the Washington, DC office of the Bureau of Mines in fiscal year 1995, about \$8 million is intended to be distributed to the field?

Mr. BYRD. Yes, that is my understanding.

Mr. CAMPBELL. Finally, I would like to ask the chairman if he would be willing to try to include language in the statement of managers that will accompany the fiscal year 1995 Interior appropriations conference report pertaining to this discussion.

Mr. BYRD. It is my intention to work with the Senator and take to conference the language pertaining to the clarifications we have just discussed.

Mr. CAMPBELL. I would like to thank the Senator for his time and attention to this matter.

Mr. BYRD. It has been my pleasure working with the Senator from Colorado and I assure him that I will continue to monitor the downsizing at the Bureau of Mines to ensure that their efforts are consistent with the spirit of the Reinventing Government initiative. I commend the Senator for his commitment to this issue.

FOREST SERVICE ROADLESS AREA ENTRY

Mr. CRAIG. Mr. President, I note that the Committee on Appropriations retained in this bill the full level of road funding sought by the Clinton administration in order to accomplish the full timber sale program requested by the administration. Accomplishing this administration's timber objective certainly would be more difficult, and perhaps impossible, if entry into roadless areas is restricted as suggested in the report language of the other body. I am troubled that roadless area entry continues to arise as an issue notwithstanding the provisions of completed forest plans.

In a letter dated June 9, Forest Service Chief Jack Ward Thomas described the adverse impacts of a prohibition on roadless area entry. He particularly noted the importance of access to released roadless areas for the purpose of remedying forest disease, and fuels buildup that threatens massive forest fires. Did the committee consider that letter?

Mr. BYRD. In response to the Chief's letter, the committee has attempted to provide as much flexibility as possible to the Forest Service to manage the forests, consistent with current law and the forest plans.

Mr. NICKLES. I concur with the chairman's view. Let me further add that the Chief of the Forest Service, Jack Ward Thomas, has expressed strong concerns about road funding needs for fiscal year 1995, including strong opposition to substantial cuts

imposed in the bill approved by the other body. The Chief has indicated that new road construction—a very small amount of which would enter released roadless areas in fiscal year 1995, is critical toward addressing wildfire, insect infestation, and forest disease problems.

Mr. CRAIG. The Senate has regularly used authorizing legislation to designate wilderness or wilderness study areas within roadless lands. Does the subcommittee agree that authorizing legislation may be used to address the roadless area issue?

Mr. BYRD. As indicated, we have sought to provide flexibility. Restrictions should be addressed either through authorizing legislation or through amendments or revisions to forest plans.

Mr. CRAIG. I thank the chairman and ranking member for their clarification on this matter.

#### TREE MEASUREMENT CRUISING

Mr. CRAIG. I would appreciate the chairman's clarification on another issue of concern, regarding tree measurement sale preparation requirements, conducted by the Forest Service. My understanding is that the committee intends that current year language, concerning implementation of timber sale tree measurement sales, is to be carried forward to apply in the same way for fiscal year 1995.

Mr. BYRD. The Senator's understanding is correct. The committee intends that policy directed by language included for the current year fiscal year—1994—would remain in effect for fiscal year 1995, requiring use of tree measurement to assess timber sale volume, with certain specific exceptions for salvage and thinning.

Mr. CRAIG. I thank the chairman. Further, as the chairman knows, the fiscal year 1994 Interior Appropriations act directed full implementation of tree measurement, except in selected areas for salvage or thinning. In addition, the scaling method could be used where needed to support the Agency's efforts to evaluate and monitor its cruising techniques and help assure accurate timber sale volume measurements.

Mr. BYRD. It is the intention of the committee to make sure that the Forest Service continue to take the necessary steps to assure sale volume accuracy, as tree measurement techniques go into full effect. To the Senator's last point, the committee expects that any sales prepared during fiscal year 1995 which involve the use of scaling, for allowed exceptions, would involve Forest Service personnel, or will be accomplished by contract issued by the Forest Service and paid for using deposits by the timber purchaser, as was provided for in fiscal year 1994.

Mr. NICKLES. The minority side also agrees. The committee recognized, in the 1994 Interior Appropriation Act,

that in moving to tree measurement, further monitoring must be done to assure accuracy.

#### FOREST SERVICE RESEARCH

Mr. CRAIG. Mr. President, I note that the Committee on Appropriations has adopted a level of funding which is supportive of Forest Service research activities. I'm certain you will agree that research is critical in order to provide the foundation for management decisions which have become increasingly complex. For that reason, I am concerned that an important research project at the Intermountain Research Station will not be funded in fiscal year 1995. Since this research project is in danger of being discontinued 2 years before it is complete, may I ask the distinguished chairman and ranking member of the subcommittee if I could engage them in a colloquy?

Mr. BYRD. I understand the concern that the Senator from Idaho has regarding this research. I am happy to respond to his inquiries.

Mr. CRAIG. I thank the chairman. Because of the decline in anadromous salmon populations in Idaho, it has become important to understand the interactions of management activities such as grazing and riparian protection along streams. One study designed to learn specifically of these relationships is Riparian-Streams Ecosystems Research No. 4202.

This study has been underway for 3 years and has involved considerable commitment from livestock grazers and other parties working with the Forest Service. Fence enclosures have been built at some expense and other on-site experiments have begun to yield information. If this research is dropped, it would appear that appropriated research funds from past years have not been used to the best advantage. Data gathered thus far might not be statistically reliable if the study period is cut short. I ask the ranking member if he would concur?

Mr. NICKLES. I understand the Senator's concern about cutting off this research in midstream. The committee has provided appropriations to fully fund this research project in fiscal years 1992-94.

Mr. CRAIG. Then is it the committee's view that the Forest Service should take every opportunity within its fiscal year 1995 research appropriations to continue this research project in order to gain its full benefit?

Mr. BYRD. The committee understands the need for research to establish the best management practices for riparian areas. The budget proposed funding for the Intermountain Research Unit No. 4202 at a level of \$447,000, which is less than has been provided in prior years. As the Senator knows, today's budget environment requires that restrictions be made. This bill is funded \$336 million below last year's level. So, while the work on this

project may be important, the level of funding must be balanced against the many other needs in this bill. Within the funds provided for this unit, the Forest Service should seek to continue this research effort.

Mr. NICKLES. I concur with the chairman's view.

Mr. CRAIG. I thank the chairman and ranking member for their clarification on this matter.

#### MATERIALS, METALS, AND MINERALS RESEARCH AT INEL

Mr. CRAIG. I would like to call attention to some most valuable research that is funded in this appropriations bill. The Bureau of Mines utilizes the Idaho National Engineering Laboratory's Research Center for advanced research projects related to Bureau of Mines' missions that can be conducted more efficiently at the INEL. This relationship exists because INEL has facilities and staff that can conduct this research at a lower cost to the Federal Government.

There are two primary areas of focus for this research: First, development of advanced technologies for recovery of metals from low-grade resources and wastes, and second, development of advanced materials and processes to produce superior materials and facilitate use of substitute materials. Included are projects on solvent extraction of metals, biologically assisting minerals processing, production of titanium from a plasma reactor, ferrous alloy research, neural network modeling of cupola furnaces, noncontracting nondestructive evaluation for materials characterization, nanostructure materials and fracture mechanics of interfaces.

These are very important areas of research and offer some fantastic future possibilities for metal use. The areas being addressed reduce waste and open new and innovative methods of metal production, uses, and evaluation. The research is unique and is taking us to the threshold of metal research and development in the next century and I encourage the continuation of this arrangement between the Bureau of Mines and the INEL.

Mr. BYRD. I thank the Senator from Idaho for calling this research to the attention of the Senate.

Mr. NICKLES. I recognize the importance of this most crucial research and thank the Senator for his statement.

#### HAGERMAN FISH CULTURE EXPERIMENTAL STATION

Mr. CRAIG. Mr. President, as the chairman is aware, we have a situation in Idaho which deserves our attention. The Hagerman Fish Culture Experimental Station, formerly the Hagerman Field Station, in the U.S. Fish and Wildlife Service, is a facility in which essential, basic research in fish nutrition and hatchery products is being conducted.

This station was proposed for closure in the fiscal year 1994 budget. A colloquy among the Senators from West Virginia [Mr. BYRD], Oklahoma [Mr. NICKLES], and this Senator on the fiscal year 1994 Interior Appropriations bill suggested, if funds became available, that the facility remain open and equipment be held in place and made available to the University of Idaho and the aquaculture industry on a cooperative basis until a long-term plan could be worked out for operation of the station primarily by non-Federal entities. This arrangement has not yet been completed, although all parties have made substantial progress in this direction. The Fish and Wildlife Service has kept the station open. The University of Idaho and the Western Regional Aquaculture Consortium, among others, have contributed significant support and are conducting substantial research there. Additional time is needed to finalize a research agenda and plan of operation, but the danger remains that the station may be closed precipitously due to a lack of appropriations.

Mr. BYRD. Yes, I am aware of that possibility, since no funds were proposed in the budget for the station for fiscal year 1995.

Mr. CRAIG. Loss of this facility would be very unfortunate. Hagerman undertakes research that is key to the large aquaculture industry in Idaho and of great usefulness nationwide. This is an excellent example of State, Federal, and private sector cooperation. Research results from Hagerman have been put to work at other hatcheries outside Idaho, such as Bozeman in Montana and Stuttgart in Arkansas.

Mr. NICKLES. I understand that Hagerman provides valuable information to the aquaculture industry. What are the opportunities within the U.S. Fish and Wildlife Service for continuing the research underway?

Mr. CRAIG. I have had continuing discussions with the agency and other parties. They believe that an arrangement can be finalized whereby the University of Idaho would continue to shoulder greater responsibility in the research under some form of cooperative agreement or lease. The University is supportive of this proposal, but needs time to plan and arrange funding for the venture. In fact, the University has been following through in this regard and plans an increasing involvement.

However, this will not be possible if Hagerman is closed and its equipment removed. Until the details of a long-term agreement can be finalized, I am urging the Fish and Wildlife Service to hold the equipment in place and maintain the facility so as not to foreclose their management options. Ideally, the assignment of adequate non-Federal personnel for the actual station operation and cooperative research would

facilitate a long-term definition of mission and transfer of responsibilities.

Mr. NICKLES. I agree that the Senator from Idaho has outlined a reasonable, workable solution. The agency should continue to try and work out an agreement with the university and any other appropriate parties and I would lend my support to the Senator's proposal.

Mr. CRAIG. I thank the Senator from Oklahoma. I believe the agency would be able to handle this matter internally and would like us to see what it will do. However, I believe we should maintain some oversight. Last year, I asked the chairman and ranking member if we could revisit this matter again this year if necessary. I believe much progress has been made and would want the current arrangement to be continued.

Mr. BYRD. While I am willing to encourage the Fish and Wildlife Service to continue working with the University to produce a cooperative agreement for the use of the equipment and the facility, I do not wish for us to direct the continued operation of a station proposed for closure in the budget and for which operational dollars are not included in fiscal year 1995. The Service should do everything possible to help ensure that good use can be made of the equipment and the facility. If the University or other non-Federal partners wish to take over the facility, the Service should work toward the development of whatever agreements might be necessary to facilitate such a transfer.

#### PALLID STURGEON RECOVERY PLAN

Mr. DANFORTH. Mr. President, on November 7, 1993, the Fish and Wildlife Service released the pallid sturgeon recovery plan. According to the Governor of Missouri, the plan differs substantially from the draft that was offered for comment and review to the State of Missouri. Five technical studies which were critical for the plan's conclusions only became available after the close of the comment period on the draft report. Our State feels very strongly that it should at least have had the opportunity to consider and comment on all of the important information which Fish and Wildlife used to reach its conclusions. On June 17, 1994, the Governor of Missouri wrote the Secretary of the Interior, asking that the comment period be reopened for a period of at least 60 days. The Secretary has not responded to that letter. Does the distinguished chairman of the Senate Appropriations Committee agree that the Department of the Interior should re-open the comment period in order to permit Missouri and other States the chance to comment on the plan and all important information which went into preparing the plan?

Mr. BYRD. Mr. President, I appreciate the concerns voiced by the Senator from Missouri about time for ade-

quate review of information used in the development of recovery plans. I would urge the Secretary to use any authorities available to re-open the comment period.

Mr. NICKLES. I share the concerns of the Senator from Missouri and agree with the distinguished chairman.

#### TREE THINNING

Mr. DASCHLE. Mr. President, as Senator BYRD knows, it appears that the Forest Service will no longer be allowed to use salvage trust funds for thinning trees in the future. Unfortunately the budgeting process for the Forest Service is based on a 3-year cycle and the Forest Service is not able to adjust its budget for fiscal year 1995 to accommodate this clarification in policy. As a result, the Black Hills National Forest will not fully achieve the objectives of the Forest plan in fiscal year 1995.

According to the Black Hills National Forest land management plan, stands of trees need to be thinned to prevent insect and disease from attacking the trees. It is my understanding that salvage trust funds can be expended in fiscal year 1995 to prepare and administer timber sales on the Black Hills National Forest for the purpose of thinning commercial stands of trees, where those stands of trees are in jeopardy of being infected with insects and disease.

Mr. BYRD. The committee has continued salvage sales, pursuant to the authorities found in the National Forest Management Act. To the extent these authorities can be exercised on the Black Hills National Forest, the Forest Service should seek to do so, consistent with the forest plan. In addition to the salvage authority, the committee has provided additional funding in the regular timber sales program to help with situations such as on the Black Hills National Forest.

Mr. DASCHLE. I thank the Chairman. I want to emphasize that in the long-run, I agree with the policy that salvage funds should not be used for thinning operations and support the imposition of this restriction for the fiscal year 1996 budget, after the Black Hills National Forest has had an opportunity to adjust.

#### ELECTRIC VEHICLES

Mr. DOLE. Mr. President, I wish to thank the distinguished chairman, Senator BYRD, and the ranking Republican member, Senator NICKLES, for funding electric vehicle field operations at \$1,980,000. Kansas State University has spearheaded a team effort as one of 12 sites across the country to test and evaluate electric and hybrid vehicle technology. It is my understanding that the Department of Energy will allocate this \$1,980,000 to these 12 sites, known as the Site Operator Users Task Force.

The funds provided by the committee will be matched by the site operators

on at least 50-50 basis. Kansas State University will join with its local partners—Kansas and Missouri utilities—to purchase five state-of-the-art electric or hybrid vehicles, study multi-phase electric and hybrid vehicles chargers, purchase advanced technology hybrid vehicle components, and work with Underwriters Laboratory to improve the safety of charge stations.

Mr. BYRD. The Senator from Kansas is correct. This bill does provide \$1,980,000 for electric vehicle field operations. It is also my understanding that the \$1,980,000 is to be allocated by the Department of Energy to the site operator program participants. The site operators' program is to be commended, along with the Department of Energy, for trying to move this promising technology forward.

Mr. DOLE. I would like to conclude my remarks by commending Kansas State University, Arizona Public Service, Los Angeles Department of Water & Power, Orcas Power & Light Company in Eastsound, WA, Pacific Gas & Electric in San Ramon, CA, Potomac Electric Power Company, Platte River Power Authority in Fort Collins, CO, Southern California Edison, Texas A&M University, University of South Florida, York Technical College in Rock Hill, SC, and the United States Navy in Port Hueneme, CA, for their leadership in developing this exciting and promising transportation alternative for the 21st century.

FUNDING TO FIGHT CHILD ABUSE AND NEGLECT  
ON INDIAN RESERVATIONS

Mr. DORGAN. Mr. President, I rise in praise of the distinguished Chairman of the subcommittee and the committee, Senator BYRD. In this bill, he has included a measure that I am convinced will save the lives of countless native American children.

Since my early days as a Member of the other body, I have worked to reduce the heartbreaking levels and effects of child abuse and neglect throughout the country. This national problem has reached truly tragic proportions on Indian reservations, largely due to the staggering levels of poverty, joblessness, and alcoholism that come from a lack of economic opportunity for our country's native people.

As a father who has raised four wonderful children, I cannot ignore the plight of these children. As a legislator, I cannot ignore the Federal Government's solemn trust obligation to these children. They are our responsibility. When they suffer the pain of beatings, broken bones, neglect, and even death, we have failed them.

Mr. President, more than 4 years ago, I held a hearing in Bismarck, ND, to investigate the causes of child abuse and neglect on the four Indian reservations in my State. Even I was shocked at some things I heard. I was especially touched by a little girl named Tamara. Her foster parents had broken her arm

and her leg and torn out her hair. The social worker who should have been keeping an eye on Tamara had a caseload of over 200 children.

Following that hearing, I worked very hard to increase the number of staff social workers on Tamara's Standing Rock Sioux reservation from 1 to 12, which brought enormous relief to their efforts to save the hundreds of abused and neglected children on that reservation.

Just last month, I chaired a hearing of the Indian Affairs Committee in my State. I found that the other three reservations in my State, Ft. Berthold, Devils Lake, and Turtle Mountain, have serious problems with child abuse and neglect that still are at least as bad as the situation at Standing Rock was 4 years ago.

The Devils Lake Sioux reservation social services agency, which has had 13 different people in its three staff social worker positions in the last 2 years, has literally piles of abuse and neglect reports that they have never had the staff to review. On the Ft. Berthold reservation, 8 abused or neglected children attempted suicide in a 2-week period. I heard testimony about a 3-year-old child on the Turtle Mountain reservation whose foster parents had locked him in a closet and starved him. We heard about very young children molested by parents or step parents. One girl testified that abuse by her father drove her to start drinking at age 8, until she became an alcoholic at age 14.

In 1990, largely through the efforts of Congress' leader on Indian Affairs, Chairman DANIEL INOUE, and that committee's vice chair, Senator JOHN MCCAIN, Congress enacted the Indian Child Protection and Family Violence Prevention Act. But we have not funded it at all.

The 1990 Act is a good first step toward fixing this national tragedy. I am painfully aware of the realities of our Federal budget. I know we will not be able to fully fund the Act this year.

But I have worked with the distinguished chairman and his very able staff director, Sue Masica, and counsel Kathleen Wheeler, to provide \$2 million in this bill to establish a model program to fight child abuse and neglect on Indian reservations.

The Assistant Secretary of the Interior for Indian Affairs, Ada Deer, who participated in my recent hearing in North Dakota and is a former social worker herself, is very eager to show that we can make a big difference in native American children's lives with a very modest investment. She has pledged to work closely with us to provide the staff and resources in the Aberdeen area to treat and prevent child abuse on Indian reservations—using the additional funds provided in this measure.

Secretary Deer plans to use these funds to establish a model program, in

the Bureau of Indian Affairs Aberdeen area and on the North Dakota reservations, to help reservations comply with the 1990 law and reduce the appalling levels of child abuse and neglect that they must deal with every day. As I said at our hearing, Secretary Deer's lifelong interest in preventing and treating child abuse is a breath of fresh air at BIA. She has brought a new commitment, on behalf of the Clinton Administration, to addressing a problem that has been ignored far too long.

Thanks to the funds we are providing in this measure, we finally will get the chance to give some abused and neglected native American children a way out. I am confident the model program will succeed and inspire us to provide the small additional investment we need to address child abuse and neglect on Indian reservations nationwide.

Mr. President, I thank the managers for accepting this amendment.

FWS FUNDING

Mr. DORGAN. Mr. President, I wish to engage the chairman of the Interior Appropriations Subcommittee, and of the Senate Appropriations Committee, in a discussion of a problem of critical importance to North Dakota.

Mr. President, the U.S. Fish and Wildlife Service has pulled nearly all of its Ecological Services Division staff from North Dakota, and that action is going to have a severe impact on the ability of farmers to responsibly use the pesticides they need to farm successfully.

In North Dakota, the ecological services program has focused, in close cooperation with the North Dakota Department of Agriculture, on the Pesticides Contamination Program. This program tries to ensure that endangered and threatened species are not harmed by use of agricultural pesticides. The program allows for reasonable monitoring of the effects of certain pesticides on animals and plants in specific, sensitive areas, and such monitoring is required by the Endangered Species Act.

This program is absolutely necessary if we are going to protect endangered and threatened species in North Dakota, as Federal law demands, and, at the same time, allow farmers to use pesticides that are harmless to people, animals, and the natural environment.

A year ago, the Fish and Wildlife Service was appropriated about \$21 million in new funding to expand its work related to endangered species. After expending the additional \$21 million, the FWS then transferred most of the staff and funding for its ecological services out of the Denver region, including North Dakota, to coastal areas. This is unacceptable.

It is unacceptable from administrative standpoint because, in order to meet court-ordered implementation of the Endangered Species Act in other

regions, the FWS is killing a much needed cooperative pesticides program which allows rational implementation of the Endangered Species Act in North Dakota.

The FWS action is also unacceptable because Congress provided specifically in its fiscal year 1994 appropriations for additional funding to meet the court-ordered requirements I just mentioned. However, the FWS went outside our specific funding provisions and made a wholesale transfer of funding out of the Denver region.

I ask the distinguished chairman of the Appropriations Committee: Did he envision that such a withdrawal of funding from Region Eight and the North Dakota Pesticides Contamination Program would occur under his committee's 1994 appropriations bill?

Mr. BYRD. I thank the Senator from North Dakota for calling the committee's attention to this problem, and for his question.

Congress provided additional funding in fiscal year 1994 so the FWS could meet its endangered species responsibilities without terminating necessary programs in other regions. However, as the Senator knows, with the administrative and FTE reductions proposed in the fiscal year 1994 and fiscal year 1995 budgets, some reductions and realignments may be necessary. But within the resources provided, the Service should continue to take the steps necessary to assist with the North Dakota Pesticides Contamination Program.

#### VISITORS CENTER AT HEMPHILL KNOB

Mr. FAIRCLOTH. Mr. President, I would like to speak about a project that has come to my attention in the Senate Interior Appropriations bill. This project concerns the building of the Parkway Headquarters and Visitor's Center at Hemphill Knob in the Great Smoky Mountains National Park's Blue Ridge Parkway.

The Blue Ridge Parkway was established as a unit of the National Park System by an act of Congress on June 30, 1936. The act's purpose was to create a 470-mile motor road between Shenandoah National Park in Virginia and Great Smoky Mountains National Park in North Carolina and Tennessee that would provide a means for leisurely travel and recreation in a variety of significant southern Appalachian environments.

Since this first selected region opened to traffic, parkway visitation has increased dramatically from 101,324 in 1939 to 17,889,335 in 1993—highest visited among all of the 359 parks of the National Park System—even higher than the Grand Canyon National Park, the Statue of Liberty National Monument, and Yellowstone National Park.

Despite the complexities of design, construction, development, and operation, plus its ever-increasing popularity, the parkway has not had a per-

manent headquarters in more than a half-century as a unit of the National Park System. Ironically, although it is almost exclusively rural in nature, the parkway's "temporary" headquarters have always been located in the heart of urban areas.

After almost four decades in rented office space in Roanoke, VA, headquarters were moved to Asheville, NC in 1972. The reasons for the move were twofold: No. 1, a realignment of the National Park Service excluded Virginia from the Southeast Region, and No. 2, Asheville was a more central location in a now-dormant proposal to extend the parkway to near Marietta, GA.

Since its move in 1972, the Parkway Headquarters have been located in what now is the BB&T Building in downtown Asheville. Some 8,100 square feet of office space is leased at an annual cost of approximately \$85,000. The present lease expires in 1994.

Development of a permanent facility in the Asheville area would eliminate the expense of this lease arrangement, and, more importantly, would accomplish one of the parkway's major objectives. This objective is to:

Construct a permanent headquarters/interpretive/archival complex on Parkway lands in order for management to be more accessible and responsive to Parkway visitors and employees.

The Federal Government has already purchased a tract of land, totaling 90 acres, in Asheville and has invested money for planning as well. It would make common sense financially to go ahead and fulfill the investment obligations and build the center in Asheville.

Representative CHARLES TAYLOR confirmed to me that the House had passed the House Interior Appropriations bill which included \$910,000 to start construction of the Parkway Headquarters and Visitor's Center at Hemphill Knob, near Asheville. However, in the Senate bill, this funding was not provided.

It is my intention to request that during conference, my distinguished colleagues on this committee consider this request of \$910,000 to begin construction of these headquarters.

Mr. NICKLES. Mr. President, I would like to thank my colleague from North Carolina for alerting me of this situation. In response to my colleague's request, I will try to take this matter into consideration during conference.

Mr. BYRD. Mr. President, as the Senator indicated, this project is in the House bill and will have to be discussed during our conference. While no commitment can be made, I will keep the interest of the junior Senator from North Carolina in mind.

#### LAND EXCHANGE PILOT PROJECT

Mr. HATFIELD. As the chairman knows, the land ownership in the Western States is fragmented. Because Federal, State, county, and private lands are intermingled across watersheds and

ecosystems, extensive cooperation is required to manage these lands under an ecosystem approach.

A pilot project proposal has been brought to my attention which would address the cross-ownership ecosystem management problem by cooperatively identifying environmentally sensitive private lands which would be exchanged for less critical Federal lands on a voluntary basis. The project would test an alternative approach and would involve citizens, landowners, local governments, environmental groups, and Federal agencies in Douglas County, OR. Is it the chairman's understanding that a pilot land exchange project might qualify for a National Fish and Wildlife Foundation grant?

Mr. BYRD. The National Fish and Wildlife Foundation funds, which are provided in this bill, are available for grants through a competitive application process. The grants are used for fish and wildlife and research demonstration projects and require matching funds. The committee has no say in the projects ultimately selected for funding by the Foundation. Project grant decisions are to be based on merit. If this project is submitted by its supporters to the Foundation, it should be considered on the same basis as any other projects proposed for grant funding. The same criteria should be used for all applicants.

Mr. HATFIELD. It is my understanding that the matching funds requirement can be met. If a proposal of the kind just described is made to the Foundation, I would urge the foundation to seriously consider the project for funding.

#### INDIAN SCHOOL EQUALIZATION PROGRAM

Mr. INOUE. Mr. President, despite severe spending constraints, the distinguished chairman of the Appropriations Committee has once again led the committee in providing funding for programs that take into account the real needs of American Indians and Alaska Natives. I commend Chairman BYRD for his leadership once again.

However, the committee included bill language relating to the counts of students attending Bureau of Indian Affairs schools that I would hope would be deleted at such a time as this bill goes to conference. The Committee on Appropriations sought to accommodate the recommendation of the Committee on Indian Affairs on this matter, but the bill language that is included will, I fear, result in underfunding of Bureau of Indian Affairs schools in the coming year.

To clarify, I need to begin with existing law. Appropriations for the operation of Bureau schools are currently distributed on the basis of the number of students attending each school and the special characteristics of each student. The count of students is taken the last week of September, and on

that basis, an upward or downward adjustment is made to the allocation of funds made earlier to each school.

In its proposed budget for fiscal year 1995, the Bureau proposed that it be authorized to use the prior year's count of students, with adjustments made only for enrollment increases over the prior year that exceed 10 percent. The Bureau made the proposal despite the act that when it consulted with Indian educators, 70 percent said they opposed the proposed change.

The language included in the bill permits, but does not require, the Bureau to use prior year counts. The concern of the Committee on Indian Affairs is that since the Bureau itself proposed the change, it will—if granted permission to do so—use the prior year's student count.

Mr. BYRD. I share the concerns of the chairman of the Committee on Indian Affairs about how funds for BIA-funded education are distributed. As the chairman has noted, the language which has been included in the bill does not require the Bureau to use prior year counts. Because of the concerns of the Committee on Indian Affairs and the concerns raised during the consultation process, language has been included in the Senate report which clearly requires the Secretary of Interior to consult with the tribes to develop a methodology for distributing funds. Language has also been included in the report which would require the Department to submit a workplan on how the Secretary will conduct the consultation. This language was included to assure that the consultation is conducted in a manner that will ensure that tribes and schools have an opportunity to propose alternatives to the current methodology.

Mr. INOUE. Mr. President, the Bureau estimates an overall increase of about 4 percent in its student count in September 1995. If the increase were evenly distributed, and the Bureau implemented its proposal, none of the schools would be allowed added funding appropriated by the Congress. Even those schools experiencing 5, 6, 7, 8, or 9 percent increases in their enrollments would have to get by with a budget based on the preceding year's enrollment. In the small schools of the Bureau's system, such a shortfall could be especially harmful to educational programs.

Mr. BYRD. When the bill language was included in the Senate report, the Committee assumed no particular methodology, as indicated in the report. In other words, the committee did not endorse the methodology proposed by BIA. The Secretary of Interior should consult with the tribes on how to implement the use of prior year enrollment in distributing the funds. However, if no consensus occurs on what methodology should be used or if the tribes do not want to use prior year

enrollment, it is assumed that the current count week would continue to be the methodology used by the Bureau. Given the widespread reports of problems associated with the current count week, it is my hope that an improved and fairer methodology would emerge from the consultation process.

Mr. INOUE. The Committee on Indian Affairs shares the concern you have described. It is for that reason that the committee has approved and will soon be recommending to the Senate an amendment to the Improving America's Schools Act that will require the Secretary of Interior to contract with an organization or institution having expertise in school finance to conduct a two-part study of the issues. The first part of the study will be analysis of what level of funding will be required to conduct a school program that meets academic standards of the Bureau; the second part of the study will be an evaluation of the Indian School Equalization Program and a consideration of alternative approaches to providing basic funding for the Bureau schools. Under the amendment, the Secretary will choose a contractor only after the Department has conducted a wide solicitation among organizations and institutions having expertise in school finance.

Mr. President, given that the study is to be completed in 6 months, the Committee on Indian Affairs is of the view that any change such as contemplated in the Senate bill should await the completion of the studies and analysis I have described.

Mr. BYRD. I appreciate the efforts of the Committee on Indian Affairs to examine the Indian School Equalization Program and support examining alternative approaches to providing basic funding for the Bureau schools. However, I am concerned about the portion of the study that will analyze the level of funding required to conduct a school program which meets academic standards of the Bureau. I share the concerns of the Chairman of the Committee on Indian Affairs that Bureau of Indian Affairs schools be adequately funded, and as a result, the committee has provided significant increases in appropriations for Bureau schools over the past few years. Given the caps in discretionary spending that the committee faces over the next few years, it is unlikely that the committee will be able to provide significant increases in the future, regardless of the conclusions reached by the study. Any study on the level of funding required for BIA schools should address ways to utilize better existing funding and ensure that funds are distributed in the most effective manner in light of the very real constraints faced by every program funded through the Interior bill.

Mr. INOUE. I agree with the chairman of the Appropriations Committee that the constraints on spending com-

pel the Bureau and other agencies, of course, to seek to ensure that appropriations are efficiently and effectively employed to accomplish their missions. But we cannot expect accomplishment if the Congress appropriates less than independent school experts determine will be required for the conduct of programs.

I thank the chairman of the Appropriations Committee for his consideration of the issues we have discussed and for his consideration of my views on the student count language at such time as the appropriations conferees meet to consider H.R. 4602.

Mr. BYRD. I appreciate the concerns and efforts of the distinguished chairman of the Committee on Indian Affairs and will take them into consideration when the conferees meet.

OFFICE OF TERRITORIES AND INTERNATIONAL AFFAIRS

Mr. JOHNSTON. I draw the attention of the distinguished floor managers to the third paragraph on page 65 of the committee's report, Rpt. 103-294, which recommends \$27,720,000 for construction grants for the Commonwealth of the Northern Mariana Islands [CNMI]. As the report points out, this is consistent with the amount required by section 702 of the existing authorization (P.L. 94-241; 90 Stat. 263). The report language also states "The Committee has no objection to the use of \$2,500,000 within the funds provided to address the costs associated with immigration to the Northern Mariana Islands as a result of implementation of the Compact of Free Association."

For the reasons I will enumerate below, it is my hope that through this colloquy the Senate, with the support of the floor managers, will also take the position that within the funds provided, the Secretary of the Interior shall take appropriate actions to allocate \$7 million for providing technical and other assistance to the CNMI to help track and identify alien workers entering the CNMI, to enforce applicable immigration laws in the CNMI, and to provide technical assistance to the CNMI in developing related labor rules and regulations for alien workers. Specifically, these funds shall be used, with the assistance of the U.S. Immigration and Naturalization Service, to develop a computer data base and identification system for aliens present in and entering the CNMI, including a permanent record of country of origin of these aliens. The funds should also be used for necessary planning, including architectural and engineering work, for the construction of detention facilities which meet applicable Federal standards and requirements for aliens who enter illegally or whose presence is otherwise not in conformance with appropriate immigration laws and policy in consultation with the U.S. Justice Department and other agencies deemed appropriate by the Secretary.

This allocation leaves \$18 million available for capital improvement projects to be undertaken by the CNMI Government, subject to the CNMI Government providing appropriate matching funds as determined by the Secretary. This amount is consistent with the budget request, and leaves in place the committee's directive that all capital improvement funding be subject to applicable Federal grant regulations.

I am not proposing that foreign workers who have entered the CNMI legally and who remain legally employed be expelled from the CNMI. Nor am I proposing that the United States Government take over immigration duties, or that all future immigration to the CNMI be stopped. I do believe however that the CNMI needs to be given the necessary resources, including technical assistance from the INS, the Justice Department, and the Department of Labor to assure that applicable laws are followed and enforced, and that those foreign workers who enter and are present in the CNMI can be properly identified and accounted for and that those present illegally or who are in violation of other applicable Federal laws and policies can be deported.

The CNMI has experienced a population explosion since 1980, registering growth of some 250 percent in full-time residents. Much of this growth is attributable to the increase of non-resident aliens, most of whom are believed to have immigrated from areas in the Pacific and Asia other than the former Trust Territory. In 1980, CNMI natives and indigenous peoples constituted 66.6 percent of the population of the CNMI, with full-time aliens, excluding immigrants from areas of the former Trust Territory, constituting just over 12 percent of the population. Immigrants from other Pacific Islands, primarily other parts of the former Trust Territory, constituted about 8.9 percent of the population of the CNMI. By 1993, CNMI natives and indigenous peoples constituted 36.5 percent of the CNMI population, and nonresident aliens, including immigrants from areas of the former Trust Territory, constituted 43 percent of the total population of the CNMI. Pacific Islanders, while increased in raw numbers, constituted just under 7.5 percent of the population of the CNMI. In numbers, estimates are that full-time non-resident aliens, primarily contract workers, immigrating from areas other than the former Trust Territory increased from about 2,100 in 1980 to over 24,800 by 1993, averaging an increase of over 20 percent each year. Registered births to these aliens totalled over 3,000 in 1993, compared to 50 in 1986, and exceeded the number of registered birth to indigenous residents.

The United States has a strong Federal interest in seeing that an identification and tracking system is in place and that appropriate laws are fol-

lowed. Most important, for the purposes of citizenship, the territory of the CNMI is considered U.S. territory. Thus, children born to foreign workers in the CNMI receive U.S. citizenship just as they could if they were born in Los Angeles or New Orleans or New York. These children are entitled to the same benefits and programs that other children having U.S. citizenship in the CNMI receive. Many of these programs and benefits are funded by the Federal Government.

Second, part of the stress on infrastructure in the CNMI, which is in part supported by the federally funded capital improvement program, is attributable to the huge increase in the number of full-time alien residents in the CNMI.

Finally, to assure the safety and welfare of all U.S. citizens in the CNMI, the Federal Government has a strong interest in knowing who these foreign workers are and making sure that applicable U.S. policies with respect to the entry of these foreign workers are enforced.

The purpose of section 702 of the Covenant, enacted in 1976, was to help the CNMI develop needed infrastructure and economic resources to become self-reliant. This section authorized the appropriation of \$192 million over a 7-year period, 1978 to 1985, for this purpose. At the end of this period, an agreement was reached to provide an additional grant totaling \$228 million over a second 7-year period, 1986 to 1992. This second 7-year agreement provided that the CNMI would continue to receive \$27.7 million in the eighth year and beyond for capital improvement projects until Congress otherwise provided. In 1992, a third agreement was reached to provide \$120 million over a third 7-year period, 1993 to 1999, subject to a phased matching requirement.

For a number of reasons, this agreement was never approved by the Congress, leaving in place the mandatory provision of \$27.7 million annually for capital improvement construction grants for the CNMI. Accordingly in fiscal year 1993, \$27.7 million was provided for this purpose. In fiscal year 1994, an additional \$27.7 million was provided, with the understanding that \$3 million would be used for construction of a memorial in the American Memorial Park on Saipan, consistent with commitments the U.S. Government made to construct this memorial in the Covenant.

In 1993 and 1994, in response to the controversy surrounding the third extension of the 702 grant program, the current administration proposed that in addition to the amounts already received in fiscal years 1993 and 1994, the Federal Government provide the CNMI \$18 million in fiscal year 1995, and \$9 million in fiscal year 1996, which would make available over \$80 million for the third round of capital construction projects.

There is no question that needs for improvement in the physical infrastructure of the CNMI remain, particularly in the areas of clean water, adequate sewer treatment, and adequate schools. Rapid economic development coupled with rapid population growth have increased pressures on the existing systems. As set forth in the most recent State of the Territories report, for example, school enrollment in grades K through 7 in the early 1980's was approximately 5,500; that has almost doubled today. Just since 1988, elementary and secondary school enrollment has mushroomed from under 7,400 to over 10,500 in 1993.

The economy has also grown at a rapid pace. Tourism has continued to grow. In 1980, there were about 110,300 visitors to the CNMI and altogether 802 hotel rooms, 710 of which were on Saipan. In 1993, over 535,000 visitors entered the CNMI, which now has over 3,300 hotel rooms. Projections are that tourist entries may reach 800,000 annually by the year 2000 if an additional 2,000 hotel rooms can be provided to accommodate the increase.

Both of these factors, economic growth centered on tourism and population growth, have placed strains on existing infrastructure. It is my opinion that there is a need for some additional Federal assistance to help meet these needs; however, I also believe that the local government can make more of a contribution than it has in the past. Local revenues have increased dramatically—from about \$10 million in 1980 to over \$150 million in 1992. I recognize that the pace of economic development has created jobs outnumbering the available local labor pool, necessitating the use of foreign workers to sustain growth, particularly in certain sectors such as tourism, construction, and the garment manufacturing industry. The presence of foreign workers however is not totally beneficial to the economy. Most of these workers receive below minimum wage salaries and pay little into the system to balance the cost they have imposed on infrastructure and social services. Indeed, one preliminary study indicates that nonresident aliens impose a net cost to the economy starting at about \$570 per capita annually and could be higher in some cases.

Thus, if we are to provide additional Federal assistance to help improve the infrastructure of the CNMI, then I believe we must also take steps to mitigate the negative impact of non-resident aliens in the CNMI. I am told that one of the most serious problems encountered in attempting to assure compliance with immigration laws is that, once a foreign worker enters the CNMI, he or she loses or destroys papers indicating country of origin. Without proof of country of origin, it is impossible for officials to repatriate these foreign workers to their home countries when their visas expire. Even if

officials are able to identify a person picked up as a foreign worker, few detentions occur for the reason that no facility is currently on the island which meets Federal standards.

The purpose of this additional understanding I am proposing is to tackle these problems head-on, by providing the necessary resources for the Immigration and Naturalization Service as well as the U.S. Department of Justice to assist the CNMI in keeping track of foreign workers who enter the CNMI so that those workers who overstay their visas or otherwise violate the terms of their visas can be returned to their countries of origin, and to provide for adequate facilities to detain foreign workers who violate the system until they can receive the required hearing.

I remain willing to ask the Federal taxpayer to help the CNMI provide infrastructure and services for those who are U.S. citizens and otherwise legally are in the CNMI. However, I do not believe the Federal taxpayer should be asked to help improve the infrastructure or provide services for those who are there illegally. This problem will only compound itself in the future if we do not take steps now to correct this situation. I believe this understanding will help accomplish this goal, and I hope that the administration will take steps to include resources to continue this effort in the fiscal year 1996 and future budgets.

Mr. AKAKA. I concur with the remarks of the senior Senator from Louisiana with whom I have worked on this particular issue for many years. I share his concern about developing a positive and reasoned response to continuing problems with respect to foreign workers in the CNMI and believe the first step is to develop a tracking and information system. I urge the managers to support this additional understanding.

Mr. BYRD. I believe the suggestions offered by the Senator from Louisiana and the Senator from Hawaii, chairman of the authorizing committee and subcommittee, respectively, are constructive. The Senators have outlined a very serious problem which needs to be addressed, and I believe the approach outlined is a measured response to the problem. Therefore, on the basis of the information the Senators have provided, I support the additional understanding they have proposed. These modifications would still provide for an estimated \$18 million for infrastructure, while also addressing issues that contribute to the additional infrastructure requirements.

Mr. NICKLES. I join my colleague from West Virginia in endorsing this modification to the report language, and I concur with his remarks.

#### ENERGY PERFORMANCE CONTRACTING

Mr. JOHNSTON. Mr. President, might I address a question to the senior Senator from West Virginia, the

distinguished floor manager of this bill?

First, I observe that the Committee recognizes the importance of Federal leadership on energy conservation by recommending \$21 million for Federal energy management. The Federal Government is faced with annual expenditures of \$4 billion for building energy use.

What is now needed is for the Federal Government to give priority to the upgrading of Federal buildings as required by the 1992 Energy Policy Act. By targeting Federal efforts within each region, the Federal Government can showcase in selected cities what can be accomplished in Federal buildings. By coordinating this Federal effort with State and local government and the private sector, the Federal Government can foster the development of local infrastructures that can support the sustained installation and maintenance of building energy conservation measures.

As the Committee expects, available Federal appropriations for this effort can be significantly supplemented with private investment funds through the use of energy service companies, utilities, and third-party financing or secondary market financing; for example, through the utilization of energy service companies and performance contracts measured in accordance with a State recognized measurement protocol equivalent to those in use in my State or New Jersey or California.

The 5-year, energy saving performance program that was authorized by the Energy Policy Act needs to begin. However, proposed rules governing this program were not published by the Department of Energy until April 11, 1994. Two years have already passed since enactment of this program and we are faced with the possibility of another year passing before these regulations are finalized. Another year before the Federal Government can realize the resultant budget savings.

The question I like to address to the chairman of the subcommittee is: Would the Senator agree, since this is a test program, that Federal energy managers should, until the final rules are promulgated, be allowed to proceed under DOE's proposed energy savings performance contract rules?

Mr. BYRD. I agree with the Senator from Louisiana that Federal building managers should be permitted to proceed with this test program under the April 11 proposed regulation until the current rule making is finalized.

#### INDOOR AIR QUALITY PROGRAM

Mr. JOHNSTON. I would like to seek to clarify a point with the distinguished chairman of the Appropriations Committee. It has come to my attention that a small but important program within the U.S. Department of Energy, related to indoor air quality, was not funded in this bill, perhaps due

to a concern that it duplicated other Federal programs. The DOE program on indoor air quality, though, is unique in both its objectives and the activities which it supports. For example, while other Federal programs focus on disseminating best available technology for indoor air quality, the DOE program is focused on achieving a more fundamental understanding of indoor air quality issues that would lead to new and perhaps revolutionary technological approaches. I believe that it should be retained at the modest level requested by the administration—\$1.875 million—for three reasons. First, as I have already mentioned, it is distinct from, yet complementary to other existing programs on indoor air quality. Second, the fundamental insights into indoor air quality obtained by this program have, in the past, provided an effective technical sanity check on various proposals that have been advanced to improve air quality in buildings. Finally, maintaining acceptable indoor air quality will be the major challenge to achieving greater building energy efficiency. It is worth remembering that 38 percent of the energy consumed in this country is used in buildings. Some 5.5 quads of energy are consumed each year in air handling and conditioning. Continued fundamental exploration of indoor air quality issues by this program is likely to continue to provide new solutions to this important energy efficiency challenge.

Mr. BYRD. I thank the distinguished Senator from Louisiana for his views on this matter. Since the House bill provides funding for this program within the Department of Energy, I would like to give the distinguished Senator my assurance that I will address his concern in conference discussions with our counterparts in the House.

#### ARTS ENDOWMENT

Mr. KENNEDY. Mr. President, I would like to make an inquiry of the Senator from West Virginia, the distinguished chairman of the Senate Appropriations Committee and the distinguished chairman of the Interior Subcommittee. I understand that the chairman of the Arts Endowment, Jane Alexander, has informed him of the efforts she has undertaken to improve the processes and procedures at the endowment.

I believe that Chairman Alexander is doing an outstanding job and that we should give her the opportunity to establish guidelines that strike an appropriate balance between free expression and accountability.

I hope that these efforts by Chairman Alexander are persuasive for the Senator from West Virginia and that he will keep them in mind during the House-Senate conference on this bill.

I would also hope that, whatever the ultimate funding level for the arts endowment, Chairman Alexander will be given the discretion to allocate the reductions herself.

As the Senator from West Virginia may know, the Committee on Labor and Human Resources will be reauthorizing the arts endowment next year, and we look forward to examining all of these issues.

I have received a letter from Chairman Alexander and I respect the plans she has outlined for the endowment. I commend these efforts and will keep an open mind in conference with respect to the ultimate funding level for the endowment and the allocation of reductions.

Mr. BYRD. I thank the Senator from Massachusetts for his comments. I acknowledge his leadership in our national cultural policy and very much appreciate his comments.

I have met with Jane Alexander and believe she is interested in ensuring that the endowments funds art which is excellent and with merit. I understand the issues that the Senator raises regarding the need to permit Chairman Alexander an opportunity to establish appropriate guidelines at her agency, particularly in light of the upcoming reauthorization process.

#### FOREST SERVICE REORGANIZATION

Mr. LEAHY. Mr. President, I rise to bring the Senate's attention to an opportunity to save money, ease bureaucratic burdens, and improve service in the Forest Service. For several years now my ranking colleague on the Committee on Agriculture, Nutrition and Forestry and I have been considering the role of regional offices in the Forest Service.

Since 1974, the Interior appropriations bill has included language that prohibits the Secretary from closing regional offices or changing regional boundaries without congressional consent. This language was inserted at a time when President Nixon proposed 10 standardized regions for all agencies. Senators Mansfield and Bible thought that the Forest Service was best served by keeping the regional offices in the railroad towns where they were. Their language has persisted to this day—it is 20 years old.

We had an opportunity to delete this language in S. 970, the USDA Reorganization Act of 1994, but the Senate deferred at the request of the administration. Instead, the Senate adopted language that required nonbinding proposals from the Secretary to address a number of administrative issues, including office structure.

I understand that the Forest Service's reinvention process is taking its course, and an interim report has laid out academic models that give some indication of the Forest Service's progress to date. It is still unclear what form the final proposals will take, how the Forest Service intends to implement the proposals, and what role the Forest Service foresees for Congress.

The current language in this appropriations bill guarantees that Congress

will have a role. Furthermore, judging from committee action on Bureau of Mines closures and Agricultural Research Facility closures, Congress will play an active role.

The Forest Service must be ready for the 21st century—an era when more people will demand more from an agency limited by finite resources. With this in mind, I would like the Forest Service to consider cost saving opportunities at the forest level, the district level and the Washington office level as well. The organization must pursue the most efficient organizational structure it can identify.

In order to make office closure recommendations politically viable, we could consider an approach similar to the Commission on Agricultural Research Facilities authorized in the 1990 farm bill. This process was set up to take no more than 240 days from the date of authorization. Alternatively, we could consider a more comprehensive strategy similar to the military base closing scheme. I am most interested in something that is responsible and realistic.

In this respect, I wish to highlight my interest in receiving from the Forest Service for fiscal year 1996 a politically viable and administratively sound plan for downsizing, restructuring, or reorganizing the organization. The March 31, 1995 deadline included in S. 970 should provide sufficient time for the Forest Service.

I will not offer an amendment providing specific direction at this time, but I urge the administration to consider alternatives and present them to Congress for fiscal year 1996.

Mr. BYRD. I thank the Senator for Vermont for bringing this to our attention. I share the Senator's interest in reorganizing the administrative structure of the Forest Service. The subcommittee's allocation continues to erode and yet the demand for services increases. We must eliminate inefficiencies and streamline operations in order to get the most from Federal agencies during tight budget times.

As we have seen in the Department of Interior's effort to close some Bureau of Mines offices, and in the Department of Agriculture's effort to close some agricultural research facilities, office closures can not be done in a piecemeal fashion. A politically viable plan must be a comprehensive plan that justifies to Senators the decisions made. It must also take into consideration the changing roles of some of the other players in the Federal family when it comes to natural resource issues.

Mr. NICKLES. I concur with the chairman on this point, and I would like to offer two other suggestions. I hope that the Forest Service looks beyond the National Forest System, and considers the field structure of research and other facilities. The roles of other branches of the Forest Service are also changing.

Second, I ask that the Forest Service work cooperatively with the Department of the Interior to identify possibilities where the Bureau of Land Management, the Fish and Wildlife Service, the National Park Service and other Federal agencies can collocate to share resources and save money. The administration has made a concerted effort to coordinate Federal agencies in the Pacific Northwest, and I believe similar efforts could result in cost-savings throughout the country.

The chairman and Senator from Vermont raise a good issue about pursuing these changes comprehensively. The subcommittee currently has four members who have regional Forest Service offices in their States. The full committee has six members with regional offices in their State. Several other Senators share a strong interest in this issue, particularly because the regional offices are an important source of jobs and revenue for their constituents. A strategy must account for political realities of the task before us.

We will not be able to achieve the savings that this subcommittee needs to find if we continue with the existing Forest Service structure. Furthermore, we may not serve the Forest Service well if office closures are based on politics alone. I share the other concerns mentioned by the chairman of the Agriculture, Nutrition and Forestry Committee and the chairman of Appropriations and look forward to working with them.

Mr. LUGAR. I requested that the Forest Service examine this issue three years ago. A report was produced describing a variety of different proposals which have not been implemented to date. The Agriculture Committee spared mandatory direction for the Forest Service in S. 970 because of the President had designated the Forest Service to be a laboratory for reinvention. It is critical that this effort produce concrete results that the administration and Congress can implement collectively and effectively.

Mr. LEAHY. I thank the chairman of Appropriations and the ranking members from both Appropriations and Agriculture for raising these issues with me. The ranking member of Interior Appropriations raises a good point with other field structures. The State and Private Forestry Programs will have increasingly important roles, and I am firmly committed to making sure the Forest Service supports these programs effectively where they are needed most. I look forward to working with my colleagues to find solutions.

#### WEST GREENLAND SALMON FISHERY BUY-OUT

Mr. LEAHY. Mr. President, The United States has spent millions of dollars on efforts to restore salmon populations in the Northeast. I have worked hard to build the White River National Fish Hatcher in Bethel, to protect the upland spawning grounds, to improve

fish passage facilities, and to enhance the water quality in the Connecticut River.

Unfortunately, there is still a petition to list the Atlantic salmon as an endangered species. There has been a missing link in our investment, and now we have a chance to fix it. The project initiated by the Fish and Wildlife Foundation and supported by the State Department, the North Atlantic Salmon Fund, the Atlantic Salmon Federation, and other sources, is one of the best investments we can make to bring back New England's wild salmon fishery.

I sincerely appreciate the chairman and ranking members' flexibility and receptiveness in considering the amendment that Senator LIEBERMAN and I have proposed. I know that this is a good investment, and I am confident that all of the current and past partners will remain active and supportive in this effort.

Mr. BYRD. I want to emphasize this point that my colleague makes. It is critical that this project pursue outside funding sources to the extent possible to support the buy-out.

I also want to make sure that the Department of State maintains its responsibility to the success of this program. In addition, the Department of Commerce's National Oceanic and Atmospheric Administration has jurisdiction in this issue and a clear responsibility to get actively involved. Finally, the Department of State has a responsibility to evaluate the success of this program and plan for the long-term vitality of the Northeast salmon fishery.

Mr. LIEBERMAN. I share the concerns raised by the distinguished chairman of Appropriations, and I appreciate the opportunity to discuss this project with him.

The Secretary of the Interior has made a pledge to "get in front of the curve" and act proactively through the Endangered Species Act to avoid trainwrecks. The West Greenland salmon buy-out does exactly this—and in the ominous shadow of a petition to list this species in New England.

I want to mention, however, that there is clearly a limit to what Congress, and therefore the Secretary of Interior, can do within budgetary constraints. We must be careful in what we promise from the Federal treasury, and creative in the ways that we go about the business of species protection. The amendment assures that the buy-out will happen and provides some flexibility for how it is carried out.

Mr. NICKLES. The Senators from Vermont and Connecticut have worked hard to protect and revive the salmon fishery, and I appreciate their dedication. In accepting this amendment, I want to mention the initial direction provided by the subcommittee in the committee report regarding outside

sources. The chairman of the subcommittee has spoken well to the need to seek non-federal funding.

While the amendment authorizes the Fish and Wildlife Service to support the Greenland salmon fishery buy-out, it is my understanding that the arrangement worked out here is a one-time fix.

#### TRANSPORTATION FEASIBILITY STUDY

Mr. MATHEWS. Mr. President, I rise to engage in a colloquy with the Senator from West Virginia and the Senator from Oklahoma. I understand that the Appropriations Committee has provided \$21,050,000 for construction planning as stated on page 39 of the committee report. Do the Senators from West Virginia and Oklahoma concur that the National Park Service shall fund a transportation feasibility study at \$50,000 and a development concept plan at \$25,000 for the Oneida & Western Railroad Corridor in the Big South Fork National River and Recreation Area to be funded by the fiscal year 1995 appropriations bill?

Mr. BYRD. Mr. President, I have no objection to the use of \$75,000 within the funds appropriated for Park Service planning for the aforementioned studies. It is my understanding that the Park Service has indicated it will defer action on a decision about the use of this railroad corridor while these studies are being conducted and until some recommendations can be made.

Mr. NICKLES. I concur with the chairman's comments.

Mr. MATHEWS. I thank the chairman and ranking member. This funding will allow the National Park Service to keep the current Oneida & Western Railroad Corridor open while studies are completed on access alternatives for the mobility impaired thereby providing a solution to a problem in the Big South Fork NRRRA without proposing the more restrictive burden of a legislative solution. Ensuring that this road is not closed until alternate means of access are established is of great importance to the elderly and mobility impaired. This road is their only means of getting into the gorge area which is one of the most beautiful spots in the State of Tennessee and a popular tourist attraction. By engaging in this colloquy my colleagues have provided a great service for the people of Tennessee.

#### LIGHTING OF THE DAVID BERGER NATIONAL MEMORIAL

Mr. METZENBAUM. I would like to ask the chairman of the Appropriations Committee if he would yield for the purpose of a brief colloquy.

Mr. BYRD. I would be glad to yield to the Senator from Ohio.

Mr. METZENBAUM. Almost 22 years ago, 11 Israeli athletes lost their lives at the Olympics in Munich during an attack by PLO terrorists. One of those athletes was a young weightlifter named David Berger who maintained dual American-Israeli citizenship.

A memorial in honor of David and the fallen athletes was erected in front of the Mayfield Jewish Community Center in Cleveland Heights, OH. It is a powerful tribute to their memory and the sacrifice they made in the spirit of international sportsmanship. In 1980, Congress designated the memorial a national memorial and placed it under the jurisdiction of the National Park Service.

The memorial needs construction funds to complete plans to light the memorial at night. Would the chairman agree that the National Park Service should provide obligated funds for construction for this purpose.

Mr. BYRD. Does the Senator from Ohio know how much is needed to complete the project?

Mr. METZENBAUM. It is my understanding that the cost of completing the project would not exceed \$10,000.

Mr. NICKLES. Mr. President, would the Senator from West Virginia yield so that I may ask the Senator from Ohio a question?

Mr. BYRD. Yes.

Mr. NICKLES. Would this project create recurring obligations?

Mr. METZENBAUM. No. The costs to complete the lighting project are limited to a one-time allocation.

Mr. BYRD. I would agree with the Senator from Ohio that the National Park Service should provide a one time allocation from unobligated construction funds for the purpose of lighting the David Berger National Memorial in Ohio.

Mr. NICKLES. I agree with the comments of the chairman of the Appropriations Committee, the Senator from West Virginia.

#### HUDSON-MOHAWK URBAN CULTURAL PARK

Mr. MOYNIHAN. Mr. President, I rise to ask if I might engage in a colloquy with my friend from West Virginia and the manager of this bill on a wonderful area we have in New York just north of Albany. It is the Hudson-Mohawk Urban Cultural Park, or RiverSpark as it is known.

Mr. BYRD. I would be happy to do so with the distinguished Senator from New York.

Mr. MOYNIHAN. I thank my friend. RiverSpark is a collection of historically and culturally significant areas in six communities: Cohoes, Troy, Watervliet, Green Island, and the town and village of Waterford. They are located on the Hudson River, and formed one of the earliest centers of the Industrial Revolution. Iron and textiles were the major industries in this area blessed with resources, hydropower, and transportation access. Today visitors can see the restored Harmony Mills building with its two massive turbines, worker housing, Waterford Lock 2 on the Erie Canal, the Watervliet Arsenal, in operation since 1813, and other attractions and museums.

In 1991, Congressman McNULTY from the Albany district and I introduced legislation that authorized a study by the Department of the Interior of nationally significant places in American labor history. It became Public Law 102-101. When complete, the study will show us which sites deserve designation as national historic or heritage landmarks.

As a result of the study two sites in RiverSpark are to be nominated as national heritage landmarks: Harmony Mills and the home of Kate Mullaney, who founded the first women's union in the country—of collar and laundry workers.

The next step in RiverSpark is the development of these and other sites, the development of educational programs and materials, and planning how to spread the word about this wonderful urban park and attract visitors. I am asked to help provide \$75,000 for this purpose.

Mr. President, I understand that there is no room left in the Senate bill to provide funds for RiverSpark, but I wonder if when the chairman goes to conference he might consider funds from the statutory aid account or another source that might become available in the course of his deliberations. The area is truly a national resource for those who want to learn about the Industrial Revolution and the rise of the labor movement.

Mr. D'AMATO. Would the Senator yield?

Mr. MOYNIHAN. I would be happy to yield to my friend and colleague.

Mr. D'AMATO. I thank my friend, the senior Senator, for yielding and I join in his praise of this unique area. As usual, he has succinctly stated the need for this small amount of funding for RiverSpark—a cultural gem on the banks of the Hudson and Mohawk Rivers. Unfortunately, as you know, there is not enough money in this funding cycle to promote the important activities of this park. However, we remain hopeful that the distinguished chairman will put in a good word for RiverSpark when this bill goes to conference.

Mr. BYRD. I say to my colleagues from New York that in conference I will keep this effort in mind.

Mr. D'AMATO. I thank the chairman.

Mr. MOYNIHAN. I thank my friend from West Virginia.

#### GIFFORD PINCHOT NF LAND ACQUISITION

Mrs. MURRAY. I commend the chairman once again for the excellent work he has done in leading the committee, and the Senate, through a challenging process. He and his staff have done an outstanding job providing resources to key programs while balancing severe budgetary constraints. I am particularly appreciative that some very important land acquisition projects have been funded in the bill.

There is one project, however, that came up very recently; in fact, too late

to be considered by the committee. The Mount St. Helens National Volcanic Monument is located in the Gifford Pinchot National Forest. This monument was established as a living laboratory for people to monitor the recovery of nature following a catastrophic volcanic eruption. There is but one inholding remaining within the monument. The owners of this land, located near the Toutle River on the monument's west side, have secured logging permits to harvest its timber. At the last minute, the Forest Service and some local conservationists have approached the owners about the possibility of selling the land.

The owners have expressed interest. In fact, a tentative purchase agreement is in place. It is possible this acquisition could be undertaken for a relatively modest sum. While it has not been addressed in either the House or Senate bills, I am interested in working with the chairman and the other conferees to see if we can include language in the statement of managers encouraging the Forest Service to use its emergencies and inholdings account to address this issue. Would the chairman be willing to work with me to consider whether such an accommodation can be worked out in conference?

Mr. BYRD. The financial constraints we face this year are very real indeed, as I have endeavored to point out to my colleagues. If the situation is truly urgent, and if an agreement is reached with the property owners, I believe the emergencies/in-holdings account would be the appropriate manner in which to address this issue. With this in mind, I will be happy to work with the Senator from Washington to accommodate her interests in the Statement of Managers.

Mrs. MURRAY. I thank the distinguished chairman for his consideration, and look forward to working with him.

#### MOUNT ST. HELENS NATIONAL VOLCANIC MONUMENT

Mrs. MURRAY. I would like to thank the chairman again for his assistance in creating this amendment to help ensure completion of the Johnston Ridge Observatory. This is very important to people in Cowlitz County, WA, and will help make Mount St. Helens the world-class ecological exhibit we have always envisioned.

At this time, I would like to clarify with the chairman the actual effect of my amendment. Essentially, it shifts \$1,474,000 out the recreation roads construction account into the recreation facilities construction account. In so doing, it provides \$2,403,000 to complete construction of the Johnston Ridge Observatory, and \$1,773,000 to construct road and parking facilities necessary for public access and use of the observatory.

Does the chairman concur in this interpretation?

Mr. BYRD. The Senator for Washington is correct. Her amendment provides

funds for completion of Johnston Ridge Observatory and associated roads at Mount St. Helens National Volcanic Monument as she has described.

Mrs. MURRAY. I thank the chairman.

#### LAND ACQUISITION IN WYOMING

Mr. SIMPSON. Will the distinguished chairman of the Appropriations Committee yield for the purpose of a brief colloquy?

Mr. BYRD. I would be happy to yield to the Senator.

Mr. SIMPSON. I thank the chairman. I wish to engage the distinguished chairman and the ranking member of the subcommittee in discussion regarding appropriations for land acquisitions in Wyoming.

For many years now, the U.S. Forest Service regional offices responsible for managing the Federal forest of Wyoming have presented the administration with a priority request for land acquisition funding. Until the fiscal year 1995 request was made, the regional priority—and we have two regions in Wyoming—has been to acquire scenic easements in a most unique area of Wyoming, known as Buffalo Valley.

Mr. President, Buffalo Valley lies at the entrance to both Grand Teton National Park and Yellowstone National Park, which, as the chairman knows, is our country's very first national park. The area is a unique treasure and, because of the recognized beauty and the visual resources of the area, there is tremendous pressure to develop vacation homes, condominiums, and the like.

These national parks are located in Teton County, WY. Only 3 percent of that county is private land. There is little left to develop other than the few private ranches that remain.

Buffalo Valley is bordered by wilderness areas, national forest, and national park land. One of the few remaining large inholdings in that area is the Fuez Ranch, and it lies in the middle of Buffalo Valley. It is not only splendid ranching property, but has a unique view of the Grand Tetons, and is a focal point of development pressure. This ranch has been approved for subdivision development. The owner, however, is willing to forgo development if the Federal Government will provide funding to acquire scenic easements.

The Federal Government now has a rare opportunity to acquire an interest in this property—a scenic easement—which will forever protect the aesthetic quality of that national treasure. Time has run out; unfortunately, there were always too many other conflicting needs to allow full funding for this proposal in past years to delay development growth. Now, it is my understanding there is still a great likelihood we will lose a valuable opportunity to protect this resource if the Government does not act in the coming fiscal year.

Mr. President, I am informed that there is a fund available to the Forest Service, the Emergency Inholdings Account, which—although limited—would provide the administration with funds to acquire inholdings and property interests on an "opportunity" basis.

I would ask the chairman whether such a fund might be an appropriate source to obtain some funds to protect Buffalo Valley before development pressures take control of events?

Mr. BYRD. That account may very well be an appropriate source for funding.

Mr. NICKLES. I would inform the Senator from Wyoming that I, too, believe that may be an appropriate source of funding for the acquisition described by the Senator.

Mr. SIMPSON. I thank the chairman. And I thank our distinguished ranking member of the subcommittee, Senator NICKLES.

I would respectfully ask both our distinguished chairman and our ranking member if they would be willing to work with me, this administration, and the U.S. Forest Service in order to see if we can properly acquire funding for this very important Wyoming resource.

Mr. BYRD. I will be happy to work with the Senator from Wyoming.

Mr. NICKLES. The Senator from Wyoming can be assured of my assistance as well.

Mr. SIMPSON. I thank the chairman, Senator BYRD, and our distinguished subcommittee ranking member, Senator NICKLES, for their courtesy. Their support is most welcome and I do thank them.

I yield the floor.

#### FOREST SERVICE

Mr. WALLOP. Page 7 of the committee report includes some limitations on the Forest Service. It specifically prohibits the Forest Service from changing the boundaries of any region, moving or closing any regional office for research, State and private forestry, or National Forest System administration without the consent of the House and Senate Committees on Appropriations and the Senate and House Committees on Agriculture. I assume the committee inadvertently forgot to include the Senate Committee on Energy and Natural Resources. Under the Senate rules, the Committee on Agriculture has jurisdiction over forest reserves and wilderness areas other than those created from the public domain. The Committee on Energy and Natural Resources has jurisdiction over public lands and forests. Any such proposal from the Forest Service should be referred to both authorizing committees. Again, I assume that this was an inadvertent oversight and I would ask whether the chairman and ranking member could assure me that the statement of managers on the conference report will correct this oversight.

Mr. BYRD. I appreciate the Senator bringing this matter to our attention. There was no intention to affect any committee jurisdiction and we will see that all appropriate authorizing committees are notified of any such proposal and we will attempt to see that the statement of managers correctly reflects this.

Mr. NICKLES. I agree. The Committee on Energy and Natural Resources should have been mentioned.

#### ACID MINE DRAINAGE

Mr. WALLOP. Mr. President, I would like to commend the chairman and other members of the Senate Appropriations Committee for including language in the report on Interior and Related Agencies which states that while the committee continues to provide funding for research and development of acid mine drainage treatment and abatement techniques, the committee expects that the Department will build upon this existing body of research and seek to marshal and focus the significant existing resources available within OSM, the Interior Department, and other Federal and State agencies in this effort.

In this regard, the committee's point is well-placed, that is pursuit of any new AMD initiatives, the Department will continue to recognize the provisions of the Surface Mining Control and Reclamation Act [SMCRA], which provide coal producers a wide range of alternatives for minimizing acid mine drainage, including treatment to reduce pollutants that may be present before discharge off the mine permit area.

As ranking member of the Energy and Natural Resources Committee, I believe it is imperative that the Office of Surface Mining conduct this important effort within the statutory framework established by SMCRA and would urge the chairman and ranking member of the Interior Appropriations Subcommittee to consider affirming the language in the Statement of Managers of the conference report.

Mr. BYRD. Mr. President, I appreciate the insightful comments of the Senator from Wyoming [Mr. WALLOP]. His observations are absolutely correct as to the importance of the Office of Surface Mining adhering to the legislative directives of SMCRA in addressing acid mine drainage. This is an issue which is very important to West Virginia and the Appalachian region as a whole and could have implications for Western States such as Wyoming as well. I will carry his thoughts and observations into the conference with the House.

#### ENERGY EFFICIENCY PROGRAMS

Mr. WELLSTONE. Mr. President, I appreciate the opportunity to enter into this colloquy with my distinguished colleague from West Virginia, the chairman of the Senate Appropriations Committee, Senator BYRD. As my

colleague knows, I am deeply concerned by the committee's proposed reductions from the President's requests for energy efficiency programs. The President proposed an increase of \$288 million in fiscal year 1995 to implement the Energy Policy Act of 1992, various important energy initiatives, a variety of successful programs, and the voluntary measures under the climate change action plan. The House provided an increase of \$134 million for these accounts, but the Senate committee was only able to provide an increase of \$53 million in this important area. In the area of the State energy programs alone, including the State Energy Conservation Program, the Institutional Conservation Program, and the Low Income Weatherization Program, the Senate bill would provide \$264.4 million. In fiscal year 1979 these same programs received \$558 million, so that if inflation were taken into account, the funding level would be over \$1 billion today.

In light of the important national goals these programs promote, especially the State Energy Conservation Program, the Institutional Conservation Program, the Rebuild American Program, the Home Energy Ratings and Energy Efficient Mortgage Program, the alternative fuels promotion activity, section 409 of the Energy Policy Act, the Weatherization Program and the so-called nice three program; these programs are worthy of support and the House-passed levels are preferable.

I wish to ask my distinguished colleague whether, in light of our mutual desire to achieve a balanced national energy policy, including energy efficiency programs, he could work toward restoring the funding in these programs to the House-passed levels in conference with the House.

Mr. BYRD. I appreciate my colleague's strong support for these programs, and while I cannot make a specific commitment to fund fully the House-passed levels for these programs which will be determined in a House-Senate conference on this bill, I am sympathetic to this approach and will take the Senator's concerns into consideration.

Mr. LEAHY. Mr. President, the United States of America uses more energy than any other country in the world. We are the sixth most intensive energy user on a per capita basis. This means that the United States has to deal with serious environmental problems, national security problems, social problems, and economic competitiveness problems associated with energy costs. The amendment in committee that cuts \$11 million from the Department of Energy cuts into a chance to turn some of these problems around.

One promising opportunity is the integrated resource planning [IRP] program which helps States implement

cost-effective conservation measures to reduce demand and enhance energy supply. According to the World Resources Institute's Environmental Almanac, Vermont earned an IRP grade of "A" in a national ranking. However, Vermont still spends \$800 million a year for imported energy despite these good efforts. I have to assume that there are many other States that lose much more than \$800 million annually from their local economies, and could put this problem to excellent use.

The weatherization program in the DOE budget helps low-income families stay warm in the winter—not just by paying fuel bills, but by helping them to save energy. Rebuild America, another example of a promising conservation program, is an umbrella program in the buildings program area that enhances commercial and community-level energy efficiency through local partnerships. The State Energy Conservation Program helps businesses and industry become more competitive by reducing energy consumption and associated costs.

The Energy Efficient Mortgage Program in this bill helps Americans qualify for larger home mortgages if they buy an energy efficient home. Vermont has been using this program since the early 1980's, and it is time to get more States involved. By way of example, a family in Burlington, VT was able to get a larger mortgage, decrease their monthly energy costs, and save almost \$100 a month. This makes economic, social, and environmental sense.

I could list many other programs affected by the \$11 million cut in committee. I could also mention some of the 938 organizations nationwide who have written to the President in support of these programs. At this point, however, I simply urge my colleagues to find out how these programs help their States and then support an increase in conference. I hope that in conference we can restore the energy conservation money, and hopefully settle close to the House mark.

#### FLOOD RELIEF

Mr. NUNN. Mr. President, I initially came to the floor to offer an amendment to provide emergency supplemental appropriations for the National Park Service's Historic Preservation Fund for relief to buildings damaged in Georgia, Alabama, and Florida, by the recent floods caused by tropical storm Alberto. I, and my colleague from Georgia, Senator COVERDELL, modeled the amendment along the lines of relief included in last year's Midwest floods supplemental appropriations.

However, after discussion of this amendment with my distinguished colleagues, the chairman and ranking member of the Interior Appropriations Subcommittee, as well as the distinguished junior Senator from Georgia [Mr. COVERDELL], I request unanimous consent that we be allowed to enter

into a colloquy to discuss this problem and a possible solution which could provide expedited relief for historic preservation sites damaged by the floods resulting from tropical storm Alberto.

I would like to direct a question to the distinguished chairman and ranking member of the subcommittee, Senators BYRD and NICKLES. It is my understanding that in February 1994, Congress made available \$550 million as part of Public Law 103-211 to the President to meet unanticipated needs resulting from the January 1994 California earthquake, the Midwest floods, and other disasters, over \$27.85 million of these funds remain available and unused at this time. Is that the chairman's understanding?

Mr. BYRD. The Senator is correct.

Mr. NUNN. I thank the Senator. Am I further correct in my understanding that these funds, because they are to be spent at the President's discretion, could be used to remedy some of the terrible destruction to historic properties that has occurred in my home State, as well as Alabama and Florida, from tropical storm Alberto?

Mr. BYRD. Yes, the Senator is correct. And I would like to add that given the availability of these funds relief could be provided on an expeditious basis for the communities impacted in Georgia, Alabama, and Florida.

Mr. NUNN. Is it the understanding of the distinguished ranking member that these funds will remain available to the President until they are expended?

Mr. NICKLES. The Senator is correct.

Mr. NUNN. I thank the Senator and would like to yield to my colleague, the distinguished junior Senator from Georgia.

Mr. COVERDELL. I would like to state for the benefit of my colleagues the great need for such disaster assistance in the southwestern part of Georgia, as well as eastern Alabama and northern Florida. In the last 3 weeks, Senator NUNN and I have witnessed countless examples of the devastation caused by one of the worst floods in the history of the region. Among the casualties of these floods are many of the historic buildings in towns along the Ocmulgee and Flint Rivers. I wonder if the Senator from Georgia would care to comment on the destruction to several of the historic communities in our State caused by the rising flood waters that he and I have witnessed in the past 3 weeks.

Mr. NUNN. I am pleased to comment on the Senator's remarks. He and I have both spent time in our State visiting areas completely washed out by the flood waters. For example, in the historic business district of Montezuma, GA, the flood waters have caused extensive water and mud damage to virtually the entire historic central business district. Additionally, three

dozen brick buildings which were under consideration for the National Register of Historic Places suffered severe damage to brick foundations and walls, interior walls, and floors. All of Montezuma's flood problems are being compounded by septic complications arising from the flooding of the local sewer.

I would inform my colleagues that similar problems exist in several other towns in the area. The city of Albany, GA, a city of 50,000, for example, has had extensive damage to its many historic buildings, as well. The Georgia Department of Natural Resources reports that the historic African-American neighborhood of South Albany was severely flooded, with waters in several blocks reaching the roofs of historic houses. Also, the flood waters have seriously damaged several historic buildings at Albany State College on the banks of the Flint River. As in Montezuma, the cleanup efforts will be made more difficult by the flooding of the local sewer.

In the town of Juliette, GA, on the Ocmulgee River, approximately 10 buildings in the downtown area made famous by the movie "Fried Green Tomatoes" have sustained water damage to floors, lower interior and exterior walls, and foundations.

The town of Newton, GA, which will have to be almost completely relocated as a result of the floods, has suffered extensive damage to a block of historic buildings adjacent to its courthouse. This entire block was virtually submerged by the flood waters. Approximately two dozen historic residences in the town were flooded in varying degrees.

I appreciate the assistance of the chairman and the ranking member of the Interior Appropriations Subcommittee, Senator NICKLES. I am hopeful this colloquy will highlight the needs of many of my constituents to preserve Georgia's historic buildings and the heritage of these communities.

#### AMENDMENT NO. 2387—FUNDING FOR INDIANS INTO PSYCHOLOGY PROGRAM

Mr. DORGAN. Mr. President, several days ago, I shared with my colleagues the horrifying experiences of several young native American children who had been subjected to abuse or neglect by their parents and others. While it is too late to prevent the abuse these children have suffered, there is some hope that the damage can be mitigated if they receive professional counseling and care. It would have been far better, of course, if there had been professional preventive intervention prior to the abuse.

The Indians Into Psychology program that Senator BURNS' amendment proposes to fund in fiscal year 1995 would be an important step toward helping the abused native American children in my State and throughout the Nation. The goal of the program is

to improve the quality and relevance of mental health services available to native Americans by increasing the number of American Indian psychologists.

According to the Indian Health Service, child abuse is just one symptom of deep psychological problems that exist on our reservations. Native Americans are almost twice as likely to die before age 25 as individuals from all other races. They are 50 percent more likely to commit suicide, 90 percent more likely to be murdered, and almost six times more likely to die from alcoholism. It is hard to believe, but these statistics become even more shocking when we look at the younger native American population. Native American children are almost four times more likely to commit suicide, more than three times more likely to be murdered, and more than 10 times more likely to die of alcoholism. Depressive disorders are four to eight times as likely to affect native Americans than the rest of the U.S. population.

My personal observations about the need for additional mental health resources are underscored by a recent North Dakota survey that indicated that only one of our four reservations had daily or even weekly access to a psychologist. The American Psychological Association estimates that there are fewer than 30 clinical native American psychologists in the entire country, which means there is only one for every 60,000 native Americans residing in the United States. In the general population, there are 16.7 clinical psychologists for each 100,000 people.

Mr. President, the need for mental health providers on our reservations is obvious, and the Indians Into Psychology program would begin to address the problem by training and educating native Americans as psychologists to serve this special population. I urge my colleagues to support the Burns amendment and join with us to begin to address the mental health needs of native Americans.

Mr. BYRD. Mr. President, I thank my friend, Mr. NICKLES, for his excellent work. I thank his staff.

So with the understanding that this is everything that I know about, Mr. President, I am ready to vote. I am ready for third reading and the vote.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, first let me say I wish to congratulate Senator BYRD for his chairmanship of the full committee, but certainly this subcommittee because it certainly has been a pleasure to work with him in passage of this. He worked very diligently in expediting passage of this bill, and worked through 60-some amendments today as well as noted countless colloquies.

So it is a pleasure to work with him. I urge adoption of this bill.

Mr. BYRD. It is far different from last year, is it not?

Mr. NICKLES. That is correct.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

So the bill (H.R. 4602), as amended, was passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

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

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I say to my friend, as we leave for the evening,

Give me my robe, put on my crown. I have immortal longings in me.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

#### COMMENDATION OF STAFF

Mr. NICKLES. Mr. President, I also in addition to congratulating Senator BYRD, I would like to compliment the professional staff, Sue Masica, as well as Cherie Cooper who have done outstanding work with bipartisan cooperation which I very much appreciate.

In addition, I wish to compliment the work of Rusty Mathews and Kathleen Wheeler, Ginny James, Dan Salisbury and Ellen Donaldson.

I think they have performed very vital functions, and they are very professional, very competent. I appreciate their efforts and cooperation.

Mr. BYRD. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. FEINGOLD) appointed Mr. BYRD, Mr. JOHNSTON, Mr. LEAHY, Mr. DECONCINI, Mr. BUMPERS, Mr. HOLLINGS, Mr. REID, Mrs. MURRAY, Mr. NICKLES, Mr. STEVENS, Mr. COCHRAN, Mr. DOMENICI, Mr. GORTON, Mr. HATFIELD, and Mr. BURNS conferees on the part of the Senate.

Mr. BYRD. Mr. President, I thank both the majority leader and the Republican leader for their excellent cooperation and support in helping to bring this bill to the floor, and in clearing it for action and passage.

#### COMMENDATION OF STAFF

Mr. BYRD. Mr. President, I also thank the following staff members: Barbara Videnieks of my staff, Chief of Staff; of the full committee, and majority staff, Mr. Jim English, Mary Dewald, Marsha Berry; of the full com-

mittee, the minority staff, in particular Keith Kennedy; of the Interior Subcommittee, majority staff, Rusty Mathews, Kathleen Wheeler, Ellen Donaldson, Dan Salisbury, on assignment from the National Park Service, Sue Masica; and of the Interior Subcommittee, minority staff, Cherie Cooper, and Virginia James; of the Appropriations Committee support staff, Nancy Brandel, Jack Conway, Bob Putnam, Richard Larson, Bernie Babik, Bob Swartz, and Joe Thomas.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business with Senators permitted to speak therein for not to exceed 10 minutes each.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DOLE. Mr. President, are we in morning business?

The PRESIDING OFFICER. The Senate is conducting morning business.

#### TRIBUTE TO BASIL JEWELL

Mr. DOLE. Mr. President, I was saddened to learn of the untimely passing of Basil Jewell. Many of my colleagues will remember Basil for the outstanding service he provided the Senate as a staff photographer until his retirement in 1989.

No doubt about it, serving as a Senate staff photographer is not an easy job. You answer to 100 bosses, who always need you 5 minutes ago. And some of the photographs you take are of great historical importance.

Basil handled all requests with great professionalism and a winning personality. I especially recall his work during a Senate delegation trip to the Far East in 1985.

Basil retired from Senate employment to join his wife in her ministry at Chevy Chase United Methodist Church. Not surprisingly, one of Basil's many

duties was taking photographs for the church newsletter.

I know all Members of the Senate join me in extending our condolences to Basil's wife, the Reverend Alta Jewell, and to his entire family.

#### BOSNIA

Mr. DOLE, Mr. President, here we go again: Another international peace proposal is signed by the Bosnian Government, a new wave of violence is initiated by the Bosnian Serb militants, and the international community begins to retreat from its promises of decisive action.

Last week, as Radovan Karadzic was discussing the contents of his pink envelope with the so-called contact group in Geneva, his forces were shooting at planes participating in the U.N. humanitarian airlift into Sarajevo. Last weekend, Serb forces fired heavy weapons into Gorazde—a so-called safe area—in direct violation of the NATO ultimatum.

This afternoon, we hear that Karadzic has informed the United Nations that his forces would be closing the routes in and out of Sarajevo to civilian traffic as of tomorrow. This is very significant because it is the civilian traffic which is responsible for bringing a large quantity of food and other goods into Sarajevo—goods that are needed by the population, but are not part of the U.N. airlift. These routes have been a lifeline into Sarajevo over the past few months, especially since the United Nations has reduced the number of airlifts into Sarajevo.

And so, Mr. President, what has the international community's response been to these provocations and acts of defiance? What has the U.S. response been?

Upon hearing of the Serb rejection of the contact group proposals, U.S. officials and other contact group officials said they were disappointed, and would meet on July 30 to discuss next steps. In response to the firing upon American and U.N. aircraft, the Sarajevo airport was closed and Secretary Perry was forced to cancel his trip to the Bosnian capital. In response to the violation of the NATO exclusion zone around Gorazde, the United Nations sent a letter to Karadzic. And, in response to the threat to cut the routes into Sarajevo—according to a U.N. spokesperson—the United Nations has pledged to, "try to convince the Serbs that this is not the best course of action."

Mr. President, doesn't anybody see the absurdity of this situation? Isn't anyone outraged? The Serb militants reject the latest proposal; they threaten, bully, and attack. Yet the international community still responds the same way—with worthless words and limp letters. This has been the pattern for around 2½ years now.

When we debated the Dole-Lieberman amendment to lift the arms embargo on Bosnia a few weeks ago, we were told that this time would be different. This time, the international community was united. This time, if the Serbs rejected the contact group's proposed settlement there would be serious consequences.

So far, this time is no different. There is no resolve for strong action. In fact, there is not even enough resolve to implement the resolutions and the ultimatums already agreed to. Maybe there are those who still believe that this time is different. I am very skeptical. But, we will know soon enough. If after the contact group's meeting on the 30th, there is still no action to rigorously enforce the exclusion zones and to multilaterally lift the arms embargo on Bosnia, we will know that nothing has changed—that the international community is unwilling to prevent the creation of a greater Serbia and unwilling to allow the Bosnians to prevent the creation of a greater Serbia.

I hope that all of the Senate and House conferees on the Defense authorization bill are watching this situation closely. Should this time prove to be no different, the Congress has the opportunity to assume the leadership that is lacking, and to do what is right, what is just, and what is long overdue—to lift the arms embargo on the Bosnians.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### MORNING BUSINESS

##### YAVAPAI-PRESCOTT INDIAN TRIBE WATER RIGHTS SETTLEMENT ACT OF 1994

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to consideration of calendar No. 392, S. 1146, a bill to provide for the settlement of the water rights claims of the Yavapai-Prescott Indian tribe in Arizona; that the committee substitute be agreed to; that the bill be read a third time and passed; that the motion to reconsider laid on the table; and that any statements thereon appear at the appropriate place as though read.

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

So the bill (S. 1146) was deemed read the third time and passed, as follows:

S. 1146

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Yavapai-Prescott Indian Tribe Water Rights Settlement Act of 1994".

#### SEC. 2. CONGRESSIONAL FINDINGS AND DECLARATIONS.

(a) FINDINGS.—The Congress finds that—  
(1) it is the policy of the United States, in fulfillment of its trust responsibility to the Indian tribes, to promote Indian self-determination and economic self-sufficiency, and to settle, wherever possible, the water rights claims of Indian tribes without lengthy and costly litigation;

(2) meaningful Indian self-determination and economic self-sufficiency depend on the development of viable Indian reservation economies;

(3) quantification of rights to water and development of facilities needed to utilize tribal water supplies effectively is essential to the development of viable Indian reservation economies, particularly in arid western States;

(4) on June 7, 1935, and by actions subsequent thereto, the United States established a reservation for the Yavapai-Prescott Indian Tribe in Arizona adjacent to the city of Prescott;

(5) proceedings to determine the full extent of Yavapai-Prescott Tribe's water rights are currently pending before the Superior Court of the State of Arizona in and for Maricopa County, as part of the general adjudication of the Gila River system and source;

(6) recognizing that final resolution of the general adjudication will take many years and entail great expense to all parties, prolonging uncertainty as to the full extent of the Yavapai-Prescott Tribe's entitlement to water and the availability of water supplies to fulfill that entitlement, and impair orderly planning and development by the Tribe and the city of Prescott; the Tribe, the city of Prescott, the Chino Valley Irrigation District, the State of Arizona and the United States have sought to settle all claims to water between and among them;

(7) representatives of the Yavapai-Prescott Tribe, the city of Prescott, the Chino Valley Irrigation District, the State of Arizona and the United States have negotiated a Settlement Agreement to resolve all water rights claims between and among them, and to provide the Tribe with long term, reliable water supplies for the orderly development and maintenance of the Tribe's reservation;

(8) pursuant to the Settlement Agreement and the Water Service Agreement, the quantity of water made available to the Yavapai-Prescott Tribe by the city of Prescott and the Chino Valley Irrigation District will be secured, such Agreements will be continued in perpetuity, and the Tribe's continued on-reservation use of water for municipal and industrial, recreational and agricultural purposes will be provided for;

(9) to advance the goals of Federal Indian policy and to fulfill the trust responsibility of the United States to the Tribe, it is appropriate that the United States participate in the implementation of the Settlement Agreement and assist in firming up the long-term water supplies of the city of Prescott and the Yavapai-Prescott Tribe so as to enable the Tribe to utilize fully its water entitlements in developing a diverse, efficient reservation economy; and

(10) the assignment of the CAP contract of the Yavapai-Prescott Tribe and the CAP subcontract of the city of Prescott is a cost-effective means to ensure reliable, long-term water supplies for the Yavapai-Prescott Tribe and to promote efficient, environmentally sound use of available water supplies in the Verde River basin.

(b) **DECLARATION OF PURPOSES.**—The Congress declares that the purposes of this Act are—

(1) to approve, ratify and confirm the Settlement Agreement among the Yavapai-Prescott Tribe, the city of Prescott, the Chino Valley Irrigation District, the State of Arizona and the United States;

(2) to authorize and direct the Secretary of the Interior to execute and perform the Settlement Agreement;

(3) to authorize the actions and appropriations necessary for the United States to fulfill its legal and trust obligations to the Yavapai-Prescott Tribe as provided in the Settlement Agreement and this Act;

(4) to require that expenditures of funds obtained through the assignment of CAP contract entitlements by the Yavapai-Prescott Tribe and Prescott for the acquisition or development of replacement water supplies in the Verde River basin shall not be inconsistent with the goals of the Prescott Active Management Area, preservation of riparian habitat, flows and biota of the Verde River and its tributaries; and

(5) to repeal section 406(k) of Public Law 101-628 which authorizes \$30,000,000 in appropriations for the acquisition of land and water resources in the Verde River basin and for the development thereof as an alternative source of water for the Fort McDowell Indian Community.

### SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) The term "CAP" means the Central Arizona Project, a reclamation project authorized under title III of the Colorado River Basin Project Act of 1968 (43 U.S.C. 1521 et seq.).

(2) The term "CAWCD" means the Central Arizona Water Conservation District, organized under the laws of the State of Arizona, which is the contractor under a contract with the United States, dated December 1, 1988, for the delivery of water and repayment of costs of the Central Arizona Project.

(3) The term "CVID" means the Chino Valley Irrigation District, an irrigation district organized under the laws of the State of Arizona.

(4) The term "Prescott AMA" means the Active Management Area, established pursuant to Arizona law and encompassing the Prescott ground water basin, wherein the primary goal is to achieve balance between annual ground water withdrawals and natural and artificial recharge by the year 2025.

(5) The term "Prescott" means the city of Prescott, an Arizona municipal corporation.

(6) The term "Reservation" means the reservation established by the Act of June 7, 1935 (49 Stat. 332) and the Act of May 18, 1956 (70 Stat. 157) for the Yavapai-Prescott Tribe of Indians.

(7) The term "Secretary" means the Secretary of the United States Department of the Interior.

(8) The term "Settlement Agreement" means that agreement entered into by the city of Prescott, the Chino Valley Irrigation District, the Yavapai-Prescott Indian Tribe, the State of Arizona, and the United States, providing for the settlement of all water claims between and among them.

(9) The term "Tribe" means the Yavapai-Prescott Indian Tribe, a tribe of Yavapai Indians duly recognized by the Secretary.

(10) The term "Water Service Agreement" means that agreement between the Yavapai-Prescott Indian Tribe and the city of Prescott, as approved by the Secretary, providing for water, sewer, and effluent service from the city of Prescott to the Yavapai-Prescott Tribe.

### SEC. 4. RATIFICATION OF SETTLEMENT AGREEMENT.

(a) **APPROVAL OF SETTLEMENT AGREEMENT.**—To the extent the Settlement Agreement does not conflict with the provisions of this Act, such Agreement is approved, ratified and confirmed. The Secretary shall execute and perform such Agreement, and shall execute any amendments to the Agreement and perform any action required by any amendments to the Agreement which may be mutually agreed upon by the parties.

(b) **PERPETUITY.**—The Settlement Agreement and Water Service Agreement shall include provisions which will ensure that the benefits to the Tribe thereunder shall be secure in perpetuity. Notwithstanding the provisions of section 2103 of the Revised Statutes of the United States (25 U.S.C. 81) relating to the term of the Agreement, the Secretary is authorized and directed to approve the Water Service Agreement with a perpetual term.

### SEC. 5. ASSIGNMENT OF CAP WATER.

The Secretary is authorized and directed to arrange for the assignment of, or to purchase, the CAP contract of the Tribe and the CAP subcontract of the city of Prescott to provide funds for deposit into the Verde River Basin Water Fund established pursuant to section 6.

### SEC. 6. REPLACEMENT WATER FUND; CONTRACTS.

(a) **FUND.**—The Secretary shall establish a fund to be known as the "Verde River Basin Water Fund" (hereinafter called the "Fund") to provide replacement water for the CAP water relinquished by the Tribe and by Prescott. Moneys in the Fund shall be available without fiscal year limitations.

(b) **CONTENT OF FUND.**—The Fund shall consist of moneys obtained through the assignment or purchase of the contract and subcontract referenced in section 5, appropriations as authorized in section 9, and any moneys returned to the Fund pursuant to subsection (d) of this section.

(c) **PAYMENTS FROM FUND.**—The Secretary shall, subsequent to the publication of a statement of findings as provided in section 12(a), promptly cause to be paid from the Fund to the Tribe the amounts deposited to the Fund from the assignment or purchase of the Tribe's CAP contract, and, to the city of Prescott, the amounts deposited to the Fund from the assignment or purchase of the city's CAP subcontract.

(d) **CONTRACTS.**—The Secretary shall require, as a condition precedent to the payment of any moneys pursuant to subsection (c), that the Tribe and Prescott agree, by contract with the Secretary, to establish trust accounts into which the payments would be deposited and administered, to use such moneys consistent with the purpose and intent of section 7, to provide for audits of such accounts, and for the repayment to the Fund, with interest, any amount determined by the Secretary not to have been used within the purpose and intent of section 7.

### SEC. 7. EXPENDITURES OF FUNDS.

(a) **BY THE CITY.**—All moneys paid to Prescott for relinquishing its CAP subcontract and deposited into a trust account pursuant

to section 6(d), shall be used for the purposes of defraying expenses associated with the investigation, acquisition or development of alternative sources of water to replace the CAP water relinquished under this Act. Alternative sources shall be understood to include, but not be limited to, retirement of agricultural land and acquisition of associated water rights, development of ground water resources outside the Prescott Active Management Area established pursuant to the laws of the State of Arizona, and artificial recharge; except that none of the moneys paid to Prescott may be used for construction or renovation of the city's existing waterworks or water delivery system.

(b) **BY THE TRIBE.**—All funds paid to the Tribe for relinquishing its CAP contract and deposited into a trust account pursuant to section 6(d), shall be used to defray its water service costs under the Water Service Agreement or to develop and maintain facilities for on-reservation water or effluent use.

(c) **NO PER CAPITA PAYMENTS.**—No amount of the Tribe's portion of the Fund may be used to make per capita payments to any member of the Tribe, nor may any amount of any payment made pursuant to section 6(c) be distributed as a dividend or per capita payment to any constituent, member, shareholder, director or employee of Prescott.

(d) **DISCLAIMER.**—Effective with the payment of funds pursuant to section 6(c), the United States shall not be liable for any claim or cause of action arising from the use of such funds by the Tribe or by Prescott.

### SEC. 8. ENVIRONMENTAL COMPLIANCE.

The Secretary, the Tribe and Prescott shall comply with all applicable Federal environmental and State environmental and water laws in developing alternative water sources pursuant to section 7(a). Development of such alternative water sources shall not be inconsistent with the goals of the Prescott Active Management Area, preservation of the riparian habitat, flows and biota of the Verde River and its tributaries.

### SEC. 9. APPROPRIATIONS AUTHORIZATION AND REPEAL.

(a) **AUTHORIZATION.**—There are authorized to be appropriated to the Fund established pursuant to section 6(a):

(1) Such sums as may be necessary, but not to exceed \$200,000, to the Secretary for the Tribe's costs associated with judicial confirmation of the settlement.

(2) Such sums as may be necessary to establish, maintain and operate the gauging station required under section 11(e).

(b) **STATE CONTRIBUTION.**—The State of Arizona shall contribute \$200,000 to the trust account established by the Tribe pursuant to the Settlement Agreement and section 6(d) for uses consistent with section 7(b).

(c) **REPEAL.**—Subsection 406(k) of the Act of November 28, 1990 (Public Law 101-628; 104 Stat. 4487) is repealed.

### SEC. 10. SATISFACTION OF CLAIMS.

(a) **WAIVER.**—The benefits realized by the Tribe or any of its members under the Settlement Agreement and this Act shall constitute full and complete satisfaction of all claims by the Tribe and all members' claims for water rights or injuries to water rights under Federal and State laws (including claims for water rights in ground water, surface water and effluent) from time immemorial to the effective date of this Act, and for any and all future claims of water rights (including claims for water rights in ground water, surface water, and effluent) from and after the effective date of this Act. Nothing in this Act shall be deemed to recognize or establish any right of a member of the Tribe to water on the Tribe's reservation.

(b) **WAIVER AND RELEASE.**—The Tribe, on behalf of itself and its members, and the Secretary on behalf of the United States, are authorized and required, as a condition to the implementation of this Act, to execute a waiver and release, except as provided in subsection (d) and the Settlement Agreement, of all claims of water rights or injuries to water rights (including water rights in ground water, surface water and effluent), from and after the effective date of this Act, which the Tribe and its members may have, against the United States, the State of Arizona or any agency or political subdivision thereof, or any other person, corporation, or municipal corporation, arising under the laws of the United States or the State of Arizona.

(c) **WAIVER BY UNITED STATES.**—Except as provided in subsection (d) and the Settlement Agreement, the United States, in its own right or on behalf of the Tribe, shall not assert any claim against the State of Arizona or any political subdivision thereof, or against any other person, corporation, or municipal corporation, arising under the laws of the United States or the State of Arizona based upon water rights or injuries to water rights of the Tribe and its members or based upon water rights or injuries to water rights held by the United States on behalf of the Tribe and its members.

(d) **RIGHTS RETAINED.**—In the event the waivers of claims authorized in subsection (b) of this section do not become effective pursuant to section 12(a), the Tribe, and the United States on behalf of the Tribe, shall retain the right to assert past and future water rights claims as to all reservation lands.

(e) **JURISDICTION.**—The United States District Court for the District of Arizona shall have original jurisdiction of all actions arising under this Act, the Settlement Agreement and the Water Service Agreement, including review pursuant to title 9, United States Code, of any arbitration and award under the Water Service Agreement.

(f) **CLAIMS.**—Nothing in this Act shall be deemed to prohibit the Tribe, or the United States on behalf of the Tribe, from asserting or maintaining any claims for the breach or enforcement of the Settlement Agreement or the Water Service Agreement.

(g) **DISCLAIMER.**—Nothing in this Act shall affect the water rights or claims related to any trust allotment located outside the exterior boundaries of the reservation of any member of the Tribe.

(h) **FULL SATISFACTION OF CLAIMS.**—Payments made to Prescott under this Act shall be in full satisfaction for any claim that Prescott might have against the Secretary or the United States related to the allocation, reallocation, relinquishment or delivery of CAP water.

#### SEC. 11. MISCELLANEOUS PROVISIONS.

(a) **JOINING OF PARTIES.**—In the event any party to the Settlement Agreement should file a lawsuit in any United States district court relating only and directly to the interpretation or enforcement of the Settlement Agreement or this Act, naming the United States of America or the Tribe as parties, authorization is hereby granted to join the United States of America or the Tribe, or both, in any such litigation, and any claim by the United States of America or the Tribe to sovereign immunity from such suit is hereby waived. In the event Prescott submits a dispute under the Water Service Agreement to arbitration or seeks review by the United States District Court for the District of Arizona of an arbitration award under the

Water Service Agreement, any claim by the Tribe to sovereign immunity from such arbitration or review is hereby waived.

(b) **NO REIMBURSEMENT.**—The United States of America shall make no claims for reimbursement of costs arising out of the implementation of the Settlement Agreement or this Act against any lands within the Yavapai-Prescott Indian Reservation, and no assessment shall be made with regard to such costs against such lands.

(c) **WATER MANAGEMENT.**—The Tribe shall establish a ground water management plan for the Reservation which, except to be consistent with the Water Service Agreement, the Settlement Agreement and this Act, will be compatible with the ground water management plan in effect for the Prescott Active Management Area and will include an annual information exchange with the Arizona Department of Water Resources. In establishing a ground water management plan pursuant to this section, the Tribe may enter into a Memorandum of Understanding with the Arizona Department of Water Resources for consultation. Notwithstanding any other law, the Tribe may establish a tribal water code, consistent with the above-described water management plan, under which the Tribe will manage, regulate, and control the water resources granted it in the Settlement Act, the Settlement Agreement, and the Water Service Agreement, except that such management, regulation and control shall not authorize any action inconsistent with the trust ownership of the Tribe's water resources.

(d) **GAUGING STATION.**—The Secretary, acting through the Geological Survey, shall establish, maintain and operate a gauging station at the State Highway 89 bridge across Granite Creek adjacent to the reservation to assist the Tribe and the CVID in allocating the surface flows from Granite Creek as provided in the Settlement Agreement.

#### SEC. 12. EFFECTIVE DATE.

(a) **WAIVERS AND RELEASES.**—The waivers and releases required by section 10(b) of this Act shall become effective as of the date the Secretary causes to be published in the Federal Register a statement of findings that—

(1)(A) the Secretary has determined that an acceptable party, or parties, have executed contracts for the assignments of the Tribe's CAP contract and the city of Prescott's CAP subcontract, and the proceeds from the assignments have been deposited into the Fund as provided in section 6(d); or

(B) the Secretary has executed contracts for the acquisition of the Tribe's CAP contract and the city of Prescott's CAP subcontract as provided in section 6(d);

(2) the stipulation which is attached to the Settlement Agreement as exhibit 9.5, has been approved in substantially the form of such exhibit no later than December 31, 1994;

(3) the Settlement Agreement has been modified to the extent it is in conflict with this Act and has been executed by the Secretary; and

(4) the State of Arizona has appropriated and deposited into the Tribe's trust account \$200,000 as required by the Settlement Agreement.

(b) **DEADLINE.**—If the actions described in paragraphs (1), (2), (3), and (4) of subsection (a) have not occurred by December 31, 1995, any contract between Prescott and the United States entered into pursuant to section 6(d) shall not thereafter be effective, and any funds appropriated by the State of Arizona pursuant to the Settlement Agreement shall be returned by the Tribe to the State of Arizona.

#### SEC. 13. OTHER CLAIMS.

(a) **OTHER TRIBES.**—Nothing in the Settlement Agreement or this Act shall be construed in any way to quantify or otherwise adversely affect the land and water rights, claims or entitlements to water of any Arizona Indian tribe, band or community, other than the Tribe.

(b) **FEDERAL AGENCIES.**—Nothing in this Act shall be construed to affect the water rights or the water rights claims of any Federal agency, other than the Bureau of Indian Affairs on behalf of the Tribe.

Mr. MCCAIN. Mr. President, I am pleased and proud to rise in support of S. 1146, a bill that provides for the settlement of the water rights claims of the Yavapai-Prescott Indian Tribe in Yavapai County, AZ. This legislation is a modest but significant step towards achieving the goals of the United States, in fulfillment of its trust responsibility to Indian tribes, to settle tribal water rights claims fairly and honorably, without lengthy and costly litigation, and to secure for tribes reliable, long term supplies of water.

The Senate passed a Yavapai-Prescott settlement bill late in the 102d Congress, S. 1146, while very similar to that earlier legislation, includes changes that address several specific concerns raised by the administration. All of the non-Federal settlement parties, including the Yavapai-Prescott Tribe, the city of Prescott, the Chino Valley Irrigation District, and the State of Arizona, support the bill with these changes. In anticipation of enactment of S. 1146, the administration requested \$300,000 in the fiscal year 1995 budget to cover the full Federal share of the settlement costs. I am pleased to note that the House and Senate have included this money in the fiscal year 1995 appropriations bill for the Department of the Interior. For the settlement to become final, the State of Arizona must appropriate \$200,000 to a settlement fund and a State court must accept the terms of the agreement as part of an ongoing general stream adjudication.

The Committee on Indian Affairs reported S. 1146 in February; however, I did not want to bring it to the floor until the Arizona parties had resolved several issues related to the settlement, and all settlement documents had been essentially completed. This work now having been done, I urge the Senate to pass S. 1146 and send it to the House. It is meritorious, noncontroversial legislation which can and should be enacted during this session of Congress.

Mr. President, the history of the Yavapai-Apache Tribe in Arizona is a story of a tenacious struggle to remain and survive on a small portion of the large land area that was once considered theirs. The members of the tribe are descendants of Indians who hunted, gathered and farmed in the Verde River Valley and other areas of central and middle-western Arizona hundreds of years ago.

The Yavapai first encountered Spanish explorers in 1538, but subsequently had little contact with non-Indians until the 19th century. In 1848, the Treaty of Guadalupe Hidalgo ended the War with Mexico, and by its terms the lands on which the Yavapai lived became a part of the public domain of the United States.

Prior to the 1860's, American exploring and trapping parties visited Yavapai territory, but made no effort to establish settlements. However, in 1862, miners in search of gold and other minerals began to establish camps in the Verde Valley. The following year, U.S. troops established Camp Whipple near the town of Prescott. In 1864, Prescott became the capital of the Arizona Territory and Camp Whipple the U.S. Army headquarters for Arizona.

Arrival of the miners led to hostilities with the Yavapai that continued almost without interruption for more than 10 years. In 1875, the U.S. Army under Gen. George Crook rounded up the surviving Yavapai and forced their relocation onto the San Carlos Apache Reservation, far to the south. The Yavapai struggled to survive at San Carlos under harsh conditions.

In the 1890's, small groups of Yavapai, some with permission from Federal authorities and some without, left San Carlos and returned to their aboriginal homelands. In the Verde Valley, where the best agricultural lands had been occupied by non-Indians, a group of Yavapai settled on a remote corner of the Whipple Barracks Military Reserve. In 1935, with strong support from citizens of Prescott, Congress established a 71-acre reservation for the Yavapai Indians from lands formerly part of the Whipple Barracks. Contiguous lands were added to the reservation in 1956 and 1965, bringing its total area to its present-day 1,400 acres.

The Yavapai-Prescott Tribe's need to determine the extent of its rights to water, and to identify and secure long term water sources, is critical to its future economic development and self-determination. Since the 1970's the tribe has pursued a plan to transform their reservation into a model of economic development, while preserving open space and scenic areas. In the past decade, a tribally owned Sheraton Hotel and conference center and a new shopping center have been built on the reservation. A small bingo operation was established, and the tribe negotiated Arizona's first gaming compact with the State. These developments, and planned future developments, all require reliable, long term water supplies.

The city of Prescott, like the tribe, has a need to secure future water supplies that is reinforced by the requirements of Arizona's Groundwater Management Act. That 1980 act designated as active management areas [AMA's]

certain areas in the State where withdrawals from ground water aquifers exceed replenishment, and set strict guidelines for water use and requirements of municipalities to insure a 100-year future water supply. To meet the goals of the Prescott AMA, to achieve a safe yield balance between ground water withdrawal and replenishment by the year 2025, and to provide sufficient water to sustain anticipated future growth in the Prescott area, the city must look to sources outside its AMA to meet future demands for water.

To assist Prescott in complying with the mandates of the 1980 act and to meet the city's future water needs, Arizona's Department of Water Resources recommended, and in 1983 the Secretary of the Interior made, an allocation to Prescott of 7,167 acre-feet of Colorado River water from the Central Arizona Project. The Secretary also allocated 500 acre-feet of Central Arizona Project water to the Yavapai-Prescott Tribe. Because neither the tribe nor the city can take direct delivery of Colorado River water from project facilities, it was assumed that they would be able to exchange their allocations for rights to receive equivalent amounts of water from the Verde River.

It is now clear that the plan to exchange rights to Colorado River water for Verde River water has serious drawbacks. For Prescott, a city of 28,000 people, and the tribe, with an enrollment of less than 200 members, the costs of pumping exchange water are prohibitive. In addition, diverting significant amounts of water from the Verde River, whose seasonable flows vary greatly, would likely have adverse impacts on threatened or endangered species in and along the river. The costs and potential adverse environmental impacts of the proposed water exchanges underscore the need for the city and tribe to secure alternative water supplies to meet future needs while complying with the requirements of Federal and State law.

Pending water rights litigation has produced considerable uncertainty regarding rights to water in the Verde River basin. The Yavapai-Prescott Tribe's legal claims to water, like those of Prescott and other water users in the basin, are currently before Arizona Superior Court as part of the General Adjudication of the Gila River System and Source. Initiated by the State of Arizona in 1978, this litigation is intended to determine the respective rights of more than 20,000 claimants who have brought more than 66,000 claims to the waters of the Gila system. As trustee for the Yavapai-Prescott Tribe, the United States has filed claims in the Gila adjudication for 2,670 acre-feet of water annually for domestic, municipal, commercial, industrial, and irrigation purposes.

The Gila adjudication, which is expected to take decades to complete, would eventually quantify and confirm the tribe's reserved water rights. In all likelihood, the water source for this reserved right would be one or more sources already used for the city of Prescott's water supply, and the tribe's water would be taken away from the city's supply. If so, the tribe and the United States might have to build separate water treatment and distribution systems which would needlessly duplicate the city's existing system, at considerable cost. With the outcome of litigation unknown, neither the tribe nor the city can plan for long term development with any certainty as to water supplies.

The tribe's relationship with its non-Indian neighbors has been one of cooperation and peaceful coexistence ever since the people of Prescott helped the Tribe secure its reservation in 1935. This cooperation has increasingly extended to matters of water. As a result of a series of agreements first entered into in 1972, the city continues to provide all residential and commercial water users on the reservation with water and sewer service. In view of this history, a common interest in securing additional long term water supplies, and a desire to avoid a protracted struggle over the region's water rights, the city and the tribe sought an out-of-court settlement of their respective claims to water.

Beginning in 1992, representatives of the tribe, Prescott, the Chino Valley Irrigation District, which has claims to the waters of Granite Creek, the State of Arizona, and the United States negotiated a settlement agreement to resolve all water rights claims between and among them, and to provide the tribe with the long term, reliable water supplies needed to develop and sustain the tribe and its reservation.

The cornerstone of the settlement agreement provides for the tribe's existing water service agreement with Prescott to be continued in perpetuity, with the tribe having priority access to 550 acre-feet of water annually during times of severe water shortage. Prescott also will execute a trust agreement whereby it shall hold 3,169 acre-feet per year of grandfathered groundwater rights it holds under Arizona law as security for its performance of the water service agreement.

The settlement agreement directs the Secretary of the Interior to assist the tribe and Prescott in arranging for the assignment of the tribe's contract and the city's subcontract for Central Arizona Project water to a third party—or parties—in Arizona. Prescott will use the funds it receives from the assignment to acquire replacement water supplies, thus ensuring its ability to meet its commitment to serve the tribe in perpetuity and to supply its own future development. The tribe

can use its funds to defray its water service costs or to develop or maintain on-reservation water facilities.

The settlement agreement also provides for the tribe's on-reservation use of ground water for municipal, industrial, recreational, and agricultural purposes to continue under a water use plan to be developed by the tribe. The tribe already has entered into a memorandum of understanding with the Arizona Department of Water Resources providing for consultation in establishing a plan which will be compatible with Arizona's Groundwater Management Act.

The settlement requires the Yavapai-Prescott Tribe to waive its claims to water in exchange for the water rights secured under the settlement agreement and the water service agreement, for the funds that will be realized from the assignment of its Central Arizona Project water contract, and for an appropriation of \$200,000 by the State of Arizona to its settlement fund. S. 1146, and a companion House bill, H.R. 2514, introduced by Representative BOB STUMP, will ratify the settlement agreement and authorize the necessary actions by the Secretary of the Interior to implement it.

The Federal cost of the Yavapai-Prescott settlement is small by any standard. S. 1146 specifically authorizes \$200,000 to the Secretary for costs associated with judicial confirmation of the settlement, and such sums necessary to establish, maintain, and operate a small water gauging station on Granite Creek. As noted previously, the administration, in anticipation of enactment of S. 1146 or similar legislation, requested \$300,000 for the Yavapai-Prescott settlement in its fiscal year 1995 budget. I am very pleased to note that both the House and Senate have included these funds in the fiscal year 1995 Interior appropriations bill.

Mr. President, there can be no more fundamental duty and responsibility of a trustee for people in an arid land than to secure for them reliable, long-term water supplies. Enactment of S. 1146 and implementation of the Yavapai-Prescott settlement agreement will enable the United States to fulfill its responsibility to this small tribe in a creative and cost-effective manner.

This settlement is tailored to the unique history and circumstances of the tribe and its neighbors. It is the only one wherein a municipality will assume the United States' obligation to provide water to a tribe for all purposes under the terms of a perpetual water service contract. It resolves issues that, if otherwise left to litigation, would threaten the substantial good will developed between the tribe and its neighbors.

Mr. President, I wish to commend all of the people who have been involved in the long and arduous process that has

produced the many agreements that comprise this settlement. I deeply regret that one of these people, Patricia McGee, will not see it completed. From 1972 until her death in April of this year, Pat McGee served as president of the Yavapai Tribe for all but 2 years. She was tireless in her efforts to improve education, health, and economic conditions of the tribe, and to preserve its culture. She strongly believed that a negotiated settlement of the tribe's water rights was in everyone's best interest. The settlement that S. 1146 would ratify and implement is a tribute to Pat McGee's vision and leadership.

Mr. President, I ask unanimous consent to print in the RECORD copies of resolutions recently passed by the mayor and council of the city of Prescott and by the governing body of the Yavapai-Prescott Tribe.

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

RESOLUTION NO. 94-05 OF THE GOVERNING BODY OF THE YAVAPAI-PRESCOTT INDIAN TRIBE

Whereas, the Tribe's Water Rights Settlement Act is going through the legislative process in the U.S. Congress, as S. 1146 in the U.S. Senate and H.R. 2514 in the U.S. House of Representatives, and

Whereas, the major purpose of the legislation is to ratify several intergovernmental agreements called for in the legislation, and

Whereas, the Water Service Agreement and the Water Rights Settlement Agreement have been successfully negotiated by the Tribe's representatives and the other parties involved, and

Whereas, the Tribe's negotiators have reported that the above-named agreements have reached a point, after several years of negotiations, whereby the language of the documents is now in an acceptable form which serves the Tribe's best interests without alienating the other parties to a point where they will not enter into the agreements, and

Whereas, the Board of Directors concurs with the findings of the Tribe's negotiators.

Now, therefore, be it resolved that: The Board of Directors approves the aforesaid Water Service Agreement and Water Settlement Agreement and hereby authorizes the Board President or Vice President to execute the two agreements at an appropriate time, to be set by the various parties involved.

CERTIFICATION

I, the undersigned, as Vice President of the Board of Directors for the Yavapai-Prescott Indian Tribe, hereby certify that the Board is composed of five (5) members, of whom 4 members, constituting a quorum, were present at a regular meeting on February 11, 1994, and that the foregoing resolution was adopted by a vote of 3 for, 0 against, under the authority of the Articles of Association, Article VI, Section 1(g).

ROBERT G. OGO,

*Vice President, Board of Directors,  
Yavapai-Prescott Indian tribe.*

RESOLUTION NO. 2691

Whereas, the Yavapai-Prescott Indian Reservation is located adjacent to the City of Prescott; and

Whereas, the City of Prescott operates and maintains a municipal water and sewer sys-

tem within the limits of the City of Prescott and adjoining areas; and

Whereas, there is presently litigation pending wherein the City of Prescott and the Yavapai-Prescott Tribe are disputing the rights of water within the watershed which provides water for Prescott's municipal water system; and

Whereas, it would be to the benefit of the citizens of Prescott and the members of the Yavapai-Prescott Indian Tribe for the parties to provide for the continuation of water and sewer service to the Yavapai-Prescott Indian Reservation, and to resolve the foregoing litigation.

Now, therefore, be it resolved by the mayor and council of the city of Prescott as follows:

Section 1. That, the City of Prescott hereby approves the Intergovernmental Agreement with the Yavapai-Prescott Indian Tribe entitled Water Rights Settlement Agreement, attached hereto as Exhibit "A".

Section 2. That, the City of Prescott hereby approves the Intergovernmental Agreement with the Yavapai-Prescott Indian Tribe entitled Water Service Agreement, attached hereto as Exhibit "B".

Section 3. That, the Mayor and Staff are hereby authorized to execute the attached Intergovernmental Agreement and to take any and all steps deemed necessary to accomplish the above.

BILL REFERRED—S. 2259

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Committee on Indian Affairs reports S. 2259, a bill to provide for the settlement of claims by the Confederate Tribes of the Colville Reservation, that it then be referred to the Committee on Energy and Natural Resources for a period not to exceed 10 days, not counting any recesses or adjournments of the Senate of more than 3 days, as provided for under the provisions of the concurrent resolution passed by the House and Senate; provided further, that if the Committee on Energy and Natural Resources has not reported the measure within that time, that the bill be automatically discharged and placed on the calendar.

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

VETERANS HEALTH PROGRAMS IMPROVEMENT ACT OF 1994

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 1030, the Veterans Health Programs Improvement Act of 1994, which was returned to the Senate by the House; that third reading and a vote on passage be vitiated; that the amendment, which I now send to the desk on behalf of Senator ROCKEFELLER, be agreed to; that the bill be read a third time and passed, and the motion to reconsider be laid upon the table.

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

So the bill (S. 1030) was deemed read the third time and passed, as follows:

S. 1030

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the "Veterans Health Programs Improvement Act of 1994".

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—WOMEN VETERANS**

Sec. 101. Department of Veterans Affairs sexual trauma services program.

Sec. 102. Reports relating to determinations of service connection for sexual trauma.

Sec. 103. Coordinators of women's services.

Sec. 104. Women's health services.

Sec. 105. Expansion of research relating to women veterans.

Sec. 106. Mammography quality standards.

**TITLE II—GENERAL HEALTH CARE SERVICES**

Sec. 201. Extension of period of eligibility for medical care for exposure to dioxin or ionizing radiation.

Sec. 202. Extension of period of eligibility for priority health care for veterans of the Persian Gulf War.

Sec. 203. Programs for furnishing hospice care to veterans.

Sec. 204. Rural health-care clinic program.

Sec. 205. Payment to States of per diem for veterans receiving adult day health care.

Sec. 206. Revision of authority on use of tobacco products in department facilities.

**TITLE III—MISCELLANEOUS****Subtitle A—Education Debt Reduction Program**

Sec. 301. Short title.

Sec. 302. Program of assistance in the payment of education debts incurred by certain Veterans Health Administration employees.

**Subtitle B—Other Provisions**

Sec. 311. Extension of authority of Advisory Committee on Education.

Sec. 312. Extension of authority to maintain regional office in the Philippines.

**TITLE I—WOMEN VETERANS****SEC. 101. DEPARTMENT OF VETERANS AFFAIRS SEXUAL TRAUMA SERVICES PROGRAM.**

(a) **AUTHORITY TO PROVIDE SERVICES FOR SEXUAL TRAUMA.**—(1) Subsection (a)(1) of section 1720D of title 38, United States Code is amended—

(A) by inserting "(A)" before "During the period"; and

(B) by adding at the end the following:

"(B) During the period referred to in subparagraph (A), the Secretary may provide appropriate care and services to a veteran for an injury, illness, or other psychological condition which the Secretary determines to be the result of a physical assault, battery, or harassment referred to in that subparagraph."

(2) Subsection (c)(1) of such section is amended to read as follows:

"(1) The Secretary shall give priority to the establishment and operation of the program to provide counseling and care and services under subsection (a). In the case of a veteran eligible for counseling and care and services under subsection (a)(1), the Sec-

retary shall ensure that the veteran is furnished counseling under this section in a way that is coordinated with the furnishing of such care and services under this chapter."

(3) Subsection (d) of such section is amended by inserting "and care and services" after "counseling" each place it appears.

(b) **AUTHORITY TO PROVIDE SERVICES BY CONTRACT.**—Subsection (a)(3) of such section is amended—

(1) by inserting "(A)" before "In furnishing";

(2) in subparagraph (A), as so designated—

(i) by striking out "(A)" and inserting in lieu thereof "(i)"; and

(ii) by striking out "(B)" and inserting in lieu thereof "(ii)"; and

(3) by adding at the end the following:

"(B) The Secretary may provide care and services to a veteran under paragraph (1)(B) pursuant to a contract with a qualified non-Department health professional or facility if Department facilities are not capable of furnishing such care and services to that veteran economically because of geographic inaccessibility."

(c) **EXTENSION OF AUTHORITY TO PROVIDE SEXUAL TRAUMA SERVICES.**—Subsection (a) of such section, as amended by subsections (a) and (b) of this section, is further amended—

(1) by striking out "December 31, 1995," in paragraph (1)(A) and inserting in lieu thereof "December 31, 1998,"; and

(2) by striking out "December 31, 1994," in paragraph (3) and inserting in lieu thereof "December 31, 1998,".

(d) **PERIOD OF ELIGIBILITY TO SEEK SERVICES.**—(1) Such subsection, as amended by subsections (a), (b), and (c) of this section, is further amended—

(A) by striking out paragraph (2); and

(B) by redesignating paragraph (3) as paragraph (2).

(2) Section 102(b) of the Veterans Health Care Act of 1992 (Public Law 102-585; 106 Stat. 4946; 38 U.S.C. 1720D note) is repealed.

(e) **REPEAL OF LIMITATION ON PERIOD OF RECEIPT OF SERVICES.**—Section 1720D of title 38, United States Code (as amended by subsections (a) through (d) of this section), is further amended—

(1) by striking out subsection (b); and

(2) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively.

(f) **INCREASED PRIORITY OF CARE.**—Section 1712(i) of title 38, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting "(A)" after "To a veteran"; and

(B) by inserting ", or (B) who is eligible for counseling and care and services under section 1720D of this title, for the purposes of such counseling and care and services" before the period at the end; and

(2) in paragraph (2)—

(A) by striking out ", (B)" and inserting in lieu thereof "or (B)"; and

(B) by striking out ", or (C)" and all that follows through "such counseling".

(g) **PROGRAM REVISION.**—(1) Section 1720D of title 38, United States Code (as amended by subsections (a) through (e) of this section), is further amended—

(A) by striking out "woman" in subsection (a)(1)(A);

(B) by striking out "women" in subsection (b)(2)(C) and in the first sentence of subsection (c); and

(C) by striking out "women" in subsection (c)(2) and inserting in lieu thereof "individuals".

(2)(A) The heading of such section is amended to read as follows:

**"§ 1720D. Counseling, care, and services for sexual trauma."**

(B) The item relating to such section in the table of sections at the beginning of chapter 17 of such title is amended to read as follows:

"1720D. Counseling, care, and services for sexual trauma."

(h) **INFORMATION ON COUNSELING BY TELEPHONE.**—(1) Paragraph (1) of section 1720D(c) of title 38, United States Code, as redesignated by subsection (d) of this section, is amended by striking out "may" and inserting in lieu thereof "shall".

(2) In providing information on counseling available to veterans through the information system required under section 1720D(c)(1) of title 38, United States Code, as amended by this section, the Secretary of Veterans Affairs shall ensure—

(A) that the telephone system described in such section is operated by Department of Veterans Affairs personnel who are trained in the provision to persons who have experienced sexual trauma of information about the counseling and care and services relating to sexual trauma that are available to veterans in the communities in which such veterans reside, including counseling and care and services available under programs of the Department (including the care and services available under section 1720D of such title) and from non-Department agencies or organizations;

(B) that such personnel are provided with information on the counseling and care and services relating to sexual trauma that are available to veterans and the locations in which such care and services are available;

(C) that such personnel refer veterans seeking such counseling and care and services to appropriate providers of such counseling and care and services (including counseling and care and services that are available in the communities in which such veterans reside);

(D) that the telephone system is operated in a manner that protects the confidentiality of persons who place telephone calls to the system; and

(E) that the telephone system operates at all times.

(3) The Secretary shall ensure that information about the availability of the telephone system is visibly posted in Department medical facilities and is advertised through public service announcements, pamphlets, and other means.

(4) Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the operation of the telephone system required under section 1720D(c)(1) of title 38, United States Code (as so amended). The report shall set forth the following:

(A) The number of telephone calls placed to the system during the period covered by the report, with a separate display of (i) the number of calls placed to the system from each State (as such term is defined in section 101(20) of title 38, United States Code) during that period, and (ii) the number of persons who placed more than one call to the system during that period.

(B) The types of sexual trauma described to personnel operating the system by persons placing calls to the system.

(C) A description of the difficulties, if any, experienced by persons placing calls to the system in obtaining counseling and care and services for sexual trauma in the communities in which such persons live, including

counseling and care and services available from the Department and from non-Department agencies and organizations.

(D) A description of the training provided to the personnel operating the system.

(E) The recommendations and plans of the Secretary for the improvement of the system.

(5) The Secretary shall commence operation of the telephone system required under section 1720D(c)(1) of title 38, United States Code (as so amended), not later than 180 days after the date of the enactment of this Act.

**SEC. 102. REPORTS RELATING TO DETERMINATIONS OF SERVICE CONNECTION FOR SEXUAL TRAUMA.**

(a) **REPORT.**—(1) The Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing the Secretary's assessment of—

(A) the difficulties that veterans encounter in obtaining from the Department of Veterans' Affairs determinations that disabilities relating to sexual trauma resulting from events that occurred during active duty are service-connected disabilities; and

(B) the extent to which Department personnel fail to make determinations that such disabilities are service-connected disabilities.

(2) The Secretary shall include in the report the Secretary's recommendations for actions to be taken to respond in a fair manner to the difficulties described in the report and to eliminate failures to make determinations that such disabilities are service-connected disabilities.

(3) The report required by this subsection shall be submitted not later than June 30, 1994.

(b) **FOLLOW-UP REPORTS.**—Not later than June 30 of each of 1995 and 1996, the Secretary shall submit to the committees referred to in paragraph (1) of subsection (a) a report on the actions taken by the Secretary to implement the recommendations referred to in paragraph (2) of that subsection.

(c) **DEFINITION.**—In this section, the term "sexual trauma" means the immediate and long-term physical or psychological trauma resulting from rape, sexual assault, aggravated sexual abuse (as such term is described in section 2241 of title 18, United States Code), sexual harassment, or other act of sexual violence.

**SEC. 103. COORDINATORS OF WOMEN'S SERVICES.**

(a) **REQUIREMENT OF FULL-TIME SERVICE.**—Section 108 of the Veterans Health Care Act of 1992 (Public Law 102-585; 106 Stat. 4948; 38 U.S.C. 1710 note) is amended—

(1) by inserting "(a)" before "The Secretary"; and

(2) by adding at the end the following: "(b) Each official who serves in the position of coordinator of women's services under subsection (a) shall so serve on a full-time basis."

(b) **ADDITIONAL RESPONSIBILITIES.**—Subsection (a) of such section (as designated by subsection (a) of this section) is further amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph (5):

"(5) Facilitating communication between women veterans coordinators under the jurisdiction of such regional coordinator and the Under Secretary for Health and the Secretary."

(c) **SUPPORT FOR WOMEN'S SERVICES COORDINATORS.**—The Secretary of Veterans Af-

fairs shall take appropriate actions to ensure that—

(1) sufficient funding is provided to each Department of Veterans Affairs facility in order to permit the coordinator of women's services to carry out the responsibilities of the coordinator at the facility;

(2) sufficient clerical and communications support is provided to each such coordinator for that purpose; and

(3) each such coordinator has direct access to the Director or Chief of Staff of the facility to which the coordinator is assigned.

**SEC. 104. WOMEN'S HEALTH SERVICES.**

(a) **WOMEN'S HEALTH SERVICES.**—Section 1701 of title 38, United States Code, is amended—

(1) in paragraph (6)(A)(i), by inserting "women's health services," after "preventive health services,"; and

(2) by adding at the end the following: "(10) The term 'women's health services' means health care services provided to women, including counseling and services relating to the following:

"(A) Papanicolaou tests (pap smears).  
"(B) Breast examinations and mammography.

"(C) Maternity care, including pre-natal care, delivery, and post-natal care.

"(D) Menopause."

(b) **CONTRACTS FOR WOMEN'S HEALTH SERVICES.**—Section 1703(a) of such title is amended by adding at the end the following:

"(9) Women's health services for veterans on an ambulatory or outpatient basis."

(c) **REPEAL OF SUPERSEDED AUTHORITY.**—Section 106 of the Veterans Health Care Act of 1992 (Public Law 102-585; 38 U.S.C. 1710 note) is amended—

(1) by striking out subsection (a); and

(2) by striking out "(b) RESPONSIBILITIES OF DIRECTORS OF FACILITIES." before "The Secretary".

(d) **REPORT ON HEALTH CARE AND RESEARCH.**—Section 107(b) of such Act (38 U.S.C. 1710 note) is amended—

(1) in paragraph (1), by inserting "and women's health services (as such term is defined in section 1701(10) of title 38, United States Code)" after "section 106 of this Act";

(2) in paragraph (2), by striking out "and (B)" and inserting in lieu thereof "(B) the type and amount of services provided by such personnel, including information on the numbers of inpatient stays and the number of outpatient visits through which such services were provided, and (C)";

(3) by redesignating paragraph (4) as paragraph (7);

(4) by adding after paragraph (3) the following new paragraphs:

"(4) A description of the personnel of the Department who provided such services to women veterans, including the number of employees (including both the number of individual employees and the number of full-time employee equivalents) and the professional qualifications or specialty training of such employees and the Department facilities to which such personnel were assigned.  
"(5) A description of any actions taken by the Secretary to ensure the retention of the personnel described in paragraph (4), and any actions undertaken to recruit additional such personnel or personnel to replace such personnel.

"(6) An assessment by the Secretary of any difficulties experienced by the Secretary in the furnishing of such services and the actions taken by the Secretary to resolve such difficulties."; and

(5) by adding after paragraph (7), as redesignated by paragraph (3) of this subsection, the following:

"(8) A description of the actions taken by the Secretary to foster and encourage the expansion of such research."

**SEC. 105. EXPANSION OF RESEARCH RELATING TO WOMEN VETERANS.**

(a) **HEALTH RESEARCH.**—Section 109(a) of the Veterans Health Care Act of 1992 (Public Law 102-585; 38 U.S.C. 7303 note) is amended—

(1) by inserting "(1)" before "The Secretary";

(2) in paragraph (1), as so designated, by striking out "veterans who are women" and inserting in lieu thereof "women veterans"; and

(3) by adding at the end the following: "(2) In carrying out this section, the Secretary shall consult with the following:

"(A) The Director of the Nursing Service.  
"(B) Officials of the Central Office assigned responsibility for women's health programs and sexual trauma services.

"(C) The members of the Advisory Committee on Women Veterans established under section 542 of title 38, United States Code.  
"(D) Members of appropriate task forces and working groups within the Department of Veterans Affairs (including the Women Veterans Working Group and the Task Force on Treatment of Women Who Suffer Sexual Abuse).

"(3) The Secretary shall foster and encourage research under this section on the following matters as they relate to women:

"(A) Breast cancer.

"(B) Gynecological and reproductive health, including gynecological cancer, infertility, sexually-transmitted diseases, and pregnancy.

"(C) Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome.

"(D) Mental health, including post-traumatic stress disorder and depression.

"(E) Diseases related to aging, including menopause, osteoporosis, and Alzheimer's Disease.

"(F) Substance abuse.

"(G) Sexual violence and related trauma.

"(H) Exposure to toxic chemicals and other environmental hazards.

"(4) The Secretary shall, to the maximum extent practicable, ensure that personnel of the Department of Veterans Affairs engaged in the research referred to in paragraph (1) include the following:

"(A) Personnel of the geriatric research, education, and clinical centers designated pursuant to section 7314 of title 38, United States Code.

"(B) Personnel of the National Center for Post-Traumatic Stress Disorder established pursuant to section 110(c) of the Veterans Health Care Act of 1984 (Public Law 98-528; 98 Stat. 2692).

"(5) The Secretary shall, to the maximum extent practicable, ensure that personnel of the Department engaged in research relating to the health of women veterans are advised and informed of such research engaged in by other personnel of the Department."

(b) **POPULATION STUDY.**—Section 110(a) of such Act (38 U.S.C. 1710 note) is amended—

(1) in paragraph (1), by striking out the second sentence; and

(2) by amending paragraph (3) to read as follows:

"(3)(A) Subject to subparagraph (B), the study shall be based on—

"(i) an appropriate sample of veterans who are women and of women who are serving on active military, naval, or air service; and

"(ii) an examination of the medical and demographic histories of the women comprising such sample.

"(B) The sample referred to in subparagraph (A) shall, to the maximum extent

practicable, constitute a representative sampling (as determined by the Secretary) of the ages, the ethnic, social and economic backgrounds, the enlisted and officer grades, and the branches of service of all veterans who are women and women who are serving on such duty.

"(C) In carrying out the examination referred to in subparagraph (A)(ii), the Secretary shall determine the number of women of the sample who have used medical facilities of the Department, nursing home facilities of or under the jurisdiction of the Department, and outpatient care facilities of or under the jurisdiction of the Department."

#### SEC. 106. MAMMOGRAPHY QUALITY STANDARDS.

(a) PERFORMANCE OF MAMMOGRAMS.—Mammograms may not be performed at a Department of Veterans Affairs facility unless that facility is accredited for that purpose by a private nonprofit organization designated by the Secretary of Veterans Affairs. The organization designated by the Secretary under this subsection shall meet the standards for accrediting bodies established by the Secretary of Health and Human Services under section 354(e) of the Public Health Service Act (42 U.S.C. 263b(e)).

(b) QUALITY STANDARDS.—(1)(A) The Secretary of Veterans Affairs shall prescribe quality assurance and quality control standards relating to the performance and interpretation of mammograms and use of mammogram equipment and facilities by personnel of the Department of Veterans Affairs. Such standards shall be no less stringent than the standards prescribed by the Secretary of Health and Human Services under section 354(f) of the Public Health Service Act.

(B) In prescribing such standards, the Secretary of Veterans Affairs shall consult with the Secretary of Health and Human Services.

(2) The Secretary of Veterans Affairs shall prescribe such standards not later than 120 days after the Secretary of Health and Human Services prescribes quality standards under such section 354(f).

(c) INSPECTION OF DEPARTMENT EQUIPMENT.—(1) The Secretary of Veterans Affairs shall, on an annual basis, inspect the equipment and facilities utilized by and in Department of Veterans Affairs health-care facilities for the performance of mammograms in order to ensure the compliance of such equipment and facilities with the standards prescribed under subsection (b). Such inspection shall be carried out in a manner consistent with the inspection of certified facilities by the Secretary of Health and Human Services under section 354(g) of the Public Health Services Act.

(2) The Secretary of Veterans Affairs may not delegate the responsibility of such secretary under paragraph (1) to a State agency.

(d) APPLICATION OF STANDARDS TO CONTRACT PROVIDERS.—The Secretary of Veterans Affairs shall ensure that mammograms performed for the Department of Veterans Affairs under contract with any non-Department facility or provider conform to the quality standards prescribed by the Secretary of Health and Human Services under section 354 of the Public Health Service Act.

(e) REPORT.—(1) The Secretary shall submit to the Committees on Veterans Affairs of the Senate and House of Representatives a report on the quality standards prescribed by the Secretary under subsection (b)(1).

(2) The Secretary shall submit the report not later than 180 days after the date on which the Secretary prescribes such regulations.

(f) DEFINITION.—In this section, the term "mammogram" shall have the meaning

given such term in section 354(a)(5) of the Public Health Service Act (42 U.S.C. 263b(a)).

### TITLE II—GENERAL HEALTH CARE SERVICES

#### SEC. 201. EXTENSION OF PERIOD OF ELIGIBILITY FOR MEDICAL CARE FOR EXPOSURE TO DIOXIN OR IONIZING RADIATION.

Section 1710(e)(3) of title 38, United States Code, is amended by striking out "June 30, 1994" and inserting in lieu thereof "December 31, 2003".

#### SEC. 202. EXTENSION OF PERIOD OF ELIGIBILITY FOR PRIORITY HEALTH CARE FOR VETERANS OF THE PERSIAN GULF WAR.

(a) INPATIENT CARE.—Section 1710(e)(3) of title 38, United States Code, is amended by striking out "after December 31, 1994" and inserting in lieu thereof "after September 30, 2003".

(b) OUTPATIENT CARE.—Section 1712(a)(1)(D) of such title is amended by striking out "before December 31, 1994" and inserting in lieu thereof "before October 1, 2003".

#### SEC. 203. PROGRAMS FOR FURNISHING HOSPICE CARE TO VETERANS.

(a) ESTABLISHMENT OF PROGRAMS.—Chapter 17 of title 38, United States Code, is amended by adding at the end the following:

##### "SUBCHAPTER VII—HOSPICE CARE PILOT PROGRAM; HOSPICE CARE SERVICES

#### "§ 1761. Definitions

"For the purposes of this subchapter—

"(1) The term 'terminally ill veteran' means any veteran—

"(A) who is (i) entitled to receive hospital care in a medical facility of the Department under section 1710(a)(1) of this title, (ii) eligible for hospital or nursing home care in such a facility and receiving such care, (iii) receiving care in a State home facility for which care the Secretary is paying per diem under section 1741 of this title, or (iv) transferred to a non-Department nursing home for nursing home care under section 1720 of this title and receiving such care; and

"(B) who has a medical prognosis (as certified by a Department physician) of a life expectancy of six months or less.

"(2) The term 'hospice care services' means (A) the care, items, and services referred to in subparagraphs (A) through (H) of section 1861(dd)(1) of the Social Security Act (42 U.S.C. 1395x(dd)(1)), and (B) personal care services.

"(3) The term 'hospice program' means any program that satisfies the requirements of section 1861(dd)(2) of the Social Security Act (42 U.S.C. 1395x(dd)(2)).

"(4) The term 'medical facility of the Department' means a facility referred to in section 1701(A) of this title.

"(5) The term 'non-Department facility' means a facility (other than a medical facility of the Department) at which care to terminally ill veterans is furnished, regardless of whether such care is furnished pursuant to a contract, agreement, or other arrangement referred to in section 1762(b)(1)(D) of this title.

"(6) The term 'personal care services' means any care or service furnished to a person that is necessary to maintain a person's health and safety within the home or nursing home of the person, including care or services related to dressing and personal hygiene, feeding and nutrition, and environmental support.

#### "§ 1762. Hospice care: pilot program requirements

"(a)(1) During the period beginning on October 1, 1993, and ending on December 31,

1998, the Secretary shall conduct a pilot program in order—

"(A) to assess the feasibility and desirability of furnishing hospice care services to terminally ill veterans; and

"(B) to determine the most efficient and effective means of furnishing such services to such veterans.

"(2) The Secretary shall conduct the pilot program in accordance with this section.

"(b)(1) Under the pilot program, the Secretary shall—

"(A) designate not less than 15 nor more than 30 medical facilities of the Department at or through which to conduct hospice care services demonstration projects;

"(B) designate the means by which hospice care services shall be provided to terminally ill veterans under each demonstration project pursuant to subsection (c);

"(C) allocate such personnel and other resources of the Department as the Secretary considers necessary to ensure that services are provided to terminally ill veterans by the designated means under each demonstration project; and

"(D) enter into any contract, agreement, or other arrangement that the Secretary considers necessary to ensure the provision of such services by the designated means under each such project.

"(2) In carrying out the responsibilities referred to in paragraph (1) the Secretary shall take into account the need to provide for and conduct the demonstration projects so as to provide the Secretary with such information as is necessary for the Secretary to evaluate and assess the furnishing of hospice care services to terminally ill veterans by a variety of means and in a variety of circumstances.

"(3) In carrying out the requirement described in paragraph (2), the Secretary shall ensure, to the maximum extent feasible, that—

"(A) the medical facilities of the Department selected to conduct demonstration projects under the pilot program include facilities located in urban areas of the United States and rural areas of the United States;

"(B) the full range of affiliations between medical facilities of the Department and medical schools is represented by the facilities selected to conduct demonstration projects under the pilot program, including no affiliation, minimal affiliation, and extensive affiliation;

"(C) such facilities vary in the number of beds that they operate and maintain; and

"(D) the demonstration projects are located or conducted in accordance with any other criteria or standards that the Secretary considers relevant or necessary to furnish and to evaluate and assess fully the furnishing of hospice care services to terminally ill veterans.

"(c)(1) Subject to paragraph (2), hospice care to terminally ill veterans shall be furnished under a demonstration project by one or more of the following means designated by the Secretary:

"(A) By the personnel of a medical facility of the Department providing hospice care services pursuant to a hospice program established by the Secretary at that facility.

"(B) By a hospice program providing hospice care services under a contract with that program and pursuant to which contract any necessary inpatient services are provided at a medical facility of the Department.

"(C) By a hospice program providing hospice care services under a contract with that program and pursuant to which contract any necessary inpatient services are provided at a non-Department medical facility.

"(2)(A) The Secretary shall provide that—

"(i) care is furnished by the means described in paragraph (1)(A) at not less than five medical facilities of the Department; and

"(ii) care is furnished by the means described in subparagraphs (B) and (C) of paragraph (1) in connection with not less than five such facilities for each such means.

"(B) The Secretary shall provide in any contract under subparagraph (B) or (C) of paragraph (1) that inpatient care may be provided to terminally ill veterans at a medical facility other than that designated in the contract if the provision of such care at such other facility is necessary under the circumstances.

"(d)(1) Except as provided in paragraph (2), the amount paid to a hospice program for care furnished pursuant to subparagraph (B) or (C) of subsection (c)(1) may not exceed the amount that would be paid to that program for such care under section 1814(i) of the Social Security Act (42 U.S.C. 1395f(i)) if such care were hospice care for which payment would be made under part A of title XVIII of such Act.

"(2) The Secretary may pay an amount in excess of the amount referred to in paragraph (1) (or furnish services whose value, together with any payment by the Secretary, exceeds such amount) to a hospice program for furnishing care to a terminally ill veteran pursuant to subparagraph (B) or (C) of subsection (c)(1) if the Secretary determines, on a case-by-case basis, that—

"(A) the furnishing of such care to the veteran is necessary and appropriate; and

"(B) the amount that would be paid to that program under section 1814(i) of the Social Security Act would not compensate the program for the cost of furnishing such care.

#### "§ 1763. Care for terminally ill veterans

"(a) During the period referred to in section 1762(a)(1) of this title, the Secretary shall designate not less than 10 medical facilities of the Department at which hospital care is being furnished to terminally ill veterans to furnish the care referred to in subsection (b)(1).

"(b)(1) Palliative care to terminally ill veterans shall be furnished at the facilities referred to in subsection (a) by one of the following means designated by the Secretary:

"(A) By personnel of the Department providing one or more hospice care services to such veterans at or through medical facilities of the Department.

"(B) By personnel of the Department monitoring the furnishing of one or more of such services to such veterans at or through non-Department facilities.

"(2) The Secretary shall furnish care by the means referred to in each of subparagraphs (A) and (B) of paragraph (1) at not less than five medical facilities designated under subsection (a).

#### "§ 1764. Information relating to hospice care services

"The Secretary shall ensure to the extent practicable that terminally ill veterans who have been informed of their medical prognosis receive information relating to the eligibility, if any, of such veterans for hospice care and services under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

#### "§ 1765. Evaluation and reports

"(a) Not later than September 30, 1994, and on an annual basis thereafter until October 1, 1999, the Secretary shall submit a written report to the Committees on Veterans' Affairs of the Senate and House of Representatives relating to the conduct of the pilot pro-

gram under section 1762 of this title and the furnishing of hospice care services under section 1763 of this title. Each report shall include the following information:

"(1) The location of the sites of the demonstration projects provided for under the pilot program.

"(2) The location of the medical facilities of the Department at or through which hospice care services are being furnished under section 1763 of this title.

"(3) The means by which care to terminally ill veterans is being furnished under each such project and at or through each such facility.

"(4) The number of veterans being furnished such care under each such project and at or through each such facility.

"(5) An assessment by the Secretary of any difficulties in furnishing such care and the actions taken to resolve such difficulties.

"(b) Not later than August 1, 1997, the Secretary shall submit to the committees referred to in subsection (a) a report containing an evaluation and assessment by the Director of the Health Services Research and Development Service of the hospice care pilot program under section 1762 of this title and the furnishing of hospice care services under section 1763 of this title. The report shall contain such information (and shall be presented in such form) as will enable the committees to evaluate fully the feasibility and desirability of furnishing hospice care services to terminally ill veterans.

"(c) The report shall include the following:

"(1) A description and summary of the pilot program.

"(2) With respect to each demonstration project conducted under the pilot program—

"(A) a description and summary of the project;

"(B) a description of the facility conducting the demonstration project and a discussion of how such facility was selected in accordance with the criteria set out in, or prescribed by the Secretary pursuant to, subparagraphs (A) through (D) of section 1762(b)(3) of this title;

"(C) the means by which hospice care services are being furnished to terminally ill veterans under the demonstration project;

"(D) the personnel used to furnish such services under the demonstration project;

"(E) a detailed factual analysis with respect to the furnishing of such services, including (i) the number of veterans being furnished such services, (ii) the number, if any, of inpatient admissions for each veteran being furnished such services and the length of stay for each such admission, (iii) the number, if any, of outpatient visits for each such veteran, and (iv) the number, if any, of home-care visits provided to each such veteran;

"(F) the direct costs, if any, incurred by terminally ill veterans, the members of the families of such veterans, and other individuals in close relationships with such veterans in connection with the participation of veterans in the demonstration project;

"(G) the costs incurred by the Department in conducting the demonstration project, including an analysis of the costs, if any, of the demonstration project that are attributable to (i) furnishing such services in facilities of the Department, (ii) furnishing such services in non-Department facilities, and (iii) administering the furnishing of such services; and

"(H) the unreimbursed costs, if any, incurred by any other entity in furnishing services to terminally ill veterans under the project pursuant to section 1762(c)(1)(C) of this title.

"(3) An analysis of the level of the following persons' satisfaction with the services furnished to terminally ill veterans under each demonstration project:

"(A) Terminally ill veterans who receive such services, members of the families of such veterans, and other individuals in close relationships with such veterans.

"(B) Personnel of the Department responsible for furnishing such services under the project.

"(C) Personnel of non-Department facilities responsible for furnishing such services under the project.

"(4) A description and summary of the means of furnishing hospice care services at or through each medical facility of the Department designated under section 1763(a)(1) of this title.

"(5) With respect to each such means, the information referred to in paragraphs (2) and (3).

"(6) A comparative analysis by the Director of the services furnished to terminally ill veterans under the various demonstration projects referred to in section 1762 of this title and at or through the designated facilities referred to in section 1763 of this title, with an emphasis in such analysis on a comparison relating to—

"(A) the management of pain and health symptoms of terminally ill veterans by such projects and facilities;

"(B) the number of inpatient admissions of such veterans and the length of inpatient stays for such admissions under such projects and facilities;

"(C) the number and type of medical procedures employed with respect to such veterans by such projects and facilities; and

"(D) the effectiveness of such projects and facilities in providing care to such veterans at the homes of such veterans or in nursing homes.

"(7) An assessment by the Director of the feasibility and desirability of furnishing hospice care services by various means to terminally ill veterans, including an assessment by the Director of the optimal means of furnishing such services to such veterans.

"(8) Any recommendations for additional legislation regarding the furnishing of care to terminally ill veterans that the Secretary considers appropriate."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"SUBCHAPTER VII—HOSPICE CARE PILOT PROGRAM; HOSPICE CARE SERVICES

"1761. Definitions.

"1762. Hospice care: pilot program requirements.

"1763. Care for terminally ill veterans.

"1764. Information relating to hospice care services.

"1765. Evaluation and reports."

(c) AUTHORITY TO CARRY OUT OTHER HOSPICE CARE PROGRAMS.—The amendments made by subsection (a) may not be construed as terminating the authority of the Secretary of Veterans Affairs to provide hospice care services to terminally ill veterans under any program in addition to the programs required under the provisions added by such amendments.

(d) AUTHORIZATION OF APPROPRIATIONS.—Funds are authorized to be appropriated for the Department of Veterans Affairs for the purposes of carrying out the evaluation of the hospice care pilot programs under section 1765 of title 38, United States Code (as added by subsection (a)), as follows:

(1) For fiscal year 1994, \$1,200,000.

(2) For fiscal year 1995, \$2,500,000.

(3) For fiscal year 1996, \$2,200,000.

(4) For fiscal year 1997, \$100,000.

**SEC. 204. RURAL HEALTH-CARE CLINIC PROGRAM.**

(a) PROGRAM.—(1) Chapter 17 of title 38, United States Code, is amended by adding at the end of subchapter II the following:

**“§ 1720E. Rural health-care clinics: pilot program**

“(a) During the three-year period beginning on October 1, 1993, the Secretary shall conduct a rural health-care clinic program in States where significant numbers of veterans reside in areas geographically remote from existing health-care facilities (as determined by the Secretary). The Secretary shall conduct the program in accordance with this section.

“(b)(1) In carrying out the rural health-care clinic program, the Secretary shall furnish medical services to the veterans described in subsection (c) through use of—

“(A) mobile health-care clinics equipped, operated, and maintained by personnel of the Department; and

“(B) other types of rural clinics, including part-time stationary clinics for which the Secretary contracts and part-time stationary clinics operated by personnel of the Department.

“(2) The Secretary shall furnish services under the rural health-care clinic program in areas—

“(A) that are more than 100 miles from a Department general health-care facility; and

“(B) that are less than 100 miles from such a facility, if the Secretary determines that the furnishing of such services in such areas is appropriate.

“(c) A veteran eligible to receive medical services through rural health-care clinics under the program is any veteran eligible for medical services under section 1712 of this title.

“(d) The Secretary shall commence operation of at least three rural health-care clinics (at least one of which shall be a mobile health-care clinic) in each fiscal year of the program. The Secretary may not operate more than one mobile health-care clinic under the authority of this section in any State in any such fiscal year.

“(e) Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the Secretary's plans for the implementation of the pilot program required under this section.

“(f) Not later than December 31, 1997, the Secretary shall submit to Congress a report containing an evaluation of the program. The report shall include the following:

“(1) A description of the program, including information with respect to—

“(A) the number and type of rural health-care clinics operated under the program;

“(B) the States in which such clinics were operated;

“(C) the medical services furnished under the program, including a detailed specification of the cost of such services;

“(D) the veterans who were furnished services under the program, setting forth (i) the numbers and percentages of the veterans who had service-connected disabilities, (ii) of the veterans having such disabilities, the numbers and percentages who were furnished care for such disabilities, (iii) the ages of the veterans, (iv) taking into account the veterans' past use of Department health-care facilities, an analysis of the extent to which the veterans would have received medical services from the Department outside the program and the types of services they would have received, and (v) the financial circumstances of the veterans; and

“(E) the types of personnel who furnished services to veterans under the program, including any difficulties in the recruitment or retention of such personnel.

“(2) An assessment by the Secretary of the cost-effectiveness and efficiency of furnishing medical services to veterans through various types of rural clinics (including mobile health-care clinics operated under the pilot program conducted pursuant to section 113 of the Veterans' Benefits and Services Act of 1988 (Public Law 100-322; 38 U.S.C. 1712 note)).

“(3) Any plans for administrative action, and any recommendations for legislation, that the Secretary considers appropriate.

“(g) For the purposes of this section, the term ‘Department general health-care facility’ has the meaning given such term in section 1712A(1)(2) of this title.”

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1720D the following new item:

“1720E. Rural health-care clinics: pilot program.”

(b) AUTHORIZATION OF APPROPRIATIONS.—(1) There is authorized to be appropriated for the Department of Veterans Affairs to carry out the rural health-care clinics program provided for in section 1720E of title 38, United States Code (as added by subsection (a)), the following:

(A) For fiscal year 1994, \$3,000,000.

(B) For fiscal year 1995, \$6,000,000.

(C) For fiscal year 1996, \$9,000,000.

(2) Amounts appropriated pursuant to such authorization may not be used for any other purpose.

(3) No funds may be expended to carry out the rural health-care clinics program provided for in such section 1720E unless expressly provided for in an appropriations Act.

**SEC. 205. PAYMENT TO STATES OF PER DIEM FOR VETERANS RECEIVING ADULT DAY HEALTH CARE.**

(a) PAYMENT OF PER DIEM FOR VETERANS RECEIVING ADULT DAY CARE.—Section 1741 of title 38, United States Code, is amended—

(1) by inserting “(1)” after “(a)”;

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(3) by adding at the end the following new paragraph (2):

“(2) The Secretary may pay each State per diem at a rate determined by the Secretary for each veteran receiving adult day health care in a State home, if such veteran is eligible for such care under laws administered by the Secretary.”

(b) ASSISTANCE TO STATES FOR CONSTRUCTION OF ADULT DAY CARE FACILITIES.—(1) Section 8131(3) of title 38, United States Code, is amended by inserting “adult day health,” before “or hospital care”.

(2) Section 8132 of such title is amended by inserting “adult day health,” before “or hospital care”.

(3) Section 8135(b) of such title is amended—

(A) in paragraph (2)(C), by inserting “or adult day health care facilities” after “dormitory beds”; and

(B) in paragraph (3)(A), by inserting “or construction (other than new construction) of adult day health care buildings” before the semicolon.

**SEC. 206. REVISION OF AUTHORITY ON USE OF TOBACCO PRODUCTS IN DEPARTMENT FACILITIES.**

Section 526(a) of the Veterans Health Care Act of 1992 (Public Law 102-585; 38 U.S.C. 1715 note) is amended—

(1) in paragraph (1), by striking out “establishes and maintains—” and inserting in lieu thereof “may establish and maintain—”; and

(2) in paragraph (2), by striking out “provides access” and all that follows through “paragraph (1)” and inserting in lieu thereof “if such an area is established, provides access to the area”.

**TITLE III—MISCELLANEOUS**

**Subtitle A—Education Debt Reduction Program**

**SEC. 301. SHORT TITLE.**

This subtitle may be cited as the “Department of Veterans Affairs Health Professionals Education Debt Reduction Act”.

**SEC. 302. PROGRAM OF ASSISTANCE IN THE PAYMENT OF EDUCATION DEBTS INCURRED BY CERTAIN VETERANS HEALTH ADMINISTRATION EMPLOYEES.**

(a) PROGRAM.—(1) Chapter 76 of title 38, United States Code, is amended by adding at the end the following:

**“SUBCHAPTER VI—EDUCATION DEBT REDUCTION PROGRAM**

**“§ 7661. Authority for program**

“(a) The Secretary shall carry out an education debt reduction program under this subchapter. The program shall be known as the Department of Veterans Affairs Education Debt Reduction Program (hereafter in this chapter referred to as the ‘Education Debt Reduction Program’). The purpose of the program is to assist personnel serving in health-care positions in the Veterans Health Administration in reducing the amount of debt incurred by such personnel in completing educational programs that qualify such personnel for such service.

“(b)(1) Subject to paragraph (2), assistance under the Education Debt Reduction Program shall be in addition to the assistance available to individuals under the Educational Assistance Program established under this chapter.

“(2) An individual may not receive assistance under both the Education Debt Reduction Program and the Educational Assistance Program for the same period of service in the Department.

**“§ 7662. Eligibility; application**

“(a) An individual eligible to participate in the Education Debt Reduction Program is any individual (other than a physician or dentist) who—

“(1) serves in a position in the Veterans Health Administration under an appointment under section 7402(b) of this title;

“(2) serves in an occupation, specialty, or geographic area for which the recruitment or retention of an adequate supply of qualified health-care personnel is especially difficult (as determined by the Secretary);

“(3) has pursued or is pursuing, as the case may be—

“(A) a two-year or four-year course of education or training at a qualifying undergraduate institution which course qualified or will qualify, as the case may be, the individual for appointment in a position referred to in paragraph (1); or

“(B) a course of education at a qualifying graduate institution which course qualified or will qualify, as the case may be, the individual for appointment in such a position; and

“(4) owes any amount of principal or interest under a loan or other obligation the proceeds of which were used or are being used, as the case may be, by or on behalf of the individual to pay tuition or other costs incurred by the individual in the pursuit of a course of education or training referred to in paragraph (3).

"(b) Any eligible individual seeking to participate in the Education Debt Reduction Program shall submit an application to the Secretary relating to such participation.

**"§ 7663. Agreement**

"(a) The Secretary shall enter into an agreement with each individual selected to participate in the Education Debt Reduction Program. The Secretary and the individual shall enter into such an agreement at the beginning of each year for which the individual is selected to so participate.

"(b) An agreement between the Secretary and an individual selected to participate in the Education Debt Reduction Program shall be in writing, shall be signed by the individual, and shall include the following provisions:

"(1) The Secretary's agreement to provide assistance on behalf of the individual under the program upon the completion by the individual of a one-year period of service in a position referred to in section 7662(a) of this title which period begins on the date of the signing of the agreement (or such later date as is jointly agreed upon by the Secretary and the individual).

"(2) The individual's agreement that the Secretary shall pay any assistance provided under the program to the holder (as designated by the individual) of any loan or other obligation of the individual referred to in section 7662(a)(4) of this title in order to reduce or satisfy the unpaid balance (including principal and interest) due on such loan or other obligation.

"(3) The individual's agreement that assistance shall not be paid on behalf of the individual under the program for a year unless and until the individual completes the one-year period of service referred to in paragraph (1).

"(4) The individual's agreement that assistance shall not be paid on behalf of the individual under the program for a year unless the individual maintains (as determined by the Secretary) an acceptable level of performance during the service referred to in paragraph (3).

**"§ 7664. Amount of assistance**

"(a) Subject to subsection (b), the amount of assistance provided to an individual under the Education Debt Reduction Program for a year may not exceed \$4,000 (adjusted in accordance with section 7631 of this title).

"(b) The total amount of assistance received by an individual under the Education Debt Reduction Program may not exceed \$12,000 (as so adjusted)."

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

**"SUBCHAPTER VI—EDUCATION DEBT REDUCTION PROGRAM**

"7661. Authority for program.  
"7662. Eligibility; application.  
"7663. Agreement.  
"7664. Amount of assistance."

(b) CONFORMING AMENDMENTS.—Section 7631 of title 38, United States Code, is amended—

(1) in subsection (a), by striking out "and the maximum Selected Reserve member stipend amount" and inserting in lieu thereof "the maximum Selected Reserve stipend amount, and the education debt reduction amount and limitation"; and

(2) in subsection (b)—  
(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following new paragraph (4):

"(4) The term 'education debt reduction amount and limitation' means the maximum

amount of assistance, and the limitation applicable to such assistance, for a person receiving assistance under subchapter VI of this chapter, as specified in section 7663 of this title and as previously adjusted (if at all) in accordance with this subsection."

(c) REGULATIONS.—The Secretary of Veterans Affairs shall prescribe regulations necessary to carry out the Education Debt Reduction Program established under subchapter VI of chapter 76 of title 38, United States Code (as added by subsection (a)). The Secretary shall prescribe such regulations not later than 90 days after the date of the enactment of this Act.

(d) REPORT.—Section 7632 of title 38, United States Code, is amended—

(1) in the matter above paragraph (1), by inserting "and the Education Debt Reduction Program" before the period at the end;

(2) in paragraph (1)—  
(A) by inserting "and the Education Debt Reduction Program" after "Educational Assistance Program";

(B) by striking out "Program and" and inserting in lieu thereof "Program."; and

(C) by inserting "and the Education Debt Reduction Program" before "separately";

(3) in paragraph (3), by striking out "the Educational Assistance Program (or predecessor program) has" and inserting in lieu thereof "each of the Educational Assistance Program (or predecessor program) and the Education Debt Reduction Program have";

(4) in paragraph (4)—  
(A) by striking out "and per" and inserting in lieu thereof "per"; and

(B) by inserting "and per participant in the Education Debt Reduction Program" before the period at the end.

(e) AUTHORIZATION OF APPROPRIATIONS.—(1) There is authorized to be appropriated for the Department of Veterans Affairs \$10,000,000 for each of fiscal years 1994 through 1998 to carry out the Education Debt Reduction Program.

(2) No funds may be used to provide assistance under the program unless expressly provided for in an appropriations Act.

(f) EXEMPTION FROM LIMITATION.—Section 523(b) of the Veterans Health Care Act of 1992 (Public Law 102-585; 38 U.S.C. 7601 note) shall not apply to the Education Debt Reduction Program.

**Subtitle B—Other Provisions**

**SEC. 311. EXTENSION OF AUTHORITY OF ADVISORY COMMITTEE ON EDUCATION.**

Section 3692(c) of title 38, United States Code, is amended by striking out "December 31, 1994" and inserting in lieu thereof "December 31, 1997".

**SEC. 312. EXTENSION OF AUTHORITY TO MAINTAIN REGIONAL OFFICE IN THE PHILIPPINES.**

Section 315(b) of title 38, United States Code, is amended by striking out "December 31, 1994" and inserting in lieu thereof "September 30, 1995".

**MESSAGES FROM THE PRESIDENT**

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

**EXECUTIVE MESSAGES REFERRED**

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations

which were referred to the appropriate committees, and a treaty.

(The nominations received today are printed at the end of the Senate proceedings.)

**MESSAGES FROM THE HOUSE**

At 3:36 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2243) to amend the Federal Trade Commission Act to extend the authorization of appropriations in such Act, and for other purposes.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 4453) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. HEFNER, Mr. FOGLIETTA, Mrs. MEEK, Mr. DICKS, Mr. DIXON, Mr. FAZIO, Mr. HOYER, Mr. COLEMAN, Mr. OBEY, Mrs. VUCANOVICH, Mr. CALLAHAN, Mrs. BENTLEY, Mr. HOBSON, and Mr. MCDADE, as managers of the conference on the part of the House.

The message further announced that the Speaker appoints the following Members as additional conferees in the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 820) entitled "An Act to amend the Stevenson-Wydler Technology Innovation Act of 1980 to enhance manufacturing technology development and transfer, to authorize appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes":

As additional conferees from the Committee on Energy and Commerce for consideration of sections 410 and 413 of the House bill, and sections 606-607, and 701 of the Senate amendment; and for the following provisions of titles II and IV of the House bill and titles II and IV of the Senate amendment, and modifications committed to conference to the extent to which they relate to the replication of proven technologies: That portion of section 202 of the House bill which adds section 301(d) to the Stevenson-Wydler Technology Innovation Act of 1980; section 203 of the House bill; section 401 of the House bill; those provisions of section 211 of the Senate amendment which amend the Stevenson-Wydler Technology Innovation Act of 1980 by adding subsection 102(b) and section 103; those provisions of section 212 of the Senate amendment which amend the National Institute of

Standards and Technology Act by adding new subsections 24(e)(2)(J), 24(f)(3), 24(f)(7), and 24(g)(1); those portions of section 214 of the Senate amendment which amend the National Institute of Standards and Technology Act by adding a new subsection 25(a)(7) and 25(b)(3); section 216 of the Senate amendment; and section 401 of the Senate amendment: Mr. DINGELL, Mrs. COLLINS of Illinois, and Mr. MOORHEAD.

As an additional conferee for consideration of those portions of section 206 of the House bill which add sections 4 (20), (21), and (22) to the Stevenson-Wydler Technology Innovation Act of 1980, and modifications committed to conference: Mr. MANTON.

At 7:11, a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has agreed to the amendments of the Senate to the bill (H.R. 868) to strengthen the authority of the Federal Trade Commission to protect consumers in connection with sales made with a telephone, and for other purposes; with an amendment.

The message also announced that the House has passed the following bills and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 1426. An act to provide for the maintenance of dams located on Indian lands by the Bureau of Indian Affairs or through contracts with Indian tribes;

H.R. 4228. An act to extend Federal recognition to the United Auburn Rancheria Indian Community of the Auburn Rancheria of California;

H.J. Res. 363. Joint resolution to designate October 1994 as "Crime Prevention Month";

H.J. Res. 374. Joint resolution designating August 2, 1994, as "National Neighborhood Crime Watch Day"; and

H.J. Res. 388. Joint resolution recognizing the anniversaries of the Warsaw uprising and the Polish resistance to the invasion of Poland during World War II;

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 151. Concurrent resolution concerning the movement toward democracy in the Federal Republic of Nigeria.

#### MEASURES REFERRED

The following bills and joint resolutions were read the first and second times by unanimous consent, and referred as indicated:

H.R. 1426. An act to provide for the maintenance of dams located on Indian lands by the Bureau of Indian Affairs or through contracts with Indian tribes; to the Committee on Indian Affairs.

H.R. 4228. An act to extend Federal recognition to the United Auburn Rancheria Indian Community of the Auburn Rancheria of California; to the Committee on Indian Affairs.

H.J. Res. 363. Joint resolution to designate October 1994 as "Crime Prevention Month"; to the Committee on the Judiciary.

H.J. Res. 374. Joint resolution designating August 2, 1994, as "National Neighborhood

Crime Watch Day"; to the Committee on the Judiciary.

H.J. Res. 388. Joint resolution recognizing the anniversaries of the Warsaw uprising and the Polish resistance to the invasion of Poland during World War II; to the Committee on the Judiciary.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 151. Concurrent resolution concerning the movement toward democracy in the Federal Republic of Nigeria; to the Committee on Foreign Relations.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3102. A communication from the Acting Associate Attorney General, transmitting, pursuant to law, the Department of Justice's 1993 annual report on Freedom of Information Act activities; to the Committee on the Judiciary.

EC-3103. A communication from the Director of the Administrative Office of the United States Courts, transmitting, pursuant to law, a report entitled "1993 United States Courts: Selected Reports"; to the Committee on the Judiciary.

EC-3104. A communication from the General Counsel of the Department of Commerce, transmitting a draft of proposed legislation to amend Chapter 30 of title 35 to afford third parties an opportunity for greater participation in reexamination proceedings before the U.S. Patent and Trademark Office, and for other purposes; to the Committee on the Judiciary.

EC-3105. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a report relative to 1993 wildfire rehabilitation needs for lands administered by the U.S. Department of Agriculture, Forest Service; to the Committee on Agriculture, Nutrition and Forestry.

EC-3106. A communication from the Director of the Federal Housing Finance Board, transmitting, pursuant to law, the Board's annual report for calendar year 1993; to the Committee on Banking, Housing and Urban Affairs.

EC-3107. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a report entitled "Monetary Policy Report to the Congress"; to the Committee on Banking, Housing and Urban Affairs.

EC-3108. A communication from the Executive Director of the Neighborhood Reinvestment Corporation, transmitting, pursuant to law, a report relative to the Corporation's compliance with the Government in the Sunshine Act for calendar year 1993; to the Committee on Governmental Affairs.

EC-3109. A communication from the Assistant Secretary of Education, Office of Special Education and Rehabilitative Services, transmitting, pursuant to law, a notice of final priority relative to the Knowledge Dissemination and Utilization Program; to the Committee on Labor and Human Resources.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second time by unanimous consent, and referred as indicated:

By Mr. HATCH (for himself and Mr. KENNEDY):

S. 2315. A bill to require the Attorney General to develop model legislation for the States to assure confidentiality of communications between victims of sexual assault or domestic violence victims and their counselors, and for other purposes; to the Committee on the Judiciary.

By Mr. JOHNSTON:

S. 2316. A bill to suspend temporarily the duty on C.I. Pigment Yellow 139; to the Committee on Finance.

S. 2317. A bill to suspend temporarily the duty on nickle isoindoline pigment; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 2318. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Endeavour* to the Committee on Commerce, Science, and Transportation.

By Mr. BENNETT (for himself, Mr. CAMPBELL, and Mr. HATCH):

S. 2319. A bill to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner; to the Committee on Energy and Natural Resources.

By Mr. ROCKEFELLER (by request):

S. 2320. A bill to amend title 38, United States Code, to eliminate the requirement that veterans of the Philippine Commonwealth Army and the dependents and survivors of such veterans be paid certain benefits in Philippine pesos; to the Committee on Veterans' Affairs.

S. 2321. A bill to amend title 38, United States Code, to make eligible for burial in the national cemeteries the spouses of veterans who predecease the veterans; to the Committee on Veterans' Affairs.

S. 2322. A bill to amend title 38, United States Code, to increase the cost that the Secretary of Veterans Affairs may incur to pay for a contract burial of a nonservice-connected disabled veteran who dies in a Department of Veterans Affairs facility, and for other purposes; to the Committee on Veterans' Affairs.

S. 2323. A bill to amend title 38, United States Code, to clarify the coverage and protection provided to medical quality assurance records by section 5705 of that title; to the Committee on Veterans' Affairs.

S. 2324. A bill to amend title 38, United States Code, to provide that employees appointed under chapters 73 and 74 of that title have protection against certain prohibited personnel practices; to the Committee on Veterans' Affairs.

By Mr. ROCKEFELLER (for himself, Mr. AKAKA, Mr. DASCHLE, and Mr. CAMPBELL):

S. 2325. A bill to amend certain laws under the jurisdiction of the Secretary of Veterans Affairs to reauthorize programs relating to substance abuse and homeless assistance for veterans, to authorize a demonstration program to provide assistance to homeless veterans, and for other purposes; to the Committee on Veterans' Affairs.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER:

S. Res. 245. A resolution expressing the sense of the Senate that the President should exercise the line-item veto without awaiting the enactment of additional authorization for the purpose of obtaining a judicial determination of its constitutionality; to the Committee on the Judiciary.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself and Mr. KENNEDY):

S. 2315. A bill to require the Attorney General to develop model legislation for the States to assure confidentiality of communications between victims of sexual assault or domestic violence victims and their counselors, and for other purposes; to the Committee on the Judiciary.

##### RAPE AND ASSAULT VICTIMS COUNSELING PROTECTION ACT

Mr. HATCH. Mr. President, I rise today along with Senator KENNEDY to introduce legislation that seeks to remedy an unacceptable and outrageous development for women across this country. This bill represents a revised version of S. 2240, a bill I introduced a month ago titled the Rape Victims' Protection Act.

On June 24, 1994, the Washington Post reported that earlier that week the YWCA chapter in Springfield, MA, was ordered by a Massachusetts court to turn its rape counseling files over to the defense attorney of an accused rapist.

The rape counseling center had previously refused to turn over the files.

Mr. President, as a result of this decision, women now seeking rape counseling will do so knowing that everything they say to their counselor is, in effect, available to their alleged attacker.

The impact on women is obvious. Rape counseling services offered by the YWCA or other organizations offer an invaluable service to women victimized by sexual assaults. But there can be no question that the removal of any confidentiality between the rape victim and her counselor will discourage women from seeking desperately needed help in a time of real need and distress.

Mr. President, the bill I introduced last month and the revised version I am introducing today with Senator KENNEDY represents our joint effort to best deal with this situation. This bill consists of three parts.

First, it expresses the sense of the Senate that no court should order the disclosure of confidential communications between victims of sexual assault or domestic violence and their therapists and trained counselors unless, at a minimum, the defendant has made an adequate showing of the need for the disclosure, and the court has established adequate procedural safeguards against unnecessary or damaging disclosures.

Second, it requires that the Attorney General develop model legislation to adequately protect the confidentiality of sexual assault victims. Our goal is to provide guidance to States in developing effective and constitutional State laws in this regard.

Finally, the bill directs the Judicial Conference to review the Federal evidentiary rules with respect to the confidentiality of communications between assault victims and their counselors in Federal court proceedings.

Mr. President, it is imperative that we act swiftly in this area. The bill I introduced last month was a much more direct way of immediately dealing with this issue. I appreciate and understand some of the concerns that have been raised regarding that approach.

I would like to thank and compliment Senator KENNEDY for his efforts. He and I share the same concerns about this recent State court ruling as well as a commitment to finding the best means to ensure that the confidentiality of communications between sexual assault victims and trained counselors will be adequately protected in judicial proceedings.

Mr. KENNEDY. Mr. President, it is a privilege to join Senator HATCH today in introducing the Rape and Assault Victims Counseling Protection Act.

This legislation will guarantee that when victims of sexual assault or domestic violence turn to counseling programs to help them cope with the trauma of these brutal crimes, their counseling sessions will remain private and confidential.

I was shocked to learn recently that such confidentiality is not always assured. In Massachusetts, rape crisis centers have been ordered by the courts to divulge confidential counseling records to counsel for the defendant in criminal cases. Notwithstanding the State legislature's enactment of a law creating an absolute privilege for communications between sexual assault victims and their trained counselors, the State's high court has ruled that criminal defendants have a constitutional right to obtain such records in certain circumstances.

Most recently, the YWCA in Springfield, MA, which conducts a rape crisis counseling program, was ordered to produce confidential files to defense counsel in a rape case. The YWCA, seeking to protect the victim's privacy, initially defied the court's order. But as the penalties mounted for contempt of court, they were forced to comply.

The consequences of violating the confidentiality of these counseling programs are potentially disastrous. Such programs help victims recover from the severe effects of sexual assault and domestic violence. By promoting the physical and emotional well-being of the victims, the programs frequently enable the victim to report the crime

and cooperate in the prosecution of the perpetrator.

Yet counseling programs can achieve these benefits only if the victims know that the counseling sessions will remain confidential. Otherwise, they will be unable to develop the relationship of trust with their counselors that is essential to effective treatment. Many will decline to participate in counseling programs altogether.

In fact, the Springfield YWCA reports that immediately after the court order, several clients of its rape crisis program called to say they were dropping out.

It is easy to see that if confidential communications between victims and counselors are accessible to defendants charged with the crime, the victims are faced with an impossible choice—forego the counseling that can help them recover, or do not report the crime. Often, victims who go to counseling and report the crime would be violated a second time, when their most private thoughts and feelings about the crime are revealed to the perpetrator, and perhaps even to the public in open court.

These women deserve better, and the States have adopted a variety of different approaches to the problem. Some have created an absolute privilege protecting the confidentiality of these records—though some courts, including the court in Massachusetts, have struck down an absolute privilege as a violation of the defendant's constitutional rights.

Other States have adopted a qualified privilege that gives defendants access to the records in certain narrow circumstances and subject to certain strict procedures. Still other States have adopted balancing tests that weigh the evidentiary value of the communications against the effects of disclosure on the victim and her treatment.

As State legislatures continue to struggle with this issue, they should be encouraged to adopt standards to guarantee the maximum possible protection for the victim's privacy, without violating a criminal defendant's rights.

The legislation we are introducing today will help to ensure that result. First, it states the sense of the Senate that no court should order the disclosure of confidential communications between victims of sexual assault or domestic violence and their therapists or trained counselors unless, at a minimum, the defendant has made an adequate showing of the need for the disclosure, and the court has established adequate procedural safeguards against unnecessary or damaging disclosures.

Second, it directs the Justice Department to study and evaluate the manner in which the States have addressed this issue, and to develop model legislation

for use by the States. In the last Congress, we directed the Justice Department to study and develop model legislation on the crime of stalking. There, as here, the goal was to guide the States toward enactment of laws that would be both effective and constitutional. I understand that a number of States have found the Justice Department's stalking report and model legislation useful, and I am hopeful that the legislation we are introducing today will prove equally valuable.

Finally, the bill directs the Judicial Conference to evaluate whether the Federal Rules of Evidence should be amended to guarantee the confidentiality of communications between assault victims and their counselors in Federal court proceedings.

Clearly, we need to do more to protect the rights of the victims of sexual assault and domestic violence, and to preserve the confidentiality of their treatment for the trauma they have suffered. This bill is a major step toward achieving these goals, and I look forward to working with Senator HATCH for its early enactment.

By Mr. BENNETT (for himself, Mr. CAMPBELL, and Mr. HATCH):  
S. 2319. A bill to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner; to the Committee on Energy and Natural Resources.

#### COLORADO RIVER BASIN SALINITY CONTROL ACT

Mr. BENNETT. Mr. President, I rise to introduce legislation which will amend the Colorado River Basin Salinity Control Act and authorize additional measures to carry out the salinity program.

The Colorado River Basin Salinity Control Program has been authorized by Congress and implemented by Federal and State entities for the last 20 years. There is now a need to update and revise the authorizations provided for in the Colorado River Basin Salinity Control Act so that the Bureau of Reclamation [Reclamation] can move ahead in a more responsive and cost-effective way with the portion of the program which Reclamation is responsible for administering. The following statement provides general background as to the purposes and legislative history of the Salinity Control Act and the identified reforms necessary to the act.

#### BACKGROUND

In the 1960's and early 1970's, rising salinity levels in the Lower Colorado River caused great concern because of damages inflicted by salt dissolved in the water. This damage was occurring in the United States and Mexico. In 1972, with the passage of the Clean Water Act, it was apparent that water quality standards needed to be adopted in the United States, and a plan of implementation to meet those water

quality standards needed to be identified. The U.S. Environmental Protection Agency [EPA] published water quality standards for the Colorado River. The United States modified the treaty with Mexico to add to the United States' commitments a water quality parameter.

The Colorado River Basin States were involved in many of the discussions with respect to both the Mexico commitment and the water quality standards. Through the formation of a Colorado River Basin Salinity Control Forum, the States became collectively and formally involved in discussions with Federal representatives concerning the quality of the Colorado River.

At the urging, and with the cooperations of the basin States and the State Department, in 1974, the Colorado River Basin Salinity Control Act was enacted by Congress. That authority became formally known as Public Law 93-320 (88 Stat. 266), the Colorado River Basin Salinity Control Act. That act consisted of two titles. Title I addressed the United States commitment to Mexico, and title II addressed the authorization for programs above Imperial Dam to help control the water quality in the river for the benefit of users in the United States.

The amendments now being proposed in this legislation are exclusively related to title II authorizations. Title I has not been amended since the original enactment in 1974. Title II has received minor modifications as authorities were given to Reclamation to consider salinity control implementation strategies in some additional areas of the Colorado River Basin. More importantly, title II was amended in 1984 by Public Law 98-569 (98 Stat. 2933). The 1984 amendments provided for a formally constituted U.S. Department of Agriculture [USDA] program within the Salinity Control Act. The amendments gave additional responsibilities to the U.S. Bureau of Land Management [BLM] to seek for the cost-effective salinity control strategies. The amendments further described the basin States' cost-sharing responsibilities with respect to the USDA program, and further increased the cost-sharing requirements of the basin States with respect to newly authorized and implemented Reclamation programs.

#### NEEDED REFORMS

The Colorado River Basin Salinity Control Forum [Forum] has perceived for some period of time and need for amendments to the authorization relating to Reclamation's program. It has been felt by the States that the program has, at times, been encumbered by formalities imposed by Reclamation and the authorizing legislation which related to procedures Reclamation used in implementing major water development projects in decades past. It is felt that authorization which

would allow Reclamation to avoid some of these encumbrances and move more expediently and cost effectively to the best salinity control opportunities would ensure compliance with the water quality standards of the Colorado River, and this compliance could be accomplished at less cost.

There is a need to allow Reclamation to consider salinity control strategy implementation in three geographic areas where planning documents have been prepared and cost-effective salinity control strategies have been identified. In the past, for Reclamation to implement salinity strategies in new areas, formal approval by Congress has been required. It is viewed that this is encumbering.

Further, it is felt that Reclamation needs flexibility so that it might move to opportunities with the private sector to cost-share, offer grants, and/or allow the private sector, rather than the Federal Government to contract for the expenditure of appropriated funds. In this manner the limited dollars would not be partially lost through expenses which have been directly identified with the use of Federal procurement procedures.

Last, Reclamation was authorized a ceiling expenditure in 1974 by Congress. After two decades, the funds expended are approaching the authorized ceiling. It is believed that it would be more appropriate for a \$75 million authorization provision be placed on the program. This will allow the salinity program to move forward for approximately 3 to 5 years at proposed spending levels.

The Salinity Forum believes that legislative reform for the Reclamations program should be tailored after authorities given to the USDA by the Congress in 1984. The inspector general for the Department of the Interior released findings in 1993. Those findings are incorporated in a document entitled, "Audit Report, Implementation of the Colorado River Basin Salinity Control Program, Bureau of Reclamation" (March 1993). The above legislative proposals are in keeping with the recommendations of the inspector general.

Earlier this year, Reclamation sent out a broad-based mailing to affected parties and interest groups asking for recommendations concerning the need for potential future efforts by Reclamation with respect to salinity control. Further, Reclamation asked for input as to how the program might possibly be reformulated. The responses received by Reclamation are in keeping with this legislation and it is my understanding that the Bureau of Reclamation is expected to support this bill.

To that end, I appreciate the excellent working relationship that has existed between the Commissioner's Office of the Bureau of Reclamation, the Colorado River Basin Salinity Control

Forum, Senator CAMPBELL's office and my office as we have worked out the details of this legislation.

By Mr. ROCKEFELLER (by request):

S. 2320. A bill to amend title 38, United States Code, to eliminate the requirement that veterans of the Philippine Commonwealth Army and the dependents and survivors of such veterans be paid certain benefits in Philippine pesos; to the Committee on Veterans' Affairs.

#### PHILIPPINES VETERANS CURRENCY ACT

• Mr. ROCKEFELLER. Mr. President, as chairman of the Committee on Veterans' Affairs, I have today introduced, at the request of the Secretary of Veterans Affairs, S. 2320, a bill to eliminate the requirement that veterans of the Philippine Commonwealth Army including members of recognized guerrilla units, and the new Philippine Scouts and their dependents and survivors be paid certain veterans benefits in pesos. The Secretary of Veterans Affairs submitted this legislation to the President of the Senate by letter dated March 15, 1994.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Committee on Veterans' Affairs. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD with Secretary Brown's transmittal letter.

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

S. 2320

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Philippine Veterans Currency Act of 1994".

#### SEC 2. ELIMINATION OF REQUIREMENTS OF PAYMENT OF CERTAIN BENEFITS IN PHILIPPINE PESOS.

(a) IN GENERAL.—Section 107 of title 38, United States Code, is amended—

(1) in the flush matter in subsection (a) below paragraph (3)—

(A) by striking out "in pesos"; and

(B) by striking out "in Philippine pesos"; and

(2) in the flush matter in subsection (b) below paragraph (3)—

(A) by striking out "in pesos"; and

(B) by striking out "in Philippine pesos".

(b) SURVIVORS AND DEPENDENTS' EDUCATIONAL ASSISTANCE.—(1) Section 3532(d) of such title is amended by striking out "in Philippine pesos".

(2) Section 3565(b)(1) of such title is amended by striking out "in Philippine pesos".

THE SECRETARY OF VETERANS AFFAIRS,  
Washington, DC, June 21, 1993.

Hon. THOMAS S. FOLEY,  
Speaker of the House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: There is transmitted herewith a draft bill entitled the "Philippine Veterans Currency Act of 1993." I request that this bill be referred to the appropriate committee for prompt consideration and enactment.

This draft bill would eliminate the requirement that veterans of the Philippine Commonwealth Army, including members of recognized guerrilla units, and the New Philippine Scouts, and their dependents and survivors, be paid certain Department of Veterans Affairs (VA) benefits in pesos. This draft bill would not affect the rate at which payment is made to these beneficiaries; it would only eliminate the restriction on the currency in which payment is made.

Section 107(a) and (b) of title 38, United States Code, provides that the payment to Philippine Commonwealth Army veterans, including members of recognized guerrilla units, and veterans of the so-called New Philippine Scouts of certain VA benefits "shall be made at a rate in pesos as is equivalent to \$0.50 for each dollar authorized." Similarly, section 3565(b)(1) of title 38, United States Code, states that educational assistance allowances authorized by 38 U.S.C. §3532 and the special training allowance authorized by 38 U.S.C. §3542 for children of Commonwealth Army veterans and veterans of the New Philippine Scouts "shall be paid at a rate in Philippine pesos equivalent to \$0.50 for each dollar." This reference to the peso in regard to the payment of certain benefits to Philippine veterans and their dependents and survivors originated in the First Supplemental Surplus Appropriation Rescission Act of 1946, ch. 30, 60 Stat. 6, 14, and the Second Supplemental Surplus Appropriation Rescission Act of 1946, ch. 271, 60 Stat. 221, 224.

The legislative history of these acts contains little reference to payment in pesos and does not explain the rationale for imposing this restriction on the currency for payment. However, we understand that, at the time the Congress enacted the First and Second Supplemental Surplus Appropriation Rescission Acts in 1946, the Philippine government was concerned with maintaining the stability of the Philippine currency in the face of widespread inflation and black-marketing. Shortly thereafter, the Second Congress of the Philippines enacted Republic Act No. 529, approved on June 16, 1950, which made it illegal to require payment of any obligation in gold or in any particular kind of currency other than Philippine currency. Payment of certain veterans' benefits to veterans of the Philippine Commonwealth Army and the New Philippine Scouts and their dependents and survivors in pesos rather than in United States dollars was in keeping with the policy of the Philippine government to maintain the stability of the Philippine currency.

For approximately the past 20 years, these statutory provisions requiring payment to be made in pesos have been implemented by the use of a procedure called "lipsticking" of checks. U.S. Treasury Dept Circular No. 1081, 1st Rev. (Nov. 8, 1972) and 2d Rev. (Dec. 28, 1976), copies enclosed, provided that, to assist the Philippine government in implementing its foreign exchange regulations, checks drawn on the United States Treasury in dollars for delivery to certain Philippine citizens in the Philippines were to be

"lipsticked," i.e., overprinted in red ink with a restrictive legend by the Treasury regional disbursing office in Manila. Under the revised circular, this legend reads: "Payable only in pesos through authorized agent banks of the Central Bank of the Philippines and Postal Offices." General use of the lipsticking procedure apparently began as a result of Note No. 68-533, issued November 27, 1968, by the Department of Foreign Affairs of the Republic of the Philippines, which contained proposals for channeling United States expenditures into the Philippine government banking system. The United States Embassy responded in Note No. 297 dated April 23, 1969, in which it agreed to overprint all United States Treasury dollar checks issued and delivered in the Philippines to Philippine citizens in order to assist in the implementation of Philippine foreign exchange regulations.

Last year the Department of State (DoS) requested that the Department of the Treasury no longer "lipstick" checks issued to Philippine citizens. According to the enclosed February 5, 1992, letter from the First Secretary, Economic Section, American Embassy, Manila, Philippines, the DoS believes that lipsticking is no longer necessary on dollar checks issued to Philippine citizens in the Philippines because of Central Bank Circular 1318, which liberalizes Philippine foreign exchange control measures. VA, however, was unable to agree to elimination of lipsticking of veterans-benefit checks. The VA General Counsel concluded, in O.G.C. Advis. 36-92, that 38 U.S.C. §§107(a) and (b) and 3565(b) do not permit elimination of the restrictive endorsement on checks issued in United States dollars to beneficiaries who are veterans of the Commonwealth Army or the New Philippine Scouts, and their dependents and survivors, who reside in the Philippines. We understand that lipsticking of other Treasury checks issued to Filipinos has been discontinued and that the only checks which are currently lipsticked by the Department of the Treasury are those issued to veterans of the Commonwealth Army and the New Philippine Scouts and their dependents and survivors who are entitled to certain veterans' benefits and who reside in the Philippines.

It appears that the rationale for requiring payment of veterans' benefits in pesos to certain Philippine veterans no longer exists. Congress apparently imposed this restriction in 1946 because it was in keeping with the policy of the Philippine government to maintain the stability of the Philippine currency. However, a February 26, 1992, letter from the Deputy Governor, Central Bank of the Philippines, and a June 1992 cable from the American Embassy, Manila, Philippines, copies enclosed, stated that the Philippine Central Bank and the Department of Foreign Affairs of the Philippine government have indicated no objection to the discontinuation of lipsticking. Rather, the effect of the restrictive endorsement on Treasury checks has seemingly been nullified by a September 8, 1992, circular letter issued by the Central Bank of the Philippines, copy enclosed, which provides that effective October 1, 1992, United States Treasury checks, whether or not they are lipsticked, may be cashed in foreign exchange or converted into pesos at the option of the payee. The circular states that this policy is consistent with Central Bank Circular No. 1353, dated August 24, 1992, copy enclosed, which liberalized Philippine foreign exchange regulations.

In light of the foregoing, we see no reason to continue the requirement that payments

to certain Philippine veterans be made in pesos and recommend that it be eliminated. This proposal would result in no additional benefit costs and would result in insignificant administrative cost savings. We urge that the House promptly consider and pass this legislative item.

Sincerely yours,

JESSE BROWN,  
Secretary.

By Mr. ROCKEFELLER (by request):

S. 2321. A bill to amend title 38, United States Code, to make eligible for burial in the national cemeteries the spouses of veterans who predecease the veterans; to the Committee on Veterans Affairs.

ELIGIBILITY FOR BURIAL IN NATIONAL CEMETERIES

• Mr. ROCKEFELLER. Mr. President, as chairman of the Committee on Veterans' Affairs, I have today introduced, at the request of the Secretary of Veterans Affairs, S. 2321, a bill to restore the statutory eligibility for burial in national cemeteries of spouses who predecease individuals eligible for such burial. The Secretary of Veterans Affairs submitted this legislation to the President of the Senate by letter dated July 26, 1993.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Committee on Veterans' Affairs. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD with Secretary Brown's transmittal letter.

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

S. 2321

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. ELIGIBILITY FOR BURIAL IN NATIONAL CEMETERIES OF SPOUSES WHO PREDECEASE VETERANS.

Section 2402(5) of title 38, United States Code, is amended by striking out "The surviving spouse," and inserting in lieu thereof "The spouse, surviving spouse,".

THE SECRETARY  
OF VETERANS AFFAIRS  
Washington, DC, July 26, 1993.

Hon. THOMAS S. FOLEY,  
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I am forwarding draft legislation to clarify the eligibility of veterans' spouses for burial in national cemeteries. I request that this bill be referred to the appropriate committee for prompt consideration and enactment.

As originally enacted in the National Cemeteries Act of 1973, section 1002(5) (now section 2402(5)) of title 38, United States

Code, governing eligibility for national cemetery burial, authorized interment of the husbands, wives, surviving spouses, and minor children of individuals eligible for national-cemetery burial based on their military service. The Veterans' Benefits Improvement and Health Care Authorization Act of 1986, Pub. L. No. 99-576, §701(54)(B), 100 Stat. 3248, 3295 (1986), made a technical amendment to 38 U.S.C. §1002(5) (now §2402(5)) making that provision gender neutral by deleting reference to the "wife" or "husband" of the eligible individual. As a result, section 2402(5) now refers only to the "surviving spouse," not the spouse, of the eligible person. By providing eligibility for only the "surviving" spouse, this change had the unintended effect of deleting statutory provision for National Cemetery burial of a veteran's spouse who predeceases the veteran.

Department of Veterans Affairs (VA) regulations at 38 C.F.R. §1.620(f) continue to provide eligibility for a spouse who predeceases an eligible individual. The draft bill would restore the reference in the statute to eligibility for the spouse who predeceases the eligible individual.

Because enactment of our proposal would effect only a technical clarification of the law as currently being applied, VA estimates there would be no associated administrative or benefit costs.

The Office of Management and Budget advises that there is no objection from the standpoint of the Administration's program to the submission of this draft bill to the Congress.

Sincerely yours,

JESSE BROWN.

By Mr. ROCKEFELLER (by request):

S. 2322. A bill to amend title 38, United States Code, to increase the cost that the Secretary of Veterans Affairs may incur to pay for a contract burial of a nonservice-connected disabled veteran who dies in a Department of Veterans Affairs facility, and for other purposes; to the Committee on Veterans' Affairs.

INCREASE IN DEPARTMENT OF VETERANS AFFAIRS CONTRACT BURIAL AUTHORITY

• Mr. ROCKEFELLER. Mr. President, as chairman of the Committee on Veterans' Affairs, I have today introduced, at the request of the Secretary of Veterans Affairs, S. 2322, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to pay the actual cost of a contract burial, not to exceed \$600, to bury a nonservice-connected veteran who dies in a Department of Veteran Affairs [VA] facility and for other purposes. The Secretary of Veterans Affairs submitted this legislation to the President of the Senate by letter dated June 21, 1993.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Committee on Veterans' Affairs. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD with Secretary Brown's transmittal letter.

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

S. 2322

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. AMOUNT OF CONTRACT BURIAL COSTS OF NONSERVICE-CONNECTED DISABLED VETERANS WHO DIE IN DEPARTMENT OF VETERANS AFFAIRS FACILITIES.

(a) AUTHORITY.—Paragraph (1) of section 2303(a) of title 38, United States Code, is amended by striking out "within such limits," and inserting in lieu thereof "within such limits (in the case of a service-connected veteran) or at a cost not to exceed \$600 (in the case of a nonservice-connected veteran)."

(b) TECHNICAL AMENDMENT.—Such section is further amended by striking out "section 1701(4)" in the matter above paragraph (1) and inserting in lieu thereof "section 1701(3)".

SEC. 2. REVISED SUBMITTAL DATE FOR REPORT ON ANNUAL ANALYSIS OF DEPARTMENT-WIDE ADMISSIONS POLICIES.

Section 8110(a)(3)(B) of title 38, United States Code, is amended by striking out "December 1" and inserting in lieu thereof "April 1".

THE SECRETARY OF VETERANS AFFAIRS,

Washington, DC, June 21, 1993.

Hon. THOMAS S. FOLEY,  
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Enclosed is a draft bill "To amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to pay the actual cost of a contract burial, not to exceed \$600, to bury a nonservice-connected veteran who dies in a Department of Veterans Affairs (VA) facility and for other purposes." Included in the draft bill is a technical correction to amend section 2303(a) by substituting 1701(3) for 1701(4). Also included in the draft bill is an amendment to extend the bed level report deadline from December 1 to April 1 of the following year. We ask that it be referred to the appropriate committee for prompt consideration and favorable action.

Currently, subsection (a)(1) of section 2303 of title 38, United States Code, grants VA authority to pay the actual cost, not to exceed \$300, to bury a nonservice connected veteran who dies in a VA facility.

We have found that since 1978 when this authority was last increased from \$250 to \$300, funeral expenses have increased significantly. As a result, the \$300 statutory limitation has made it increasingly difficult, in most areas of the country, for the VA to find a mortuary willing to provide traditional funeral and burial services (i.e., preparation of the body, clothing, casket and transportation of the body) for an amount they claim fails to cover their expenses.

The draft bill would buttress and purchasing power of this authority which, since 1978, has been increasingly eroded by inflation. Specifically, it would amend subsection 2303(a)(1) of title 38, United States Code, to authorize the Secretary to pay the actual cost, not to exceed \$600, for a contract burial.

This increase in VA's authority applies to contracts for burial services of unclaimed nonservice-connected veterans. The allowance in the case of a veteran whose remains are claimed by family or friends who assume responsibility for the veteran's burial will remain \$300. A veteran who dies as a result of a service-connected disability will continue to be eligible to receive the higher amount specified in section 2307, title 38, United States Code, for his/her burial.

The change in the statutory limitation from \$300 to \$600 for each contract burial reflects the increased rates charged for such services and would provide the VA with the necessary monetary means to meet those demands.

The technical correction would amend section 2303(a) of title 38, United States Code, by substituting the intended references to section 1701(3), pertaining to "facilities of the Department" for section 1701(4), "non-Department facilities."

Under existing law, VA's Under Secretary for Health must, at the end of each fiscal year, analyze department wide admission policies and available data on the numbers of eligible veterans VA rejects for care or does not provide with timely care. The law further requires the Under Secretary for Health to report on and make recommendations to the Secretary concerning the adequacy of VA operating bed levels, the appropriate distribution of those beds, and the demographic characteristics of the veteran population seeking VA care. The Secretary must then, by December 1 of each year, report that information to the Congress together with recommendations regarding the number of operating beds VA requires to meet the demand, and staffing and funding levels required for such operating bed levels.

Experience has demonstrated that VA cannot gather meaningful data in time to provide the Congress with useful information by December 1 of each year. To meet the report deadline, VA must use incomplete preliminary fiscal year data. Final fiscal year data is generally not available until mid-December. The time required for analysis of that data and development of a report to Congress can also be lengthy.

Consequently, changing the due date for this report to April 1 of the following year would permit VA to furnish the Congress with useful and valid information based on data that has undergone the sort of thorough scrutiny necessary for the Secretary to make meaningful recommendations to the congressional committees needing the report.

VA estimates the costs from enactment of the proposed contract burial of unclaimed nonservice-connected veterans' provision to be \$545,794 in 1994; \$570,355 in FY 1995; \$596,021 in FY 1996; \$622,842 in FY 1997; and \$650,870 in FY 1998.

Enactment of extending the bed level report deadline proposal would entail no new costs.

The Office of Management and Budget advises that there is no objection to the submission of this legislative proposal and that its enactment would be in accord with the program of the President.

Sincerely yours,

JESSE BROWN.●

By Mr. ROCKEFELLER (by request):

S. 2323. A bill to amend title 38, United States Code, to clarify the coverage and protection provided to medical quality assurance records by section

5705 of that title; to the Committee on Veterans' Affairs.

DEPARTMENT OF VETERANS AFFAIRS QUALITY ASSURANCE PROGRAM AMENDMENTS

● Mr. ROCKEFELLER. Mr. President, as chairman of the Committee on Veterans' Affairs, I have today introduced, at the request of the Secretary of Veterans Affairs, S. 2323, a bill to amend title 38, United States Code, to clarify the coverage and protection provided to medical quality assurance records by section 5705 of that title. The Secretary of Veterans Affairs submitted this legislation to the President of the Senate by letter dated March 15, 1994.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Committee on Veterans' Affairs. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD with Secretary Brown's transmittal letter.

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

S. 2323

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. BAN ON DISCLOSURE OF MEDICAL QUALITY ASSURANCE INFORMATION.**

Subsection (a) of section 5705 of title 38, United States Code, is amended—

- (1) by inserting "(1)" after "(a)"; and
- (2) by adding at the end the following:
  - “(2)(A) Except as provided in subsection (b), no part of any medical quality assurance record or document described in subsection (a)(1) may be subject to discovery or admitted into evidence in any judicial or administrative proceeding.
  - “(B) An individual who reviews or creates medical quality assurance records or documents for the Department or who participates in any proceeding that reviews or creates such records or documents may not be permitted or required to testify in any judicial or administrative proceeding with respect to such records or documents or with respect to any finding, recommendation, evaluation, opinion, or action taken by such person in connection with such records or documents except as provided in this section.”.

**SEC. 2. DISCLOSURE AUTHORITY.**

(a) CLARIFICATION OF COVERAGE.—Subsection (b)(1) of section 5705 of title 38, United States Code, is amended by striking out “or document” in the matter above subparagraph (A) and inserting in lieu thereof “, document, or testimony”.

(b) DISCLOSURE FOR PROFESSIONAL USE.—Such subsection is further amended by adding at the end the following:

“(E) In an administrative or judicial proceeding commenced by a criminal or civil law enforcement agency or instrumentality referred to in subparagraph (C), but only concerning the subject of such proceeding.

**SEC. 3. LIMITATION ON DISCLOSURE.**

Paragraph (3) of section 5705(b) of title 38, United States Code, is amended to read as follows:

“(3) A person or entity having possession of, or access to, information, records, or documents, or testimony relating thereto, that is subject to the provisions of this section may not disclose such information, records, or documents, or any testimony relating thereto, in any manner or for any purpose except for a purpose as provided in this subsection. No person or entity to whom a record or document has been disclosed under this subsection shall make further disclosure of such record or document except for a purpose provided in this subsection.”.

**SEC. 4. ACCESS TO RECORDS.**

Subsection (b) of section 5705 of title 38, United States Code, is amended by adding at the end the following:

“(7) Medical quality assurance records and documents described in subsection (a) which are subject to section 552a of title 5 may not be disclosed in accordance with that section except to the extent that such disclosure is also authorized under this section.

“(8) Medical quality assurance records or documents described in subsection (a) which are also subject to section 552a of title 5—

“(A) shall not be subject to the access provisions of such section 552a to the extent that such access would reveal the identities of participants in the quality assurance process which generated the records or documents; and

“(B) are not subject to the amendment provisions of such section 552a.

“(9) Medical quality assurance records and documents described in subsection (a) may not be made available to any person under section 552 of title 5.”.

**SEC. 5. REGULATIONS.**

Subsection (d)(2) of section 5705 of title 38, United States Code, is amended by striking out “specified in” and inserting in lieu thereof “accomplished in accordance with”.

“(F) To a governmental board or agency or to a professional health care society or organization, if such record or document is needed by the board, agency, society, or organization to issue a professional license or credential to or to monitor the compliance with professional standards of any health care provider who is or was an employee of the Department.

“(G) To a hospital, medical center, or other institution that provides health care services, if such record or document is needed by the institution to assess the professional qualifications of any health care provider who is or was an employee of the Department and who has applied for or been granted authority or employment to provide health care services in or on behalf of such institution.

“(H) To an administrative or judicial proceeding commenced by a present or former Department health care provider concerning the termination, suspension or limitation of the clinical privileges of such health care provider, or concerning any adverse action involving such health care provider, but only to the extent that such records or documents relate to the clinical conduct or performance of the individual who has commenced the action.”.

(c) REMOVAL OF IDENTITIES.—Subsection (b)(2) of such section is amended by striking out “if disclosure” and all that follows through “personal privacy” and inserting in lieu thereof “subparagraphs (1)(A) and (1)(B) of this subsection”.

**SEC. 3. LIMITATION ON DISCLOSURE.**

Paragraph (3) of section 5705(b) of title 38, United States Code, is amended to read as follows:

“(3) A person or entity having possession of, or access to, information, records, or documents, or testimony relating thereto, that is subject to the provisions of this section may not disclose such information, records, or documents, or any testimony relating thereto, in any manner or for any purpose except for a purpose as provided in this subsection. No person or entity to whom a record or document has been disclosed under this subsection shall make further disclosure of such record or document except for a purpose provided in this subsection.”.

**SEC. 4. ACCESS TO RECORDS.**

Subsection (b) of section 5705 of title 38, United States Code, is amended by adding at the end the following:

“(7) Medical quality assurance records and documents described in subsection (a) which are subject to section 552a of title 5 may not be disclosed in accordance with that section except to the extent that such disclosure is also authorized under this section.

“(8) Medical quality assurance records or documents described in subsection (a) which are also subject to section 552a of title 5—

“(A) shall not be subject to the access provisions of such section 552a to the extent that such access would reveal the identities of participants in the quality assurance process which generated the records or documents; and

“(B) are not subject to the amendment provisions of such section 552a.

“(9) Medical quality assurance records and documents described in subsection (a) may not be made available to any person under section 552 of title 5.”.

**SEC. 5. REGULATIONS.**

Subsection (d)(2) of section 5705 of title 38, United States Code, is amended by striking out “specified in” and inserting in lieu thereof “accomplished in accordance with”.

SECRETARY OF VETERANS AFFAIRS,

Washington, DC, March, 15, 1994.

Hon. THOMAS S. FOLEY,

Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: There is transmitted herewith a draft bill to amend the statute which provides for the confidentiality of specified medical quality assurance program records of the Department of Veterans Affairs (VA). This statute, section 5705 of title 38, United States Code, was originally enacted in 1980 to ensure the continued participation of VA health care practitioners in the peer review process essential to any successful medical quality assurance program at VA medical facilities. (This process is often also called quality management.) Protection of the discussions, deliberations and other peer review activities of health care practitioners is widely accepted in the medical community as necessary to obtain the full and frank evaluation of health care practitioners by their peers. As far as we can determine, almost every state has a similar statute, and in 1986 Congress enacted a statute, 10 U.S.C. §1102, which is based on section 5705, to provide for the confidentiality of Department of Defense Medical Quality Assurance Peer Review Program records.

Since the enactment of section 5705 in 1980, the nature of quality assurance activities conducted by all types of health care facilities, including VA medical centers, has evolved and grown more sophisticated, as have the uses of data and information generated by those activities. Many of these changes have come as a result of the Joint Commission on Health Care Organizations' (JCAHO) directives. The JCAHO actions have been directed at VA medical facilities as well as non-VA institutions, and are integral to continued JCAHO accreditation of VA health care facilities.

In other words, many factors compel the Department to seek to amend section 5705 at this time. These factors include: the continued need to ensure the confidentiality of peer review activities and documents reflecting those activities in order to obtain full and frank evaluations of the medical care provided the Nation's veterans so that VA may improve that care; the continuing evolution in what constitutes quality assurance activities; the changing uses to be made of that data; the directives of the JCAHO which must be met concerning activities and uses of data generated in those activities in order to ensure continued accreditation of VA medical facilities by JCAHO; the Department's experiences after approximately 12 years with the current statute; discussions with DoD personnel concerning implementation of 10 U.S.C. §1102; and discussions with the Department of Justice personnel concerning issues relating to defending the confidentiality of VA quality assurance records in litigation.

The purpose of these proposed amendments to section 5705 is to ensure the viability of the quality assurance process while continuing to provide for the confidentiality of the records and activities essential to the success of that process, and hence, to the improvement of medical care for VA beneficiaries.

Several of the amendments are derived from language in the DoD statute. Section 5705 now plainly states that records protected by the statute are privileged and confidential and cannot be disclosed outside VA except as expressly authorized by the statute. Despite this clear bar against disclosure, VA repeatedly is involved in litigation in

which parties seek access to medical quality assurance records protected by section 5705 or to the testimony of the individuals who participated in the activity which created the records. (Such litigation has been unsuccessful in the past, but the need to continually re-litigate the issue is burdensome.)

The DoD statute, section 1102, goes into more detail than section 5705, expressly barring release of records in judicial or administrative proceedings and barring testimony about the activities reflected in, or contents of, the records. Incorporation of this more detailed explanatory section 1102 language into section 5705 would make clear that the general bar of section 5705 applies to the most commonly occurring situations which are specifically addressed in section 1102. Accordingly, the proposed legislation incorporates the language of subsection 1102(b) as subsection (a)(2) of section 5705.

Similarly, section 5705-protected records are protected from disclosure under the Freedom of Information Act (FOIA), 5 U.S.C. §552, as are records protected by section 1102. However, section 1102 specifically bars release of medical quality assurance records under FOIA. The proposed amendment would incorporate this language from subsection 1102(f) into subsection 5705(b)(9).

Further, the adoption of language similar to the language in subsection 1102(e) as part of subsection 5705(b)(3) would ensure that prohibition against disclosure or redisclosure of section 5705-protected records applies to any individual who has access to the records.

Section 1102(c)(1) authorizes the disclosure of medical quality assurance records in certain situations in which the VA currently may not release its similar section 5705-protected medical quality assurance records. These section 1102 disclosure authorities are more consistent with the uses now made of quality assurance data by medical facilities generally. For example, JCAHO now requires medical facilities to use quality assurance information in deciding whether to grant, renew, limit or revoke the clinical privileges of health care practitioners in those facilities. Similarly, a protected quality assurance investigation may reveal that disciplinary or other adverse personnel action is necessary against a health care professional for his or her activities or conduct in the matter investigated in the quality assurance process. Use of this type of information for these purposes necessarily requires disclosure of that information in certain circumstances, including disclosures in administrative and judicial proceedings.

Currently, in both situations, VA must re-create the information first created as part of a protected quality assurance activity in order to be able to use it and release it as required in the course of either making or defending a privileging decision, and in the course of either making or defending a disciplinary or other adverse personnel action, particularly when defending VA's actions in court because section 5705 currently bars disclosure of confidential and privileged records in court. It is unnecessarily burdensome for the VA to be required to re-create the information contained in section 5705 records in a nonsection 5705 process and to maintain these duplicate records in order to be able to use the data as JCAHO now requires, or as commonly used elsewhere in the medical community.

Section 5705 requires the deletion of personally identifying information before disclosure of the medical quality assurance records outside VA if the disclosure would

constitute a clearly unwarranted invasion of the personal privacy of VA patients and employees as well as participants in the quality assurance activity. Section 1102 simply requires deletion of the identifying information. The proposed amendment adopts the section 1102 redaction procedure in those situations where it appears that the recipient would have no need for the identifying data.

Currently, the Department does not file or retrieve section 5705 medical quality assurance records by the name of any individual. The rationale is that the disclosure authorities of the two statutes are not identical; the Privacy Act permits, and in some instances, section 5705 requires, disclosure of records in situations not authorized by the other. Thus, if section 5705 records were to be retrieved by an individual identifier, disclosure of the record might require VA to violate one of the two statutes. Yet, VA is facing an increasing need to file these records by the name or other individual identifier in order to be able to effectively use them in the privileging process because JCAHO requires health care facilities to use the data for that purpose. The proposed amendment resolves this conflict between the two statutes' disclosure provisions by providing that section 5705 records retrieved by an individual's name may be disclosed only when both statutes authorize the disclosure.

Further, the legislation addresses the related problem of the individual health care provider's Privacy Act rights of access to, and amendment of, individually identified and retrieved section 5705 records about that individual by treating the records as records are treated under subsection (k) of the Privacy Act, particularly paragraphs (k) (2) and (5). Specifically, the individual normally would have a right to access to the records without information identifying quality assurance review activity participants, particularly identifying information concerning those health care professionals who had reviewed the clinical actions of the individual.

Additionally, in these situations, the individual would not be able to amend section 5705-protected records. This result is also similar to case law concerning Privacy Act records generally that where individuals have a comprehensive remedial scheme, such as in the Civil Service Reform Act, that scheme constitutes a jurisdictional bar to challenging Federal employment decisions by means of the amendment provision of the Privacy Act. See, e.g., *Kleiman v. Department of Energy*, 956 F. 2d 335 (D.C. Cir. 1992); *Houlihan v. Office of Personnel Management*, 909 F. 2d 383 (9th Cir. 1990) (per curiam). VA health care professionals either are subject to the Civil Service Reform Act or have a similar remedial scheme in title 38.

The Office of Management and Budget advises that there is no objection from the standpoint of the Administration's program to the submission of this report and legislative proposal to the Congress.

Sincerely yours,

JESSE BROWN. •

By Mr. ROCKEFELLER (by request):

S. 2324. A bill to amend title 38, United States Code, to provide that employees appointed under chapters 73 and 74 of that title have protection against certain prohibited personnel practices; to the Committee on Veterans' Affairs.

PROTECTION AGAINST PROHIBITED PERSONNEL PRACTICES FOR CERTAIN VA EMPLOYEES

• Mr. ROCKEFELLER. Mr. President, as chairman of the Committee on Veterans' Affairs, I have today introduced, at the request of the Secretary of Veterans Affairs, S. 2324, a bill to amend title 38, United States Code, to provide to employees appointed under that title, protection from prohibited personnel practices. The Secretary of Veterans Affairs submitted this legislation to the President of the Senate by letter dated June 21, 1993.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Committee on Veterans' Affairs. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD with Secretary Brown's transmittal letter.

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

S. 2324

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. PROTECTION AGAINST CERTAIN PROHIBITED PERSONNEL PRACTICES.**

(a) IN GENERAL.—Subchapter II of chapter 74 of title 38, United States Code, is amended by adding at the end the following:

**“§ 7427. Protection from prohibited personnel practices**

“(a)(1) The provisions of law referred to in paragraph (2) apply to any individual appointed as an employee of the Veterans Health Administration under chapter 73 of this title or under this chapter.

“(2) The provisions of law referred to in paragraph (1) are sections 1212, 1213, 1214, 1215, 1216, 1221, 1222, and 2302 of title 5.

“(b) The authority of the Merit Systems Protection Board and of the Office of Special Counsel to review any personnel action under the authority provided for under a provision of law referred to in subsection (a) shall apply only to the extent specified in the provision of law.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7426 the following new item:

“7427. Protection from prohibited personnel practices.”.

Hon. THOMAS S. FOLEY,  
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: We are transmitting a draft bill, “To amend title 38, United States Code, to provide to employees appointed under that title, protection from prohibited personnel practices.” We request that it be referred to the appropriate committee for prompt consideration and enactment.

This proposal would amend title 38 U.S.C. to provide to title 38 employees (VA medical professionals such as physicians, dentists

and nurses) the same protections against prohibited personnel practices, including protection against reprisal for whistleblowing, that apply to other Federal employees. Thus, the bill would establish that the protections apply to title 38 employees; the independent Office of Special Counsel's investigatory and enforcement authorities apply to title 38 employees; title 38 employees could seek Merit Systems Protection Board review of whistleblowing claims; and the WPA's reduced burden of proving whistleblowing claims applies to title 38 employees. The proposal would emphasize that the Office of Special Counsel and the Merit Systems Protection Board are limited to reviewing title 38 employees claims solely on title 5 grounds.

Congress originally enacted the protections against prohibited personnel practices as part of the Civil Service Reform Act. VA has always viewed these protections as applying to title 38 under VA's separate and exclusive personnel system for medical professionals. Congress strengthened these protections when it enacted the Whistleblower Protection Act (WPA). The WPA authorized Federal employees to seek review of whistleblower claims by the Merit Systems Protection Board (MSPB). The MSPB, however, ruled in *Alvarez v. VA*, 49 M.S.P.R. 682 (1991), that title 38 medical professionals could not seek MSPB review of their whistleblowing claims because they were limited to the review mechanisms of the title 38 personnel system.

In strengthening whistleblower protections, the WPA changed the burden of proof to make it easier for whistleblowers to establish their claims. Moreover, even though title 38 whistleblowers may raise their claims under the title 38 personnel system, the revised easier burden of proof under the WPA would not apply. In this regard, the House Committee on Government Operations found that protections for title 38 whistleblowers to be inadequate in the absence of WPA protections, and recommended remedial legislation. *Continuing Deficiencies in the Department of Veterans Affairs Medical Quality Assurance Program*, H. Rep. No. 1062, 102d Cong., 2d Sess. 20 (1991).

This proposal would confirm that prohibited personnel practices protections, including protection against whistleblower reprisal, apply to title 38 employees to the same extent as they apply to other Federal employees. The proposal additionally would confirm that the expanded protections of WPA apply to VA medical professionals, including independent investigation by the Office of Special Counsel and review by MSPB. There are no costs associated with this proposal.

The Office of Management and Budget advises that there is no objection from the standpoint of the Administration's program to the submission of this legislative proposal to the Congress.

Sincerely yours,

JESSE BROWN.

ANALYSIS OF DRAFT BILL

The bill would add a new section, 7427 to title 38, United States Code, to provide to title 38 employees the same protections against prohibited personnel practices, including protection against reprisal for whistleblowing, that apply to other Federal employees.

Proposed section 7427(a) would confirm that title 5 provisions protecting Federal employees against prohibited personnel practices apply to title 38 employees. In addition,

it would confirm that the Office of Special Counsel's investigative, corrective action and disciplinary authorities apply to title 38 employees. This subsection also would provide title 38 employees with the right to seek review of whistleblowing claims by the Merit Systems Protection Board.

Proposed section 7427(b) would emphasize that the Office of Special Counsel and the Merit Systems Protection Board review of allegations of prohibited personnel practices involving title 38 employees is limited to title 5 grounds.●

By Mr. ROCKEFELLER (for himself, Mr. AKAKA, Mr. DASCHLE, and Mr. CAMPBELL):

S. 2325. A bill to amend certain laws under the jurisdiction of the Secretary of Veterans Affairs to reauthorize programs relating to substance abuse and homeless assistance for veterans, to authorize a demonstration program to provide assistance to homeless veterans, and for other purposes; to the Committee on Veterans' Affairs.

PROGRAMS TO ASSIST HOMELESS VETERANS

• Mr. ROCKEFELLER. Mr. President, as chairman of the Committee of Veterans' Affairs, I am pleased to introduce, with the cosponsorship of Senators AKAKA, DASCHLE and CAMPBELL, a bill that would reauthorize several important programs to assist veterans who suffer from homelessness and substance abuse problems, and establish a demonstration project in which VA would form partnerships with community-based organizations to provide assistance to homeless veterans.

Mr. President, studies reveal that between 30 and 40 percent of those who are homeless are veterans. More than half of all homeless veterans suffer from substance abuse problems, one-third from mental illnesses, and many from both disorders. This situation is tragic and, unfortunately, very difficult to address. Homeless veterans with substance abuse problems or mental illnesses are often the most difficult to reach and to rehabilitate. Short-term detoxification and shelter beds provide only the first steps in homeless veterans' recovery and reintegration into society.

In some cases, the reasons veterans become homeless are closely linked to their military service—war-related trauma like post-traumatic stress disorder, service-connected disabilities, economic hardship, missed opportunities from being in the service, and lack of job skills. Such a wide array of problems demands a wide array of services.

Mr. President, in an attempt to address this problem, Congress and the Department of Veterans Affairs have developed several highly innovative and successful programs for homeless veterans which provide outreach and contracting services, domiciliary care, work therapy, job training, and grants to community-based organizations that serve homeless veterans. The Administration's recently published “Federal Plan to Break the Cycle of Homelessness,” cites VA on several occasions as

a model homeless assistance provider. While commenting on the needs of the homeless generally, the Federal plan states:

[a]ccommodating the diversity and range of assistance needs among homeless persons will require the development of comprehensive, yet flexible, community-based continuums of care, much like those VA is working to develop through its Comprehensive Homeless Centers.

Mr. President, community-based organizations also provide an essential component in the array of services to homeless veterans. Organizations around the country provide food, shelter, clothing, education, training, job opportunities, and many other services. One of the most visible signs of communities reaching out to assist homeless veterans has been the increasing number of stand-downs. A stand-down is typically a 2- or 3-day event in which community volunteers give homeless veterans a safe haven from the streets and shelters, and provide them with a myriad of medical, economic, and personal assistance. There have been nearly 60 stand-downs held or planned for this year—nearly twice the number as in 1993.

Mr. President, the bill that I introduce today would, among other things, reauthorize several innovative VA programs to help veterans who suffer from homelessness and substance abuse. It also would authorize a demonstration project that would authorize a cooperative partnership between VA and community-based organizations to assist homeless veterans.

#### SUMMARY OF PROVISIONS

Mr. President, the bill I am introducing contains a stand-alone provision and amendments to title 38, the Stewart B. McKinney Homeless Assistance Act, and various public laws that would:

First, reauthorize until September 30, 1996, the Compensated Work Therapy/Transitional Residence Program for veterans who suffer from severe substance abuse problems and homelessness;

Second, make permanent VA's authority to contract with non-VA halfway houses for rehabilitation services for veterans with substance abuse problems;

Third, authorize appropriations, through fiscal year 1997, for the Homeless Veterans' Reintegration Project, a program administered by the Department of Labor to assist homeless veterans to receive job training and employment opportunities;

Fourth, reauthorize until September 30, 1998, the Homeless Chronically Mentally Ill Program, which provides outreach and contract care in non-VA facilities for homeless veterans with severe mental illnesses, and codify the program in title 38;

Fifth, require VA to submit an annual report on its activities to assist

homeless veterans, including information on the number of homeless veterans served and the costs to the Department of its activities, and to report bi-annually on the effectiveness of these activities;

Sixth, require that VA complete an assessment of the needs of homeless veterans, as required by Public Law 102-405, report its findings to the Senate and House Committees on Veterans' Affairs by December 31, 1994, and update this report annually for 3 years;

Seventh, establish up to five homeless veterans demonstration projects in various locations that would combine VA case management services and community-based organization housing and employment programs.

Eighth, raise the limit on the number of comprehensive homeless centers that VA may establish from 4 to 12; and,

Ninth, remove the requirement in the Homeless Veterans Comprehensive Service Programs Act of 1992 that funds for various initiatives in that law be specifically provided for in an appropriations law.

#### DISCUSSION

##### REAUTHORIZATION OF DEMONSTRATION PROGRAM OF COMPENSATED WORK THERAPY AND THERAPEUTIC TRANSITIONAL HOUSING

Mr. President, section 1 of the bill would reauthorize for 2 years a demonstration program that provides veterans with compensated work therapy and therapeutic transitional housing [CWT/TR]. The current authority for this program expires at the end of this fiscal year.

The CWT/TR program, enacted in 1991, authorizes VA to purchase and renovate 50 residences as therapeutic transitional houses for chronic substance abusers, many of whom are also homeless, jobless, and have mental illnesses. Veterans must pay rent from money earned by working from private businesses or Federal agencies which have contracts with VA to employ the veterans. Once the residence is fully renovated and operational, the rent collected from the veterans participating in the program generally has exceeded the operating costs of the residence.

Mr. President, 36 therapeutic residences are fully operational, with the remaining 14 to be completed by the end of the year. While the long-term benefits of this demonstration program may be difficult to determine at this point, it appears to have had initial success. Well over half of participating veterans complete the program and have enjoyed substantially better sobriety, employment, and housing status than before entering the program. Also, the concept of VA case management services linked with therapeutic employment and training remains attractive and worthy of more study. The demonstration project that would be authorized by section 7 of this bill, and

which I will discuss later, is based on the CWT/TR model.

##### PERMANENT AUTHORITY TO PROVIDE TREATMENT AND REHABILITATION FOR ALCOHOL OR DRUG DEPENDENCE OR ABUSE DISABILITIES

Mr. President, my bill would make permanent VA's authority to contract with non-VA halfway houses for rehabilitation services for veterans with substance abuse problems. The programs' current authority expires on December 31, 1994.

This contract program was first authorized in 1979 and has become one of VA's most important substance abuse treatment programs. It operates at 110 medical centers and treated 6,300 veterans in fiscal year 1993. The administration's fiscal year 1995 budget request assumes that Congress will reauthorize this program. The program would continue to be funded within VA's medical care budget. Granting VA the permanent authority to contract with non-VA halfway houses gives solidity and continuity to a program that has proved its worth over time and will remain an integral part of VA's treatment of veterans with substance abuse.

##### REAUTHORIZATION OF HOMELESS VETERANS' REINTEGRATION PROJECTS

Mr. President, section 3 would reauthorize the homeless veterans' reintegration projects [HVRP] through fiscal year 1997. Under the HVRP, established under the Stewart B. McKinney Homeless Assistance Act of 1987, the Department of Labor Veterans Employment and Training Service is authorized to provide grants on a competitive basis to community-based organizations to provide employment training and placement to homeless veterans.

This grant program has been appropriated only \$5 million per year in recent years, and has assisted 32 community groups with programs to help homeless veterans reintegrate back into the labor force. Although small, HVRP offers a crucial element in the continuum of services that homeless veterans need.

##### AUTHORITY FOR COMMUNITY-BASED RESIDENTIAL CARE FOR HOMELESS CHRONICALLY MENTALLY ILL AND OTHER VETERANS

Mr. President, section 4 of my bill would reauthorize for 4 years the Homeless Chronically Mentally Ill [HCMI] Program, and codify the program in title 38, United States Code. The HCMI Program, one of the two major VA homeless programs, authorizes VA outreach workers to contact homeless veterans in the community, assess and refer veterans to community services, and place eligible veterans in contracted community-based residential treatment facilities.

Mr. President, the HCMI Program was enacted in 1987 as a pilot program with a budget of only \$5 million. It has been reauthorized several times but remains a pilot program, despite the fact

that it operates out of 57 medical centers and has a \$29 million budget. Re-authorizing and codifying this program in chapter 17, title 38, would clarify its current authority, heighten its status, and demonstrate the persistence of homelessness. Similar to the contract program for veterans with chronic substance abuse programs, which I propose to make permanent in section 1, the HCMI program has proven its worth long ago and should be among the title 38 programs to assist homeless veterans.

REPORTS ON ACTIVITIES OF THE DEPARTMENT OF VETERANS AFFAIRS TO ASSIST HOMELESS VETERANS

Mr. President, my bill would require VA to submit an annual report on its activities to assist homeless veterans, including information on the numbers of homeless veterans served and the costs to the Department of its activities, and to report biannually on the effectiveness of these activities.

Mr. President, the Department is, to a large degree, already fulfilling the reporting requirements under this provision. The Northeast Program Evaluation Center, in West Haven, CT, conducts in-depth analyses of many VA specialized programs, including programs for veterans who suffer from PTSD and severe mental illness, substance abuse, and homelessness.

Section 5 of my bill would ensure that the Department continues to share these important studies with Congress to assist policymaking and oversight of VA programs for homeless veterans. An annual report that describes VA's previous year activities to assist homeless veterans and information on the number of veterans served and cost of homeless programs would be submitted to assist Congress with yearly funding decisions. Also, on a bi-annual basis, VA would be required to submit, in conjunction with the above information, an analysis of the effectiveness of its homeless programs.

REPORT ON ASSESSMENT AND PLANS FOR RESPONSE TO NEEDS OF HOMELESS VETERANS

Mr. President, section 6 of my bill would require VA to complete an assessment of the needs of homeless veterans, as required by Public Law 102-405, report its findings to the Senate and House Committees on Veterans' Affairs by December 31, 1994, and update this report annually for 3 years.

Public Law 102-405 required the Secretary to assess programs developed by facilities of the Department which have been designed to assist homeless veterans. In carrying out this assessment, the Secretary is directed to require the director of each VA medical center and regional office to assess the needs of homeless veterans within the area served by the facility, including veterans' needs for health care, education and training, employment, shelter, counseling, and outreach services. Also, the directors are required, along

with other local officials and homeless service providers, to develop a list of all public and private programs to assist homeless persons in the areas served by the VA facilities.

Mr. President, Public Law 102-405 was enacted nearly 2 years ago. Although an interim report was submitted to the committee in June 1993, the Department has progressed slowly in fulfilling the requirements of the law. The Department pointed out at a February 23, 1994, hearing on homeless veterans that Congress did not place a submission deadline for the survey required in Public Law 102-405. Section 6 of this bill would do just that. The Secretary would be required to submit this report to the committee by December 31, 1994. At the hearing, I was pleased to learn that work had begun to complete this survey; therefore, I feel December 31, 1994, is a reasonable deadline.

DEMONSTRATION PROGRAM OF DEPARTMENT OF VETERANS AFFAIRS AND COMMUNITY-BASED ORGANIZATION PARTNERSHIPS TO ASSIST HOMELESS VETERANS

Mr. President, section 7 of the bill would establish up to five homeless veterans demonstration projects in various locations that would combine VA case management services and community-based organization [CBO] housing and employment programs.

We are constantly challenged to find new and better ideas to assist the variety of needs of the homeless, despite fewer and fewer resources to dedicate to these needs. There are many programs run by Federal, State, and local governments, community and church organizations, and private citizens, to assist the homeless. Unfortunately, these programs frequently compete with one another for funds and, as a result, do not work together or share good ideas.

Mr. President, the demonstration project that I am proposing seeks to forge partnerships among homeless veterans service providers, capitalizing on the strengths of both VA and community organizations. VA would provide clinical staff and case managers from a local medical center, and the CBO's would provide housing and employment services to homeless veterans. These partnerships should be cost effective and provide the continuum of care that homeless veterans need.

Specifically, the Secretary would be required to enter into agreements with up to five CBO's that encourage veterans to assume homelessness, provide transitional housing and employment training or placement assistance, collect rent from the employment-related income of the veterans, and use the rent to offset program expenses. The Secretary would make available to the CBO clinicians from the local VA medical center to provide veterans with case management, substance abuse counseling, basic medical care, and re-

ferred to other VA health and benefits programs.

Mr. President, this program would be similar to VA's successful Compensated Work Therapy/Transitional Residence Program that I described earlier. The important difference is that, under this program, veterans would receive housing and employment services from community-based organizations, instead of VA.

REVISIONS TO HOMELESS VETERANS COMPREHENSIVE SERVICE PROGRAMS ACT OF 1992

Mr. President, section 8 of my bill would make some revisions to the Homeless Veterans Comprehensive Service Programs Act of 1992, Public Law 102-590.

First, this provision would raise the limit on the number of comprehensive homeless centers [CHC] that VA may establish from 4 to 12. A CHC is a system of VA homeless veteran programs located in close proximity to each other which provide a comprehensive continuum of care for veterans. The CHC may include programs that provide outreach and contracting, work therapy, health care, domiciliary care, a day-time drop-in center, and other services.

Mr. President, Public Law 102-590 limited the number of CHCs that could be established to four because the cost estimate for that act assumed all of the components of the CHC would have to be established from scratch. However, VA established the CHCs in areas that had a number of the components already in place, adding only the components necessary to complete the system of services needed. VA has established the four CHCs authorized by law, and indicated that it would like to expand the number of CHC's. This provision would raise the limit on the number of CHCs with the understanding that VA would establish additional CHCs without additional resources specifically targeted for such expansion.

Second, this provision would remove the requirement in Public Law 102-590 that funds for various initiatives in that law be specifically provided for in an appropriations law. Removal of this requirement is consistent with the 1994 appropriations conference agreement.

CONCLUSION

Mr. President, we owe a tremendous debt of gratitude to the men and women who served in the armed services and kept our country safe and secure. What we owe in return for their sacrifices, at the minimum, is safety and security from homelessness. I strongly urge my colleagues to support this measure.

Mr. President, I ask unanimous consent that the text of the bill be inserted in the RECORD.

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

S. 2325

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**SECTION 1. REAUTHORIZATION OF DEMONSTRATION PROGRAM OF COMPENSATED WORK THERAPY AND THERAPEUTIC TRANSITIONAL HOUSING.**

Section 7(a) of Public Law 102-54 (38 U.S.C. 1718 note) is amended by striking out "fiscal years 1991 through 1994" and inserting in lieu thereof "fiscal years 1991 through 1996".

**SEC. 2. PERMANENT AUTHORITY TO PROVIDE TREATMENT AND REHABILITATION FOR ALCOHOL OR DRUG DEPENDENCE OR ABUSE DISABILITIES.**

Section 1720A of title 38, United States Code, is amended by striking out subsection (e).

**SEC. 3. REAUTHORIZATION OF HOMELESS VETERANS' REINTEGRATION PROJECTS.**

Section 738(e)(1) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11448(e)(1)) is amended by striking out subparagraphs (A), (B), and (C) and inserting in lieu thereof the following new subparagraphs:

"(A) \$14,000,000 for fiscal year 1995.

"(B) \$16,000,000 for fiscal year 1996.

"(C) \$18,000,000 for fiscal year 1997."

**SEC. 4. AUTHORITY FOR COMMUNITY-BASED RESIDENTIAL CARE FOR HOMELESS CHRONICALLY MENTALLY ILL AND OTHER VETERANS.**

(a) IN GENERAL.—Subchapter II of chapter 17 of title 38, United States Code, is amended by adding at the end the following:

**"§ 1720E. Community-based residential care for homeless chronically mentally ill and other veterans**

"(a)(1) The Secretary may provide care and treatment and rehabilitative services (directly or by contract) in halfway houses, therapeutic communities, psychiatric residential treatment centers, and other community-based treatment facilities to homeless veterans suffering from chronic mental illness disabilities who are eligible for care under section 1710(a)(1) of this title.

"(2) In providing care and treatment and rehabilitative services under paragraph (1), the Secretary may also provide such care and treatment and rehabilitative services—

"(A) to veterans being furnished hospital or nursing home care by the Secretary for a chronic mental illness disability; and

"(B) to veterans with service-connected chronic mental illness disabilities.

"(b) Before furnishing care and treatment and rehabilitative services by contract under subsection (a) to a veteran through a facility described in subsection (a), the Secretary shall approve (in accordance with criteria which the Secretary shall prescribe) the quality and effectiveness of the program operated by such facility for the purpose for which such veteran is to be furnished such care and services.

"(c)(1) The Secretary may provide in-kind assistance (through the services of Department employees and the sharing of other Department resources) to a facility described in subsection (a) under this section. The Secretary shall provide such assistance to a facility under a contract between the Secretary and the facility.

"(2) The Secretary may provide assistance under paragraph (1)—

"(A) only for use solely in the furnishing of appropriate care and services under this section; and

"(B) only if, under such contract, the Secretary receives reimbursement for the full cost of such assistance, including the cost of

services and supplies and normal depreciation and amortization of equipment.

"(3) Reimbursement under paragraph (2)(B) may be made by reduction in the charges to the United States or by payment to the United States.

"(4) Any funds received through reimbursement under paragraph (3) shall be credited to funds allotted to the Department facility that provided the assistance.

"(d) The Secretary may not provide care and treatment and rehabilitative services under this section after September 30, 1998."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1720D the following new item:

"1720E. Community-based residential care for homeless mentally ill and other veterans."

(c) REPEAL OF SUPERSEDED AUTHORITY.—Section 115 of the Veterans' Benefits and Services Act of 1988 (38 U.S.C. 1712 note) is repealed.

**SEC. 5. REPORTS ON ACTIVITIES OF THE DEPARTMENT OF VETERANS AFFAIRS TO ASSIST HOMELESS VETERANS.**

(a) ANNUAL REPORT.—(1) Not later than February 1 of each year, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the activities of the Department of Veterans Affairs during the year preceding the report under programs of the Department for the provision of assistance to homeless veterans.

(2) The report shall—

(A) set forth the number of homeless veterans provided assistance under such programs;

(B) describe the cost to the Department of providing such assistance under such programs; and

(C) provide any other information on such programs and on the provision of such assistance that the Secretary considers appropriate.

(b) BI-ANNUAL REQUIREMENT.—The Secretary shall include in the report submitted under subsection (a)(1) in 1995, and every 2 years thereafter, an evaluation of the effectiveness of the programs of the Department in providing assistance to homeless veterans.

**SEC. 6. REPORT ON ASSESSMENT AND PLANS FOR RESPONSE TO NEEDS OF HOMELESS VETERANS.**

(a) UPDATE ON ASSESSMENT.—Subsection (b) of section 107 of the Veterans' Medical Programs Amendments of 1992 (Public Law 102-405; 106 Stat. 1977; 38 U.S.C. 527 note) is amended by adding at the end the following:

"(6) The Secretary shall require that the directors referred to in paragraph (1) update the assessment required under that paragraph in each of 1995, 1996, and 1997."

(b) REPORTS ON ASSESSMENTS AND PLAN.—Subsection (1) of such section 107 (106 Stat. 1978) is amended—

(1) by striking out "REPORT.—" and inserting in lieu thereof "REPORTS.—(1)"; and

(2) by adding at the end the following:

"(2) Not later than December 31, 1994, the Secretary shall submit to such committees a report that—

"(A) describes the results of the assessment carried out under subsection (b);

"(B) sets forth the lists developed under paragraph (1) of subsection (c); and

"(C) describes the progress, if any, made by the directors of the medical centers and the directors of the benefits offices referred to in such subsection (c) in developing the plan referred to in paragraph (2) of such subsection (c).

"(3) Not later than December 31 of each of 1995, 1996, and 1997, the Secretary shall submit to such committees a report that describes the update to the assessment that is carried out under subsection (b)(6) in the year preceding the report."

**SEC. 7. DEMONSTRATION PROGRAM OF DEPARTMENT OF VETERANS AFFAIRS AND COMMUNITY-BASED ORGANIZATION PARTNERSHIPS TO ASSIST HOMELESS VETERANS.**

(a) IN GENERAL.—The Secretary of Veterans Affairs shall carry out a demonstration program under which the Secretary shall enter into partnerships with community-based homeless service organizations described in subsection (b) in order to provide services and assistance to homeless veterans in conjunction with such organizations. The Secretary shall carry out the program in accordance with this section.

(b) COMMUNITY-BASED ORGANIZATIONS.—The organizations with which the Secretary enters into partnerships under subsection (a) shall be organizations that—

(1) encourage the assumption of personal responsibility by homeless veterans who receive services and assistance from the organization;

(2) provide transitional housing to such veterans;

(3) provide employment training or employment placement assistance to such veterans;

(4) may collect from such veterans rent derived from employment-related income of such veterans; and

(5) in the case of organizations that collect rent from such veterans, utilize rent amounts collected to cover the expenses of the organizations in providing services and assistance to such veterans.

(c) PROVISION OF SERVICES AND ASSISTANCE.—(1) The Secretary shall carry out the demonstration program authorized under subsection (a) at not more than five locations designated for that purpose by the Secretary. The Secretary shall designate such locations in various geographic areas.

(2) With respect to each location designated under paragraph (1), the Secretary shall enter into an agreement with a community-based service organization referred to in subsection (b) in order to provide services and assistance to homeless veterans.

(3) The Secretary shall ensure under an agreement entered into under paragraph (1) that appropriate personnel of the Department of Veterans Affairs provide individual and group counseling, substance abuse counseling, employment counseling, basic medical care, and referrals to other Department health care and benefits programs to homeless veterans at the location covered by the agreement.

(d) REVIEW OF PROGRAM.—The Secretary shall enter into an agreement with an appropriate non-Federal entity under which agreement the entity shall carry out a study of program carried out under this section. The Secretary shall ensure that, in carrying out the study, the entity shall—

(1) determine whether assistance and services are provided to homeless veterans under the program in a cost-effective manner;

(2) compare the assistance and services available under the program with the assistance and services provided to homeless individuals under other programs that are similar to the program; and

(3) make any recommendations that the entity considers appropriate for the improvement and expansion of the program or any agreement entered into under subsection (c).

(e) REPORT.—Not later than September 30, 1996, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the results of the study carried out under subsection (d).

**SEC. 8. REVISIONS TO HOMELESS VETERANS COMPREHENSIVE SERVICE PROGRAMS ACT OF 1992.**

(a) INCREASE IN NUMBER OF DEMONSTRATION PROGRAMS.—Section 2(b) of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 U.S.C. 7721 note) is amended in the first sentence by striking out "four" and inserting in lieu thereof "12".

(b) REMOVAL OF FUNDING LIMITATION.—Section 12 of such Act (38 U.S.C. 7721 note) is amended by striking out the second sentence.●

**ADDITIONAL COSPONSORS**

S. 277

At the request of Mr. SIMON, the names of the Senator from New Mexico [Mr. BINGAMAN] and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of S. 277, a bill to authorize the establishment of the National African-American Museum within the Smithsonian Institution.

S. 359

At the request of Mr. DECONCINI, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 359, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Law Enforcement Officers Memorial, and for other purposes.

S. 764

At the request of Mr. WOFFORD, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 764, a bill to exclude service of election officials and election workers from the Social Security payroll tax.

S. 1004

At the request of Mr. BROWN, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 1004, a bill to limit amounts expended by certain government entities for overhead expenses.

S. 1090

At the request of Mr. BROWN, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 1090, a bill to rescind unauthorized appropriations for fiscal year 1993.

S. 1345

At the request of Mr. BINGAMAN, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 1345, a bill to provide land-grant status for tribally controlled community colleges, tribally controlled postsecondary vocational institutions, the Institute of American Indian and Alaska Native Culture and Arts Development, Southwest Indian Polytechnic Institute, and Haskell Indian Junior College, and for other purposes.

S. 1573

At the request of Mr. SIMON, the names of the Senator from Illinois [Ms.

MOSELEY-BRAUN] and the Senator from Oregon [Mr. PACKWOOD] were added as cosponsors of S. 1573, a bill to provide equal leave benefits for adoptive parents.

S. 1843

At the request of Mr. DOLE, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 1843, a bill to downsize and improve the performance and accountability of the Federal Government.

S. 1887

At the request of Mr. BAUCUS, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 1887, a bill to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes.

S. 1983

At the request of Mr. HEFLIN, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 1983, a bill to provide that the provisions of chapters 83 and 84 of title 5, United States Code, relating to reemployed annuitants shall not apply with respect to postal retirees who are reemployed, on a temporary basis, to serve as rural letter carriers or rural postmaster.

S. 2027

At the request of Mr. DODD, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 2027, a bill to provide for the reinstatement of democracy in Haiti, the restoration to office of the duly elected President of Haiti, Jean-Bertrand Aristide, the end of human rights abuses against the Haitian people, support for the implementation of the Governors Island Agreement, and for other purposes.

S. 2246

At the request of Mr. DORGAN, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 2246, a bill to require the Secretary of the Treasury to include organ donation information with individual income tax refund payments.

S. 2258

At the request of Mr. DECONCINI, the names of the Senator from Montana [Mr. BAUCUS], the Senator from Nevada [Mr. BRYAN], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of S. 2258, a bill to create a Commission on the Roles and Capabilities of the U.S. Intelligence Community, and for other purposes.

**SENATE JOINT RESOLUTION 165**

At the request of Mr. COCHRAN, the names of the Senator from Pennsylvania [Mr. SPECTER], the Senator from Michigan [Mr. RIEGLE], and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of Senate Joint Resolution 165, a joint resolution to designate the month of September 1994 as "National Sewing Month."

**SENATE JOINT RESOLUTION 181**

At the request of Mr. SIMON, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of Senate Joint Resolution 181, a joint resolution to designate the week of May 8, 1994, through May 14, 1994, as "United Negro College Fund Week."

**SENATE JOINT RESOLUTION 184**

At the request of Mr. THURMOND, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of Senate Joint Resolution 184, a joint resolution designating September 18, 1994, through September 24, 1994, as "Iron Overload Diseases Awareness Week."

**SENATE JOINT RESOLUTION 212**

At the request of Mr. RIEGLE, the names of the Senator from Wisconsin [Mr. KOHL], the Senator from Mississippi [Mr. LOTT], and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of Senate Joint Resolution 212, a joint resolution designating August 2, 1994, as "National Neighborhood Crime Watch Day."

**SENATE CONCURRENT RESOLUTION 66**

At the request of Ms. MIKULSKI, the name of the Senator from West Virginia [Mr. BYRD] was added as a cosponsor of Senate Concurrent Resolution 66, a concurrent resolution to recognize and encourage the convening of a National Silver Haired Congress.

**AMENDMENT NO. 2394**

At the request of Mr. MURKOWSKI, his name was added as a cosponsor of Amendment No. 2394 proposed to H.R. 4602, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1995, and for other purposes.

**SENATE RESOLUTION 245—  
RELATING TO LINE ITEM VETO**

Mr. SPECTER submitted the following amendment; which was referred to the Committee on the Judiciary:

S. RES. 245

Whereas Federal spending and the Federal budget deficit have reached unreasonable and insupportable levels;

Whereas a line-item veto would enable the President to eliminate wasteful pork-barrel spending from the Federal budget and curb the deficit before considering cuts in important programs;

Whereas evidence may suggest that the Framers of the Constitution intended that the President have the authority to exercise the line-item veto;

Whereas scholars who have studied the matter are not unanimous on the question of whether the President currently has the authority to exercise the line-item veto;

Whereas there has never been a definitive judicial ruling that the President does not have the authority to exercise the line-item veto;

Whereas some scholars who have studied the question agree that a definitive judicial determination on the issue of whether the

President currently has the authority to exercise the line-item veto may be warranted: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that the President should exercise the line-item veto without awaiting the enactment of additional authorization for the purpose of obtaining a judicial determination of its constitutionality.

#### AMENDMENTS SUBMITTED

#### DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT

##### BRADLEY AMENDMENT NO. 2401

Mr. BRADLEY proposed an amendment to the bill (H.R. 4602) making appropriations for the Department of Interior and related agencies for the fiscal year ending September 30, 1995, and for other purposes, as follows:

On page 62, line 1, strike out "\$436,451,000," and insert in lieu thereof "\$426,451,000."

##### BYRD AMENDMENT NO. 2402

Mr. BYRD proposed an amendment to the bill, H.R. 4602, *supra*; as follows:

At the appropriate place in the bill, insert: "*Provided further*, That funds provided pursuant to this authority may not exceed \$10,000 per employee".

##### WOFFORD (AND OTHERS) AMENDMENT NO. 2403

Mr. BYRD (for Mr. WOFFORD for himself, Mr. COCHRAN, and Mr. SPECTER) proposed an amendment to the bill H.R. 4602, *supra*; as follows:

On page 6, line 3, insert the following new paragraph:

The Secretary of Agriculture is authorized to utilize \$10,600,000 taken from the fiscal year 1995 appropriated National Forest System account to provide for all costs necessary to prepare, offer and administer completely timber sales other than those funded by the regular fiscal year 1995 timber sales program in regions 2, 3, 8 and 9 with a contract term not to exceed one year: *Provided*, That the Secretary of Agriculture shall execute the contracts funded with this authority so that these funds are offset fully in the same fiscal year by increased receipts net of payments to states, and that an amount not to exceed \$10,600,000 is returned by the Secretary to the account from which the funds were drawn: *Provided further*, That any such sales shall comply with all applicable laws and regulations: *Provided further*, That any such sales shall comply with all applicable laws and regulations: *Provided further*, That transfer of purchaser credits shall not be used in payment for timber sold under this initiative: *Provided further*, That no timber sales authorized under this section shall substitute for timber sales that would otherwise generate receipts contributing to the Congressional Budget Office February 1994 Timber Receipt Baseline for fiscal year 1995: *Provided further*, That funds shall be returned to the account and available for spending as offsetting collections only if and to the extent that total National Forest Fund timber receipts of the Forest Service (excluding

amounts for deposit funds) in fiscal year 1995 exceed \$420 million: *Provided further*, That funds provided under this authority remain available to the Secretary until expended.

#### COMMUNICATIONS ACT OF 1994

##### EXON AMENDMENT NO. 2404

(Ordered referred to the Committee on Commerce.)

Mr. EXON submitted an amendment intended to be proposed by him to the bill (S. 1822) to foster the further development of the Nation's telecommunications infrastructure and protection of the public interest, and for other purposes; as follows:

On page 104, below line 12, add the following:

#### TITLE VIII—OBSCENE, HARASSING, AND WRONGFUL UTILIZATION OF TELECOMMUNICATIONS FACILITIES

##### SEC. 801. OBSCENE OR HARASSING USE OF TELECOMMUNICATIONS FACILITIES UNDER THE COMMUNICATIONS ACT OF 1934.

(a) EXPANSION OF OFFENSES.—Section 223 of the Communications Act of 1934 (47 U.S.C. 223) is amended—

(1) in subsection (a)(1)—

(A) by striking out "telephone" in the matter above subparagraph (A) and inserting in lieu thereof "telecommunications device";

(B) by striking out "makes any comment, request, suggestion or proposal" in subparagraph (A) and inserting in lieu thereof "makes, transmits, or otherwise makes available any comment, request, suggestion, proposal, image, or other communication;

(C) by striking out subparagraph (B) and inserting in lieu thereof the following new subparagraph (B):

"(B) makes a telephone call or utilizes a telecommunications device, whether or not conversation or communication ensues, without disclosing his identity and with intent to annoy, abuse, threaten, or harass any person at the called number or who receives the communication;" and

(D) by striking out subparagraph (D) and inserting in lieu thereof the following new subparagraph (D):

"(D) makes repeated telephone calls or repeatedly initiates communication with a telecommunications device, during which conversation or communication ensues, solely to harass any person at the called number or who receives the communication;"

(2) in subsection (a)(2), by striking out "telephone facility" and inserting in lieu thereof "telecommunications facility";

(3) in subsection (b)(1)—

(A) in subparagraph (A)—

(i) by striking out "telephone," and inserting in lieu thereof "telecommunications device,"; and

(ii) by inserting "or initiated the communication" after "placed the call"; and

(B) in subparagraph (B), by striking out "telephone facility" and inserting in lieu thereof "telecommunications facility"; and

(4) in subsection (b)(2)—

(A) in subparagraph (A)—

(i) by striking out "by means of telephone, makes" and inserting in lieu thereof "by means of telephone or telecommunications device, makes, transmits, or makes available"; and

(ii) by inserting "or initiated the communication" after "placed the call"; and

(B) in subparagraph (B), by striking out "telephone facility" and inserting in lieu thereof "telecommunications facility".

(b) EXPANSION OF PENALTIES.—Such section, as amended by subsection (a) of this section, is further amended—

(1) by striking out "\$50,000" each place it appears and inserting in lieu thereof "\$100,000" and

(2) by striking out "six months" each place it appears and inserting in lieu thereof "2 years".

(c) PROHIBITION ON PROVISION OF ACCESS.—Subsection (c)(1) of such action is amended by striking out "telephone" and inserting in lieu thereof "telecommunications device".

(d) CONFORMING AMENDMENT.—The section head of such section is amended to read as follows:

"OBSCENE OR HARASSING UTILIZATION OF TELECOMMUNICATIONS DEVICES AND FACILITIES IN THE DISTRICT OF COLUMBIA OR IN INTERSTATE OR FOREIGN COMMUNICATIONS".

##### SEC. 802. OBSCENE PROGRAMMING ON CABLE TELEVISION.

Section 639 of the Communications Act of 1934 (47 U.S.C. 559) is amended by striking out "\$10,000" and inserting in lieu thereof "\$100,000".

##### SEC. 803. BROADCASTING OBSCENE OF LANGUAGE ON RADIO.

Section 1464 of title 18, United States Code, is amended by striking out "\$10,000" and inserting in lieu thereof "\$100,000".

##### SEC. 804. INTERCEPTION AND DISCLOSURE OF ELECTRONIC COMMUNICATIONS.

Section 2511 of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking out "wire, oral, or electronic communication" each place it appears and inserting in lieu thereof "wire, oral, electronic, or digital communication"; and

(B) in the matter designated as item (b), by striking out "oral communication" in the matter above clause (i) and inserting in lieu thereof "communication"; and

(2) in paragraph (2)(a), by striking out "wire or electronic communication service" each place it appears (other than in the second sentence) and inserting in lieu thereof "wire, electronic, or digital communication service".

##### SEC. 805. ADDITIONAL PROHIBITION ON BILLING FOR TOLL-FREE TELEPHONE CALLS.

Section 228(c)(6) of the Communications Act of 1934 (47 U.S.C. 228(c)(6)) is amended—

(1) by striking out "or" at the end of subparagraph (C);

(2) by striking out the period at the end of subparagraph (D) and inserting in lieu thereof "; or"; and

(3) by adding at the end thereof the following:

"(E) the calling party being assessed, by virtue of being asked to connect or otherwise transfer to a pay-per-call service, a charge for the call."

##### SEC. 806. SCRAMBLING OF CABLE CHANNELS FOR NONSUBSCRIBERS.

Part IV of title VI of the Communications Act of 1934 (47 U.S.C. 551 et seq.) is amended by adding at the end the following:

##### "SEC. 640. SCRAMBLING OF CABLE CHANNELS FOR NONSUBSCRIBERS.

"(a) REQUIREMENT.—In providing video programming unsuitable for children to any subscriber through a cable system, a cable operator shall fully scramble the video and audio portion of each channel such programming that the subscriber does not subscribe to.

"(b) DEFINITION.—In this section the term 'to scramble', in the case of any video programming, means to rearrange the content

of the signal of the programming so that the programming cannot be apprehended by persons unauthorized to apprehend the programming."

Mr. EXON. Mr. President, I rise to file an amendment to S. 1822, the Communications Act of 1994. I expect the Senate Commerce Committee to take this legislation up next week. I intend to offer this amendment at that time.

Simply put, this communications decency amendment modernizes the antiharassment, decency, and antiobscenity provisions of the Communications Act of 1934. When these provisions were originally drafted, they were couched in the context of telephone technology. These critical public protections must be updated for the digital world of the future.

Before too long a host of new telecommunications devices will be used by citizens to communicate with each other. Telephones may one day be relegated to museums next to telegraphs. Conversation is being replaced with communication and electrical transmissions are being replaced with digital transmissions. As the Congress rewrites the Communications Act, it is necessary and appropriate to update these important public protections.

Anticipating this exciting future of communications, the communications decency amendment I introduce today will keep pace with the coming change.

References to telephones in the current law are replaced with references to telecommunications device. The amendment also increases the maximum penalties connected with the decency provisions of the Communications Act to \$100,000 and 2 years imprisonment. The provision requires cable providers of adult pay-per-view programming to fully scramble the audio and video portions of the programming to homes which do not subscribe to the particular program. Unsuspecting families should not be assaulted with audio of indecent programming or partially scrambled video. The amendment also prevents individuals and companies engaged in the pay-per-call services from by-passing number blocking by connecting individuals to pay-per-call services via a toll-free number.

These measures will help assure that the information superhighway does not turn into a redlight district. It will help protect children from being exposed to obscene, lewd, or indecent messages.

This legislation also protects against harassment. Recent reports of electronic stalking by individuals who use computer communications to leave threatening and harassing messages sent chills through the users of new technologies. Recent stories about the misuse of the internet and 800 numbers also demand action. I ask that two stories related to the misuse of the information technologies be included at the end of my remarks as illustrations of

the type of activities this amendment attempts to address.

Mr. President, I ask unanimous consent that an article be printed in the RECORD.

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

[From the Los Angeles Times, July 12, 1994]

INFO SUPERHIGHWAY VEERS INTO  
PORNOGRAPHIC DITCH

Dramatically illustrating the security problems posed by the rapid growth of the Internet computer network, one of the nation's three nuclear-weapons labs has confirmed that computer hackers were using its computers to store and distribute hard-core pornography.

Officials at Lawrence Livermore National Laboratory in Livermore, Calif., which has highly sophisticated security procedures, said Monday that the incident was among the most serious breaches of computer security ever at the lab, which lies east of San Francisco.

The offending computer was shut down after lab officials were alerted by a reporter who was investigating Internet hacking.

The computer contained more than 1,000 pornographic images. It was believed to be the largest cache of illegal hard-core pornography ever found on a computer network.

While hackers once devoted their efforts to disrupting computer systems at large organizations or stealing electronic information, they have now developed ways of seizing control of Internet-linked computers and using them to store and distribute pornography, stolen computer software and other illicit information.

The Internet, a "network of networks" originally designed to connect computers at universities and government research labs, has grown dramatically in size and technical sophistication in recent years.

It is now used by many businesses and individual computer users and is often viewed as the prototype for the "information superhighway" of the future.

But the Internet has an underside, where so-called pirates with code names such as "Mr. Smut," "Acidflux" and "The Cowboy" traffic in illegal or illegally-obtained electronic information. The structure of the Internet means that such pirates can carry out their crimes from almost anywhere in the world. Tracing them is nearly impossible.

The FBI late last week confirmed that it was investigating software piracy on the Internet. A reporter discovered a number of sites at prominent institutions that were being used to distribute stolen software, including one in the office of the president of the University of California, Berkeley, and another at Lawrence Berkeley National Laboratory.

Pirates also have their own "chat" lines, a series of channels within a service called the Internet Relay Chat. An elaborate pecking order determines who will be allowed to take part in these conversations—newcomers can often wangle their way in if they have a particularly hot piece of software to offer.

Sandy Merola, deputy director of information and computing at the Berkeley lab, said the pirate site was shut down last week after the Times investigation revealed its existence. Merola said the Department of Energy, which oversees lab operations, as well as the FBI, had been notified of the incident.

At Lawrence Livermore, officials said Monday that they believed at least one lab

employee was involved in the pornography ring, along with an undetermined number of outside collaborators.

Chuck Cole, deputy associate director of computing at the lab, said that unauthorized graphical images had been found on a Livermore computer. He confirmed that they were pornographic.

The employee has been placed on "investigatory leave" and his security badge confiscated while an investigation is undertaken, the lab said.

It was unclear whether the pornographic images were being sold or how many people had gained access to them. The pictures were sufficiently graphic that they would probably be considered obscene by the courts, and therefore transmitting them over the Internet would be illegal.

The massive amount of storage capacity used in the Livermore scheme shows how Internet hacking could be quite profitable. Seizing control of large and sophisticated computer systems at universities or government laboratories can save unscrupulous entrepreneurs large sums of money.

One computer expert said there might be more to the incident than met the eye. The expert suggested that the hardcore pornography may be a cover for an ultra-sophisticated espionage program, in which a "sniffer" program combs through other Livermore computers, encodes the passwords and accounts it finds, and then hides them within the pornographic images, perhaps to be down-loaded later by foreign agents.

But Cole said there was no possibility of a computer intruder gaining access to classified data at Livermore Labs.

800-NUMBER MANEUVER EVADES PHONE-SEX  
RULES

(By Henry J. Cordes)

LINCOLN.—Scanning his Ralston church's phone bill recently, the Rev. Michael Thomas found \$160 in calls to a phone-sex service.

Thomas said he was appalled that someone would make such calls from Messiah Lutheran Church. None were authorized.

He said he was more appalled that the calls were possible. Calls to a phone-sex service had troubled Messiah Lutheran before, prompting the church to block all calls to 900 toll numbers—the once typical avenue to phone-sex services.

Now it appeared someone had skirted the block. Thomas said, by calling a toll-free 800 number and then asking to be transferred to a phone-sex line with a big per-minute charge.

"I'm outraged that there is this loophole in the system," Thomas said.

Thomas isn't the only one. The Nebraska Public Service Commission has received dozens of similar complaints in recent months.

Dwight Winger, the commission's executive secretary, said many "purveyors of adult entertainment" that provide phone sex, psychic predictions and conversation have started using 800 numbers with reversible charges to peddle their services.

Winger said the companies may see 800 numbers as a way to get around phone blocks and the regulations that the federal government and some states have put on 900 toll calling.

"We beat back the first wave, and now they're coming back with 800 numbers," Winger said.

"Here's how the Public Service Commission says the new tactic works:

A caller dials a toll-free 800 number and reaches an operator, who gives the caller an "identification number." The caller may be

asked to punch in the number then, or to hang up and dial the 800 number again. Either way, the phone-sex service uses the identification number as permission to reverse charges.

If people want to dial 800 numbers on their phones and use the services, that's their business, Winger said. The problem is that many who call are using phones they're not authorized to use.

Boys town has been billed for \$92 worth of calls and the Omaha School District for \$68, even though both block 900 calls. One Omaha woman reported to the commission that her son had rung up calls to 800 numbers costing \$1,384.

Hotels are especially vulnerable, PSC officials said. Guests can gain access to phone-sex lines by calling 800 numbers from their rooms and be gone long before the bill arrives.

A guest at the American Family Inn in Bellevue recently rang up three calls to an 800 phone-sex service. The bills totaled \$156. "It's very, very scary," said John Hobbs, the hotel's manager. "It makes you think of not allowing 800 calls to leave the hotel."

The Ben Franklin Motel near Papillion also has complained to the commission about 800 calls.

Gene Hand, head of the commission's telecommunications division, said many people may be surprised that they can be charged for a call to an 800 number.

Federal regulations allow for charges on 800 calls if the caller has a "presubscription or other arrangement." Hand said adult entertainment companies apparently believe that the identification number they provide constitutes subscribing to the service.

To talk to the "sexy hot dream girls" provided by one 800 service, a reporter received a four-digit number from an operator. After calling the 800 number back and repeating the four-digit number, the caller was connected to the service.

On another service, a recorded voice said that to "talk to one of our hot babes," the caller needed to dial the last four numbers of the phone from which the call was placed.

Hand said public utility regulators across the country are considering pushing the Federal Communications Commission to change rules to bar all billing on 800 calls.

For people who find unauthorized 800 calls on their phone bills, local phone companies have been good about waiving charges, Hand said.

Hand said the Public Service Commission will not permit phone service to be disconnected for failing to pay for unauthorized calls to the services. He said Nebraskans who need help can call the commission at 800-526-0017.

"And that is toll-free," he said.

#### CLOSING LOOPHOLE ON TELEPHONE DIRTY TALK

More power to the Nebraska Public Service Commission if it asks the Federal Communications Commission to bar companies from billings customers who dial 800 numbers. Phone-sex services have been moving to 800 numbers to get around blocks on 900 toll calls.

Concerned parents and others who don't want their phones used to dial Phone-a-Bimbo and the like can have their phones fixed so calls to the 900 prefix are blocked.

Now the people who run the talk-sex lines have found a loophole in the federal regulations governing 800 numbers, which people assume are toll-free. If callers give an operator an identification number that shows they

are "subscribers" to the service in question, they can be billed for an 800 call. The process is quick and easy. And it allows the "subscriber" to call the phone-sex line from any telephone.

So even though parents and business people might have 900 numbers blocked, their phones can still be used for expensive dirty talk.

That shouldn't be. Phone-sex and similar "services" ought to be restricted to the 900 prefix, where people know what they are getting and can block if they don't want access. The integrity of the 800 system is especially important in Omaha, where a thriving telemarketing industry relies on public trust in 800 service.

Gene Hand, head of the Nebraska Public Service Commission's telecommunications division, said that public utility regulators may ask the FCC to plug the loophole in the 800 service regulations. That can't happen soon enough.

#### DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT

##### HUTCHISON (AND OTHERS) AMENDMENT NO. 2405

Mrs. HUTCHISON (for herself, and Mr. GRAMM, Mr. LOTT, Mr. SHELBY, Mr. HELMS, and Mr. BURNS) proposed an amendment to the bill, H.R. 4602 making appropriations for the Department of Interior and related agencies for the fiscal year ending September 30, 1995, and for other purposes; as follows:

On page 49, between lines 14 and 15, insert the following new section:

##### SEC. . EDWARDS AQUIFER.

(a) FINDINGS.—The Senate finds that—

(1) in order to avoid a water emergency in South Central Texas, the withdrawal of water from the Edwards Aquifer (designated as a sole source aquifer under title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act") (42 U.S.C. 300f et seq.)) should not be limited without appropriate consideration of the impacts on municipal, agricultural, industrial, and domestic water users;

(2) section 10(a) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)) authorizes the Secretary of the Interior to permit the taking of a threatened or endangered species incidental to an otherwise lawful activity, which may include the withdrawal of water from a sole source aquifer; and

(3) the State of Texas is working, in cooperation with the Department of the Interior and the Department of Justice, to implement the water management plan for Edwards Aquifer region enacted by the State in 1993.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Secretary of the Interior should take whatever steps are necessary and allowable under law to minimize adverse impacts on users of the Edwards Aquifer while conserving threatened and endangered species, including issuing a permit pursuant to section 10(a) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)); and

(2) nothing in this section should relieve any person from any State or local requirement for—

(A) water conservation or the development of alternative water resources; or

(B) strategies necessary to reduce demand on the Edwards Aquifer.

##### MOSELEY-BRAUN (AND OTHERS) AMENDMENT NO. 2406

Ms. MOSELEY-BRAUN (for herself, and Mr. DOLE, Mr. COCHRAN, Mr. COVERDELL, Mr. GRASSLEY, Mr. MACK, Mr. MATHEWS, Mr. PELL, Mr. ROBB, Mr. ROTH, and Mr. SIMON) proposed an amendment to the bill, H.R. 4602, supra; as follows:

On page 16, line 23, strike "\$40,000,000" and insert "\$42,000,000".

On page 16, line 26, following "1996" and before the period, insert the following: "": *Provided*, That \$2,000,000 shall be for a grant program to restore and preserve historic buildings at historically black colleges and universities: *Provided further*, That none of these funds shall be made available until authorized".

Beginning on page 41, line 18, strike all starting with the semi-colon through "99-658" on page 41, line 24.

##### WALLOP AMENDMENT NO. 2407

Mr. WALLOP proposed an amendment to the bill, H.R. 4602, supra; as follows:

On page 17, line 20 insert the following before the period: "": *Provided further*, That not to exceed \$200,000 shall be used for a joint study with the Fish and Wildlife Service of which not to exceed \$100,000 shall be used to undertake a comprehensive review of the relative importance of each unit of the National Park System to the overall mission of the National Park Service, including, but not limited to, consideration of land acquisition, annual operation and maintenance expenses, personnel requirements, alternatives to retention of such unit that may be available at the State or local level (including within the private sector) and prepare and submit to the Committees on Appropriations and Energy and Natural Resources of the United States Senate and the Committees on Appropriations and Natural Resources of the United States House of Representatives by December 31, 1995 a report that shall include a list of not fewer than five units to be deauthorized with whatever recommendations the Secretary deems appropriate for the disposal of any lands or interests in lands within such units, and of which \$100,000 shall be used to undertake a comprehensive review of the relative importance of each unit of the National Wildlife Refuge System to the overall objectives of the System, including, but not limited to, consideration of land acquisition, annual operation and maintenance expenses, personnel requirements, alternatives to retention of such unit that may be available at the State or local level (including within the private sector) and prepare and submit to the Committees on Appropriations, Environment and Public Works, and Energy and Natural Resources of the United States Senate and the Committees on Appropriations, Merchant Marine and Fisheries, and Natural Resources of the United States House of Representatives by December 31, 1995 a report that shall include a list of not fewer than five units to be deleted from the System with whatever recommendations the Secretary deems appropriate for the disposal of any lands or interest in lands within such units".

LEAHY (AND LIEBERMAN)  
AMENDMENT NO. 2408

Mr. BYRD (for Mr. LEAHY for himself and Mr. LIEBERMAN) proposed an amendment to the bill, H.R. 4602, supra; as follows:

At the appropriate place in the bill, insert: Within the funds provided in the Endangered Species Prelisting and Recovery Program for the Fish and Wildlife Service, there is up to \$500,000 available to purchase the Greenland highseas fisheries quota of Atlantic salmon for the third and final year of the National Fish and Wildlife Foundation's Atlantic Salmon Demonstration Program for the Northeast.

MURKOWSKI AMENDMENT NO. 2409

Mr. MURKOWSKI proposed an amendment to the bill, H.R. 4602, supra; as follows:

(a) FINDINGS.—The Senate finds that—

(1) The United States Forest Service has begun to implement ad hoc prescriptive wildlife management measures in the Tongass National Forest that reduce land areas available for multiple use under the Tongass Land Management Plan (TLMP), thereby reducing timber harvest volumes in already prepared harvest units below the level needed to protect timber dependent communities;

(2) The prescriptive measures termed "habitat conservation areas" and "goshawk protective perimeters" are being used to withdraw lands from timber management which have been evaluated and approved for timber harvest pursuant to the TLMP, National Environmental Policy Act, the Tongass Timber Reform Act, and the National Forest Management Act;

(3) Prescriptive management measures intended to protect wildlife population viability should be accomplished through amendments or revisions to the TLMP adopted in accordance with the process described in the National Forest Management Act at 16 U.S.C. 1604 (d) and (g);

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) funds made available under this act should not be used to implement management actions (including, but not limited to, prescriptions such as habitat conservation areas and goshawk protective perimeters) which withdraw lands from timber management or planned timber harvest in the Tongass National Forest, unless such management actions are imposed pursuant to a duly revised or amended Tongass Land Management Plan, such revision or amendment having been made in accordance with and subsequent to the public participation provisions of Section 6(d) of the National Forest Management Act (16 U.S.C. 1604(d)); and

(2) withdrawals of land areas of more than 5,000 acres from timber management or planned timber harvest in the Tongass National Forest for habitat conservation areas, goshawk perimeters or for other special management prescriptions, other than withdrawals provided for by the Tongass Land Management Plan or revisions or amendments thereto, should only be made in compliance with Section 1326(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3213(a)).

MURKOWSKI AMENDMENT NO. 2410

Mr. MURKOWSKI proposed an amendment to the bill, H.R. 4602, supra; as follows:

At the appropriate place in the bill insert the following: "Provided, That consistent with existing law and policy, the National Park Service shall, at the request of the University of Alaska Fairbanks, enter into negotiations regarding a memorandum of understanding for the continued use of the Stampede Creek Mine property consistent with the length and terms of prior memoranda of understanding between the National Park Service and the University of Alaska Fairbanks: Provided, That within the funds provided, the National Park Service shall undertake an assessment of damage and provide the appropriate committees of the Senate and House of Representatives, no later than May 1, 1995, cost estimates for the reconstruction of those facilities and equipment which were damaged or destroyed as a result of the incident that occurred on April 30, 1987 at Stampede Creek within the boundaries of Denali National Park and Preserve; provided further, the National Park Service shall work with the University of Alaska Fairbanks to winterize equipment and materials, located on the Stampede Creek mine property in Denali National Park, exposed to the environment as a result of the April 30, 1987 incident."

BINGAMAN (AND DOMENICI)  
AMENDMENT NO. 2411

Mr. BINGAMAN (for himself and Mr. DOMENICI) proposed an amendment to the bill, H.R. 4602, supra; as follows:

At the end of title III, insert the following new section:

SEC. 3. (a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Assistant Secretary for Indian Affairs of the Department of the Interior shall prepare and submit to Congress a report on measures necessary to address problems concerning the physical structure of Navajo Community College in Shiprock, New Mexico, consistent with the responsibilities for the facility.

Nothing in this amendment is intended to require a change in priority for funding projects by the department.

(b) CONTENT OF REPORT.—The report required under subsection (a) shall include a detailed list of the resources that are required to alleviate the health and safety hazards that have resulted from the poor condition of the structure described in such subsection.

DOMENICI (AND BINGAMAN)  
AMENDMENT NO. 2412

Mr. DOMENICI (for himself and Mr. BINGAMAN) proposed an amendment to the bill, H.R. 4602, supra; as follows:

On page 10, line 20, strike "\$45,525,000" and insert "\$49,848,000".

On page 2, line 11, strike "\$599,230,000" and insert "\$598,480,000".

On page 2, line 25, strike "\$599,230,000" and insert "\$598,480,000".

VETERANS HEALTH PROGRAMS  
IMPROVEMENT ACT OF 1994

ROCKEFELLER AMENDMENT NO.  
2413

Mr. MITCHELL (for Mr. ROCKEFELLER) proposed an amendment to the bill, S. 1030, to amend chapter 17 of title 38, United States Code, to improve

the Department of Veterans Affairs program of sexual trauma counseling for veterans and to improve certain Department of Veterans Affairs programs for women veterans:

On page 49, strike lines 4 through 13.

AUTHORITY FOR COMMITTEES TO  
MEET

COMMITTEE ON ENERGY AND NATURAL  
RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., July 26, 1994, to receive testimony from Elizabeth Ann Moler, nominee to be reappointed as a member of the Federal Energy Regulatory Commission.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources' Labor Subcommittee be authorized to meet for a hearing on the Reemployment Act & WARN: Helping Workers Make Successful Transitions, during the session of the Senate on July 26, 1994, at 9:00 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, July 26, 1994 at 4:00 p.m. to hold a closed briefing on intelligence matters.

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

SUBCOMMITTEE ON AFRICAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on African Affairs of the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Tuesday, July 26, at 2:00 p.m. to hold a hearing on the crisis in central Africa.

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

SUBCOMMITTEE ON FOREIGN COMMERCE AND  
TOURISM

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Foreign Commerce and Tourism of the Senate Committee on Commerce, Science and Transportation be authorized to meet on Tuesday, July 26, 1994, at 2:00 p.m. on Pacific rim trade policy.

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

ADDITIONAL STATEMENTS

THE F-22 DEBATE

• Mr. D'AMATO. Mr. President, at the heart of the F-22 debate is one simple

question: Are the threats we are facing, or may face in the foreseeable future, capable of achieving air superiority over U.S. ground and sea forces, or even denying air superiority to our own air forces over an adversary's territory? Based on the billions of dollars being poured into the F-22 program, one would assume that we are on the verge of being outclassed by the air forces of foreign powers. But is that really the case?

In endorsing the F-22 over the so-called F-15XX, the Major Aircraft Review [MAR] predicated its choice on a year 2000 scenario in which the Air Force would have to gain and hold air superiority over Warsaw Pact territory against a Soviet Union boasting: Overwhelming numerical superiority; highly sophisticated integrated air defenses; stealthy air superiority and counter air fighters [ASF/CAF] armed with improved AA-10 Alamo air-to-air missiles; and, next-generation SA-15 and SA-X-17 surface-to-air missiles.

Back then, with the cold war still uppermost in planners' minds, a global conventional war against the Soviet Union was a prudent scenario against which to plan. Since then, the dissolution of the Warsaw Pact and the Soviet Union has wrought havoc on what remains of Russia's integrated air defenses and Russian advanced weapons development has been slowed to a crawl or halted outright due to the same funding constraints we face. That being so, what relevance does the MAR threat projection have today?

Isn't a Desert Storm-like scenario of total U.S./allied air superiority more reflective of today's reality? Against most future opponents, won't the United States, with or without allies, enjoy numerical superiority? And what country is likely to be better equipped, trained, or led?

And that raises an inevitable question: In this new world order, isn't an improved F-15 good enough? Something to ponder when considering the \$2.5 billion request for F-22.●

#### THE U.S. COMMISSION ON CIVIL RIGHTS' REPORT ON WHITE SUPREMACIST ACTIVITY IN MONTANA

● Mr. SIMON. Mr. President, the Montana Advisory Committee to the U.S. Commission on Civil Rights has released a report documenting hate activity in that State. This troubling report highlights in chilling detail that the problem of hate crimes in our Nation is still very much alive. White supremacists, primarily in western Montana, are spreading prejudice and hate ranging from racism, anti-Semitism and homophobia to anti-Indian rhetoric. The rise in hate crime activity in Montana reflects an overall national rise in recent years.

This report serves as a reminder that we have a long way to go toward reduc-

ing the incidence of hate crimes. The Hate Crimes Statistics Act, which I authored in 1990, has been an important first step in this process. The reporting system established by this law sends a message to both the victims and the perpetrators of hate crimes that law enforcement officials are committed to solving the problem of hate crimes.

Unfortunately, since States are not required to provide statistics on hate crimes to the FBI, many States have not yet complied with this important effort. Montana has made progress since May 1992, when no Montana law enforcement agency had reported a single crime under the 1990 Hate Crimes Statistics Act. The recently released 1993 preliminary report on hate crimes statistics from the FBI shows that of 18 participating agencies from Montana, 4 submitted incident reports to the FBI. I hope Montana continues this progress.

The Montana Advisory Committee report describes the extensive human-rights network in Montana which has contributed greatly to public awareness of the hate crimes problem in that State. The good people of Montana are speaking out and taking action against these hate groups, and they also serve as an example to the Nation. I hope that this network will also help to improve Montana law enforcement's participation in the national data-gathering effort.

Finally, the report prescribes policy changes in Montana that would help the State address its hate crimes problems. I hope that Montana lawmakers and law enforcement officials take these suggestions seriously, and that similar reports about other States are taken seriously by lawmakers in all States.

The foundation laid by the 1990 Hate Crime Statistics Act is an important step in solving the problem of hate crimes. But clearly this problem is not going away. We need to look for ways to assist States and cities interested in training their law enforcement officials to report hate crimes, and for ways to encourage all States to participate.●

#### THE 65TH ANNIVERSARY OF FALLON CLINIC

● Mr. KERRY. Mr. President, today I want to pay tribute to the Fallon Clinic of my home State of Massachusetts which celebrates its 65th anniversary this year.

The Fallon Clinic was founded as a small group practice by Dr. Michael Fallon in 1929. Since its inception, it has been a pioneer in the health care field, striving to meet the needs of its community through innovative practices. When the Fallon Clinic first opened, group practices were rare. Nevertheless, its founders understood that this efficient coordination of resources

allowed them to provide patients with greater choice while lowering costs. In 1951, Fallon expanded into a multispecialty group practice, providing patients with the benefit of having a specialist available to deal with each of their ailments. As time passed, word of Fallon's excellent service spread and patients, in increasing numbers, turned to the Fallon Clinic for their health care needs. With the original office bursting at the seams, the clinic was forced to open a new facility in 1966 and subsequently expanded to 29 sites.

Never content to rest on its laurels, the Fallon Clinic has continued to innovate and to improve the quality of its services. In 1977, it established a health maintenance organization or HMO called the Fallon Community Health Plan. Today, Fallon is one of the most successful HMO's in the country. It has been praised as a "model HMO" and named as one of the 10 best HMO's in the Nation. A large part of the HMO's success is the fact that it is the most efficient and lowest cost HMO in the area. But cost is only half the story. Fallon continues to grow because of the quality of its work and the care with which it treats its patients.

At a time when Americans are finding it increasingly difficult to afford high-quality health care, Fallon stands out as a bright example of what can be accomplished by bold thinking. On its 65th anniversary, I praise Fallon for its innovative heritage and exhort it to continue moving forward at this critical stage of health care reform in America.●

#### ROBERT MYERS AND THE SOCIAL SECURITY ADMINISTRATION

● Mr. SIMON. Mr. President, I have spoken in the past about the enormous contributions Robert Myers has made on behalf of the Social Security Program. As Chief Actuary and Deputy Commissioner of the Social Security Administration for nearly 30 years, he is acknowledged to be a leading expert on the Nation's most successful entitlement program.

In a recent article for the Seniors Coalition, Mr. Myers examines whether Social Security should be "means-tested" in order to help balance the Federal budget. Mr. Myers rejects that solution, noting that the Social Security Program "has been fully financed over the 57 years of its operation, and \* \* \* has not contributed at all to the horrendous budget deficits and increasing national debt."

Mr. Myers' article deserves study by all those who care about the Nation's budget deficits. I ask that the entire text of Mr. Myers' paper be printed after my remarks.

The article follows:

#### SHOULD SOCIAL SECURITY BENEFITS BE MEANS-TESTED?

In our modern society, words frequently have diverse meanings among different people, and even over time. Before considering

the subject of whether benefits under entitlement programs should be means-tested—as some people are currently advocating—let us first define certain words that are often used in such debate.

Years ago, "entitlement" had a legalistic connotation which was usually considered to be on the "good" side. Now, it is often considered as an opprobrium involving public assistance or relief. Actually, it merely means that a legal right to a payment exists, regardless of whether the funds are there to finance it. I would distinguish between two types of entitlement programs. First are those which are self-funded, like Social Security and the Hospital Insurance portion of Medicare. Second are those which are funded from general revenues, like Supplemental Security Income, Medicaid, and Supplementary Medical Insurance (Part B of Medicare)—which is about 75-percent funded from general revenues. Quite obviously, the self-funded entitlement programs do not affect the general budget situation of the federal government—even though many persons, including those who have important responsibilities in this area assert that such is the case (to be discussed in detail later).

Strictly speaking, "means testing" connotes the restrictions on benefit payments which are established on the basis of the beneficiary's income and assets (usually, with certain exemptions). Those who use this term currently in connection with cutting back entitlement programs really mean "income testing," because they do not recommend considering the situation as to the individual's assets. (Note that Social Security benefits for those under age 70 are subject to "earned-income testing now—on the grounds that retirement benefits should not be paid to persons who are not retired from employment.)

In recent years, persons who are concerned about the federal government's mammoth budget deficits and ever-increasing National Debt have pointed the blame, at least in large part, at what they call the ever-growing even out-of-control, disbursements under the entitlement programs, especially the full-funded one, Social Security. They insist that, to solve the budget problem, the growth of the Social Security benefit disbursements must be curtailed at once. This has nothing to do with the long-range financial situation of Social Security—some two decades or more hence—about which apparently something should now be done (and can, not to painfully, be done by changes enacted now, although not going into effect until many years off in the future). Action of this sort in the near future is desirable in order to give people affected adequate advance notice and to more fully restore confidence in the program.

Such immediate curtailment of the growth of Social Security benefit outgo is not at all justified. The Social Security program has had a more-than-balanced budget over the 57 years of its operation, and this has not contributed at all to the horrendous budget deficits and increasing National Debt. It is the remainder of the federal government's operations that has caused this deplorable situation, and it is in this area that changes should be made to rectify the situation.

Moreover, and equally important, reducing Social Security expenditures (either absolutely or the growth thereof) does not really reduce the general budget deficit or the growth in the National Debt. What happens if Social Security outgo in a year is reduced by \$x billion is merely that its trust funds purchase \$x billion more of government

bonds, and the general public purchases \$x billion less of such bonds. The bottom line then is that the size of the National Debt is completely unaffected, and the real general-budget deficit remains the same.

Those who would unwisely and unthinkingly reduce Social Security benefits for reasons other than those affecting the program and its purposes and goals have several proposed ways to do so. One of these is to reduce (or even eliminate) the annual cost-of-living adjustments; this undesirable because, assuming that the financing is available within the Social Security program (as it now is) such maintenance of the purchasing power of the beneficiaries is only humane and proper.

Another proposal to reduce Social Security benefits is to income test them over and above the current income taxation of benefits for higher-income persons, which is somewhat along the lines that other retirement benefits are taxed. Under this type of proposal, all (or the vast majority) of the benefits would be withheld from high-income persons. This would be done on the grounds that they did not "need" such benefits because they had sufficient other income.

There are several weaknesses and fallacies with this approach. First, it would create divisiveness of the population and cast some "blame" on those who receive full benefits and thus did not seem to be properly "self-reliant." We must recognize that high-income people receive Social Security benefits which, in relation to past earnings, are notably smaller than are the benefits for lower-income persons.

On the whole, as I analyze the matter, over the long run, high-income persons will receive Social Security benefit protection that is about equal in value to the employee taxes which they paid, while their employers' taxes are pooled (or redistributed) for the benefit of lower-income persons. If all persons received exactly only their "money's worth," the low-paid persons would have inadequate retirement income, and then much more public assistance payments would be required. And who would pay for such payments? Obviously, the higher-income persons would do so, and thus the bottom line of who pays and who receives would be about the same.

Another, and equally serious, problem with income testing of the Social Security benefits is that it would discourage many persons from saving, either personally or through employer-sponsored plans. The reason, quite simply, is that they would see little reason to save if the net result were only that thereby their Social Security benefits would be reduced. And what this country needs is more savings not less! Under Social Security as it now is, people are encouraged to save by adding the results thereof on top of the economic floor of protection that Social Security is.

To summarize the matter, those who are rightly concerned with our horrendous budget deficits and National Debt should seek action where the causes thereof really are. The Social Security program is, and has always been, fully self-supporting financially, and it should not be used to solve a problem that is not of its own creation. Further, some proposals to have this Social Security program used for this purpose would not really accomplish this result, even though seeming to do so. Make changes in the Social Security program only for its own self-supporting programmatic reasons, not for extraneous and unrelated reasons.●

## HOMICIDES BY GUNSHOT IN NEW YORK CITY

● Mr. MOYNIHAN. Mr. President, I rise, as has been my practice each week in this session of the 103d Congress, to announce to the Senate that during the last week, 20 people were killed in New York City by gunshot, bringing this year's total to 567.●

## ELIMINATE NUCLEAR ARSENAL? NOT A BAD IDEA

● Mr. SIMON. Mr. President, I was startled to read an interview the other day in the Chicago Tribune with Gen. Charles Horner, commander of both the U.S. Space Command and NORAD, the North American Aerospace Defense Command. General Horner, a veteran and leader of the gulf war campaign, said that nuclear weapons are "obsolete," and that he wants "to get rid of them all."

You don't hear these kinds of remarks every day from the Pentagon, nor from a lot of other people involved in military affairs or foreign policy. And I am aware that General Horner's responsibilities include ballistic missile defense—what we used to call SDI, or star wars—whose program managers have long argued that missile defenses work much better in a world of very few nuclear weapons. But the instability caused along the way by erecting such defenses has always been the sticking point for those of us opposed to missile defense.

But I take General Horner's words seriously, and I urge my colleagues to do likewise. Nuclear weapons, he points out, are simply unusable in any meaningful military sense, and no President would order their use against cities in any event. And General Horner also talks about the "high moral ground," which too often goes unconsidered.

I commend General Horner for his uncommon frankness and candor, and I commend his words to my colleagues in the Senate. I ask that the article from the July 16 Chicago Tribune be printed in the RECORD in full.

The article follows:

[From the Chicago Tribune, July 16, 1994]

### ELIMINATE ENTIRE NUCLEAR ARSENAL, SENIOR AIR FORCE GENERAL URGES

WASHINGTON.—The United States should eliminate all its nuclear weapons, a top Air Force general said Friday in a sharp break from Pentagon orthodoxy.

Gen. Charles Horner, head of the U.S. Space Command, said the nation would secure "the high moral ground" worldwide while losing little militarily by eliminating its nuclear arsenal.

"The nuclear weapon is obsolete," Horner said at a breakfast meeting with defense reporters. "I want to get rid of them all."

Horner made clear he was "talking long-term" and said nuclear disarmament should only take place if other nuclear powers, especially Russia, go along.

Still, the comments from one of the military's most senior officers run counter to the

Clinton administration view that the nuclear weapons arsenal can be reduced, but not eliminated entirely.

Horner, as head of one of the military's nine "unified commands," reports directly to the secretary of defense.

His command covers military satellite operations and ballistic missile defense efforts, among other things.

In addition to heading the U.S. Space Command, Horner also leads the North American Aerospace Defense Command, which is responsible for defending the United States and Canada from a nuclear attack.

Horner first raised the idea of eliminating the nuclear arsenal last year, but only as something the Pentagon should consider in "what if" studies.

His comments Friday marked a rare instance of an active-duty officer criticizing one of the fundamental pillars of U.S. defense throughout the Cold War.

"I want to go to zero and I'll tell you why: If we and the Russians can go to zero nuclear weapons, then think what that does for us in our efforts to counter the new war," Horner said.

The new military threat, unlike the superpower tensions of the past, comes from smaller, less stable countries that obtain weapons of mass destruction, Horner said.

"Think of the high moral ground we secure by having none," said Horner, who plans to retire soon.

"It's kind of hard for us to say to North Korea, 'You are terrible people, you're developing a nuclear weapon,'" when the United States has thousands of them.

The Clinton administration, in a review of its nuclear posture, is not endorsing total nuclear disarmament.

But with the annual cost of maintaining the U.S. nuclear arsenal estimated at about \$20 billion, administration officials are looking at ways to reduce the stockpile sharply.

Current arms reduction treaties would bring the U.S. and Russian nuclear arsenals down to about 3,500 weapons apiece from an estimated 45,000 currently on hand.

Horner is far from a pacifist. He led coalition air forces during the Persian Gulf war, and he worries that the nation's conventional forces are being cut too deeply. His concern over nuclear weapons is a practical one.

"I just don't think nuclear weapons are usable," Horner said.

"I'm not saying that we militarily disarm, I'm saying that I have a nuclear weapon, and you're North Korea and you have a nuclear weapon. You can use yours. I can't use mine. What am I going to use it on? What are nuclear weapons good for? Busting cities. What president of the United States is going to take out Pyongyang?"

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. on Wednesday, July 27; that following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that on Wednesday, the Senate stand in recess from 12:30 p.m. until 2:15 p.m., in order to accommodate the respective party conferences.

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

PROGRAM

Mr. MITCHELL. Mr. President, I say to Members of the Senate, over the past several weeks, I have advised the Senate and individual Members, including my Republican colleagues, of the legislation which would be considered by the Senate during this legislative period. I have repeatedly stated publicly and privately, that it is my intention to complete action on a number of important measures, including S. 1513, a bill entitled "Improving America's Schools Act of 1993." This is legislation which deals with improving our system of elementary and secondary education.

Having so stated on many previous occasions, public and private, I wish now to advise the Senate that at 9:30 a.m. tomorrow, it is my intention to seek unanimous consent to proceed to that bill and, if unanimous consent is not obtained, to make a motion to proceed to that bill.

My hope is that it will not be necessary to make a motion; that we can get to that bill. We are going to do it, we must do it, and I hope very much that we can begin on it tomorrow morning at 9:30 a.m. That is my intention, Mr. President. I ask all those concerned and interested in the legislation to be present at that time, 9:30 a.m. tomorrow.

RECESS UNTIL TOMORROW AT 9:30 A.M.

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess, as previously ordered.

There being no objection, the Senate, at 7:26 p.m., recessed until Wednesday, July 27, 1994, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 26, 1994:

DEPARTMENT OF STATE

RICHARD HOLBROOKE, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF STATE, VICE STEPHEN A. OXMAN.

JAMES W. SWIHART, JR., OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOLENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LITHUANIA.

DEPARTMENT OF JUSTICE

HENRY L. YOUNG, OF TEXAS, TO BE U.S. MARSHAL FOR THE NORTHERN DISTRICT OF TEXAS FOR THE TERM OF 4 YEARS, VICE W. BRUCE BEATY.

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICERS INDICATED BY ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

MEDICAL SERVICE CORPS

To be lieutenant colonel

ERIC R. ABRAHAM, XXX-XX-XX
JAMIE I. ALBORNOZ, XXX-XX-XX
ALLAN J. ARNETTE, XXX-XX-XX
CARLOS M. ARROYO, XXX-XX-XX

JAMES F. BARNARD, XXX-XX-XX
GRETA L. BAUMANN, XXX-XX-XX
DARRELL N. BERRY, XXX-XX-XX
LARRY S. BOLTON, XXX-XX-XX
LARRY D. BRINKLEY, XXX-XX-XX
JOHN C. CHIN, XXX-XX-XX
MAUREN COLEMAN, XXX-XX-XX
BRIAN J. COMMONS, XXX-XX-XX
BRUCE E. CROW, XXX-XX-XX
MICHAEL A. CUBELLIS, XXX-XX-XX
JOHN T. CURTIS, XXX-XX-XX
WILLIAM G. DAVIES, XXX-XX-XX
TERRY M. DAVIS, XXX-XX-XX
MICHAEL R. DEETS, XXX-XX-XX
THOMAS F. DEFAYETTE, XXX-XX-XX
MARY R. DEUTSCH, XXX-XX-XX
STEVEN E. DICKSON, XXX-XX-XX
ROBIN J. DRESCHER, XXX-XX-XX
JOSEPH O. EVENSTAD, XXX-XX-XX
RICKY A. FISHER, XXX-XX-XX
BRADLEY D. FREEMAN, XXX-XX-XX
MICHAEL E. FRISINA, XXX-XX-XX
DAVID A. GAULE, XXX-XX-XX
PATRICIA F. GOAD, XXX-XX-XX
JONATHAN GOLDSMITH, XXX-XX-XX
GREG A. GRIPPIN, XXX-XX-XX
VERNON L. GROEBER, XXX-XX-XX
GLADE R. HAMILTON, XXX-XX-XX
DAVID S. HEINTZ, XXX-XX-XX
DONALD E. HENDERSON, XXX-XX-XX
GERARD R. HEPLER, XXX-XX-XX
RICHARD A. HOGAN, XXX-XX-XX
EUGENE V. HOLOHAN, XXX-XX-XX
RICHARD L. HOLMES, XXX-XX-XX
MARGARET A. HORRELL, XXX-XX-XX
GREGORY HOWARD, XXX-XX-XX
WILLIAM J. HULEATT, XXX-XX-XX
DOREEN HURT, XXX-XX-XX
TONY W. JOHNSON, XXX-XX-XX
ROBERT G. JORDAN, XXX-XX-XX
DANIEL C. KAHLER, XXX-XX-XX
WILLIAM J. KLENKE, XXX-XX-XX
ROSEMARY T. KYTE, XXX-XX-XX
ROGER W. LEBLANC, XXX-XX-XX
CHARLES R. LEWIS, XXX-XX-XX
GERARD F. LOSARDO, XXX-XX-XX
LARRY C. LYNCH, XXX-XX-XX
LEWIS R. MACKAY, XXX-XX-XX
MILTON MANDEVILLE, XXX-XX-XX
JULIE M. MARTIN, XXX-XX-XX
DANIEL F. MCFERRAN, XXX-XX-XX
FRANCIS L. MCVIEGH, XXX-XX-XX
CHERYL A. MERRITT, XXX-XX-XX
MICHAEL J. MOKRI, XXX-XX-XX
TERRY A. MORGAN, XXX-XX-XX
BRADLEY J. NYSTROM, XXX-XX-XX
ROGER W. OLSEN, XXX-XX-XX
DAVID A. PATTILLO, XXX-XX-XX
ARTHUR D. PICKERING, XXX-XX-XX
CATHERINE PICKETT, XXX-XX-XX
NELSON R. POWERS, XXX-XX-XX
JAMES D. RILEY, XXX-XX-XX
DOUGLAS S. RINEHART, XXX-XX-XX
MARGARET RIVERA, XXX-XX-XX
LUIS ROLON, XXX-XX-XX
RONALD L. SHIPPEE, XXX-XX-XX
CARL E. SMITH, XXX-XX-XX
MICHAEL A. STANTON, XXX-XX-XX
CHRISTO STEPHENSON, XXX-XX-XX
JAMES E. THOMAS, XXX-XX-XX
ROBERT J. THOMPSON, XXX-XX-XX
DAVID J. TOMPKINS, XXX-XX-XX
TIMOTHY D. TOOMEY, XXX-XX-XX
YVONNE L. TUCKER, XXX-XX-XX
RICKY D. UPTON, XXX-XX-XX
PETER VANDERVOORT, XXX-XX-XX
WREN H. WALTERS, XXX-XX-XX
VINCENT O. WARDLAW, XXX-XX-XX
LISA WEATHERTON, XXX-XX-XX
NOEL R. WEBSTER, XXX-XX-XX
SUSAN R. WEST, XXX-XX-XX
MARK G. WHIPPLE, XXX-XX-XX
BETTY J. WILEY, XXX-XX-XX
KEVIN D. WILLIAMS, XXX-XX-XX
TIMOTHY WILLIAMSON, XXX-XX-XX
BARBARA A. WILSON, XXX-XX-XX
PAUL W. WINGO, XXX-XX-XX
MARK W. YOW, XXX-XX-XX

To be major

HAROLD L. ABNER, XXX-XX-XX
JEFFREY ADAMOVIK, XXX-XX-XX
DONALD F. ARCHIBALD, XXX-XX-XX
CHARLES A. ASOWATA, XXX-XX-XX
FRANCIS BANNISTER, XXX-XX-XX
GREGORY G. BARISICH, XXX-XX-XX
EARNESTINE BEATTY, XXX-XX-XX
HUBERT L. BECTON, XXX-XX-XX
JOHN D. BERTHY, XXX-XX-XX
BLANCO W., BEVERLEY, XXX-XX-XX
STEVEN G. BOLINT, XXX-XX-XX
PATRICIA A. BRADLEY, XXX-XX-XX
MICHAEL R. BROCK, XXX-XX-XX
SPENCER J. CAMPBELL, XXX-XX-XX
BRIAN T. CANFIELD, XXX-XX-XX
CARL A. CASTRO, XXX-XX-XX
SALLY A. CHESSANI, XXX-XX-XX
DANIEL W. CLARK, XXX-XX-XX
RUSSELL E. COLEMAN, XXX-XX-XX
JOHN M. COLLINS, XXX-XX-XX
JOHN P. COLLINS, XXX-XX-XX
MORGAN CORNSTUBBLE, XXX-XX-XX

RICHARD COURNOYER xxx-xx-x  
 STEVEN CZERWINSKI xxx-xx-x  
 PETER C. DANCY\* xxx-xx-x  
 PHILIP C. DEDERER xxx-xx-x  
 DONALD W. DEGROFF xxx-xx-x  
 ROBERT DETREVILLE xxx-xx-x  
 DANNY R. DEUTER\* xxx-xx-x  
 ROBIN J. DOMM\* xxx-xx-x  
 THOMAS B. DUNHAM\* xxx-xx-x  
 MICHAEL F. DYER\* xxx-xx-x  
 SAMUEL E. EDEN\* xxx-xx-x  
 RICHARD T. EDWARDS xxx-xx-x  
 RICHARD J. ELLISTON\* xxx-xx-x  
 STEVEN D. EUHUS\* xxx-xx-x  
 JAMES O. FARR xxx-xx-x  
 ROBERT W. FAY\* xxx-xx-x  
 DANIEL J. FISHER xxx-xx-x  
 DAVID G. FONTES xxx-xx-x  
 MELINDA L. FUENTES xxx-xx-x  
 ALEXANDER GARDNER xxx-xx-x  
 MARY E. GARR xxx-xx-x  
 ALBERT H. GASSY\* xxx-xx-x  
 LESLY GELIN\* xxx-xx-x  
 DAVID G. GILBERTSON xxx-xx-x  
 MARK H. GLAD xxx-xx-x  
 RICARDO A. GLENN\* xxx-xx-x  
 JOHN J. GONDOS\* xxx-xx-x  
 CHRISTOPHER E. HALE\* xxx-xx-x  
 BRYANT E. HARP\* xxx-xx-x  
 CLAUDE HINES, JR. xxx-xx-x  
 ROBERT E. HOUSLEY xxx-xx-x  
 RANDOLPH G. HOWARD xxx-xx-x  
 THOMAS C. JACKSON\* xxx-xx-x  
 PHILIP KAHEU xxx-xx-x  
 EUGENE KELLEHER, JR. xxx-xx-x  
 KAREN M. KELLEY\* xxx-xx-x  
 CHRIS M. KIEFFER xxx-xx-x  
 JOSHUA P. KIMBALL\* xxx-xx-x  
 MARSHA A. LANGLOIS\* xxx-xx-x  
 TERRY J. LANTZ\* xxx-xx-x  
 FERNADO A. LASTRA\* xxx-xx-x  
 WILLIAM J. LAYDEN\* xxx-xx-x  
 JOHN R. LEE xxx-xx-x  
 CATHY E. LEPPIAHO xxx-xx-x  
 LANCE S. MALEY\* xxx-xx-x  
 GREGORY A. MALVIN\* xxx-xx-x  
 THIRSA MARTINEZ\* xxx-xx-x  
 LEWIS M. MASHBURN xxx-xx-x  
 DONNA M. MCKAY xxx-xx-x  
 KEVIN M. MCNABB\* xxx-xx-x  
 BRUCE W. MCVEIGH xxx-xx-x  
 JOHN R. MERCIER xxx-xx-x  
 DESIREE MERRITT xxx-xx-x  
 TALFORD MINDINGALL xxx-xx-x  
 ULISES MIRANDA III xxx-xx-x  
 RAFAEL C. MONTAGNO xxx-xx-x  
 OCTAVI MONTVAZQUEZ xxx-xx-x  
 SHONNA L. MULKEY\* xxx-xx-x  
 MICHAEL C. MULLINS\* xxx-xx-x  
 DAVETTE L. MURRAY\* xxx-xx-x  
 BOBBY J. NEWTON xxx-xx-x  
 TODD S. NICOLSON\* xxx-xx-x  
 CHARLOTTE NIELSEN\* xxx-xx-x  
 BRENT R. OVERTON\* xxx-xx-x  
 JESSIE J. PAYTON xxx-xx-x  
 JOSEPH A. PECKO xxx-xx-x  
 JEROME PENNER II xxx-xx-x  
 DELAND R. PETERSON\* xxx-xx-x  
 NELSON W. REBERT\* xxx-xx-x  
 MARK A. REDICK\* xxx-xx-x  
 DAVID T. REIBER\* xxx-xx-x  
 KAROLYN RICE\* xxx-xx-x  
 CHRISTI RICHARDSON\* xxx-xx-x  
 ONOFRE A. RIVERA\* xxx-xx-x  
 CHRISTOPHER V. ROAN\* xxx-xx-x  
 GEORGE A. ROARK\* xxx-xx-x  
 WALTER K. ROSS\* xxx-xx-x  
 MICHAEL P. RYAN xxx-xx-x  
 RAFAEL A. SALAS xxx-xx-x  
 HOWAR SCHELLENBERG\* xxx-xx-x  
 ERIC A. SHEETZ xxx-xx-x  
 EARLE SMITH\* xxx-xx-x  
 WADE L. SMITH\* xxx-xx-x  
 EMERY SPAAR xxx-xx-x  
 NED STEPHENS, JR. xxx-xx-x  
 DEBRA M. STEWART\* xxx-xx-x  
 JOHN R. STEWART xxx-xx-x  
 CARLHEINZ W. STOKES xxx-xx-x  
 ROBERT D. TENHET\* xxx-xx-x  
 JACK K. TROWBRIDGE xxx-xx-x  
 JOE M. TRUENO\* xxx-xx-x  
 DE P. VAN xxx-xx-x  
 KAREN J. WAGNER xxx-xx-x  
 ROBERT W. WALLACE xxx-xx-x  
 STEVEN WARRINGTON\* xxx-xx-x  
 JASPER W. WATKINS\* xxx-xx-x  
 JAY M. WEBB xxx-xx-x  
 JAMES A. WILKES\* xxx-xx-x  
 SCOTT A. WILSON\* xxx-xx-x

ARMY MEDICAL SPECIALIST CORPS

To be lieutenant colonel

JOAN E. BEEBE\* xxx-xx-x  
 JOHN L. BUONO xxx-xx-x  
 JEANNINE B. DAVIES xxx-xx-x  
 RICHARD B. HARSTON\* xxx-xx-x  
 DALE E. HILL xxx-xx-x  
 ROBERT HYLINSKI\* xxx-xx-x  
 MARY R. KOCH xxx-xx-x  
 BRENDA F. MOSLET\* xxx-xx-x  
 DONALD L. PARSONS xxx-xx-x

RUSSELL E. UTTER xxx-xx-x  
 JACK E. WALKER xxx-xx-x  
 JOHN P. WARBER xxx-xx-x

To be major

JUDY M. ADAMS\* xxx-xx-x  
 ROBERT BURKENBINE\* xxx-xx-x  
 JOHN C. CHEASTY\* xxx-xx-x  
 JOSEPH F. CREEDON\* xxx-xx-x  
 BRENDA K. ELLISON\* xxx-xx-x  
 DENNIS C. FISCHER xxx-xx-x  
 GEORGE A. FISHER xxx-xx-x  
 RICHARD L. GEIGER\* xxx-xx-x  
 PATRICK HEGENBAR\* xxx-xx-x  
 CAROL L. HOBBS xxx-xx-x  
 DONALD J. HUGGARD xxx-xx-x  
 DAVID A. JERABEK xxx-xx-x  
 ALLEN R. JONES\* xxx-xx-x  
 CLARENCE MILLIKIN\* xxx-xx-x  
 JOSEPH H. MOORE xxx-xx-x  
 ROBERT J. PAWLOSKI\* xxx-xx-x  
 JOSEPH L. SOUSHA\* xxx-xx-x  
 ROBINETTE STRUTTON\* xxx-xx-x  
 RICHARD L. WYGANT\* xxx-xx-x  
 GARY S. YON\* xxx-xx-x

VETERINARY CORPS

To be lieutenant colonel

RONALD E. BANKS xxx-xx-x  
 LARRY G. CARPENTER xxx-xx-x  
 MICHAEL B. CATES\* xxx-xx-x  
 STEPHEN L. DENNY xxx-xx-x  
 DENZIL F. FROST\* xxx-xx-x  
 WALTER D. GOOLSBY xxx-xx-x  
 DAVI SCHUCKENBROCK\* xxx-xx-x  
 SCOTT R. SEVERIN xxx-xx-x  
 KERRY L. TAYLOR xxx-xx-x  
 MARK E. WOLKEN xxx-xx-x

To be major

KEVIN J. ANDERSON\* xxx-xx-x  
 JAMES W. BOLES\* xxx-xx-x  
 CRYSTAL M. BRISCOE xxx-xx-x  
 JAMES T. COBB\* xxx-xx-x  
 CHERYL D. DICARLO xxx-xx-x  
 WILLIAM D. FALL\* xxx-xx-x  
 GORDON R. GATHRIGHT\* xxx-xx-x  
 MICHAEL LAGUTCHIK xxx-xx-x  
 KAY D. LASSITER xxx-xx-x  
 KATHLEEN MCCLELLAN\* xxx-xx-x  
 BRIAN V. NOLAND\* xxx-xx-x  
 FONZIE QUANCEPITCH\* xxx-xx-x  
 GEORGE C. RENISON xxx-xx-x  
 JOHN R. TABER\* xxx-xx-x  
 JIMMY C. VILLIARD xxx-xx-x  
 RONALD S. WALTON\* xxx-xx-x  
 CHARLES E. WATSON\* xxx-xx-x  
 PAUL E. WHIPPO xxx-xx-x

ARMY NURSE CORPS

To be lieutenant colonel

JANICE B. AGAZIO xxx-xx-x  
 NANCY F. ALLMON xxx-xx-x  
 LINDA J. ANDERSEN xxx-xx-x  
 ROBERT A. ARNDT\* xxx-xx-x  
 KATHERINE A. BABE xxx-xx-x  
 KENT K. BABCOCK xxx-xx-x  
 MARY B. BEDELL\* xxx-xx-x  
 ROBIN R. BENCKART\* xxx-xx-x  
 REGINA K. BENNETT xxx-xx-x  
 JOHN M. BEUS xxx-xx-x  
 KATHLEEN A. BUDA\* xxx-xx-x  
 MARY C. BURMAN\* xxx-xx-x  
 LAUREN A. BURNEY xxx-xx-x  
 RITA CORCORAN xxx-xx-x  
 LOUISE CUTHBERTSON xxx-xx-x  
 ERNEST DEGENHARDT xxx-xx-x  
 DAVID E. DUELGTEN xxx-xx-x  
 KATHLEEN N. DUNEM\* xxx-xx-x  
 PAUL R. EHRLICH\* xxx-xx-x  
 KEITH E. ESSEN\* xxx-xx-x  
 DALE A. FLETCHER xxx-xx-x  
 MARY FRANKEN\* xxx-xx-x  
 DANIEL J. GENITON xxx-xx-x  
 SANDRA L. GOINS\* xxx-xx-x  
 JERRY P. GONZALES xxx-xx-x  
 RICHARD W. HARPER xxx-xx-x  
 WILLIAM J. HARTMAN\* xxx-xx-x  
 KIM D. HAVAS xxx-xx-x  
 JENNIFER W. HENNES xxx-xx-x  
 WILLIAM E. HERBERT\* xxx-xx-x  
 JIM R. HERNANDEZ\* xxx-xx-x  
 GUY L. HIGGINS xxx-xx-x  
 WILLIAM C. HIGGINS xxx-xx-x  
 NANCY S. HODGE xxx-xx-x  
 JOSEPH H. KELLY xxx-xx-x  
 ANN S. KENNY xxx-xx-x  
 DEBORAH D. KESSLER\* xxx-xx-x  
 DIANE J. KIFER\* xxx-xx-x  
 WILLIAM S. KIRK\* xxx-xx-x  
 JULIA A. MAGUIRE xxx-xx-x  
 YOLIN MCCORQUODALE xxx-xx-x  
 WARREN D. MCDONALD xxx-xx-x  
 THERESA MESSENGER xxx-xx-x  
 MURIEL D. METCALF\* xxx-xx-x  
 ELIZA MITTELSTAEDT xxx-xx-x  
 LEEANN MOLINI xxx-xx-x  
 CAROL N. MORENO xxx-xx-x  
 JO A. MOYERS xxx-xx-x  
 SYNTHIA NABARRETE xxx-xx-x

MARIE B. NARCHET\* xxx-xx-x  
 JACKIE L. NUSSBAUM xxx-xx-x  
 CATHERINE A. OBITS xxx-xx-x  
 ANNE M. OSULLIVAN xxx-xx-x  
 ROY A. PHILLIPS xxx-xx-x  
 GERTDELL PHYALL\* xxx-xx-x  
 ROBERT M. PONTIUS\* xxx-xx-x  
 LEE A. PORISCH xxx-xx-x  
 DEBORAH F. REICHERT xxx-xx-x  
 HELEN N. REYNA xxx-xx-x  
 ANN B. RICHARDSON\* xxx-xx-x  
 LYNELE ROCKWELL xxx-xx-x  
 GEMRYLL L. SAMUELS\* xxx-xx-x  
 MONICA A. SECULA\* xxx-xx-x  
 KATHLEEN Y. SHACKLE xxx-xx-x  
 DEBRA L. SPITTLER xxx-xx-x  
 JOAN L. STOMBRES xxx-xx-x  
 SANDRA L. STUBAN xxx-xx-x  
 TIMOTHY J. TAYLOR xxx-xx-x  
 JOHN B. WHITTEMORE\* xxx-xx-x  
 MARIA D. ZAMARRIPA\* xxx-xx-x

To be major

ROXANNE AHRMAN\* xxx-xx-x  
 DEBRA S. ALANIZ\* xxx-xx-x  
 SUSAN E. ANDERSON xxx-xx-x  
 NATHANIEL M. APATON\* xxx-xx-x  
 KIMBERLY ARMSTRONG\* xxx-xx-x  
 PORTER M. ARTHUR\* xxx-xx-x  
 NANCY G. BARD\* xxx-xx-x  
 NELDA L. BARNHILL\* xxx-xx-x  
 PAMELA BERGENHEIER\* xxx-xx-x  
 BETTY J. BOHANNON\* xxx-xx-x  
 LORI L. BOND\* xxx-xx-x  
 ELIZABETH A. BOWIE\* xxx-xx-x  
 HORTENSE R. BRITT\* xxx-xx-x  
 HENRIETTA W. BROWN\* xxx-xx-x  
 JULIE CLARE xxx-xx-x  
 CHERI R. COLEMAN xxx-xx-x  
 JANE L. COLLINS\* xxx-xx-x  
 WILFREDO CORDERO\* xxx-xx-x  
 SHERYL L. DARROW\* xxx-xx-x  
 DANIEL K. DEVELDE\* xxx-xx-x  
 JOSEPH C. DEWEES\* xxx-xx-x  
 NANCY S. EILENFELD\* xxx-xx-x  
 ANN M. EVERETT\* xxx-xx-x  
 MICHAEL R. FLAKE\* xxx-xx-x  
 ELAINE FLEMINGLEE\* xxx-xx-x  
 KATHRYN M. GAYLORD\* xxx-xx-x  
 JANICE M. GENUA\* xxx-xx-x  
 LINDA M. GEORGE xxx-xx-x  
 WILLIAM GLASSCOCK xxx-xx-x  
 LESLIE S. GOEKE\* xxx-xx-x  
 STEVEN W. GRIMES\* xxx-xx-x  
 PAUL D. GUERRETTE\* xxx-xx-x  
 LARRY L. GUYTON\* xxx-xx-x  
 KAREN A. HAGEN\* xxx-xx-x  
 HEATHER W. HANSEN\* xxx-xx-x  
 BENNY F. HARBELL\* xxx-xx-x  
 CRAIG A. HARTMAN\* xxx-xx-x  
 LINDA S. HARTSOCK xxx-xx-x  
 JOYCE HASTIE\* xxx-xx-x  
 JOHN K. HAWKINS\* xxx-xx-x  
 CHRISTINA M. HER\* xxx-xx-x  
 LELAND N. HUDSON\* xxx-xx-x  
 MICHAEL T. HUMPHREY\* xxx-xx-x  
 MARGIA J. IMDIEKE\* xxx-xx-x  
 JANE E. JACKNEWITZ\* xxx-xx-x  
 THEODOSIA JIMENEZ\* xxx-xx-x  
 JACQUELYN JOHNSON\* xxx-xx-x  
 MARY A. JONES\* xxx-xx-x  
 SUSAN E. JONES xxx-xx-x  
 MICHAEL A. JORDEN\* xxx-xx-x  
 CYNTHIA A. KANASZKA xxx-xx-x  
 ELIZABETH O. KELLY\* xxx-xx-x  
 KATHARINE M. KELLY xxx-xx-x  
 MAUREEN A. KILZER xxx-xx-x  
 PATRICIA J. KOPPE\* xxx-xx-x  
 JEANNINE C. KOUZEL\* xxx-xx-x  
 REBECCA K. LACHANCE\* xxx-xx-x  
 JOAN T. LANCASTER xxx-xx-x  
 TERRY J. LASOME\* xxx-xx-x  
 LAJUAN R. LEE\* xxx-xx-x  
 DOROTHY J. LEGG\* xxx-xx-x  
 PATRICIA M. LEROUX\* xxx-xx-x  
 ROSETTA L. LEWIS\* xxx-xx-x  
 GERALD A. LOEFFLER\* xxx-xx-x  
 ANTONIO LORA\* xxx-xx-x  
 KAREN L. LUTHER\* xxx-xx-x  
 MYRNA H. LYONS\* xxx-xx-x  
 MARY C. MAIN\* xxx-xx-x  
 BEVERLY MCCORMICK\* xxx-xx-x  
 LINDA F. MCCRARY\* xxx-xx-x  
 RICHARD R. MCGRORY\* xxx-xx-x  
 CARL S. METZGER\* xxx-xx-x  
 CONNIE J. MOORE\* xxx-xx-x  
 MARIE C. MORENCY\* xxx-xx-x  
 WANDA I. MUNOZ\* xxx-xx-x  
 MARY R. MURRAY\* xxx-xx-x  
 CARA NEALBAMBENEK\* xxx-xx-x  
 JENNIFER A. NELSON\* xxx-xx-x  
 THERESA H. NEWLIN xxx-xx-x  
 JANE E. NEWMAN\* xxx-xx-x  
 DOUGLAS E. NEWSON\* xxx-xx-x  
 VICKI J. NICHOLS\* xxx-xx-x  
 FRISCELL PATTERSON\* xxx-xx-x  
 SALLY A. PEDROSA\* xxx-xx-x  
 PHELPS F. POND\* xxx-xx-x  
 MELINDA L. POOLE\* xxx-xx-x  
 PATRICIA O. POTTS\* xxx-xx-x  
 AMANDA A. PRATER xxx-xx-x  
 MARIE H. PRICE\* xxx-xx-x

PED RAMONHERNANDEZ  
 JOAN RAMOSALARILLA  
 DORIS A. REEVES  
 LUE D. REEVES  
 VICKIE L. REIFF  
 MICHAEL R. ROCHIN  
 MARY S. ROEDER  
 MIGUEL A. ROSADO  
 BEVERLY S. ROSE  
 YOLANDA RUIZISALES  
 KRISTIN SAPUNTZOFF  
 MARIE B. SCHECH  
 JACQUELIN J. SCHULZ  
 DANIEL SENGSTACKE

MICHAEL SILKA  
 DANIEL D. SMITH  
 SUSAN M. SMOTHERS  
 ADORACION G. SORIA  
 DEBRA A. SPENCER  
 SHIRLEY A. SPRINK  
 STEVEN R. SPRINGER  
 BARRY T. STEEVER  
 LINDA L. SULTON  
 COLLEEN TAKAHASHI  
 BOBBIE J. TAYLOR  
 ANTHONY V. THOMPSON  
 BERNADETTE THOMPSON  
 DARIA D. THOMPSON

WEELDEN L. VAN  
 KALDON L. WALTJEN  
 JOEL S. WALZ  
 VIRGIL G. WIEMERS  
 PATRICIA A. WILHELM  
 DALE A. WILLENBERG  
 PALACESTI WILLIAMS  
 IRENE E. WILLIFORD  
 KATHLEEN J. WILTSHIRE  
 MICHAEL T. WOLF  
 JOHN S. WONG  
 MILDRED A. WOODARD  
 THOMAS R. YARBER  
 MARIAN E. YOWLER

THE SACRAMENTO DISTRICT DEN-  
 TAL / SURVIVAL - A CENTURY OF  
 SERVICE

HON. VICTORIO

IN THE HOUSE OF REPRESENTATIVES  
 Wednesday, July 26, 1994

Mr. FAZIO. Mr. Speaker, I rise today in recognition of a century of service rendered by the Sacramento Dental Society to the greater Sacramento community. For the past 100 years, the Society has served Sacramento, Yuba, and El Dorado and Placer Counties—volunteering for county dental clinics, oral cancer screening, school dental screenings, and helping fund its members' advanced educational, preventive, and restorative services. Although the society has grown from a group of dentists, it has maintained its focus on dental care for underserved populations and community dental care for underserved populations. Members have also been active in providing information and advice to legislators on dental health issues.

Programs have been well received since the primary need of the region and the Latin American region at this time is economic development. The University has structured its curriculum to offer a variety of courses on business management, computer science, and performance. While a number of other institutions from the United States have many operations in Latin America, the University of Mobile has played a major role in the development of students through computer-based research, training programs for management personnel, and consultation with the central and local governments on issues such as education and secondary, education and health care. The University of Mobile in Alabama has also opened opportunities for cultural exchange between the United States and Central America.

Knowledge and other courses in the region have long been in desperate need of a quality educational organization to sponsor a variety of educational programs. This year a freshman class at the Michigan campus has grown to 100 students and next year enrollment is projected to be even greater. I strongly urge the Agency of International Development to support the program. The University of Mobile needs assistance in providing scholarships to talented Honduran students to attend the U.S. Government should use the project as a model for other higher education efforts in the region of the world.

Mr. GALLAGHER. Mr. Speaker, I rise today to introduce legislation that I hope will eventually end the increasing reliance of some of our Nation's military personnel on food stamps and other Government aid programs. According to the Department of Defense, more than 1.5 million members of the U.S. Armed Forces currently depend on food stamps to feed themselves and their families, and two to three times that number for the old but do not accept it. Last year, \$2.7 billion in food stamps was redeemed at military commissaries nationwide, up from \$2.4 billion in 1992.

The time has come for Congress to take a hard look at how it compensates the leaders of this Nation and to make a serious commitment to keeping our servicemen and women away from the poverty line and off welfare. The simple fact is that when someone goes to war, our country's national pride and honor should be with them. It is not fair to provide for their families should be part of the deal.

It is time to show the men and women of our Armed Forces that we care enough to put them with a benefit like a disability. We should be supporting to ensure that they do not have to rely on welfare.

I would like to create a 10-member national commission to review the compensation of senior members and suggest new strategies to end their increasing dependence on Federal and local assistance programs. Once established, the broad-based group would have 180 days to complete its work and would submit to the Congress and the President a report from which legislative changes could be made.

I am hopeful that my colleagues will support this effort. We can certainly choose to do nothing and watch the situation continue to roll in each set of numbers, only further confirming our failure to adequately compensate a group of people we expect to be ready at a moment's notice to take care of us all.

THE FAMILY HEALTH COVERAGE

HON. BILL BAKER

IN THE HOUSE OF REPRESENTATIVES  
 Wednesday, July 26, 1994

Mr. BAKER of California. Mr. Speaker, today, I am introducing legislation to provide for advance coverage for young people who do not have their own health insurance until they reach age 27. According to the National Center for Policy Analysis, only a small portion of the 18 percent of the population without insurance is insured for a year. Another 25 percent is insured in 12 months. Only 5 percent of the population remains uninsured for 2 years. Furthermore, approximately 40 percent

THE ULTIMATE CALL

HON. JAMES A. TRAFICANT, JR.

IN THE HOUSE OF REPRESENTATIVES  
 Wednesday, July 26, 1994

Mr. TRAFICANT. Mr. Speaker, I rise today to honor an extraordinary man who died during World War II. On July 30, 1943, James died aboard the U.S.S. *Intrepid*, CA 22. This ship carried the atom bomb to Japan. The *Intrepid* was on her way to Germany when the U.S.S. *Intrepid* was sunk by a German submarine. The U.S.S. *Intrepid* was the last ship to be sunk during World War II. Eight hundred and eighty lives were lost. Jimmy Call was just 25 years old. Mr. Speaker, the title of the *Intrepid* is an important part of our history. We must never forget our fallen soldiers. James was the only

UNIVERSITY OF MOBILE-LATIN AMERICAN CAMPUS

HON. ROBERT C. TORRIBELLI

IN THE HOUSE OF REPRESENTATIVES  
 Wednesday, July 26, 1994

Mr. TORRIBELLI. Mr. Speaker, along with the distinguished colleague from North Caro-

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