

SENATE—Wednesday, April 13, 1994

(Legislative day of Monday, April 11, 1994)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

PRAYER

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

Let us pray:

In a moment of silence, let us remember Senator SHELBY, who has had successful surgery and will be recovering; Senator SMITH, who received good news regarding his 19-year-old daughter; and the families of Officer Steven Miles, whose mother passed away during recess, and Official Reporter of Debates Joel Breitner, whose father passed away.

*Blessed is the nation whose God is the Lord * * ** —Psalm 33:12.

Lord God of Abraham, Isaac, and Israel, of Moses and the prophets, Jesus and the apostles, Lord God of the ages and all peoples of all races, grant that this Nation may fulfill its God-destined role among all nations.

Heighten our gratitude for the blessings so lavishly bestowed upon us. Deepen our humility in recognition of the resources so uncommonly plentiful in our land. Broaden our sense of justice to include the deprived and the forgotten of the world. Lengthen the outreach of our love and goodness to all who suffer, the homeless and the hungry, the persecuted and the oppressed.

Sensitize us to the hurt and pain of all peoples, at home and abroad. Make us advocates of the voiceless, the weak, the poor, the elderly, the neglected. Let compassion be the hallmark of our deliberations.

We pray this in the matchless name of Him who, in love, gave His life for all peoples. 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 assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 13, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRY REID, a Sen-

ator from the State of Nevada, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. MITCHELL. Mr. President, there will be a period for morning business until 9:45 a.m. today for Senator LIEBERMAN to be recognized to address the Senate. At 9:45 a.m., Senator BYRD will be recognized to address the Senate with respect to the pending bill, S. 21, the California Desert Protection Act. A vote on that bill will occur at 10 a.m. this morning.

Following that, pursuant to an agreement entered last evening, the Senate will proceed to S. 455, a bill relating to payments in lieu of taxes, under a time agreement which is set forth at page 2 in today's calendar. There will be up to 2 hours of debate on that bill, to be followed by a vote.

Thereafter it is my intention we will take up some of the pending nominations that I discussed just prior to closing last evening. I will have a further announcement with respect to those following further consultation with the Republican leader.

The Senate will not be in session on this Friday, pursuant to a longstanding schedule.

Mr. President, I yield the floor.

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 of morning business, not to extend beyond the hour of 9:45 a.m., with Senators permitted to speak therein for a period of time not to exceed 5 minutes each.

The Senator from Connecticut is recognized.

PRIMARY IMMUNE DEFICIENCY AWARENESS WEEK

Mr. LIEBERMAN. Mr. President, last month the Senate passed Senate Joint Resolution 151 declaring the week beginning April 10, 1994, as National Primary Immune Deficiency Awareness Week. I am pleased that so many of my colleagues, including the majority and minority leaders, joined me in supporting the resolution. Primary immune deficiency is a genetic defect to the immune system that presently affects 1 in 500 persons, most of them children, in the United States. This condition often provokes a lifetime of serious illness and sometimes results in death, yet many doctors and families know little about the disease. Primary immune deficiency is frequently misdiagnosed and not properly treated. Therapy and medicines which can significantly improve the health of those suffering from primary immune deficiency, protect their vital organs, and save their lives do exist, but many families and patients suffer alone with little medical or psychological support.

The Modell family from Connecticut has suffered through the tragedy of losing a loved one to primary immune deficiency. Jeffrey Modell struggled bravely with this disease until it took his life at the age of 15. His parents Fred and Vicky Modell experienced the enormous medical, emotional, and financial difficulties of dealing with the primary immune deficiency on their own. After Jeffrey's death, they realized the need for an organization which would provide families who are struggling to overcome primary immune deficiency with a place to turn for help. They founded the Jeffrey Modell Foundation, a national, nonprofit research foundation which operates a 24-hour information and referral hotline and helps fund and coordinate the struggle against primary immune deficiency through work in three areas: Research, physician and patient education; and patient support.

The Modell Foundation has made extraordinary progress in realizing all three goals, but we must expand our efforts to increase public awareness—500,000 Americans are known to be affected by this disease. We need to ensure that parents and health care professionals are aware of the symptoms of primary immune deficiency, that they know where to turn for assistance, and that we are supporting research efforts to increase the medical community's understanding of this condition.

I thank my colleagues for supporting the resolution I introduced last year declaring this week National Primary Immune Deficiency Awareness Week.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD immediately following my remarks.

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

S. J. RES. 151

Whereas primary immune deficiency is a congenital defect in the immune system such that the body cannot adequately defend itself from infection;

Whereas primary immune deficiency is most often diagnosed in children and affects more children than leukemia and lymphoma combined;

Whereas primary immune deficiency is believed to affect 500,000 Americans and possibly more because the defect is often undiagnosed and misdiagnosed;

Whereas many forms of primary immune deficiency are inherited;

Whereas there are currently considered to be 70 forms of primary immune deficiency ranging from severe combined immune deficiency (which is fatal if untreated) to chronic recurring infections and allergies that cannot be managed with prophylactic antibiotics;

Whereas the earliest symptoms of primary immune deficiency are easily confused with a number of common illnesses or infections so that physicians often fail to diagnose and treat the underlying problem;

Whereas once suspected, primary immune deficiency can be diagnosed through a series of blood screenings that test immune function;

Whereas early intervention and treatment can save lives and prevent permanent damage to lungs and other organs;

Whereas many forms of treatment are available once a specific diagnosis is made;

Whereas procedures such as bone marrow transplants may result in complete cure, and other treatments like monthly infusions of gamma globulin dramatically reduce a patient's risk of infections and enable the patient to lead a normal life;

Whereas patients may have long periods of normal health then suddenly be struck by severe fevers and infections;

Whereas lack of public awareness can lead to anxiety and leave families isolated and confused; and

Whereas education is essential to make the general public, health care professionals, employers, and insurers more knowledgeable about primary immune deficiency: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of April 10 through 16, 1994, is designated as "Primary Immune Deficiency Awareness Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

Mr. LIEBERMAN. Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

"ZENECA FOR HEALTHIER KIDS" PROJECT

Mr. BIDEN. Mr. President, later this year, the Senate will consider the reauthorization of a number of child nutrition programs. The goal of our legislative efforts will be, as always, to ensure the health and well-being of America's children, especially those who live in or at the edge of poverty.

We are conscious that Government has substantial obligations and real opportunities to help families in need. But we are also painfully aware, Mr. President, that Government cannot do the job alone. If we are to meet the needs of America's children, the private sector—including business, church and community groups, and citizen volunteers—must play a role.

I am proud today to be able to share with my colleagues the story of a new project launched by a private company and its employees, in order to make a difference in the lives of economically disadvantaged children and families in my State. The project is called "Zeneca for Healthier Kids," and represents a partnership of Zeneca, Inc., one of the world's leading bioscience companies, and the Food Bank of Delaware, which has been active for more than 16 years in the fight against hunger and malnutrition.

The people at Zeneca made a deliberate decision to initiate a community project consistent with their corporate mission, which includes a core business in health and agricultural products. Fighting hunger and promoting better nutrition seemed a natural fit, and certainly the need was well documented; in our State of just 700,000 people total, some 12,000 children regularly go hungry and another 12,000 are at constant risk, living as they do at the perilous edge of poverty.

Once the partnership with the Food Bank of Delaware was formed, careful planning went into the design of a 3-year pilot program to provide food to needy families, to increase public education about nutritional needs and available assistance, and to generate a volunteer base among Zeneca employees to sustain the program over the long haul.

To provide food to those in need, Zeneca will fund the purchase of food packages, of high-protein, health meals, to be distributed monthly by company volunteers to the 250 Delaware families enrolled in the WIC Program. In addition, Zeneca volunteers will organize food drives at work sites and offer support services, such as computer programming and accounting, necessary to run the program.

To promote public awareness of nutritional needs and available assistance, like the WIC Program, Zeneca has sponsored the production of an informational video, which will be available at State service centers, schools, and Food Bank member organizations. Zeneca will also fund and make available a pocket guide to nutritional programs and public-service announcements to get the message about better nutrition to the widest possible audience.

Mr. President, we all know that early nutrition has a tremendous effect on children, and that inadequate nutrition impairs a child's development and ability to succeed or even to try to succeed. We know that no one program will solve the problem of hunger among our youngest and most vulnerable citizens, but we also know that if we all do our parts, we can make a difference.

The people of Zeneca, in partnership with the Food Bank of Delaware, are trying to do their part, and working to make a difference for their less fortunate neighbors. Their efforts represent not only a much needed service but also a very admirable example, and we in Delaware are proud of them.

PRIMARY IMMUNE DEFICIENCY AWARENESS WEEK

Mr. WOFFORD. Mr. President, I am very pleased to support Senate Joint Resolution 151, a joint resolution designating this week, April 10-16, 1994, as "Primary Immune Deficiency Awareness Week."

Ian Murray of Erie, PA brought the medical problem of primary immune deficiency to my attention some time ago. He and his family have been directly affected, and he has expressed his concern to me that primary immune deficiency, which can express itself in a wide range of disease conditions and levels of severity, is not widely understood in this country. Indeed, many of our young people who may suffer from the deficiency have gone undiagnosed and untreated.

This resolution helps to educate the public and bring the matter to greater national awareness. Vicki and Fred Modell, who established the Jeffrey Modell Foundation in memory of their son who died at age 15 of the disease, have worked hard to bring the disease to the attention of parents, families, primary care physicians, and medical specialists in the field. They initially brought primary immune deficiency to the attention of Members of the U.S. Senate, and Senator LIEBERMAN sponsored the resolution. I am pleased to cosponsor it with him.

I salute Ian Murray, his family, and the Jeffrey Modell Foundation for their advocacy of this very important issue.

HOLIDAY PAST

Mr. DOLE. Mr. President, just this week an article which appeared in the Philadelphia Inquirer last December came to my attention.

It's an article written by Joseph P. Barrett, a World War II veteran who served with the 47th Anti-Aircraft Battalion. In his article, Mr. Barrett writes about his train ride back to Camp Davis, NC after spending Christmas 1943 with his family.

On the way back to Camp Davis, Mr. Barrett's train stopped for a short while here in Washington. Mr. Barrett remembers fondly his brief visit to the Capital City during the war. I thought it fitting that as we commemorate the 50th anniversary of World War II, that we take a moment to reflect on this short glimpse of life on the homefront in 1943. Mr. President, I ask unanimous consent that the text of the article be inserted into the RECORD.

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

[From the Philadelphia Inquirer, Dec. 26, 1993]

FORMER G.I. REFLECTS ON HOLIDAY PAST
(By Joseph P. Barrett)

The New York-to-Washington passenger train, packed to the doors, rolled slowly into the North Philadelphia Station of the Pennsylvania Railroad. The platform was already crowded with servicemen trying to catch a train back to camp on this late afternoon of Christmas 1943, 50 years ago.

A disappointed sigh rose from the G.I.s and their loved ones when they realized that not all would be able to board the train. Fortunately, the doors of one of the cars stopped right in front of me and I was one of the lucky ones to squeeze in.

There was not a single inch of floor space that did not have a foot on it. The aisles and doorways were belly button to buttocks. Some sat on upturned suitcases, while servicemen climbed up on the luggage rack and immediately went to sleep. The men's and ladies' rooms were likewise packed. A piece of luck was to be able to sit on the sink or commode.

It seemed like ages since I had gotten the pass at Camp Davis, N.C., where my outfit, the 47th Antiaircraft Battalion, was preparing to go fight in the invasion of France the following June.

There was a lot of pushing and shoving around the battery headquarters, where everyone wanted a pass. Every G.I. wanted to go home for Christmas. Suddenly it was discovered that some of our Jewish comrades had put in for the passes.

A near-riot ensued. "You guys killed Christ," some hollered loudly. "Now you want to celebrate His birthday."

The Jewish guys quietly withdrew their requests and settled for going home on New Year's Day. I felt bad because many of these men were my friends from the time we were sworn in on the day after Christmas 1942. They came from Strawberry Mansion, a Jewish enclave, about 10 blocks west of 22d Street and Lehigh Avenue, where I lived in Swampoodle, an Irish neighborhood in North Philadelphia.

CHRISTMAS DINNER

On Christmas Day I had gone to Mass with my parents at St. Columba's, then returned

home to have breakfast and sit around with the family. Neighbors came by to wish me well. My mother, Mary E. Barrett, served an early turkey dinner to make sure I made the train.

When the train reached Washington, Union Station was jammed. So I walked the streets of the city and ate the two turkey sandwiches prepared by my mother, and an orange and apple given to me by my next door neighbor, Ellen Sweigard.

I found a U.S.O. club. It was like a big hotel. I asked if I could sleep there until 1 a.m. and a dignified lady took me up to the ninth floor, sat me in a Morris chair and pinned a piece of paper on the chair which said simply, "Awaken at 1 a.m."

It seemed that I was just asleep when another lady, more dignified than the first, gently shook me awake. I later learned that these ladies were wives of senators, congressmen and high government officials who spent their Christmas serving servicemen at the U.S.O. This was the kind of total commitment that the war inspired.

Union Station was still jammed when I returned to board the train down to North Carolina. They refused to allow us to go to the train level, but I spotted another G.I. climbing a small wall, so I went over the wall after him. We found ourselves on an empty section of the platform at the end of the train.

THE 'JIM CROW CAR'

Right in front of us was a "Jim Crow Car." This was reserved for what we then called "colored folk." All the seats were taken, but there was plenty of floor space. So I crawled in between the backs of two seats, spread a newspaper on the floor and went to sleep. It was 4 a.m.

The white passengers sat on soft leather seats but the blacks had only wooden seats covered with a hard, strawlike material. The car needed a paint job and was very dismal.

These passenger cars were relics of the early railroads of the 19th century. The notion of separate but equal, which was the law of the land down South, was a fraud.

I got back to camp in time for chow at 6 p.m., 12 hours late. This was the first food I had since eating the turkey sandwiches over 12 hours ago.

But it was still a great Christmas. Unforgettable.

TRIBUTE TO PATRICIA RUANE
AND JERRY LYNCH

Mr. LAUTENBERG. Mr. President, I rise today to commend the achievements of two outstanding New Jerseyans, Patricia Ruane of Bloomfield, and Jerry Lynch of Belmar.

As life-long residents of New Jersey, both Mrs. Ruane and Mr. Lynch have demonstrated an outstanding commitment to serving their communities. They have each been chosen as recipients of the Distinguished Service Award presented by the Irish-American Society of the Oranges.

In addition to her career as an administrative assistant to the regional vice president of Menno Travel Services—MTS Travel in Bloomfield, Patricia Ruane has an exemplary list of accomplishments in community service, including cocreating project children, an organization bringing Catholic and Protestant children together. In the

past, she was honored by the Ancient Order of Hibernians Division No. 9 Montclair. Mrs. Ruane is also an active member of many Irish-American organizations including the Irish-American Society of the Oranges. Her support and encouragement in the Irish-American community is deeply appreciated.

Mr. Jerry Lynch is also a distinguished New Jersey citizen. Mr. Lynch is the founder and standard bearer of the Jerry Lynch Social and Civic Club, which pioneered Irish-American activities in the New Jersey shore area. In the past, he served as president of the Belmar Board of Education and he is currently president of the Belmar Kiwanis Club. In addition to being a member of many organizations, Mr. Lynch is a member of the Irish-American Society of the Oranges.

I pay tribute to both these upstanding individuals and the many contributions they made on behalf of the citizens of New Jersey.

RECOGNITION OF SAMMAMISH
HIGH SCHOOL

Mr. GORTON. Mr. President, I rise today to recognize Sammamish High School in Bellevue, WA, for innovation and excellence in education.

While at home over the January recess, I organized a meeting of over 200 parents, teachers, administrators, and students. At this conference I listened carefully to the concerns and ideas of those in attendance. While I heard many varied and different suggestions, one theme was constant. Innovative and resourceful programs which educators work hard to plan and execute deserve more recognition. I therefore promised to recognize, on a monthly basis, a school or school program that is outstanding and innovative. The original high school biology curriculum that was created by Mr. Ron Thompson, the biology teacher at Sammamish High School, is worthy of such recognition.

Many national studies have consistently shown that many young students have an active interest in science and biology. However, by the time these students reach high school, this interest has often diminished. These same studies pointed to the fact that most high school science programs were taught simply from a textbook, following a general curriculum and relying on memorization and isolated learning. The standard high school curriculum did not teach key concepts and ideas important to understanding most scientific principles. Ron Thompson responded to this problem and designed an innovative program entitled "Biology: As Scientific Inquiry." This new text and lab manual incorporates many new interactive ideas which draw students into the class and stimulate them to want to learn. It uses a team approach to problem solving which

teaches the students to be efficient problem solvers, a skill in high demand by the employers of today. This curriculum has been so widely acclaimed it has been subsequently adopted in 10 States and 22 different school districts and received several national awards. Programs such as this are truly the key to the future of education.

Mr. Ron Thompson and his innovative biology curriculum at Sammamish High School should continue to be promoted throughout Washington State, as well as the entire United States. Recognizing that a problem exists and taking the initiative to develop successful programs is the key to improving our education system.

MIKIS THEODORAKIS

Mr. LEVIN. Mr. President, Mikis Theodorakis is an internationally renowned artist and one of Greece's pre-eminent living composers. Throughout his life he has been dedicated to forging a modern Greek identity through his powerful and popular music. He uses his artistic forum to further such admirable causes as the environment and an end to child hunger, which has earned him awards from nations spanning the globe.

In addition to internationally recognized achievements, he has also been extensively involved in the life of his country. As a member of the resistance against the German occupation of Greece in 1943, he proved himself early on as a dedicated and sincere Greek patriot. Since then he has been involved in government and the political life of his country.

Mikis Theodorakis has contributed much to the rich culture of Greece and continues to be a productive contributor to the music of the world.

Mr. President, I join in welcoming Mikis Theodorakis to the United States for his first series of concerts in over 20 years.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is now closed.

CALIFORNIA DESERT PROTECTION ACT OF 1993

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 9:45 a.m. having arrived, the Senate will now proceed to the consideration of S. 21, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 21) to designate certain lands in the California Desert as wilderness, to establish Death Valley, Joshua Tree and Mojave National Parks, and for other purposes.

The Senate resumed consideration of the bill.

The ACTING PRESIDENT pro tempore. Under the previous order, the time between now and 10 a.m. is under the control of the Senator from West Virginia [Mr. BYRD].

The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, how much time does the Senator need?

Mr. NICKLES. Two minutes.

Mr. BYRD. I yield 2 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized for 2 minutes.

Mr. NICKLES. Mr. President, I wish to compliment my colleagues for their bill, but I rise in opposition because of the position I have as ranking Republican on the Interior Appropriations Committee.

I am afraid that by transferring a large amount of land from BLM to the Park Service with inholdings of thousands and thousands of acres, people are going to expect the Park Service to buy them, and this is going to greatly exceed the Park Service's funding capabilities.

We do not appropriate enough money to fulfill commitments that were made in past years. We have a backlog of acquisition requests from our colleagues that we have not been able to fund. The additions that are required by the California Desert bill will greatly exceed our capability to fulfill those commitments.

I am concerned that we are taking action which will cause people to expect the Federal Government to purchase these inholdings, and I can just say as a person who works on the subcommittee that appropriates money for the Park Service, I do not believe the money is there, not this year, and I doubt that the money will be there in the next several years. So I am afraid we are building false expectations and putting additional burdens on the Park Service which, frankly, already has more lands than it is able to adequately maintain.

That bothers me. I think we should take care of the parks that we now have, and not add millions more acres.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank my distinguished colleague from Oklahoma, the ranking member of the Appropriations Subcommittee on the Department of the Interior.

Mr. President, the legislation before the Senate today proposes to set aside more than 6.6 million acres of land in California as wilderness or national parks. The objective of the legislation is to protect the desert ecosystem of southern and eastern California. The worthiness of the resources of the California Desert and the need for their protection are not in question. In fact, much of the land involved in this legislation is already in Federal ownership

and is already protected and managed pursuant to the California Desert protection plan developed by the Bureau of Land Management.

The two distinguished Senators from California have been very steadfast in their dedication and their commitment to further protection for the California Desert. I commend them for their effort. Senator FEINSTEIN, who is a member of the Appropriations Committee, has worked extensively to accommodate many of the concerns of various parties interested in the future of the California Desert.

However, as chairman of the Appropriations Committee, and more specifically, as chairman of the Interior Appropriations Subcommittee, I must call attention to the potential costs of this legislation. The additional protection needs for the resources of the California Desert must be viewed in the context of the many other needs confronting the 40 different agencies that are funded by the Interior Appropriations Subcommittee. These programs range all the way from resource protection, to scientific research, to health care for Indians, to arts and cultural programs. It is rare—extremely rare—for any of these agencies to testify before the Interior Appropriations Subcommittee that they have enough money to meet current responsibilities.

In fact, overall, the major agencies funded in the Interior bill have identified a backlog of some \$6 billion in maintenance and repair needs for their existing physical infrastructure. Moreover, within our existing national park boundaries, there are private lands totaling some 336,000 acres that have long been authorized for acquisition, but which have not been purchased due to funding constraints. The pending legislation would serve to increase these burdens by drawing yet another boundary within which it will be expected that the Federal Government will somehow provide the funding necessary to purchase and maintain these privately held lands.

Operational requirements in the existing parks are already suffering because appropriations are not able to keep pace with the effect of inflation, as well as the increased costs for Federal pay and retirement benefits. On top of this, Mr. President, Government-wide staffing is expected to decrease by 272,900 full-time equivalent employees, which will affect most immediately those agencies which use temporary and seasonal employees, such as the Park Service. While these positions are often the easiest to cut, they are among the most visible in the system—it is the work of the seasonal and temporary employees that is most noticed by visitors to the parks. These employees are the ones who conduct the tours, lead the nature hikes, staff the visitor centers, maintain the grounds, clean the restrooms, replace damaged signs,

and pass out the maps. How can we ask existing parks to cut back on these types of services while at the same time establishing new parks such as those created in this bill?

All of these factors affect our existing Park System. Expanding the System will add further burdens on the Interior Appropriations Subcommittee's ability to fund significant national resources, whether they be natural, cultural, or historic. The time has come for us to get realistic about our parks. We cannot expect everything to be protected and paid for 100 percent by the Federal Government. We have other national needs, as well as a huge deficit to contend with. We have to begin considering alternative means of protecting and maintaining our national treasures. Such options might include spending limits on capital development, prohibitions on land acquisition, local cost-sharing, or making the long-term operations of an area the responsibility of an appropriate non-Federal entity.

The California Desert legislation before the Senate takes none of these steps. Capital development costs are unknown, but current experience with the Park Service tells us it is likely to be expensive. Land acquisition costs vary, depending on who is doing the estimating, but range from \$88 to \$300 million. Operational and staffing needs, totaling in the millions of dollars, will exist in perpetuity—once an area is designated as part of the National Park System, it is rarely removed. The Interior Department has estimated the near-term management costs to implement this legislation to be an additional \$53 million. The Department claims it can cover these costs within its fiscal year 1995 budget request, but does so at the expense of the construction and land acquisition accounts that are intended to help address the existing backlog.

When an area becomes designated as a unit of the National Park System, the American public has come to expect a quality of service of which they can be proud. The visitors to our parks expect the resources for which they were established to be protected, the laws to be enforced, interpretation and education to occur, visitor services to be provided, and safety to be protected. It takes money to fulfill these objectives—personnel in the form of biologists, hydrologists, historians, archaeologists, landscape architects; construction dollars for visitor facilities such as campgrounds, restrooms, kiosks, and interpretive displays; and equipment such as ambulances and 4-wheel-drive vehicles to aid in search and rescue missions. If we are not able to fund these needs adequately in existing park units, which we clearly are not, is it responsible for us to create new expectations by passing the legislation before the Senate, when the re-

sources necessary to fulfill these expectations will be difficult, if not impossible, to provide in the coming years?

I realize that this legislation is going to pass this body. But, I feel that I would be somehow remiss in my duty as chairman of the Senate Appropriations Committee if I did not point out that there are critical competing needs in education, healthcare, transportation, and in fact, in almost every area of the Federal budget. As I have already explained, we cannot adequately maintain the parks that we now have, nor buy the lands which the authorizing committees have told us to buy. Having three new beautiful national parks would be nice. In an age when the United States enjoyed small deficits, creating those new parks would be desirable, but we, in this Chamber, have to come to grips with the realities of the age in which we live. One does not go out and buy a Cadillac when one cannot make the payments on the family Ford. One must learn to prioritize. A commitment this large is simply not appropriate in these times of desperately large deficits and so many, many pressing national needs. It is because of these concerns, and not because of a lack of appreciation about the significance of the California desert, that I must oppose S. 21.

Mr. President,

Thus we may see, how the world wags:
'Tis but an hour ago since it was nine;
And after one hour more 'twill be eleven;
And so, from hour to hour, we ripe and ripe,
And then, from hour to hour, we rot and rot;

And as we proceed to pass this legislation, apparently from day to day and year to year we will spend and spend, "and thereby hangs a tale."

Mr. BURNS. Mr. President, I rise today to voice my opposition to the California Desert bill, S. 21. I am greatly concerned by what this bill will do to already tight fiscal constraints on our National Park System and the question of private property.

S. 21 will cause further fiscal hardships on Yellowstone and Glacier National Parks. These parks are already in need of repair, and we can't tighten our belts much more without jeopardizing the infrastructure and natural beauty of these parks. This bill adds 3 million new acres—or three new Yellowstone—to our National Park System, and I don't know how we are going to pay for the 80 million acres we already have.

I would like to give two examples. This year, I am going to attempt to secure funding for the renovation of two chalets in Glacier National Park. These chalets are historic but are not in compliance with State environmental laws. Yet, the Park Service has not added these to their priority list—it doesn't rate high enough on their already long list. Our Nation's oldest park, Yellowstone National Park is in

need of updated facilities to accommodate the growing use of the park in the winter. While millions of visitors come to the park in the summer, Yellowstone is increasingly attractive to visitors in the winter months, as well.

Where are we going to get the funds to pay for these new parks? To me it is simple, Yellowstone and Glacier National Parks are going to suffer by the creation of these new national parks in California.

Also, I am greatly concerned about the taking of private property by this bill. While these actions may be occurring in California, it does effect Montanans. Private property rights are protected by the fifth amendment of the Constitution which states "nor shall private property be taken for public use, without just compensation." Yet, many laws have been encroaching further and further on this right because people in Washington do not respect or understand the importance of maintaining this right.

This bill places 500,000 acres of private holdings inside of Federal conservation units. This means that these private property owners will be greatly restricted on what actions they can engage in on their own land. This bill authorizes the purchase of these lands—but that still doesn't fully protect private property rights.

Last, the cost of this bill is too high. According to the Congressional Budget Office, the acquisition of private property alone which is authorized in this bill, would cost somewhere between \$100 to \$500 million. The administrative and construction costs over the next 5 years would cost \$36 million, and \$1 million lost in offsetting receipts for fiscal years from 1995 to 1998.

Mr. President, I cannot support this bill. I would urge my colleagues to vote against S. 21.

I yield the floor.

Mr. NUNN. Mr. President, I am pleased to be cosponsor of S. 21, the California Desert Protection Act. I congratulate Senator FEINSTEIN for addressing and resolving the many issues that have been associated with protecting the California Desert. It has been a pleasure working with the Senator from California on this bill.

This bill designates approximately 4 million acres of wilderness; adds 3 million acres of national park lands; designates 4 million acres of national park wilderness; adds 20,500 acres to an existing California park; and establishes a 2,040-acre Desert Lily Sanctuary.

Several years ago, when this legislation was first introduced, by former Senator Cranston, the Department of Defense and the Armed Services Committee were concerned that the creation of new park and wilderness land might impact future expansion of military training areas, or interfere with existing testing and training activities, particularly those activities involving

use of the air space above the desert. Last year Senator Cranston and the members of the Committee on Energy and Natural Resources began a discussion to address these concerns. Senator FEINSTEIN continued this discussion and resolved the concerns of the Defense Department and the military services.

The training and testing lands of the southern California Desert are a crucial component of maintaining readiness. Key military installations in southern California include the Marine Corps Base at Twenty-Nine Palms, the Chocolate Mountain Aerial Gunnery Range, Edwards Air Force Base, China Lake Naval Weapons Center, and Ft. Irwin, the home of the Army's National Training Center.

As the U.S. military draws down its forces and closes bases and training and testing areas overseas, the training and testing lands of the southern California Desert increase in their importance to maintaining capable and ready forces. Senator FEINSTEIN recognized the importance of the southern California Desert to military readiness. S. 21 addresses this national requirement and ensures that the military can continue to train in the southern California Desert area.

The Department of Defense and the military services are committed to training but they are equally committed to protecting and preserving the natural environment. I believe that the military's use of the desert land and the airspace above it is consistent with protecting and preserving the fragile desert ecosystems.

This is a very complex bill Mr. President. It addresses critically important issues of development and environmental protection in the very special and unique lands of the southern California Desert. I want to thank Senator FEINSTEIN for her work on this bill and specifically in addressing the needs of the military in the southern California Desert.

Mr. DOLE. Mr. President, I will vote against final passage of this bill, but do so with some reservation. When considering public lands issues, the Senate has traditionally given great latitude to the two Senators from the State in which the land lies. In this instance, both Senators favor the bill.

However, our former colleague and the current Governor of California, Pete Wilson, has serious objections to the bill. As well, all four Members of the U.S. House of Representatives who represent the area in question are opposed to the bill in its present form. I ask unanimous consent that letters from the House delegation and Governor Wilson appear at this point in the RECORD.

I don't think there is much difference in opinion about whether the California Desert is a treasured national resource that deserves protection. But,

as articulated by both the chairman and ranking members of the Appropriations Subcommittee on Interior have pointed out, we simply do not have the resources to pay for the management technique envisioned by this legislation.

We have a responsibility to protect all of our natural treasures, and passing this bill will further exacerbate the lack of funds available to operate other national parks—including Yosemite, Death Valley, and the Golden Gate National Park in San Francisco. Until we find some way to better care for the parks we have already created, it would be a mistake to create additional park lands.

Therefore, Mr. President, I will vote against final passage and hope a better protection plan can be devised.

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

STATE CAPITOL,
Sacramento, CA, April 11, 1994.

Hon. MALCOLM WALLOP,
U.S. Senate,
Washington, DC.

DEAR SENATOR WALLOP: Thank you for your inquiry regarding my views on the version of the California Desert Protection Act being taken up by the Senate today. As you know, on September 28, 1993, I sent a letter to Senator Feinstein and the members of the Energy and Natural Resources Committee outlining the problems with the legislation and requesting nine specific and highly reasonable amendments. With the exception of a provision permitting the continuation of military overflights, none of the amendments requested have been dealt with adequately, and new problems have been created. For these reasons, I cannot support S. 21 in its current form.

As I have pointed out many times, it is ironic that under S. 21 many who now visit and enjoy the desert and wish to see it preserved will be barred from any further enjoyment themselves. For many visitors, motor vehicles are the only reasonable method of accessing the desert. By placing vast areas off-limits to anyone but backpackers and those with horses, many people will find their recreational opportunities dramatically reduced.

The negative economic impacts of S. 21 continue to be troublesome to me as well. As California climbs out of a painful recession, it is extremely important that all steps possible be taken to maximize the state's future economic vitality. Putting new mining off-limits in much of the California Desert is a step in the wrong direction. Provisions can be made in the legislation to promote future mineral development in certain important areas without significantly diminishing the overall preservation objectives of the legislation.

One of the most pressing issues that must be dealt with on the Senate floor is a provision added to the bill in committee that will allow the State Lands Commission to trade its lands in the desert for surplus federal property throughout California. The priority given to the State Lands Commission threatens to seriously hinder our ongoing efforts in the state to revitalize communities that have been afflicted by military base closings. The state has been supportive of transferring surplus property at closed bases to local eco-

nomic redevelopment authorities free of charge. As S. 21 currently stands, surplus lands will be used to pay for desert protection rather than to benefit local communities that have been hard-hit by base closings.

As you know, the original reason a special provision was included for the State Lands Commission was due to a fear that surplus BLM and other lands that would normally be offered up for exchange would be inadequate to deal with a quantity of land as vast as that in S. 21. The State Lands Commission has a fiduciary duty to maximize the value of its holding to benefit California's retired school teachers. Many former military properties are valuable real estate and would be grabbed up quickly. It would be tragic if local communities or businesses would have to buy the properties back before redevelopment could proceed.

A number of more specific concerns remain to be addressed as well. California's Department of Transportation has requested rapid emergency access to desert wilderness areas to deal with accidents and hazardous materials spills. Language must also be included to allow for the future realignment of State Route 190 through Death Valley National park. Current report language requires that any realignment be accomplished within the existing right-of-way, something that will be difficult, if not impossible, to achieve. The inclusion of a provision allowing for a realignment that is mutually acceptable to Caltrans and the Park Superintendent would suffice.

Additionally, active wildlife management is needed in the desert to assist endangered, threatened, and sensitive species and to mitigate the damage to natural springs caused by wild burros and the invasion of non-native plants. Yet the language included on fish and wildlife management continues to be wholly inadequate. The California Department of Fish and Game has requested that the East Mojave and the Hunter Mountain expansion of Death Valley be left under the jurisdiction of the BLM. Even simply designating these areas as NPS "National Preserves" instead of the proposed park status would permit continued hunting and access for scientific research and wildlife management.

California law enforcement entities, including the California Highway Patrol, have also signaled their objections to restrictions that will be placed on search and rescue efforts, drug enforcement, Border Patrol interdiction, and other related operations. The current provisions in Section 103(g) of the bill place restrictions on law enforcement that are unnecessary and unacceptable. Law enforcement officials, including those representing local agencies, must be given access to wilderness and park areas throughout the southern desert area. Furthermore, the proposed wilderness designation for Jacumba and Fish Creek must be dropped entirely from the bill, given the proximity of these areas to the border and their strategic importance to smugglers.

I fully share the desire of Senator Feinstein to preserve California's precious desert areas for future generations. However, in its current form, S. 21 will do more harm than good. I urge your assistance in amending S. 21 to reconcile the worthy goal of desert protection with the legitimate economic and resource issues that remain as problems.

Sincerely,

PETE WILSON,
Governor.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 11, 1994.

DEAR SENATE COLLEAGUE: Prior to your consideration of the California Desert Protection Act this week, we thought you might be interested to learn our thoughts regarding S.21.

Despite claims to the contrary, there are numerous problems with S.21 as it is presently written. These problems include the hindrance of law enforcement activities along the Mexican border, the overwhelming administrative and financial backlog of an already beleaguered National Park Service, and placing new and questionable financial burdens on the U.S. taxpayer.

Nearly every State contains at least one National Park Service (NPS) venue. We are all aware of the funding backlog which exists for such mundane things as routine operations and maintenance, ranger and staff housing facilities, and interpretive and visitor centers. For example, the Death Valley National Monument is seeking \$12 million to construct employee housing for its current employees. The President's FY 1995 budget contains no money for this initiative. If we can not keep up with the demands placed on current units of the NPS, why should we enlarge the system and cause further backlogs?

The woes of the NPS are well documented in the Vice President's National Performance Review (NPR). One recommendation in the NPR is to increase user and visitor fees at existing National Park venues. One effect of S.21 would be to add roughly 2.7 million acres to the NPS, much of which would be a 1.2 million acre Park in the East Mojave Desert. This is an area which is presently being well managed by the Bureau of Land Management in accordance with the Congressionally designated California Desert Conservation Area (CDA).

We question the logic of expanding the NPS in such dramatic fashion at a time when so many of our existing Parks and Monuments are in obvious and dire need of financial attention. The President's FY 1995 budget contains only minimal transition funding for the enactment of S.21. The subsequent five years after its enactment, S.21 will cost at least \$125 million. This \$125 million does not include land acquisition or construction. Where will the money come from to pay for the new demands created by S.21? Existing resources will be siphoned off from other NPS facilities around the country.

We are not under any illusions about preventing a vote on final passage of S.21 in the Senate. However, several amendments to S.21 will be offered by Senator Wallop and other members of the Energy and Natural Resources Committee which we believe merit your support. These are not "Killer" amendments, but rather sensible ones. We respectfully ask that you give them your strongest consideration. After all, as a result of thoughtful and deliberate debate, this legislation has failed to pass since its introduction in 1986.

We remain opposed to the bill as a whole because we have yet to be invited to the table to offer our input on this issue that so dramatically impacts our districts and ignores the views of our constituents.

Please don't hesitate to contact any one of us directly if you have any questions or would like further details. Combined, we have represented the vast majority of the California desert in the House for well over 50 years. Thank you for your attention.

Sincerely,

JERRY LEWIS,

DUNCAN HUNTER,
AL MCCANDLESS,
BILL THOMAS,
Members of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 12, 1994.
SUPPORT THE EAST MOJAVE NATIONAL
MONUMENT

DEAR SENATE COLLEAGUE: The East Mojave National Scenic Area (EMNSA) is currently being managed by the Bureau of Land Management in accordance with the congressionally mandated Federal Land Policy Management Act of 1976.

Under S. 21, the National Park Service would be charged with the responsibility of managing this 1.5 million acre area. With the proposed personnel reductions at the NPS, an estimated 3,700 park rangers and staff will be eliminated over the next five years. The NPS is unable to meet its existing obligations let alone adequately fund and manage this massive addition. We have already witnessed facility closures, reductions of interpretive and visitor service programs, and basic maintenance projects—all within our existing park system! All this is happening now.

Why should we burden this system with 1.5 million additional acres already being managed in accordance with congressional intent?

Why should existing parks across the country sacrifice their already scarce resources to pay for a 1.5 million acre addition whose park quality is questioned by career employees at both the NPS and BLM?

Support the Wallop amendment to S.21. Upgrade the East Mojave National Scenic Area to a National Monument to be administered by existing BLM resources. If you want to really protect the East Mojave, provide the BLM adequate resources to do the job.

Sincerely,

JERRY LEWIS,
DUNCAN HUNTER,
AL MCCANDLESS,
BILL THOMAS,
Members of Congress.

Mr. BIDEN. I am pleased to have been a cosponsor of the California desert protection bill, which the Senate passed this morning. We have finally been able to secure lasting protection for the irreplaceable ecosystems in the desert of southern California.

The California Desert Protection Act was first introduced in 1985. After more than 8 years of effort, the Senate vote today clears the way for establishment of the largest wilderness area ever created in the lower 48 States. The act will protect 6.4 million of the 25 million acres of the southern California desert as wilderness and national park areas.

The desert teems with more than 760 species of wildlife, including bighorn sheep and the endangered desert tortoise. The topography of the desert includes giant dunes, extinct volcanoes, and more than 100,000 archeological sites. The desert is also home to a vast array of plant life, including the oldest Joshua tree forest in the country. Careless exploitation of the desert's resources can destroy what has existed for tens of thousands of years.

The vital task of preserving fragile ecosystems and the biodiversity that exists within them is one of the Federal Government's most important responsibilities. The citizens and scientists, environmentalists and government officials who worked so hard for the California Desert Protection Act over the years can be proud of their perseverance in getting this wilderness area established.

The California Desert Protection Act of 1993 will ensure that the remarkable assets of the California desert will be treasured by our grandchildren. It will also serve as an example of the far-sighted environmentalism that provides hope for us all.

Mr. DORGAN. Mr. President, I wish to briefly note my support for this bill, and for the efforts of Senator FEINSTEIN, the sponsor, and Senator JOHNSTON, chairman of the committee of jurisdiction, in bringing this bill to the floor.

Because the California Desert Protection Act will affect the costs of managing Federal lands, we in Congress must retain authority over this legislation to ensure that any commitments for future Federal costs are responsible and necessary. This was a primary concern of the Energy and Natural Resources Committee when we considered this bill.

Beyond the question of Federal costs, however, this is a California plan for public lands in that State, put together mostly by long discussions and debate among Californians. It is a plan on which former Senator Cranston of California worked with his constituents for many years to set aside some parts of that State as permanent wilderness, wildlife preserves, and public parks.

Certainly, I understand that not all residents of California agree with this bill. However, in the main, this is a California plan for Californians, and we ought to allow Senator FEINSTEIN and her constituents some latitude in determining the future of natural and scenic areas of their State.

I would like to say that many of us in North Dakota are now considering ways in which we might set aside certain natural and scenic areas in our western counties, most of which are under the management of the U.S. Forest Service. Many in North Dakota want to preserve a few areas from oil exploration or other development that would disturb or mar those areas. I share that desire and I hope we are able to produce a North Dakota plan, put together by a consensus of North Dakotans. I hope that this body one day will support such a plan for North Dakota if it is presented to Congress for approval.

Thank you for this opportunity to express my support for California's wilderness plan.

Mr. CHAFEE. Mr. President, I am proud to be listed as a cosponsor of the

California desert bill now before us, and commend Senator FEINSTEIN and the chairman of the Energy Committee, Senator JOHNSTON, for their efforts to bring this measure to the floor.

I have long supported legislation to conserve America's landscapes. Indeed, my keen interest in this area dates back to my time as Governor of Rhode Island during the mid-1960's, when I signed into law legislation to establish an open space program in my State.

But as the Senator from California knows, I did not sign onto this bill until about a month ago. Many had raised concerns with me about the legislation, and before I joined as a co-sponsor, I wanted to make sure that I had all the facts.

One of the greatest concerns surrounding S. 21 has been its cost. As has been pointed out by many, the proposed new national parks and wilderness areas do contain some large privately owned parcels, and some have argued that acquiring those lands will be extremely expensive. Indeed, the Congressional Budget Office has estimated that acquiring these lands could cost anywhere between \$100 and \$300 million over the next 10 years. That is not an insignificant amount of money.

However, after looking at this issue in more detail, I have learned that there are some sizable holes in the CBO estimate. First, it does not take into account the fact that the Bureau of Land Management already has in place conservation plans developed during the Reagan and Bush administrations, under which the BLM has been acquiring, and will continue to acquire land in the California desert. Indeed, according to Secretary Babbitt, the land acquisition envisioned in S. 21 is less than originally planned by the BLM. Thus, as the Secretary points out, the acquisition costs of S. 21 are not new. They have been contemplated by the BLM for some time.

A second point that should be made about these cost estimates is that they assume that the Federal Government will actually have to purchase every single private parcel within the boundaries established by this bill. This is a highly unlikely scenario, as a great many landowners likely will exchange their land for other nondesignated Federal parcels. Many also will be happy to keep their land and abide by the limitations that come with a park or wilderness area designation. Thus, while there is no question that the enactment of S. 21 will require new spending, it seems to me that money of the predictions about its cost have been greatly exaggerated.

Before cosponsoring, I also wanted to know what was being done to address the concerns of those who currently use the desert in ways that would conflict with the national park or wilderness designations. I must say that I have been extremely impressed with

the lengths to which Senator FEINSTEIN has gone to accommodate those interests. She has not demagogued on this issue or tried to vilify her opponents as inflexible enemies of the environment. Instead, she has listened to their worries, and wherever possible, has modified her bill to address them. Dozens of amendments have been made to mitigate the impact of this legislation on miners, ranchers, private property owners, and off-road vehicle enthusiasts. I am satisfied that S. 21, as it now stands, is a thoroughly considered, well-balanced piece of legislation.

Now, the opponents of this bill, particularly the Senator from Wyoming, have argued very forcefully that the Park Service is overburdened already, that there simply are no funds available to manage these new areas or to acquire the private inholdings within their boundaries.

There is no question that times are very tight. Clearly, it would be ideal if there were more money to go around. But opportunities to preserve such a spectacular region as the California desert do not occur every day. It has taken 8 years to get to this point, and I believe we must take advantage of this historic opportunity while we have the chance. It may take some time before we can manage these areas in the manner in which we'd like to. But in my view, the important thing now is to take care of the designation—to draw the boundaries around the areas we want to protect for our children and their children.

I can think of no instance where the Government has designated an area as a park and years later people have looked back, regretted the decision, and tried to reverse it. As we continue to develop and extract resources from the remaining open spaces in our Nation, it is important that we ensure that there will always be places where people can get away and renew their spirits, breathe fresh air, and appreciate nature's gifts.

Mr. President, going back to Theodore Roosevelt, the Republican party has a great tradition of conserving our Nation's valuable landscapes. This bill is in keeping with that tradition, and I look forward to its approval by the Senate.

The PRESIDING OFFICER (Mr. MATHEWS). Under the previous order, the hour of 10 o'clock having arrived, the question occurs on passage of S. 21, as amended. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Under the previous order, the question occurs on passage of S. 21, as amended. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN] is necessarily absent.

I also announce that the Senator from Alabama [Mr. SHELBY] is absent because of illness.

I further announce that, if present and voting, the Senator from Delaware [Mr. BIDEN] would vote "yea."

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

The result was announced—yeas 69, nays 29, as follows:

[Rollcall Vote No. 89 Leg.]

YEAS—69

Akaka	Feinstein	Lugar
Baucus	Ford	Mathews
Bingaman	Glenn	Metzenbaum
Bond	Gorton	Mikulski
Boren	Graham	Mitchell
Boxer	Grassley	Moseley-Braun
Bradley	Gregg	Moynihan
Breaux	Harkin	Murray
Bryan	Hatfield	Nunn
Bumpers	Heflin	Pell
Campbell	Hollings	Pryor
Chafee	Inouye	Reid
Cohen	Jeffords	Riegle
Conrad	Johnston	Robb
Danforth	Kassebaum	Rockefeller
Daschle	Kennedy	Roth
DeConcini	Kerrey	Sarbanes
Dodd	Kerry	Sasser
Domenici	Kohl	Simon
Dorgan	Lautenberg	Specter
Durenberger	Leahy	Warner
Exon	Levin	Wellstone
Feingold	Lieberman	Wofford

NAYS—29

Bennett	Faircloth	Murkowski
Brown	Gramm	Nickles
Burns	Hatch	Packwood
Byrd	Helms	Pressler
Coats	Hutchison	Simpson
Cochran	Kempthorne	Smith
Coverdell	Lott	Stevens
Craig	Mack	Thurmond
D'Amato	McCain	Wallop
Dole	McConnell	

NOT VOTING—2

Biden

Shelby

So the bill (S. 21), as amended, was passed, as follows:

S. 21

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 "California Desert Protection Act of 1994".

SEC. 2. FINDINGS AND POLICY.

(a) The Congress finds and declares that—

(1) the federally owned desert lands of southern California constitute a public wildland resource of extraordinary and inestimable value for this and future generations;

(2) these desert wildlands display unique scenic, historical, archeological, environmental, ecological, wildlife, cultural, scientific, educational, and recreational values used and enjoyed by millions of Americans

for hiking and camping, scientific study and scenic appreciation;

(3) the public land resources of the California desert now face and are increasingly threatened by adverse pressures which would impair, dilute, and destroy their public and natural values;

(4) the California desert, embracing wilderness lands, units of the National Park System, other Federal lands, State parks and other State lands, and private lands, constitutes a cohesive unit posing unique and difficult resource protection and management challenges;

(5) through designation of national monuments by Presidential proclamation, through enactment of general public land statutes (including section 601 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2743, 43 U.S.C. 1701 et seq.) and through interim administrative actions, the Federal government has begun the process of appropriately providing for protection of the significant resources of the public lands in the California desert; and

(6) statutory land unit designations are needed to afford the full protection which the resources and public land values of the California desert merit.

(b) In order to secure for the American people of this and future generations an enduring heritage of wilderness, national parks, and public land values in the California desert, it is hereby declared to be the policy of the Congress that—

(1) appropriate public lands in the California desert shall be included within the National Park System and the National Wilderness Preservation System, in order to—

(A) preserve unrivaled scenic, geologic, and wildlife values associated with these unique natural landscapes;

(B) perpetuate in their natural state significant and diverse ecosystems of the California desert;

(C) protect and preserve historical and cultural values of the California desert associated with ancient Indian cultures, patterns of western exploration and settlement, and sites exemplifying the mining, ranching and railroading history of the Old West;

(D) provide opportunities for compatible outdoor public recreation, protect and interpret ecological and geological features and historic, paleontological, and archeological sites, maintain wilderness resource values, and promote public understanding and appreciation of the California desert; and

(E) retain and enhance opportunities for scientific research in undisturbed ecosystems.

TITLE I—DESIGNATION OF WILDERNESS AREAS TO BE ADMINISTERED BY THE BUREAU OF LAND MANAGEMENT

SEC. 101. FINDINGS.

The Congress finds and declares that—

(1) wilderness is a distinguishing characteristic of the public lands in the California desert, one which affords an unrivaled opportunity for experiencing vast areas of the Old West essentially unaltered by man's activities, and which merits preservation for the benefit of present and future generations;

(2) the wilderness values of desert lands are increasingly threatened by and especially vulnerable to impairment, alteration, and destruction by activities and intrusions associated with incompatible use and development; and

(3) preservation of desert wilderness necessarily requires the highest forms of protective designation and management.

SEC. 102. DESIGNATION OF WILDERNESS.

In furtherance of the purpose of the Wilderness Act (78 Stat. 890, 16 U.S.C. 1131 et seq.), and sections 601 and 603 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2743, 43 U.S.C. 1701 et seq.), the following lands in the State of California, as generally depicted on maps referenced herein, are hereby designated as wilderness, and therefore, as components of the National Wilderness Preservation System:

(1) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy-four thousand eight hundred and ninety acres, as generally depicted on a map entitled "Argus Range Wilderness—Proposed 1", dated May 1991, and two maps entitled "Argus Range Wilderness—Proposed 2" and "Argus Range Wilderness—Proposed 3" dated January 1989, and which shall be known as the Argus Range Wilderness.

(2) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately ten thousand three hundred and eighty acres, as generally depicted on a map entitled "Bigelow Cholla Garden Wilderness—Proposed", dated July 1993, and which shall be known as the Bigelow Cholla Garden Wilderness.

(3) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, and within the San Bernardino National Forest, which comprise approximately thirty-nine thousand one hundred and eighty-five acres, as generally depicted on a map entitled "Bighorn Mountain Wilderness—Proposed", dated July 1993, and which shall be known as the Bighorn Mountain Wilderness.

(4) Certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately forty-seven thousand five hundred and seventy acres, as generally depicted on a map entitled "Big Maria Mountains Wilderness—Proposed", dated February 1986, and which shall be known as the Big Maria Mountains Wilderness.

(5) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirteen thousand nine hundred and forty acres, as generally depicted on a map entitled "Black Mountain Wilderness—Proposed", dated July 1993, and which shall be known as the Black Mountain Wilderness.

(6) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately nine thousand five hundred and twenty acres, as generally depicted on a map entitled "Bright Star Wilderness—Proposed", dated October 1993, and which shall be known as the Bright Star Wilderness.

(7) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately sixty-eight thousand five hundred and fifteen acres, as generally depicted on two maps entitled "Bristol Mountains Wilderness—Proposed 1", and "Bristol Mountains Wilderness—Proposed 2", dated September 1991, and which shall be known as Bristol Mountains Wilderness.

(8) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-nine thousand seven hundred and forty acres, as generally depicted on a map entitled "Cadiz Dunes Wilderness—Proposed", dated July 1993, and which shall be known as the Cadiz Dunes Wilderness.

(9) Certain lands in the California Desert Conservation Area and Eastern San Diego County, of the Bureau of Land Management, which comprise approximately fifteen thousand seven hundred acres, as generally depicted on a map entitled "Carrizo Gorge Wilderness—Proposed", dated February 1986, and which shall be known as the Carrizo Gorge Wilderness.

(10) Certain lands in the California Desert Conservation Area and Yuma District, of the Bureau of Land Management, which comprise approximately sixty-four thousand three hundred and twenty acres, as generally depicted on a map entitled "Chemehuevi Mountains Wilderness—Proposed", dated July 1993, and which shall be known as the Chemehuevi Mountains Wilderness.

(11) Certain lands in the Bakersfield District, of the Bureau of Land Management, which comprise approximately thirteen thousand seven hundred acres, as generally depicted on two maps entitled "Chimney Park Wilderness—Proposed 1" and "Chimney Peak Wilderness—Proposed 2", dated May 1991, and which shall be known as the Chimney Peak Wilderness.

(12) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eighty thousand seven hundred and seventy acres, as generally depicted on two maps entitled "Chuckwalla Mountains Wilderness—Proposed 1" and "Chuckwalla Mountains Wilderness—Proposed 2", dated July 1992, and which shall be known as the Chuckwalla Mountains Wilderness.

(13) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise thirty-three thousand nine hundred and eighty acres, as generally depicted on a map entitled "Cleghorn Lakes Wilderness—Proposed", dated July 1993, and which shall be known as the Cleghorn Lakes Wilderness. The Secretary may, pursuant to an application filed by the Department of Defense, grant a right-of-way for, and authorize construction of, a road within the area depicted as "nonwilderness road corridor" on such map.

(14) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-six thousand acres, as generally depicted on a map entitled "Clipper Mountain Wilderness—Proposed", dated July 1993, and which shall be known as Clipper Mountain Wilderness.

(15) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately fifty thousand five hundred and twenty acres, as generally depicted on a map entitled "Coso Range Wilderness—Proposed", dated May 1991, and which shall be known as Coso Range Wilderness.

(16) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventeen thousand acres, as generally depicted on a map entitled "Coyote Mountains Wilderness—Proposed", dated July 1993, and which shall be known as Coyote Mountains Wilderness.

(17) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eight thousand six hundred acres, as generally depicted on a map entitled "Darwin Falls Wilderness—Proposed", dated May 1991, and which shall be known as Darwin Falls Wilderness.

(18) Certain lands in the California Desert Conservation Area and the Yuma District, of

the Bureau of Land Management, which comprise approximately forty-eight thousand eight hundred and fifty acres, as generally depicted on a map entitled "Dead Mountains Wilderness—Proposed", dated October 1991, and which shall be known as Dead Mountains Wilderness.

(19) Certain lands in the Bakersfield District, of the Bureau of Land Management, which comprise approximately thirty-six thousand three hundred acres, as generally depicted on two maps entitled "Domeland Wilderness Additions—Proposed 1" and "Domeland Wilderness Additions—Proposed 2", and which are hereby incorporated in, and which shall be deemed to be a part of, the Domeland Wilderness as designated by Public Laws 93-632 and 98-425.

(20) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-three thousand seven hundred and eighty acres, as generally depicted on a map entitled "El Paso Mountains Wilderness—Proposed", dated July 1993, and which shall be known as the El Paso Mountains Wilderness.

(21) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-five thousand nine hundred and forty acres, as generally depicted on a map entitled "Fish Creek Mountains Wilderness—Proposed", dated July 1993, and which shall be known as Fish Creek Mountains Wilderness.

(22) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-eight thousand one hundred and ten acres, as generally depicted on a map entitled "Funeral Mountains Wilderness—Proposed", dated May 1991, and which shall be known as Funeral Mountains Wilderness.

(23) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-seven thousand seven hundred acres, as generally depicted on a map entitled "Golden Valley Wilderness—Proposed", dated February 1986, and which shall be known as Golden Valley Wilderness.

(24) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-one thousand six hundred and ninety-five acres, as generally depicted on a map entitled "Grass Valley Wilderness—Proposed", dated July 1993, and which shall be known as the Grass Valley Wilderness.

(25) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-two thousand two hundred and forty acres, as generally depicted on a map entitled "Hollow Hills Wilderness—Proposed", dated May 1991, and which shall be known as the Hollow Hills Wilderness.

(26) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-six thousand four hundred and sixty acres, as generally depicted on a map entitled "Ibex Wilderness—Proposed", dated May 1991, and which shall be known as the Ibex Wilderness.

(27) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-three thousand eight hundred and fifty-five acres, as generally depicted on a map entitled "Indian Pass Wilderness—Proposed", dated July 1993, and which shall be known as the Indian Pass Wilderness.

(28) Certain lands in the California Desert Conservation Area and the Bakersfield District, of the Bureau of Land Management, and within the Inyo National Forest, which comprise approximately two hundred and five thousand and twenty acres, as generally depicted on three maps entitled "Inyo Mountains Wilderness—Proposed 1", "Inyo Mountains Wilderness—Proposed 2", "Inyo Mountains Wilderness—Proposed 3", dated May 1991, and which shall be known as the Inyo Mountains Wilderness.

(29) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-three thousand six hundred and seventy acres, as generally depicted on a map entitled "Jacumba Wilderness—Proposed", dated July 1993, and which shall be known as the Jacumba Wilderness.

(30) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred and twenty-nine thousand five hundred and eighty acres, as generally depicted on a map entitled "Kelso Dunes Wilderness—Proposed 1", dated October 1991, a map entitled "Kelso Dunes Wilderness—Proposed 2", dated May 1991, and a map entitled "Kelso Dunes Wilderness—Proposed 3", dated September 1991, and which shall be known as the Kelso Dunes Wilderness.

(31) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, and the Sequoia National Forest, which comprise approximately eighty-eight thousand two hundred and ninety acres, as generally depicted on a map entitled "Kiavah Wilderness—Proposed 1", dated February 1986, and a map entitled "Kiavah Wilderness—Proposed 2", dated October 1993, and which shall be known as the Kiavah Wilderness.

(32) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately two hundred nine thousand, six hundred and eight acres, as generally depicted on four maps entitled "Kingston Range Wilderness—Proposed 1", "Kingston Range Wilderness—Proposed 2", "Kingston Range Wilderness—Proposed 3", "Kingston Range Wilderness—Proposed 4", dated July 1993, and which shall be known as the Kingston Range Wilderness.

(33) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-nine thousand eight hundred and eighty acres, as generally depicted on a map entitled "Little Chuckwalla Mountains Wilderness—Proposed", dated July 1993, and which shall be known as the Little Chuckwalla Mountains Wilderness.

(34) Certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately thirty-three thousand six hundred acres, as generally depicted on a map entitled "Little Picacho Wilderness—Proposed", dated July 1993, and which shall be known as the Little Picacho Wilderness.

(35) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-two thousand three hundred and sixty acres, as generally depicted on a map entitled "Malpais Mesa Wilderness—Proposed", dated September 1991, and which shall be known as the Malpais Mesa Wilderness.

(36) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately sixteen thousand one hundred and five acres,

as generally depicted on a map entitled "Manly Peak Wilderness—Proposed", dated October 1991, and which shall be known as the Manly Peak Wilderness.

(37) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-four thousand two hundred acres, as generally depicted on a map entitled "Mecca Hills Wilderness—Proposed", dated July 1993, and which shall be known as the Mecca Hills Wilderness.

(38) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty-seven thousand three hundred and thirty acres, as generally depicted on a map entitled "Mesquite Wilderness—Proposed", dated May 1991, and which shall be known as the Mesquite Wilderness.

(39) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-two thousand nine hundred acres, as generally depicted on a map entitled "Newberry Mountains Wilderness—Proposed", dated February 1986, and which shall be known as the Newberry Mountains Wilderness.

(40) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred ten thousand eight hundred and sixty acres, as generally depicted on a map entitled "Nopah Range Wilderness—Proposed", dated July 1993, and which shall be known as the Nopah Range Wilderness.

(41) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-two thousand two hundred and forty acres, as generally depicted on a map entitled "North Algodones Dunes Wilderness—Proposed", dated October 1991, and which shall be known as the North Algodones Dunes Wilderness.

(42) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-five thousand five hundred and forty acres, as generally depicted on a map entitled "North Mesquite Mountains Wilderness—Proposed", dated May 1991, and which shall be known as the North Mesquite Mountains Wilderness.

(43) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred forty-six thousand and twenty acres, as generally depicted on a map entitled "Old Woman Mountains Wilderness—Proposed 1", dated July 1993 and a map entitled "Old Woman Mountains Wilderness—Proposed 2", dated July 1993, and which shall be known as the Old Woman Mountains Wilderness.

(44) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty thousand seven hundred and thirty-five acres, as generally depicted on a map entitled "Orocopia Mountains Wilderness—Proposed", dated July 1993, and which shall be known as the Orocopia Mountains Wilderness.

(45) Certain lands in the California Desert Conservation Area and the Bakersfield District, of the Bureau of Land Management, which comprise approximately seventy-four thousand and sixty acres, as generally depicted on a map entitled "Owens Peak Wilderness—Proposed 1", dated February 1986, a map entitled "Owens Peak Wilderness—Proposed 2", dated March 1994, and a map enti-

tled "Owens Peak Wilderness—Proposed 3", dated May 1991, and which shall be known as the Owens Peak Wilderness.

(46) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy-four thousand eight hundred acres, as generally depicted on a map entitled "Pahrump Valley Wilderness—Proposed", dated February 1986, and which shall be known as the Pahrump Valley Wilderness.

(47) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately two hundred seventy thousand six hundred and twenty-nine acres, as generally depicted on a map entitled "Palen/McCoy Wilderness—Proposed 1", dated July 1993, and a map entitled "Palen/McCoy Wilderness—Proposed 2", dated July 1993, and which shall be known as the Palen/McCoy Wilderness.

(48) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-two thousand three hundred and ten acres, as generally depicted on a map entitled "Palo Verde Mountains Wilderness—Proposed", dated July 1993, and which shall be known as the Palo Verde Mountains Wilderness.

(49) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seven thousand seven hundred acres, as generally depicted on a map entitled "Picacho Peak Wilderness—Proposed", dated May 1991, and which shall be known as the Picacho Peak Wilderness.

(50) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy-two thousand five hundred and seventy-five acres, as generally depicted on a map entitled "Piper Mountain Wilderness—Proposed", dated October 1993, and which shall be known as the Piper Mountain Wilderness.

(51) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-six thousand eight hundred and forty acres, as generally depicted on a map entitled "Piute Mountains Wilderness—Proposed", dated July 1993, and which shall be known as the Piute Mountains Wilderness.

(52) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy-eight thousand eight hundred and sixty-eight acres, as generally depicted on a map entitled "Resting Spring Range Wilderness—Proposed", dated May 1991, and which shall be known as the Resting Spring Range Wilderness.

(53) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty thousand eight hundred and twenty acres, as generally depicted on a map entitled "Rice Valley Wilderness—Proposed", dated May 1991, and which shall be known as the Rice Valley Wilderness.

(54) Certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately twenty-two thousand three hundred eighty acres, as generally depicted on a map entitled "Riverside Mountains Wilderness—Proposed", dated May 1991, and which shall be known as the Riverside Mountains Wilderness.

(55) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately

twenty-one thousand three hundred acres, as generally depicted on a map entitled "Rodman Mountains Wilderness—Proposed", dated July 1993, and which shall be known as the Rodman Mountains Wilderness.

(56) Certain lands in the California Desert Conservation Area and the Bakersfield District, of the Bureau of Land Management, which comprise approximately fifty-one thousand nine hundred acres, as generally depicted on two maps entitled "Sacatar Trail Wilderness—Proposed 1" and "Sacatar Trail Wilderness—Proposed 2", dated May 1991, and which shall be known as the Sacatar Trail Wilderness.

(57) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one thousand four hundred and forty acres, as generally depicted on a map entitled "Saddle Peak Hills Wilderness—Proposed", dated July 1993, and which shall be known as the Saddle Peak Hills Wilderness.

(58) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-seven thousand nine hundred and eighty acres, as generally depicted on a map entitled "San Gorgonio Wilderness Additions—Proposed", dated July 1993, and which are hereby incorporated in, and which shall be deemed to be a part of, the San Gorgonio Wilderness as designated by Public Laws 88-577 and 98-425.

(59) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately sixty-four thousand three hundred and forty acres, as generally depicted on a map entitled "Santa Rosa Wilderness Additions—Proposed", dated March 1994, and which are hereby incorporated in, and which shall be deemed to be a part of, the Santa Rosa Wilderness designated by Public Law 98-425.

(60) Certain lands in the California Desert District, of the Bureau of Land Management, which comprise approximately thirty-five thousand and eighty acres, as generally depicted on a map entitled "Sawtooth Mountains Wilderness—Proposed", dated July 1993, and which shall be known as the Sawtooth Mountains Wilderness.

(61) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred seventy-four thousand eight hundred acres, as generally depicted on two maps entitled "Sheephole Valley Wilderness—Proposed 1", dated July 1993, and "Sheephole Valley Wilderness—Proposed 2", dated July 1993, and which shall be known as the Sheephole Valley Wilderness.

(62) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately sixteen thousand seven hundred and eighty acres, as generally depicted on a map entitled "South Nopah Range Wilderness—Proposed", dated February 1986, and which shall be known as the South Nopah Range Wilderness.

(63) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seven thousand and fifty acres, as generally depicted on a map entitled "Stateline Wilderness—Proposed", dated May 1991, and which shall be known as the Stateline Wilderness.

(64) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eighty-one thousand six hundred acres, as generally depicted on a map entitled "Step-

ladder Mountains Wilderness—Proposed", dated February 1986, and which shall be known as the Stepladder Mountains Wilderness.

(65) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-nine thousand one hundred and eighty acres, as generally depicted on a map entitled "Surprise Canyon Wilderness—Proposed", dated September 1991, and which shall be known as the Surprise Canyon Wilderness.

(66) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventeen thousand eight hundred and twenty acres, as generally depicted on a map entitled "Sylvania Mountains Wilderness—Proposed", dated February 1986, and which shall be known as the Sylvania Mountains Wilderness.

(67) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-one thousand one hundred and sixty acres, as generally depicted on a map entitled "Trilobite Wilderness—Proposed", dated July 1993, and which shall be known as the Trilobite Wilderness.

(68) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred forty-four thousand five hundred acres, as generally depicted on a map entitled "Turtle Mountains Wilderness—Proposed 1", dated February 1986 and a map entitled "Turtle Mountains Wilderness—Proposed 2", dated May 1991, and which shall be known as the Turtle Mountains Wilderness.

(69) Certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately seventy-seven thousand five hundred and twenty acres, as generally depicted on a map entitled "Whipple Mountains Wilderness—Proposed", dated July 1993, and which shall be known as the Whipple Mountains Wilderness.

SEC. 103. ADMINISTRATION OF WILDERNESS AREAS.

(a) MANAGEMENT.—Subject to valid existing rights, each wilderness area designated under section 102 shall be administered by the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") or the Secretary of Agriculture, as appropriate, in accordance with the provisions of the Wilderness Act, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this title and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary who has administrative jurisdiction over the area.

(b) MAP AND LEGAL DESCRIPTIONS.—As soon as practicable after the date of enactment of section 102, the Secretary concerned shall file a map and legal description for each wilderness area designated under this title with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives. Each such map and description shall have the same force and effect as if included in this title, except that the Secretary or the Secretary of Agriculture, as appropriate, may correct clerical and typographical errors in each such legal description and map. Each such map and legal description shall be on file and available for public inspection in the office of the Director of the Bureau of

Land Management, Department of the Interior, or the Chief of the Forest Service, Department of Agriculture, as appropriate.

(c) **LIVESTOCK.**—Within the wilderness areas designated under section 102, the grazing of livestock, where established prior to the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations, policies, and practices as the Secretary deems necessary, as long as such regulations, policies, and practices fully conform with and implement the intent of Congress regarding grazing in such areas as such intent is expressed in the Wilderness Act and section 101(f) of Public Law 101-628.

(d) **NO BUFFER ZONES.**—The Congress does not intend for the designation of wilderness areas in section 102 of this Act to lead to the creation of protective perimeters or buffer zones around any such wilderness area. The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness area shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

(e) **FISH AND WILDLIFE.**—As provided in section 4(d)(7) of the Wilderness Act, nothing in this title shall be construed as affecting the jurisdiction of the State of California with respect to wildlife and fish on the public lands located in that State.

(f) **WILDLIFE MANAGEMENT.**—In furtherance of the purposes of the Wilderness Act, management activities to maintain or restore fish and wildlife populations and the habitats to support such populations may be carried out within wilderness areas designated by this title, where consistent with relevant wilderness management plans, in accordance with appropriate policies and guidelines, as set forth in section 101(h) of Public Law 101-628.

(g) **LAW ENFORCEMENT BORDER ACTIVITIES.**—Nothing in this Act, including the designation as wilderness of lands within the Coyote, Fish Creek Mountains, and Jacumba wilderness areas designated in section 102 of this Act, the Wilderness Act, or other land management laws generally applicable to such areas, shall restrict or preclude continued law enforcement and border operations within such areas, including the use of motor vehicles and aircraft by the Immigration and Naturalization Service, the Drug Enforcement Administration, the United States Customs Service, or State and local law enforcement agencies in such manner and subject to such restrictions as may be determined by the Attorney General of the United States or Secretary of the Treasury, as appropriate, in consultation with the Secretary.

SEC. 104. WILDERNESS REVIEW.

(a) **IN GENERAL.**—Except as provided in subsection (b), the Congress hereby finds and directs that lands in the California Desert Conservation Area, of the Bureau of Land Management, not designated as wilderness or wilderness study areas by this Act have been adequately studied for wilderness designation pursuant to section 603 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2743, 43 U.S.C. 1701 et seq.), and are no longer subject to the requirement of section 603(c) of the Federal Land Policy and Management Act of 1976 pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness.

(b) **AREAS NOT RELEASED.**—The following areas shall continue to be subject to the requirements of section 603(c) of the Federal Land Policy and Management Act of 1976, pertaining to the management of wilderness study areas in a manner that does not impair

the suitability of such areas for preservation as wilderness—

(1) certain lands which comprise approximately sixty-one thousand three hundred and twenty, as generally depicted on a map entitled "Avawatz Mountains Wilderness—Proposed", dated May 1991;

(2) certain lands which comprise approximately thirty-nine thousand seven hundred and fifty acres, as generally depicted on a map entitled "Kingston Range Wilderness—Proposed 4", dated July 1993;

(3) certain lands which comprise approximately eighty thousand four hundred and thirty acres, as generally depicted on two maps entitled "Soda Mountains Wilderness—Proposed 1", dated May 1991, and "Soda Mountains Wilderness—Proposed 2", dated January 1989;

(4) certain lands which compromise approximately twenty-three thousand two hundred and fifty acres, as generally depicted on a map entitled "South Avawatz Mountains—Proposed", dated May 1991;

(5) certain lands which comprise approximately seventeen thousand two hundred and eighty acres, as generally depicted on a map entitled "Death Valley National Park Boundary and Wilderness 17—Proposed", dated July 1993;

(6) certain lands which comprise approximately eight thousand eight hundred acres, as generally depicted on a map entitled "Great Falls Basin Wilderness—Proposed", dated February 1986; and

(7) certain lands which comprise approximately eighty-four thousand four hundred acres, as generally depicted on a map entitled "Cady Mountains Wilderness—Proposed", dated July 1993.

(c) **WITHDRAWAL.**—Subject to valid existing rights, the Federal lands referred to in subsection (b) are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the United States mining laws; and from disposition under all laws pertaining to mineral and geothermal leasing, and mineral materials, and all amendments thereto.

SEC. 105. DESIGNATION OF WILDERNESS STUDY AREA.

In furtherance of the provisions of the Wilderness Act, certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eleven thousand two hundred acres as generally depicted on a map entitled "White Mountains Wilderness Study Area—Proposed", dated May 1991, are hereby designated as the White Mountains Wilderness Study Area and shall be administered by the Secretary in accordance with the provisions of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782).

SEC. 106. SUITABILITY REPORT.

The Secretary is required, ten years after the date of enactment of this Act, to report to Congress on current and planned exploration, development or mining activities on, and suitability for future wilderness designation of, the lands as generally depicted on maps entitled "Surprise Canyon Wilderness—Proposed", "Middle Park Canyon Wilderness—Proposed", and "Death Valley National Park Boundary and Wilderness 15", dated September 1991 and a map entitled "Manly Peak Wilderness—Proposed", dated October 1991.

SEC. 107. DESERT LILY SANCTUARY.

(a) **DESIGNATION.**—There is hereby established the Desert Lily Sanctuary within the California Desert Conservation Area, California, of the Bureau of Land Management,

comprising approximately two thousand forty acres, as generally depicted on a map entitled "Desert Lily Sanctuary", dated February 1986. The Secretary shall administer the area to provide maximum protection to the desert lily.

(b) **WITHDRAWAL.**—Subject to valid existing rights, all Federal lands within the Desert Lily Sanctuary are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the United States mining laws; and from disposition under all laws pertaining to mineral and geothermal leasing, and mineral materials, and all amendments thereto.

SEC. 108. DINOSAUR TRACKWAY AREA OF CRITICAL ENVIRONMENTAL CONCERN.

(a) **DESIGNATION.**—There is hereby established the Dinosaur Trackway Area of Critical Environmental Concern within the California Desert Conservation Area, of the Bureau of Land Management, comprising approximately five hundred and ninety acres as generally depicted on a map entitled "Dinosaur Trackway Area of Critical Environmental Concern", dated July 1993. The Secretary shall administer the area to preserve the paleontological resources within the area.

(b) **WITHDRAWAL.**—Subject to valid existing rights, the Federal lands within and adjacent to the Dinosaur Trackway Area of Critical Environmental Concern, as generally depicted on a map entitled "Dinosaur Trackway Mineral Withdrawal Area", dated July 1993, are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the United States mining laws; and from disposition under all laws pertaining to mineral and geothermal leasing, and mineral materials, and all amendments thereto.

TITLE II—DESIGNATION OF WILDERNESS AREAS TO BE ADMINISTERED BY THE UNITED STATES FISH AND WILDLIFE SERVICE

SEC. 201. DESIGNATION AND MANAGEMENT.

(a) **DESIGNATION.**—In furtherance of the purposes of the Wilderness Act, the following lands are hereby designated as wilderness and therefore, as components of the National Wilderness Preservation System:

(1) Certain lands in the Havasu National Wildlife Refuge, California, which comprise approximately three thousand one hundred and ninety-five acres, as generally depicted on a map entitled "Havasu Wilderness—Proposed", and dated October 1991, and which shall be known as the Havasu Wilderness.

(2) Certain lands in the Imperial National Wildlife Refuge, California, which comprise approximately five thousand eight hundred and thirty-six acres, as generally depicted on two maps entitled "Imperial Refuge Wilderness—Proposed 1" and "Imperial Refuge Wilderness—Proposed 2", and dated October 1991, and which shall be known as the Imperial Refuge Wilderness.

(b) **MANAGEMENT.**—Subject to valid existing rights, the wilderness areas designated under this title shall be administered by the Secretary in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act (or any similar reference) shall be deemed to be a reference to the date of enactment of this Act.

(c) **MAPS AND LEGAL DESCRIPTION.**—As soon as practicable after enactment of this title, the Secretary shall file a map and a legal de-

scription of each wilderness area designated under this section with the Committees on Energy and Natural Resources and Environment and Public Works of the United States Senate and Natural Resources and Merchant Marine and Fisheries of the United States House of Representatives. Such map and description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in such legal description and map may be made. Such map and legal description shall be on file and available for public inspection in the Office of the Director, United States Fish and Wildlife Service, Department of the Interior.

SEC. 202. NO EFFECT ON COLORADO RIVER DAMS.

Nothing in this title shall be construed to affect the operation of federally owned dams located on the Colorado River in the Lower Basin.

SEC. 203. NO EFFECT ON UPPER BASIN.

Nothing in this Act shall amend, construe, supersede, or preempt any State law, Federal law, interstate compact, or international treaty pertaining to the Colorado River (including its tributaries) in the Upper Basin, including, but not limited to the appropriation, use, development, storage, regulation, allocation, conservation, exportation, or quality of those rivers.

SEC. 204. COLORADO RIVER.

With respect to the Havasu and Imperial wilderness areas designated by subsection 201(a) of this title, no rights to water of the Colorado River are reserved, either expressly, impliedly, or otherwise.

TITLE III—DEATH VALLEY NATIONAL PARK

SEC. 301. FINDINGS.

The Congress hereby finds that—

(1) proclamations by Presidents Herbert Hoover in 1933 and Franklin Roosevelt in 1937 established and expanded the Death Valley National Monument for the preservation of the unusual features of scenic, scientific, and educational interest therein contained;

(2) Death Valley National Monument is today recognized as a major unit of the National Park System, having extraordinary values enjoyed by millions of visitors;

(3) the monument boundaries established in the 1930's exclude and thereby expose to incompatible development and inconsistent management, contiguous Federal lands of essential and superlative natural, ecological, geological, archeological, paleontological, cultural, historical and wilderness values;

(4) Death Valley National Monument should be substantially enlarged by the addition of all contiguous Federal lands of national park caliber and afforded full recognition and statutory protection as a National Park; and

(5) the wilderness within Death Valley should receive maximum statutory protection by designation pursuant to the Wilderness Act.

SEC. 302. ESTABLISHMENT OF DEATH VALLEY NATIONAL PARK.

There is hereby established the Death Valley National Park, (hereinafter in this title referred to as the "park") as generally depicted on twenty-three maps entitled "Death Valley National Park Boundary and Wilderness—Proposed", numbered in the title one through twenty-three, and dated July 1993 or prior, which shall be on file and available for public inspection in the offices of the Superintendent of the park and the Director of the National Park Service, Department of the Interior. The Death Valley National Monu-

ment is hereby abolished as such, the lands and interests therein are hereby incorporated within and made part of the new Death Valley National Park, and any funds available for purposes of the monument shall be available for purposes of the park.

SEC. 303. TRANSFER AND ADMINISTRATION OF LANDS.

Upon enactment of this title, the Secretary shall transfer the lands under the jurisdiction of the Bureau of Land Management depicted in the maps described in section 302 of this title, without consideration, to the administrative jurisdiction of the National Park Service for administration as part of the National Park System, and the boundary of the park shall be adjusted accordingly. The Secretary shall administer the areas added to the park by this title in accordance with the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4).

SEC. 304. MAPS AND LEGAL DESCRIPTION.

Within six months after the enactment of this title, the Secretary shall file maps and a legal description of the park designated under this title with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives. Such maps and legal description shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such legal description and in the maps referred to in section 302. The maps and legal description shall be on file and available for public inspection in the offices of the Superintendent of the park and the Director of the National Park Service, Department of the Interior.

SEC. 305. WITHDRAWAL.

Subject to valid existing rights, all Federal lands within the park are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the United States mining laws; and from disposition under all laws pertaining to mineral and geothermal leasing, and mineral materials, and all amendments thereto.

SEC. 306. GRAZING.

(a) IN GENERAL.—The privilege of grazing domestic livestock on lands within the park shall continue to be exercised at no more than the current level, subject to applicable laws and National Park Service regulations.

(b) SALE OF PROPERTY.—If a person holding a grazing permit referred to in subsection (a) informs the Secretary that such permittee is willing to convey to the United States any base property with respect to which such permit was issued and to which such permittee holds title, the Secretary shall make the acquisition of such base property a priority as compared with the acquisition of other lands within the park, provided agreement can be reached concerning the terms and conditions of such acquisition. Any such base property which is located outside the park and acquired as a priority pursuant to this section shall be managed by the Federal agency responsible for the majority of the adjacent lands in accordance with the laws applicable to such adjacent lands.

TITLE IV—JOSHUA TREE NATIONAL PARK

SEC. 401. FINDINGS.

The Congress hereby finds that—
(1) a proclamation by President Franklin Roosevelt in 1936 established Joshua Tree

National Monument to protect various objects of historical and scientific interest;

(2) Joshua Tree National Monument today is recognized as a major unit of the National Park System, having extraordinary values enjoyed by millions of visitors;

(3) the monument boundaries as modified in 1950 and 1961 exclude and thereby expose to incompatible development and inconsistent management, contiguous Federal lands of essential and superlative natural, ecological, archeological, paleontological, cultural, historical, and wilderness values;

(4) Joshua Tree National Monument should be enlarged by the addition of contiguous Federal lands of national park caliber, and afforded full recognition and statutory protection as a national park; and

(5) the nondesignated wilderness within Joshua Tree should receive statutory protection by designation pursuant to the Wilderness Act.

SEC. 402. ESTABLISHMENT OF JOSHUA TREE NATIONAL PARK.

There is hereby established the Joshua Tree National Park, (hereinafter in this section referred to as the "park"), as generally depicted on a map entitled "Joshua Tree National Park Boundary—Proposed", dated May 1991, and four maps entitled "Joshua Tree National Park Boundary and Wilderness", numbered in the title one through four, and dated October 1991 or prior, which shall be on file and available for public inspection in the offices of the Superintendent of the park and the Director of the National Park Service, Department of the Interior. The Joshua Tree National Monument is hereby abolished as such, the lands and interests therein are hereby incorporated within and made part of the new Joshua Tree National Park, and any funds available for purposes of the monument shall be available for purposes of the park.

SEC. 403. TRANSFER AND ADMINISTRATION OF LANDS.

Upon enactment of this title, the Secretary shall transfer the lands under the jurisdiction of the Bureau of Land Management depicted on the maps described in section 402 of this title, without consideration, to the administrative jurisdiction of the National Park Service for administration as part of the National Park System. The boundaries of the park shall be adjusted accordingly. The Secretary shall administer the areas added to the park by this title in accordance with the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4).

SEC. 404. MAPS AND LEGAL DESCRIPTION.

Within six months after the date of enactment of this title, the Secretary shall file maps and legal description of the park with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives. Such maps and legal description shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such legal description and maps. The maps and legal description shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior.

SEC. 405. WITHDRAWAL.

Subject to valid existing rights, all Federal lands within the park are hereby withdrawn from all forms of entry, appropriation, or

disposal under the public land laws; from location, entry, and patent under the United States mining laws; and from disposition under all laws pertaining to mineral and geothermal leasing, and mineral materials, and all amendments thereto.

SEC. 406. UTILITY RIGHTS-OF-WAY.

Nothing in this title shall have the effect of terminating any validly issued right-of-way or customary operation maintenance, repair, and replacement activities in such right-of-way, issued, granted, or permitted to the Metropolitan Water District pursuant to the Boulder Canyon Project Act (43 U.S.C. 617-619b), which is located on lands included in the Joshua Tree National Park, but outside lands designated as wilderness under section 601(2). Such activities shall be conducted in a manner which will minimize the impact on park resources. Nothing in this title shall have the effect of terminating the fee title to lands or customary operation, maintenance, repair, and replacement activities on or under such lands granted to the Metropolitan Water District pursuant to the Act on June 18, 1932 (47 Stat. 324), which are located on lands included in the Joshua Tree National Park, but outside lands designated as wilderness under section 601(2). Such activities shall be conducted in a manner which will minimize the impact on park resources. The Secretary shall prepare within one hundred and eighty days after the date of enactment of this Act, in consultation with the Metropolitan Water District, plans for emergency access by the Metropolitan Water District to its lands and rights-of-way.

TITLE V—MOJAVE NATIONAL PARK

SEC. 501. FINDINGS.

The Congress hereby finds that—

(1) Death Valley and Joshua Tree National Parks, as established by this Act, protect unique and superlative desert resources, but do not embrace the particular ecosystems and transitional desert type found in the Mojave Desert area lying between them on public lands now afforded only impermanent administrative designation as a national scenic area;

(2) the Mojave desert possesses outstanding natural, cultural, historical, and recreational values meriting statutory designation and recognition as a unit of the National Park System;

(3) portions of the Mojave desert should be afforded full recognition and statutory protection as a National Park;

(4) the wilderness within the Mojave desert should receive maximum statutory protection by designation pursuant to the Wilderness Act; and

(5) the Mojave desert area provides an outstanding opportunity to develop services, programs, accommodations and facilities to ensure the use and enjoyment of the area by individuals with disabilities, consistent with section 504 of the Rehabilitation Act of 1973, Public Law 101-336, the Americans With Disabilities Act of 1990 (42 U.S.C. 12101), and other appropriate laws and regulations.

SEC. 502. ESTABLISHMENT OF MOJAVE NATIONAL PARK.

There is hereby established the Mojave National Park (hereinafter in this title referred to as the "park") comprising approximately one million one hundred eighty-one thousand three hundred and fifty acres, as generally depicted on a map entitled "Mojave National Park Boundary—Proposed", dated March 1994, which shall be on file and available for inspection in the appropriate offices of the National Park Service, Department of the Interior.

SEC. 503. TRANSFER OF LANDS.

Upon enactment of this title, the Secretary shall transfer the lands under the jurisdiction of the Bureau of Land Management depicted on the maps described in section 502 of this title, without consideration, to the administrative jurisdiction of the National Park Service.

SEC. 504. MAPS AND LEGAL DESCRIPTION.

Within six months after the date of enactment of this title, the Secretary shall file maps and a legal description of the park with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives. Such maps and legal descriptions shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such legal descriptions and maps. The maps and legal description shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior.

SEC. 505. ABOLISHMENT OF SCENIC AREA.

The East Mojave Scenic Area, designated on January 13, 1981 (46 FR 3994), and modified on August 9, 1983 (48 FR 36210), is hereby abolished.

SEC. 506. ADMINISTRATION OF PARK.

The Secretary shall administer the park in accordance with this title and with the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4).

SEC. 507. WITHDRAWAL.

Subject to valid existing rights, all Federal lands within the park are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the United States mining laws; and from disposition under all laws pertaining to mineral and geothermal leasing, and mineral materials, and all amendments thereto.

SEC. 508. REGULATION OF MINING.

Subject to valid existing rights, all mining claims located within the park shall be subject to all applicable laws and regulations applicable to mining within units of the National Park System, including the Mining in the Parks Act (16 U.S.C. 1901 et seq.), and any patent issued after the date of enactment of this title shall convey title only to the minerals together with the right to use the surface of lands for mining purposes, subject to such laws and regulations.

SEC. 509. GRAZING.

(a) IN GENERAL.—The privilege of grazing domestic livestock on lands within the park shall continue to be exercised at no more than the current level, subject to applicable laws and National Park Service regulations.

(b) OFFERS TO SELL.—If a person holding a grazing permit referred to in subsection (a) informs the Secretary that such permittee is willing to convey to the United States any base property with respect to which the permit was issued and to which such permittee holds title, the Secretary shall make the acquisition of such base property a priority as compared with the acquisition of other lands within the park, provided agreement can be reached concerning the terms and conditions of such acquisition. Any such base property which is located outside the park and acquired as a priority pursuant to this section shall be managed by the Federal agency responsible for the majority of the adjacent

lands in accordance with the laws applicable to such adjacent lands.

SEC. 510. UTILITY RIGHTS OF WAY.

(a)(1) Nothing in this title shall have the effect of terminating any validly issued rights-of-way or customary operation, maintenance, repair, and replacement activities in such rights-of-way, issued, granted, or permitted to Southern California Edison Company, its successors or assigns, which is located on lands included in the Mojave National Park, but outside lands designated as wilderness under section 601(3). Such activities shall be conducted in a manner which will minimize the impact on park resources.

(2) Nothing in this title shall have the effect of prohibiting the upgrading of an existing electrical transmission line for the purpose of increasing the capacity of such transmission line in the Southern California Edison Company validly issued Eldorado-Lugo Transmission Line right-of-way and Mojave-Lugo Transmission Line right-of-way, or in a right-of-way if issued, granted, or permitted by the Secretary adjacent to the existing Mojave-Lugo Transmission Line right-of-way (hereafter in this section referred to as "adjacent right-of-way"), including construction of a replacement transmission line: *Provided, That—*

(A) in the Eldorado-Lugo Transmission Line rights-of-way (hereafter in this section referred to as the "Eldorado-Lugo right-of-way") at no time shall there be more than 3 electrical transmission lines.

(B) in the Mojave-Lugo Transmission Line right-of-way (hereafter in this section referred to as the "Mojave right-of-way") and adjacent right-of-way, removal of the existing electrical transmission line and reclamation of the site shall be completed no later than three years after the date on which construction of the upgraded transmission line begins, after which time there may be only one electrical transmission line in the lands encompassed by Mojave right-of-way and adjacent right-of-way.

(C) if there are no more than two electrical transmission lines in the Eldorado rights-of-way, two electrical transmission lines in the lands encompassed by the Mojave right-of-way and adjacent right-of-way may be allowed.

(D) in the Eldorado rights-of-way and Mojave right-of-way no additional land shall be issued, granted, or permitted for such upgrade unless an addition would reduce the impacts to park resources.

(E) no more than three hundred and fifty feet of additional land shall be issued, granted, or permitted for an adjacent right-of-way to the south of the Mojave right-of-way unless a greater addition would reduce the impacts to park resources, and

(F) such upgrade activities, including helicopter aided construction, shall be conducted in a manner which will minimize the impact on park resources.

(3) The Secretary shall prepare within one hundred and eighty days after the date of enactment of this title, in consultation with the Southern California Edison Company, plans for emergency access by the Southern California Edison Company to its rights-of-way.

(b)(1) Nothing in this title shall have the effect of terminating any validly issued right-of-way, or customary operation, maintenance, repair, and replacement activities in such right-of-way; prohibiting the upgrading of and construction on existing facilities in such right-of-way for the purpose of increasing the capacity of the existing pipeline; or prohibiting the renewal of such

right-of-way; issued, granted, or permitted to the Southern California Gas Company, its successors or assigns, which is located on lands included in the Mojave National Park, but outside lands designated as wilderness under section 601(3). Such activities shall be conducted in a manner which will minimize the impact on park resources.

(2) The Secretary shall prepare within one hundred and eighty days after the date of enactment of this title, in consultation with the Southern California Gas Company, plans for emergency access by the Southern California Gas Company to its rights-of-way.

(c) Nothing in this title shall have the effect of terminating any validly issued right-of-way or customary operation, maintenance, repair, and replacement activities of existing facilities issued, granted, or permitted for communications cables or lines, which are located on lands included in the Mojave National Park, but outside lands designated as wilderness under section 601(3). Such activities shall be conducted in a manner which will minimize the impact on park resources.

(d) Nothing in this title shall have the effect of terminating any validly issued right-of-way or customary operation, maintenance, repair, and replacement activities of existing facilities issued, granted, or permitted to Molybdenum Corporation of America; Molycorp, Incorporated; or Union Oil Company of California (d/b/a Unocal Corporation); or its successors or assigns, or prohibiting renewal of such right-of-way, which is located on lands included in the Mojave National Park, but outside lands designated as wilderness under section 601(3). Such activities shall be conducted in a manner which will minimize the impact on park resources.

SEC. 511. GENERAL MANAGEMENT PLAN.

(a) IN GENERAL.—Within three years of the date of enactment of this title, the Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives a detailed and comprehensive management plan for the park.

(b) KELSO DEPOT.—Such plan shall place emphasis on historical and cultural sites and ecological and wilderness values within the boundaries of the park, and shall evaluate the feasibility of using the Kelso Depot and existing railroad corridor to provide public access to and a facility for special interpretive, educational, and scientific programs within the park.

(c) NEEDS OF INDIVIDUALS WITH DISABILITIES.—Such plan shall specifically address the needs of individuals with disabilities in the design of services, programs, accommodations and facilities consistent with section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (42 U.S.C. 12101), and other appropriate laws and regulations.

SEC. 512. GRANITE MOUNTAINS NATURAL RESERVE.

(a) ESTABLISHMENT.—There is hereby designated the Granite Mountains Natural Reserve within the park comprising approximately nine thousand acres as generally depicted on a map entitled "Mojave National Park Boundary and Wilderness—Proposed 6", dated May 1991.

(b) COOPERATIVE MANAGEMENT AGREEMENT.—Upon enactment of this title, the Secretary shall enter into a cooperative management agreement with the University of California for the purposes of managing the lands within the Granite Mountains Natural Reserve. Such cooperative agreement

shall ensure continuation of arid lands research and educational activities of the University of California, consistent with the provisions of this title and laws generally applicable to units of the National Park System.

SEC. 513. SODA SPRINGS DESERT STUDY CENTER.

Upon enactment of this title, the Secretary shall enter into a cooperative management agreement with California State University for the purposes of managing facilities at the Soda Springs Desert Study Center. Such cooperative agreement shall ensure continuation of the desert research and educational activities of California State University, consistent with the provisions of this title and laws generally applicable to units of the National Park System.

SEC. 514. CONSTRUCTION OF VISITOR CENTER.

The Secretary is authorized to construct a visitor center in the park for the purpose of providing information through appropriate displays, printed material, and other interpretive programs, about the resources of the park.

SEC. 515. ACQUISITION OF LANDS.

IN GENERAL.—The Secretary is authorized to acquire all lands and interests therein within the boundary of the park by donation, purchase, or exchange, except that—

(1) any lands or interests therein within the boundary of the park which are owned by the State of California, or any political subdivision thereof, may be acquired only by donation or exchange except for lands managed by California State Lands Commission; and

(2) lands or interests therein within the boundary of the park which are not owned by the State of California or any political subdivision thereof may be acquired only with the consent of the owner thereof unless the Secretary determines, after written notice to the owner and after opportunity for comment, that the property is being developed, or proposed to be developed, in a manner which is detrimental to the integrity of the park or which is otherwise incompatible with the purposes of this title: *Provided, however*, That the construction, modification, repair, improvement, or replacement of a single-family residence shall not be determined to be detrimental to the integrity of the park or incompatible with the purposes of this title.

SEC. 516. SUITABILITY REPORT.

The Secretary is required, twenty years after the date of enactment of this title, to report to Congress on current and planned exploration, development or mining activities on, and suitability for future park designation of, the lands as generally depicted on a map entitled "Mojave National Park Study Area—Proposed", dated July 1992.

SEC. 517. ADVISORY COMMISSION.

(a) There is hereby established the Mojave National Park Advisory Commission (hereinafter in this section referred to as the "Advisory Commission").

(b) The Advisory Commission shall be composed of fifteen members appointed by the Secretary for terms of three years each.

(c) Any vacancy in the Advisory Commission shall be filled in the same manner in which the original appointment was made.

(d) Members of the Advisory Commission shall serve without compensation as such, but the Secretary may pay, upon vouchers signed by the Chairman, the expenses reasonably incurred by the Commission and its members in carrying out their responsibilities under this Act.

(e) The Secretary, or his designee, shall from time to time, but at least annually,

meet and consult with the Advisory Commission on general policies and specific matters related to planning, administration and development affecting the park.

(f) The Advisory Commission shall act and advise by affirmative vote of the majority of the members thereof.

(g) The Advisory Commission shall cease to exist ten years after the enactment of this Act.

TITLE VI—NATIONAL PARK WILDERNESS

SEC. 601. DESIGNATION OF WILDERNESS.

(a) In furtherance of the purposes of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1311 et seq.), the following lands within the units of the National Park System designated by this Act are hereby designated as wilderness, and therefore, as components of the National Wilderness Preservation System:

(1) Death Valley National Park Wilderness, comprising approximately three million one hundred fifty-eight thousand thirty-eight acres, as generally depicted on twenty-three maps entitled "Death Valley National Park Boundary and Wilderness", numbered in the title one through twenty-three, and dated October 1993 or prior, and three maps entitled "Death Valley National Park Wilderness", numbered in the title one through three, and dated July 1993 or prior, and which shall be known as the Death Valley Wilderness.

(2) Joshua Tree National Park Wilderness Additions, comprising approximately one hundred thirty-one thousand seven hundred and eighty acres, as generally depicted on four maps entitled "Joshua Tree National Park Boundary and Wilderness—Proposed", numbered in the title one through four, and dated October 1991 or prior, and which are hereby incorporated in, and which shall be deemed to be a part of the Joshua Tree Wilderness as designated by Public Law 94-567.

(3) Mojave National Park Wilderness, comprising approximately six hundred ninety-five thousand two hundred acres, as generally depicted on ten maps entitled "Mojave National Park Boundary and Wilderness—Proposed", and numbered in the title one through ten, and dated March 1994 or prior, and seven maps entitled "Mojave National Park Wilderness—Proposed", numbered in the title one through seven, and dated March 1994 or prior, and which shall be known as the Mojave Wilderness.

(b) POTENTIAL WILDERNESS.—Upon cessation of all uses prohibited by the Wilderness Act and publication by the Secretary in the Federal Register of notice of such cessation, potential wilderness, comprising approximately six thousand eight hundred and forty acres, as described in "1988 Death Valley National Monument Draft General Management Plan Draft Environmental Impact Statement" (hereafter in this title referred to as "Draft Plan") and as generally depicted on map in the Draft Plan entitled "Wilderness Plan Death Valley National Monument", dated January 1988, and which shall be deemed to be a part of the Death Valley Wilderness as designated in paragraph (1). Lands identified in the Draft Plan as potential wilderness shall be managed by the Secretary insofar as practicable as wilderness until such time as said lands are designated as wilderness.

SEC. 602. FILING OF MAPS AND DESCRIPTIONS.

Maps and a legal description of the boundaries of the areas designated in section 601 of this title shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior. As soon as practicable after the date of enactment of this title takes effect,

maps and legal descriptions of the wilderness areas shall be filed with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives, and such maps and legal descriptions shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such maps and legal descriptions.

SEC. 603. ADMINISTRATION OF WILDERNESS AREAS.

The areas designated by section 601 of this title as wilderness shall be administered by the Secretary in accordance with the applicable provisions of the Wilderness Act governing areas designated by that title as wilderness, except that any reference in such provision to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this title, and where appropriate, and reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. TRANSFER OF LANDS TO RED ROCK CANYON STATE PARK.

Upon enactment of this title, the Secretary shall transfer to the State of California certain lands within the California Desert Conservation Area, California, of the Bureau of Land Management, comprising approximately twenty thousand five hundred acres, as generally depicted on two maps entitled "Red Rock Canyon State Park Additions 1" and "Red Rock Canyon State Park Additions 2", dated May 1991, for inclusion in the State of California Park System. Should the State of California cease to manage these lands as part of the State Park System, ownership of the lands shall revert to the Department of the Interior to be managed as part of California Desert Conservation Area to provide maximum protection for the area's scenic and scientific values.

SEC. 702. LAND TENURE ADJUSTMENTS.

In preparing land tenure adjustment decisions with the California Desert Conservation Area, of the Bureau of Land Management, the Secretary shall give priority to consolidating Federal ownership within the national park units and wilderness areas designated by this Act.

SEC. 703. LAND DISPOSAL.

Except as provided in section 406, none of the lands within the boundaries of the wilderness or park areas designated under this Act shall be granted to or otherwise made available for use by the Metropolitan Water District or any other agencies or persons pursuant to the Boulder Canyon Project Act (43 U.S.C. 617-619b) or any similar acts.

SEC. 704. MANAGEMENT OF NEWLY ACQUIRED LANDS.

Any lands within the boundaries of a wilderness area designated under this Act which are acquired by the Federal Government, shall become part of the wilderness area within which they are located and shall be managed in accordance with all the provisions of this Act and other laws applicable to such wilderness area.

SEC. 705. NATIVE AMERICAN USES AND INTERESTS.

(a) ACCESS.—In recognition of the past use of the parks and wilderness areas designed under this Act by Indian people for traditional cultural and religious purposes, the Secretary shall ensure access to such parks and wilderness areas by Indian people for such traditional cultural and religious purposes. In implementing this section, the Sec-

retary, upon the request of an Indian tribe or Indian religious community, shall temporarily close to the general public use of one or more specific portions of park or wilderness in order to protect the privacy of traditional cultural and religious activities in such areas by Indian people. Any such closure shall be made to affect the smallest practicable area for the minimum period necessary for such purposes. Such access shall be consistent with the purpose and intent of Public Law 95-341 (42 U.S.C. 1996) commonly referred to as the "American Indian Religious Freedom Act", and with respect to areas designated as wilderness, the Wilderness Act (78 Stat. 890; 16 U.S.C. 1131).

(b) COOK INLET REGIONAL CORPORATION.—Section 12 of the Act of January 2, 1976 (Public Law 94-204; 38 U.S.C. 1611 note), as amended, is further amended—

(1) by redesignating subsections (c) through (i) as subsections (d) through (j), respectively;

(2) by inserting after subsection (b) the following new subsection:

"(c) The Native landowner shall be required to determine the fair value of subsurface interests conveyed to it pursuant to subsection (b) utilizing the appraisal methodology customarily used by the Minerals Management Service for valuing similar interests (such as discounted cash flow based methodology). The fair value of any subsurface interests in land determined by a qualified independent appraiser designated by the Region utilizing the methodology described above shall be binding for all purposes, except for Federal tax matters, and provided that this exception shall create no inference about the appropriate methodology for establishing fair value in such matters.";

(3) in paragraph (9) of subsection (b), by striking "section 12(h)" and inserting in lieu thereof "section 12(i)".

(c) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with the Timbisha Shoshone Tribe and relevant Federal agencies, shall conduct a study, subject to the availability of appropriations, to identify lands suitable for a reservation for the Timbisha Shoshone Tribe that are located within the Tribe's aboriginal homeland area within and outside the boundaries of the Death Valley National Monument and the Death Valley National Park, as described in title III of the California Desert Protection Act of 1993.

(2) REPORT.—Not later than 1 year after the date of enactment of the California Desert Protection Act of 1993, the Secretary shall submit a report to the Committee on Energy and Natural Resources and the Committee on Indian Affairs of the Senate, and the Committee on Natural Resources of the House of Representatives on the results of the study conducted under paragraph (1).

SEC. 706. FEDERAL RESERVE WATER RIGHTS.

(a) Except as otherwise provided in section 204, with respect to each wilderness area designated by this Act, Congress hereby reserves a quantity of water sufficient to fulfill the purposes of this Act. The priority date of such reserved water rights shall be the date of enactment of this Act.

(b) The Secretary and all other officers of the United States shall take all steps necessary to protect the rights reserved by this section, including the filing by the Secretary of a claim for the quantification of such rights in any present or future appropriate stream adjudication in the courts of the State of California in which the United States is or may be joined in accordance

with section 208 of the Act of July 10, 1952 (66 Stat. 560, 44 U.S.C. 666), commonly referred to as the McCarran Amendment.

(c) Nothing in this Act shall be construed as a relinquishment or reduction of any water rights reserved or appropriated by the United States in the State of California on or before the date of enactment of this Act.

(d) The Federal water rights reserved by this Act are specific to the wilderness area located in the State of California designated under this Act. Nothing in this Act related to the reserved Federal water rights shall be construed as establishing a precedent with regard to any future designations, nor shall it constitute an interpretation of any other Act or any designation made thereto.

SEC. 707. CALIFORNIA STATE SCHOOL LANDS.

(a) NEGOTIATIONS TO EXCHANGE.—Upon request of the California State Lands Commission (hereinafter in this section referred to as the "Commission"), the Secretary shall enter into negotiations for an agreement to exchange Federal lands or interests therein on the list referred to in subsection (b) (2) for California State School lands or interests therein which are located within the boundaries of one or more of the wilderness areas or park units designated by this Act (hereinafter in this section referred to as "State School lands"). The Secretary shall negotiate in good faith to reach a land exchange agreement consistent with the requirements of section 206 of the Federal Land Policy and Management Act of 1976.

(b) PREPARATION OF LIST.—Within six months after the date of enactment of this Act, the Secretary shall send to the Commission and to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives a list of the following:

(1) State School lands or interests therein (including mineral interests) which are located within the boundaries of the wilderness areas or park units designated by this Act.

(2) Lands within the State of California under the jurisdiction of the Secretary that the Secretary determines to be suitable for disposal for exchange, identified in the following priority—

(A) lands with mineral interests, including geothermal, which have the potential for commercial development but which are not currently under mineral lease or producing Federal mineral revenues;

(B) Federal claims in California managed by the Bureau of Reclamation that the Secretary determines are not needed for any Bureau of Reclamation project; and

(C) any public lands in California that the Secretary, pursuant to the Federal Land Policy and Management Act of 1976, has determined to be suitable for disposal through exchange.

(3) Any other Federal land, or interest therein, within the State of California, which is or becomes surplus to the needs of the Federal Government. The Secretary may exclude, in his discretion, lands located within, or contiguous to, the exterior boundaries of lands held in trust for a federally recognized Indian tribe located in the State of California.

(4) The Secretary shall maintain such list and shall annually transmit such list to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives until all of the State School lands identified in paragraph (1) have been acquired.

(c) DISPOSAL OF SURPLUS FEDERAL PROPERTY.—(1) Effective upon the date of enactment of this Act and until all State School lands identified in paragraph (b)(1) of this section are acquired, no Federal lands or interests therein within the State of California may be disposed of from Federal ownership unless—

(A) the Secretary is notified of the availability of such lands or interest therein;

(B) the Secretary has notified the Commission of the availability of such lands or interests therein for exchange; and

(C) the Commission has not notified the Secretary within six months that it wishes to consider entering into an exchange for such lands or interests therein.

(2) If the Commission notifies the Secretary that it wishes to consider an exchange for such lands or interests therein, the Secretary shall attempt to conclude such exchange in accordance with the provisions of this section as quickly as possible.

(3) If an agreement is reached and executed with the Commission, then upon notice to the head of the agency having administrative jurisdiction over such lands or interests therein, the Secretary shall be vested with administrative jurisdiction over such lands or interests therein for the purpose of concluding such exchange.

(4) Upon the acquisition of all State School lands or upon notice by the Commission to the Secretary that it no longer has an interest in such lands or interests therein, such lands or interests shall be released to the agency that originally had jurisdiction over such lands or interests for disposal in accordance with the laws otherwise applicable to such lands or interests.

(d) NO EFFECT ON MILITARY BASE CLOSURES.—The provisions of this section shall not apply to the disposal of property under title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 102 Stat. 2627; 10 U.S.C. 2687 note) or the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510; 104 Stat. 1808; 10 U.S.C. 2687 note).

SEC. 708. ACCESS TO PRIVATE PROPERTY.

The Secretary shall provide adequate access to nonfederally owned land or interests in land within the boundaries of the conservation units and wilderness areas designated by this Act which will provide the owner of such land or interest the reasonable use and enjoyment thereof.

SEC. 709. FEDERAL FACILITIES FEE EQUITY.

(a) POLICY STATEMENT.—It is the intent of Congress that entrance, tourism or recreational use fees for use of Federal lands and facilities not discriminate against any State or any region of the country.

(b) FEE STUDY.—The Secretary of the Interior, in cooperation with other affected agencies, shall prepare and submit a report to the appropriate committees of the House of Representatives and the Senate Committee on Energy and Natural Resources of the United States Senate and any other relevant committees by May 1, 1996, which shall—

(1) identify all Federal lands and facilities that provide recreational or tourism use; and

(2) analyze by State and region any fees charged for entrance, recreational or tourism use, if any, on Federal lands or facilities in a State or region, individually and collectively.

(c) RECOMMENDATIONS.—Following completion of the report in subsection (b), the Secretary of the Interior, in cooperation with other affected agencies, shall prepare and submit a report to the appropriate committees of the House and the Energy and Natu-

ral Resource Committee of the United States Senate and any other relevant committees by May 1, 1997, which shall contain recommendations which the Secretary deems appropriate for implementing the congressional intent outlined in subsection (a).

TITLE VIII—MILITARY LANDS AND OVERFLIGHTS

SEC. 801. SHORT TITLE AND FINDINGS.

(a) SHORT TITLE.—This title may be cited as the "California Military Lands Withdrawal and Overflights Act of 1994".

(b) FINDINGS.—The Congress finds that—

(1) military aircraft testing and training activities as well as demilitarization activities in California are an important part of the national defense system of the United States, and are essential in order to secure for the American people of this and future generations an enduring and viable national defense system;

(2) the National Parks and wilderness areas designated by this Act lie within a region critical to providing training, research, and development for the Armed Forces of the United States and its allies;

(3) there is a lack of alternative sites available for these military training, testing, and research activities;

(4) continued use of the lands and airspace in the California desert region is essential for military purposes; and

(5) continuation of these military activities, under appropriate terms and conditions, is not incompatible with the protection and proper management of the natural, environmental, cultural, and other resources and values of the Federal lands in the California desert area.

SEC. 802. MILITARY OVERFLIGHTS.

(a) OVERFLIGHTS.—Nothing in this Act, the Wilderness Act, or other land management laws generally applicable to the new units of the National Park or Wilderness Preservation Systems (or any additions to existing units) designated by this Act, shall restrict or preclude low-level overflights of military aircraft over such units, including military overflights that can be seen or heard within such units.

(b) SPECIAL AIRSPACE.—Nothing in this Act, the Wilderness Act, or other land management laws generally applicable to the new units of the National Park or Wilderness Preservation Systems (or any additions to existing units) designated by this Act, shall restrict or preclude the designation of new units of special airspace or the use or establishment of military flight training routes over such new park or wilderness units.

(c) NO EFFECT ON OTHER LAWS.—Nothing in this section shall be construed to modify, expand, or diminish any authority under other Federal law.

SEC. 803. WITHDRAWALS.

(a) CHINA LAKE.—(1) Subject to valid existing rights and except as otherwise provided in this title, the Federal lands referred to in paragraph (2), and all other areas within the boundary of such lands as depicted on the map specified in such paragraph which may become subject to the operation of the public land laws, are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing laws). Such lands are reserved for use by the Secretary of the Navy for—

(A) use as a research, development, test, and evaluation laboratory;

(B) use as a range for air warfare weapons and weapon systems;

(C) use as a high hazard training area for aerial gunnery, rocketry, electronic warfare

and countermeasures, tactical maneuvering and air support;

(D) geothermal leasing and development and related power production activities; and

(E) subject to the requirements of section 804(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(2) The lands referred to in paragraph (1) are the Federal lands located within the boundaries of the China Lake Naval Weapons Center, comprising approximately one million one hundred thousand acres in Inyo, Kern, and San Bernardino Counties, California, as generally depicted on a map entitled "China Lake Naval Weapons Center Withdrawal—Proposed", dated January 1985.

(b) CHOCOLATE MOUNTAIN.—(1) Subject to valid existing rights and except as otherwise provided in this title, the Federal lands referred to in paragraph (2), and all other areas within the boundary of such lands as depicted on the map specified in such paragraph which may become subject to the operation of the public land laws, are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing and the geothermal leasing laws). Such lands are reserved for use by the Secretary of the Navy for—

(A) testing and training for aerial bombing, missile firing, tactical maneuvering and air support; and

(B) subject to the provisions of section 804(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(2) The lands referred to in paragraph (1) are the Federal lands comprising approximately two hundred twenty-six thousand seven hundred and eleven acres in Imperial County, California, as generally depicted on a map entitled "Chocolate Mountain Aerial Gunnery Range Proposed—Withdrawal" dated July 1993.

SEC. 804. MAPS AND LEGAL DESCRIPTIONS.

(a) PUBLICATION AND FILING REQUIREMENT.—As soon as practicable after the date of enactment of this title, the Secretary shall—

(1) publish in the Federal Register a notice containing the legal description of the lands withdrawn and reserved by this title; and

(2) file maps and the legal description of the lands withdrawn and reserved by this title with the Committee on Energy and Natural Resources of the United States Senate and with the Committee on Natural Resources of the United States House of Representatives.

(b) TECHNICAL CORRECTIONS.—Such maps and legal descriptions shall have the same force and effect as if they were included in this title except that the Secretary may correct clerical and typographical errors in such maps and legal descriptions.

(c) AVAILABILITY FOR PUBLIC INSPECTION.—Copies of such maps and legal descriptions shall be available for public inspection in the appropriate offices of the Bureau of Land Management; the office of the commander of the Naval Weapons Center, China Lake, California; the office of the commanding officer, Marine Corps Air Station, Yuma, Arizona; and the Office of the Secretary of Defense, Washington, District of Columbia.

(d) REIMBURSEMENT.—The Secretary of Defense shall reimburse the Secretary for the cost of implementing this section.

SEC. 805. MANAGEMENT OF WITHDRAWN LANDS.

(a) MANAGEMENT BY THE SECRETARY OF THE INTERIOR.—(1) Except as provided in subsection (g), during the period of the with-

drawal the Secretary shall manage the lands withdrawn under section 802 of this title pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable law, including this title.

(2) To the extent consistent with applicable law and Executive orders, the lands withdrawn under section 802 may be managed in a manner permitting—

(A) the continuation of grazing pursuant to applicable law and Executive orders were permitted on the date of enactment of this title;

(B) protection of wildlife and wildlife habitat;

(C) control of predatory and other animals;

(D) recreation (but only on lands withdrawn by section 802(a) (relating to China Lake));

(E) the prevention and appropriate suppression of brush and range fires resulting from nonmilitary activities; and

(F) geothermal leasing and development and related power production activities on the lands withdrawn under section 802(a) (relating to China Lake).

(3)(A) All nonmilitary use of such lands, including the uses described in paragraph (2), shall be subject to such conditions and restrictions as may be necessary to permit the military use of such lands for the purposes specified in or authorized pursuant to this title.

(B) The Secretary may issue any lease, easement, right-of-way, or other authorization with respect to the nonmilitary use of such lands only with the concurrence of the Secretary of the Navy.

(b) CLOSURE TO PUBLIC.—(1) If the Secretary of the Navy determines that military operations, public safety, or national security require the closure to public use of any road, trail, or other portion of the lands withdrawn by this title, the Secretary may take such action as the Secretary determines necessary or desirable to effect and maintain such closure.

(2) Any such closure shall be limited to the minimum areas and periods which the Secretary of the Navy determines are required to carry out this subsection.

(3) Before and during any closure under this subsection, the Secretary of the Navy shall—

(A) keep appropriate warning notices posted; and

(B) take appropriate steps to notify the public concerning such closures.

(c) MANAGEMENT PLAN.—The Secretary (after consultation with the Secretary of the Navy) shall develop a plan for the management of each area withdrawn under section 802 of this title during the period of such withdrawal. Each plan shall—

(1) be consistent with applicable law;

(2) be subject to conditions and restrictions specified in subsection (a)(3);

(3) include such provisions as may be necessary for proper management and protection of the resources and values of such area; and

(4) be developed not later than three years after the date of enactment of this title.

(d) BRUSH AND RANGE FIRES.—The Secretary of the Navy shall take necessary precautions to prevent and suppress brush and range fires occurring within and outside the lands withdrawn under section 802 as a result of military activities and may seek assistance from the Bureau of Land Management in the suppression of such fires. The memorandum of understanding required by subsection (e) shall provide for Bureau of Land Management assistance in the suppression of

such fires, and for a transfer of funds from the Department of the Navy to the Bureau of Land Management as compensation for such assistance.

(e) MEMORANDUM OF UNDERSTANDING.—(1) The Secretary and the Secretary of the Navy shall (with respect to each land withdrawal under section 802 of this title) enter into a memorandum of understanding to implement the management plan developed under subsection (c). Any such memorandum of understanding shall provide that the Director of the Bureau of Land Management shall provide assistance in the suppression of fires resulting from the military use of lands withdrawn under section 802 if requested by the Secretary of the Navy.

(2) The duration of any such memorandum shall be the same as the period of the withdrawal of the lands under section 802.

(f) ADDITIONAL MILITARY USES.—Lands withdrawn under section 802 of this title may be used for defense-related uses other than those specified in such section. The Secretary of Defense shall promptly notify the Secretary in the event that the lands withdrawn by this title will be used for defense-related purposes other than those specified in section 802. Such notification shall indicate the additional use or uses involved, the proposed duration of such uses, and the extent to which such additional military uses of the withdrawn lands will require that additional or more stringent conditions or restrictions be imposed on otherwise-permitted nonmilitary uses of the withdrawn land or portions thereof.

(g) MANAGEMENT OF CHINA LAKE.—(1) The Secretary may assign the management responsibility for the lands withdrawn under section 802(a) to the Secretary of the Navy who shall manage such lands, and issue leases, easements, rights-of-way, and other authorizations, in accordance with this title and cooperative management arrangements between the Secretary and the Secretary of the Navy: *Provided*, That nothing in this subsection shall affect geothermal leases issued by the Secretary prior to the date of enactment of this title, or the responsibility of the Secretary to administer and manage such leases, consistent with the provisions of this section. In the case that the Secretary assigns such management responsibility to the Secretary of the Navy before the development of the management plan under subsection (c), the Secretary of the Navy (after consultation with the Secretary) shall develop such management plan.

(2) The Secretary shall be responsible for the issuance of any lease, easement, right-of-way, and other authorization with respect to any activity which involves both the lands withdrawn under section 802(a) and any other lands. Any such authorization shall be issued only with the consent of the Secretary of the Navy and, to the extent that such activity involves lands withdrawn under section 802(a), shall be subject to such conditions as the Secretary of the Navy may prescribe.

(3) The Secretary of the Navy shall prepare and submit to the Secretary an annual report on the status of the natural and cultural resources and values of the lands withdrawn under section 802(a). The Secretary shall transmit such report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives.

(4) The Secretary of the Navy shall be responsible for the management of wild horses and burros located on the lands withdrawn

under section 802(a) and may utilize helicopters and motorized vehicles for such purposes. Such management shall be in accordance with laws applicable to such management on public lands and with an appropriate memorandum of understanding between the Secretary and the Secretary of the Navy.

(5) Neither this title nor any other provision of law shall be construed to prohibit the Secretary from issuing and administering any lease for the development and utilization of geothermal steam and associated geothermal resources on the lands withdrawn under section 802(a) pursuant to the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) and other applicable law, but no such lease shall be issued without the concurrence of the Secretary of the Navy.

(6) This title shall not affect the geothermal exploration and development authority of the Secretary of the Navy under section 2689 of title 10, United States Code, except that the Secretary of the Navy shall obtain the concurrence of the Secretary before taking action under that section with respect to the lands withdrawn under section 802(a).

(7) Upon the expiration of the withdrawal or relinquishment of China Lake, Navy contracts for the development of geothermal resources at China Lake then in effect (as amended or renewed by the Navy after the date of enactment of this title) shall remain in effect: *Provided*, That the Secretary, with the consent of the Secretary of the Navy, may offer to substitute a standard geothermal lease for any such contract.

SEC. 806. DURATION OF WITHDRAWALS.

(a) DURATION.—The withdrawals and reservations established by this title shall terminate twenty-five years after the date of enactment of this title.

(b) DRAFT ENVIRONMENTAL IMPACT STATEMENT.—No later than twenty-two years after the date of enactment of this title, the Secretary of the Navy shall publish a draft environmental impact statement concerning continued or renewed withdrawal of any portion of the lands withdrawn by this title for which that Secretary intends to seek such continued or renewed withdrawal. Such draft environmental impact statement shall be consistent with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) applicable to such a draft environmental impact statement. Prior to the termination date specified in subsection (a), the Secretary of the Navy shall hold a public hearing on any draft environmental impact statement published pursuant to this section. Such hearing shall be held in the State of California in order to receive public comments on the alternatives and other matters included in such draft environmental impact statement.

(c) EXTENSIONS OR RENEWALS.—The withdrawals established by this title may not be extended or renewed except by an Act or joint resolution of Congress.

SEC. 807. ONGOING DECONTAMINATION.

(a) PROGRAM.—Throughout the duration of the withdrawals made by this title, the Secretary of the Navy, to the extent funds are made available, shall maintain a program of decontamination of lands withdrawn by this title at least at the level of decontamination activities performed on such lands in fiscal year 1986.

(b) REPORTS.—At the same time as the President transmits to the Congress the President's proposed budget for the first fiscal year beginning after the date of enactment of this title and for each subsequent

fiscal year, the Secretary of the Navy shall transmit to the Committees on Appropriations, Armed Services, and Energy and Natural Resources of the United States Senate and to the Committees on Appropriations, Armed Services, and Natural Resources of the United States House of Representatives a description of the decontamination efforts undertaken during the previous fiscal year on such lands and the decontamination activities proposed for such lands during the next fiscal year including—

- (1) amounts appropriated and obligated or expended for decontamination of such lands;
- (2) the methods used to decontaminate such lands;
- (3) amount and types of contaminants removed from such lands;
- (4) estimated types and amounts of residual contamination on such lands; and
- (5) an estimate of the costs for full contamination of such lands and the estimate of the time to complete such decontamination.

SEC. 808. REQUIREMENTS FOR RENEWAL.

(a) NOTICE AND FILING.—(1) No later than three years prior to the termination of the withdrawal and reservation established by this title, the Secretary of the Navy shall advise the Secretary as to whether or not the Secretary of the Navy will have a continuing military need for any of the lands withdrawn under section 802 after the termination date of such withdrawal and reservation.

(2) If the Secretary of the Navy concludes that there will be a continuing military need for any of such lands after the termination date, the Secretary of the Navy shall file an application for extension of the withdrawal and reservation of such needed lands in accordance with the regulations and procedures of the Department of the Interior applicable to the extension of withdrawals of lands for military uses.

(3) If, during the period of withdrawal and reservation, the Secretary of the Navy decides to relinquish all or any of the lands withdrawn and reserved by this title, the Secretary of the Navy shall file a notice of intention to relinquish with the Secretary.

(b) CONTAMINATION.—(1) Before transmitting a notice of intention to relinquish pursuant to subsection (a), the Secretary of Defense, acting through the Department of the Navy, shall prepare a written determination concerning whether and to what extent the lands that are to be relinquished are contaminated with explosive, toxic, or other hazardous materials.

(2) A copy of such determination shall be transmitted with the notice of intention to relinquish.

(3) Copies of both the notice of intention to relinquish and the determination concerning the contaminated state of the lands shall be published in the Federal Register by the Secretary of the Interior.

(c) DECONTAMINATION.—If any land which is the subject of a notice of intention to relinquish pursuant to subsection (a) is contaminated, and the Secretary, in consultation with the Secretary of the Navy, determines that decontamination is practicable and economically feasible (taking into consideration the potential future use and value of the land) and that upon decontamination, the land could be opened to operation of some or all of the public land laws, including the mining laws, the Secretary of the Navy shall decontaminate the land to the extent that funds are appropriated for such purpose.

(d) ALTERNATIVES.—If the Secretary, after consultation with the Secretary of the Navy, concludes that decontamination of any land which is the subject of a notice of intention

to relinquish pursuant to subsection (a) is not practicable or economically feasible, or that the land cannot be decontaminated sufficiently to be opened to operation of some or all of the public land laws, or if Congress does not appropriate a sufficient amount of funds for the decontamination of such land, the Secretary shall not be required to accept the land proposed for relinquishment.

(e) STATUS OF CONTAMINATED LANDS.—If, because of their contaminated state, the Secretary declines to accept jurisdiction over lands withdrawn by this title which have been proposed for relinquishment, or if at the expiration of the withdrawal made by this title the Secretary determines that some of the lands withdrawn by this title are contaminated to an extent which prevents opening such contaminated lands to operation of the public land laws—

(1) the Secretary of the Navy shall take appropriate steps to warn the public of the contaminated state of such lands and any risks associated with entry onto such lands;

(2) after the expiration of the withdrawal, the Secretary of the Navy shall undertake no activities on such lands except in connection with decontamination of such lands; and

(3) the Secretary of the Navy shall report to the Secretary and to the Congress concerning the status of such lands and all actions taken in furtherance of this subsection.

(f) REVOCATION AUTHORITY.—Notwithstanding any other provision of law, the Secretary, upon deciding that it is in the public interest to accept jurisdiction over lands proposed for relinquishment pursuant to subsection (a), is authorized to revoke the withdrawal and reservation established by this title as it applies to such lands. Should the decision be made to revoke the withdrawal and reservation, the Secretary shall publish in the Federal Register an appropriate order which shall—

(1) terminate the withdrawal and reservation;

(2) constitute official acceptance of full jurisdiction over the lands by the Secretary; and

(3) state the date upon which the lands will be opened to the operation of some or all of the public lands law, including the mining laws.

SEC. 809. DELEGABILITY.

(a) DEPARTMENT OF DEFENSE.—The functions of the Secretary of Defense or the Secretary of the Navy under this title may be delegated.

(b) DEPARTMENT OF THE INTERIOR.—The functions of the Secretary under this title may be delegated, except that an order described in section 807(f) may be approved and signed only by the Secretary, the Under Secretary of the Interior, or an Assistant Secretary of the Department of the Interior.

SEC. 810. HUNTING, FISHING, AND TRAPPING.

All hunting, fishing, and trapping on the lands withdrawn by this title shall be conducted in accordance with the provisions of section 2671 of title 10, United States Code.

SEC. 811. IMMUNITY OF UNITED STATES.

The United States and all departments or agencies thereof shall be held harmless and shall not be liable for any injury or damage to persons or property suffered in the course of any geothermal leasing or other authorized nonmilitary activity conducted on lands described in section 802 of this title.

SEC. 812. EL CENTRO RANGES.

The Secretary is authorized to permit the Secretary of the Navy to use until January 1, 1997, the approximately forty-four thousand eight hundred and seventy acres of public

lands in Imperial County, California, known as the East Mesa and West Mesa ranges, in accordance with the Memorandum of Understanding dated June 29, 1987, between the Bureau of Land Management, the Bureau of Reclamation, and the Department of the Navy. All military uses of such lands shall cease on January 1, 1997, unless authorized by a subsequent Act of Congress.

TITLE IX—INITIATIVES PERTAINING TO THE LOWER MISSISSIPPI DELTA REGION

SEC. 901. FINDINGS.

(a) The Congress finds that—

(1) in 1988, Congress enacted Public Law 100-460, establishing the Lower Mississippi Delta Development Commission, to assess the needs, problems, and opportunities of people living in the Lower Mississippi Delta Region that includes 219 counties and parishes within the States of Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee;

(2) the Commission conducted a thorough investigation to assess these needs, problems, and opportunities, and held several public hearings throughout the Delta Region;

(3) on the basis of these investigations, the Commission issued the Delta Initiatives Report, which included recommendations on natural resource protection, historic preservation, and the enhancement of educational and other opportunities for Delta residents;

(4) the Delta Initiatives Report recommended—

(A) designating the Great River Road as a scenic byway, and designating other hiking and motorized trails throughout the Delta Region;

(B) that the Federal Government identify sites and structures of historic and prehistoric importance throughout the Delta Region;

(C) the further study of potential new units of the National Park System within the Delta Region; and

(D) that Federal agencies target more monies in selected areas to institutions of higher education in the Delta Region, especially Historically Black Colleges and Universities.

SEC. 902. DEFINITIONS.

As used in this title, the term—

(1) "Commission" means the Lower Mississippi Delta Development Commission established pursuant to Public Law 100-460;

(2) "Delta Initiatives Report" means the May 14, 1990 Final Report of the Commission entitled "The Delta Initiatives: Realizing the Dream . . . Fulfilling the Potential";

(3) "Delta Region" means the Lower Mississippi Delta Region including the 219 counties and parishes within the States of Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee, as defined in the Delta Initiatives Report, except that, for any State for which the Delta Region as defined in such report comprises more than half of the geographic area of such State, the entire State shall be considered part of the Delta Region for purposes of this title;

(4) "Historically Black College or University" means a college or university that would be considered a "part B institution" by section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)); and

(5) "minority college or university" means a Historically Black College or University that would be considered a "part B institution" by section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)) or a "minority institution" as that term is defined in section 1046 of the Higher Education Act of 1965 (20 U.S.C. 1135d-5(3)).

SEC. 903. DEFINITIONS.

As used in this title, the term—

(1) "Department" means the United States Department of the Interior, unless otherwise specifically stated; and

(2) "Secretary" means the Secretary of the Interior, unless otherwise specifically stated.

SEC. 904. NATURAL RESOURCES AND ENVIRONMENTAL EDUCATIONAL INITIATIVES.

(a) OFFICE OF EDUCATION.—(1) There shall be established within the Department an Office of Education to encourage, support, and coordinate education programs of the Department at the elementary, secondary, college and university, and graduate levels.

(2) The goals of the Office of Education shall be to—

(A) enhance the quality of education in the areas of natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, aquaculture, and related subjects;

(B) establish initiatives at minority colleges or universities;

(C) encourage the consideration of careers in the areas of natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, aquaculture, and related subjects;

(D) enhance teacher development and recruitment;

(E) increase research opportunities for teachers and students;

(F) enhance curriculum development; and

(G) improve laboratory instrumentation and equipment through purchase, loan, or other transfer mechanisms.

(b) DUTIES.—The duties of the Secretary, through the Office of Education, shall be to—

(1) coordinate the educational programs within the Department, including implementation of programs established under this title, in order to ensure the goals of the Office of Education are met; and

(2) inventory existing education programs within the Department.

(c) The Secretary shall report to Congress, within one year after the date of the enactment of this Act and annually thereafter, on an inventory of existing education programs of the Department, the status of such programs, and progress toward meeting the goals of the Office of Education as established in this Act.

(d) MINORITY COLLEGE AND UNIVERSITY INITIATIVE.—(1) Within one year after the date of the enactment of this Act, and annually thereafter, the Secretary, through the Office of Education, shall submit to the Committee on Energy and Natural Resources of the United States Senate and to the United States House of Representatives a report identifying opportunities for minority colleges or universities to participate in programs and activities carried out by the Department. The Secretary, through the Office of Education, shall consult with representatives of minority colleges or universities in preparing the report. Such report shall—

(A) describe ongoing education and training programs carried out by the Department with respect to, or in conjunction with, minority colleges or universities in the areas of natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, aquaculture, and related subjects;

(B) describe ongoing research, development or demonstration programs involving the Department and minority colleges or universities;

(C) describe funding levels for the programs referred to in subparagraphs (A) and (B);

(D) include specific proposals and recommendations for providing assistance to minority colleges and universities to enter into memoranda of understanding and other appropriate forms of agreement with the Department in order to plan and develop programs to foster greater involvement of these schools in the contract, research, education, training, and recruitment activities of the Department;

(E) address the need for, and potential role of, the Department in providing minority colleges or universities with the following—

(i) increased research opportunities for faculty and students;

(ii) assistance in faculty development and recruitment;

(iii) curriculum enhancement and development; and

(iv) improved laboratory instrumentation and equipment, through purchase, loan, or other transfer mechanisms;

(F) address the need for, and potential role of, the Department in providing financial and technical assistance for the development of infrastructure facilities, including buildings and laboratory facilities, at minority colleges or universities; and

(G) include specific proposals and recommendations, together with estimates of necessary funding levels, for initiatives to be carried out by the Department in order to assist minority colleges or universities in providing education and training in the areas of natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, aquaculture, and related subjects.

(2) The Secretary, through the Office of Education, shall encourage memoranda of understanding and other appropriate forms of agreement between the Department and minority colleges or universities directed at jointly planning and developing programs to foster greater involvement of minority colleges or universities in the research, education, training, and recruitment activities of the Department.

(e) SCHOLARSHIP PROGRAM.—The Secretary, through the Office of Education, shall establish a scholarship program for students pursuing undergraduate or graduate degrees in natural resource and environmental related fields including, but not limited to: biology, wildlife biology, forestry, botany, horticulture, historic preservation, cultural resource management, archeology, anthropology, aquaculture, geology, engineering, the environment, the sciences, and ecology at minority colleges and universities in the Delta Region. The scholarship program shall include tuition assistance. Recipients of such scholarships shall be students deemed by the Secretary to have demonstrated (1) a need for such assistance; and (2) academic potential in the particular area of study.

(f) PRE-COLLEGE EDUCATION.—The Secretary, through the Office of Education, shall undertake activities to encourage pre-college education programs in subjects relating to natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, aquaculture, and related subjects, for students in the Delta Region. Such activities shall include, but not be limited to, the following—

(1) cooperation with, and assistance to, State departments of education and local school districts in the Delta Region to develop and carry out after school and summer education programs for elementary, middle, and secondary school students;

(2) cooperation with, and assistance to, institutions of higher education in the Delta

Region to develop and carry out pre-college education programs for elementary, middle, and secondary school students;

(3) cooperation with, and assistance to, State departments of education and local school districts in the Delta Region in the development and use of curriculum and educational materials; and

(4) the establishment of education programs for elementary, middle, and secondary school teachers in the Delta Region at research facilities of the Department.

(g) VOLUNTEER PROGRAM.—The Secretary, through the Office of Education, shall establish and carry out a program to encourage the involvement on a voluntary basis of qualified employees of the Department in educational enrichment programs relating to natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, aquaculture, and related subjects, in cooperation with State departments of education and local school districts in the Delta Region.

(h) WOMEN AND MINORITIES IN THE SCIENCES.—The Secretary, through the Office of Education, shall establish a Center for Excellence in the Sciences at Alcorn State in Lorman, Mississippi, in cooperation with Southern University in Baton Rouge, Louisiana, and the University of Arkansas at Pine Bluff, Arkansas, and other minority colleges or universities for purposes of encouraging women and minority students in the Delta Region to study and pursue careers in the sciences. The Center shall enter into cooperative agreements with Southern University in Baton Rouge, Louisiana, and the University of Arkansas at Pine Bluff, Arkansas, and other minority colleges and universities in the Delta Region, to carry out affiliated programs and coordinate program activities at such colleges and universities. The Secretary is authorized to provide grants and other forms of financial assistance to the Center.

(i) CENTER FOR AQUACULTURE STUDIES.—The Secretary, through the Office of Education, shall establish a Center for Aquaculture Studies at the University of Arkansas at Pine Bluff, Arkansas, in cooperation with Southern University in Baton Rouge, Louisiana, and Alcorn State in Lorman, Mississippi, and other minority colleges or universities for purposes of encouraging women and minority students in the Delta Region to study and pursue careers in the field of aquaculture. The Center shall enter into cooperative agreements with Southern University in Baton Rouge, Louisiana, and Alcorn State in Lorman, Mississippi, and other minority colleges or universities in the Delta Region to carry out affiliated programs and coordinate program activities at such colleges or universities.

(j) COORDINATION WITH OTHER FEDERAL AGENCIES.—The Secretary, through the Office of Education, shall ensure that the programs authorized in this section are coordinated with, and complimentary to, educational assistance programs administered by other Federal agencies. These agencies include, but are not limited to, the Department of Energy, the Department of Agriculture, the Department of Education, the Department of Defense, the National Science Foundation, and the National Aeronautics and Space Administration.

SEC. 905. LOWER MISSISSIPPI DELTA REGION HERITAGE STUDY.

(a) IN GENERAL.—The Secretary, in consultation with the States of the Delta Region, the Lower Mississippi Delta Development Center, and other appropriate Delta

Region institutions, is directed to prepare and transmit to the Congress within three years after the date of the enactment of this Act, a study of significant natural, recreational, historical or prehistorical, and cultural lands, waters, sites, and structures located within the Delta Region. This study shall take into consideration the research and inventory of resources conducted by the Mississippi River Heritage Corridor Study Commission.

(b) **TRANSPORTATION ROUTES.**—(1) The study shall include recommendations on appropriate designation and interpretation of historically significant roads, trails, byways, waterways, or other routes within the Delta Region.

(2) In order to provide for public appreciation, education, understanding, interpretation, and enjoyment of the significant sites identified pursuant to subsection (a), which are accessible by public roads, the Secretary shall recommend in the study vehicular tour routes along existing public roads linking such sites within the Delta Region.

(3) Such recommendations shall include an analysis of designating the Great River Road (as depicted on the map entitled "Proposed Delta Transportation Network" on pages 102-103 of the Delta Initiatives Report) and other sections of the Great River Road between Baton Rouge and New Orleans, Louisiana and an analysis of designating that portion of the Old Antonio Road and the Louisiana Natchez Trace which extends generally along Highway 84 from Vidalia, Louisiana, to Clarence, Louisiana, and Louisiana Highway 6 from Clarence, Louisiana, to the Toledo Bend Reservoir, Louisiana, as a National Scenic Byway, or as a component of the National Trails System, or such other designation as the Secretary deems appropriate.

(4) The Secretary shall also recommend in the study an appropriate route along existing public roads to commemorate the importance of timber production and trade to the economic development of the Delta Region in the early twentieth century, and to highlight the continuing importance of timber production and trade to the economic life of the Delta Region. Recommendations shall include an analysis of designating that portion of US 165 which extends from Alexandria, Louisiana, to Monroe, Louisiana, as a National Scenic Byway, or as a component of the National Trails System, or such other designation as the Secretary deems appropriate.

(5) The study shall also include a comprehensive recreation, interpretive, and visitor use plan for the routes described in the above paragraphs, including bicycle and hiking paths, and make specific recommendations for the acquisition and construction or related interpretive and visitor information facilities at selected sites along such routes.

(6) The Secretary is authorized to make grants to States for work necessary to stabilize, maintain, and widen public roads to allow for adequate access to the nationally significant sites and structures identified by the study, to allow for proper use of the vehicular tour route, trails, byways, including the routes defined in paragraphs (3) and (4) or other public roads within the Delta Region and to implement the comprehensive recreation, interpretive, and visitor use plan required in paragraph (5).

(c) **LISTING.**—On the basis of the study, and in consultation with the National Trust for Historic Preservation, the Secretary shall inventory significant structures and sites in the Delta Region. The Secretary shall further recommend and encourage cooperative

preservation and economic development efforts such as the establishment of preservation districts linking groups of contiguous counties or parishes, especially those that lie along the aforementioned designated routes. The Secretary shall prepare a list of the sites and structures for possible inclusion by the National Park Service as National Historic Landmarks or such other designation as the Secretary deems appropriate.

SEC. 906. DELTA REGION HERITAGE CORRIDORS AND HERITAGE AND CULTURAL CENTERS.

(a) **FINDINGS.**—The Congress finds that—

(1) in 1990, the Congress authorized the Institute of Museum Services to prepare a report assessing the needs of small, emerging, minority, and rural museums in order to identify the resources such museums needed to meet their educational mission, to identify the areas of museum operation in which the needs were greatest, and to make recommendations on how these needs could best be met;

(2) the Institute of Museum Services undertook a comprehensive eighteen month study of such needs with the assistance of two advisory groups, surveyed 524 museums from throughout the Nation, held discussion groups in which representatives of 25 museum groups participated, and conducted case studies of 12 museum facilities around the Nation;

(3) on the basis of this assessment, the Institute of Museum Services issued a report in September, 1992, entitled, "National Needs Assessment of Small, Emerging, Minority and Rural Museums in the United States" (hereinafter "National Needs Assessment") which found that small, emerging, minority, and rural museums provide valuable educational and cultural resources for their communities and contain a reservoir of the Nation's material, cultural and historical heritage, but due to inadequate resources are unable to meet their full potential or the demands of the surrounding communities;

(4) the needs of these institutions are not being met through existing Federal programs;

(5) fewer than half of the participants in the survey had applied for Federal assistance in the past two years and that many small, emerging, minority and rural museums believe existing Federal programs do not meet their needs;

(6) based on the National Needs Assessment, that funding agencies should increase support available to small, emerging, minority, and rural museums and make specific recommendations for increasing technical assistance in order to identify such institutions and provide assistance to facilitate their participation in Federal programs;

(7) the Delta Initiatives Report made specific recommendations for the creation and development of centers for the preservation of the cultural, historical, and literary heritage of the Delta Region, including recommendations for the establishment of a Delta Region Native American Heritage and Cultural Center and a Delta Region African American Heritage and Cultural Center with additional satellite centers or museums linked throughout the Delta Region;

(8) the Delta Initiatives Report stated that new ways of coordinating, preserving, and promoting the Delta Region's literature, art, and music should be established including the creation of a network to promote the Delta Region's literary, artistic, and musical heritage; and

(9) wholesale destruction and attrition of archeological sites and structures has elimi-

nated a significant portion of Native American heritage as well as the interpretive potential of the Delta Region's parks and museums. Furthermore, site and structure destruction is so severe that an ambitious program of site and structure acquisition in the Delta Region is necessary.

(b) **GENERAL.**—The Secretary, in consultation with the States of the Delta Region, the Chairman of the National Endowment for the Arts, the Chairman of the National Endowment for the Humanities, the Director of the Smithsonian Institution, the Lower Mississippi Delta Development Center, Historically Black Colleges and Universities, and appropriate African American, Native American and other relevant institutions or organizations in the Delta Region, is further directed to prepare and transmit to the Congress a plan outlining specific recommendations, including recommendations for necessary funding, for the establishment of a Delta Region Native American Heritage Corridor and Heritage and Cultural Center and a Delta Region African American Heritage Corridor and Heritage and Cultural Center with a network of satellite or cooperative units.

(c) **DELTA REGION NATIVE AMERICAN HERITAGE CORRIDOR AND CULTURAL CENTER.**—(1) The plan referred to in subsection (b) of this section shall include recommendations for establishing a network of parks, museums, and other centers to interpret Native American culture and heritage in the Delta Region, including a ten year development strategy for such a network.

(2) Such plan shall include specific proposals for the development of a Native American Heritage Corridor and Heritage and Cultural Center in the Delta Region, along with recommendations for the appropriate Federal role in such a center including matching grants, technical and interpretive assistance.

(3) Such plan shall be conducted in consultation with tribal leaders in the Delta Region.

(4) Such plan shall also include specific proposals for educational and training assistance for Delta Region Native Americans to carry out the recommendations provided in the study.

(d) **DELTA REGION AFRICAN AMERICAN HERITAGE CORRIDOR AND CULTURAL CENTER.**—(1) The plan referred to in subsection (b) of this section shall include recommendations for establishing a heritage corridor or trail system, consisting of one or two major north-south routes and several east-west-spur loops to preserve, interpret and commemorate the African American heritage and culture in the Delta Region during all significant historical periods.

(2) Such plan shall make specific recommendations for representing all forms of expensive culture including the musical, folklore, literary, artistic, scientific, historical, educational, and political contributions and accomplishments of African Americans in the Delta Region.

(3) Such plan shall make specific recommendations for implementing the findings of the Delta Initiatives Report with respect to establishing an African American Heritage Corridor and Heritage and Cultural Center and related satellite museums in the Delta Region, together with specific funding levels necessary to carry out these recommendations and shall also include recommendations for improving access of small, emerging, minority or rural museums to technical and financial assistance.

(4) Such plan shall be conducted in consultation with institutions of higher edu-

cation in the Delta Region with expertise in African American studies, Southern studies, archeology, anthropology, history and other relevant fields.

(5) Such plan shall make specific recommendations for improving educational programs offered by existing cultural facilities and museums as well as establishing new outreach programs for elementary, middle and secondary schools, including summer programs for youth in the Delta Region.

(e)(1) In furtherance of the purposes of this section, the Secretary is authorized to make planning grants to State Humanities Councils in the Delta Region to assist small, emerging, minority and rural museums selected on a financial needs basis in the development of a comprehensive long term plan for these institutions. The Secretary is also authorized to make implementation grants to State Humanities Councils in the Delta Region who, in consultations with State Museum Associations, shall make grants to small, emerging, minority or rural museums for the purpose of carrying out an approved plan for training personnel, improving exhibits or other steps necessary to assure the integrity of collections in their facilities, for educational outreach programs, or for other activities the Secretary deems appropriate including the promotion of tourism in the region. Such institutions shall be selected competitively and on the basis of demonstrated financial need. The Secretary is also authorized to make grants to State Humanities Councils to update, simplify and coordinate the respective State Works Progress Administration guides and to develop a single comprehensive guide for the Delta Region.

(2) The Secretary is authorized to provide grants and other appropriate technical assistance to State Humanities Councils, State Museum Associations, and State Arts Councils in the Delta Region for the purpose of assessing the needs of such institutions. Such grants may be used by these institutions to undertake such an assessment and to provide other technical, administrative and planning assistance to small, emerging, minority or rural institutions seeking to preserve the Delta Region's literary, artistic, and musical heritage.

(f) MUSIC HERITAGE PROGRAM.—(1) The plan referred to in subsection (b) of this section shall include recommendations for establishing a Music Heritage Program, with specific emphasis on the Mississippi Delta Blues. The plan shall include specific recommendations for developing a network of heritage sites, structures, small museums, and festivals in the Delta Region.

(2) The plan shall include an economic strategy for the promotion of the Delta Region's music, through the participation of musicians, festival developers, museum operators, universities, and other relevant individuals and organizations.

(g) COMPLETION DATE.—The plan authorized in this section shall be completed not later than three years after the date funds are made available for such plan.

SEC. 907. HISTORIC AND PREHISTORIC STRUCTURES AND SITES SURVEY.

(a) ASSISTANCE.—The Secretary is authorized to provide technical and financial assistance to Historically Black Colleges and Universities to undertake a comprehensive survey of historic and prehistoric structures and sites located on their campuses, including recommendations as to the inclusion of appropriate structures and sites on the National Register of Historic Places, designation as National Historic Landmarks, or

other appropriate designation as determined by the Secretary. The Secretary shall also make specific proposals and recommendations, together with estimates of necessary funding levels, for a comprehensive plan to be carried out by the Department to assist Historically Black Colleges and Universities in the preservation and interpretation of such sites and structures.

(b) GRANTS.—In furtherance of the purposes of this section, the Secretary is authorized to provide technical and financial assistance to Historically Black Colleges and Universities for stabilization, preservation and interpretation of such sites and structures.

SEC. 908. DELTA ANTIQUITIES SURVEY.

(a) GENERAL.—(1) The Secretary is directed to prepare and transmit to the Congress, in cooperation with the States of the Delta Region, State Archeological Surveys and Regional Archeological Centers, a study of the feasibility of establishing a Delta Antiquities Trail or Delta Antiquities Heritage Corridor in the Delta Region.

(2) Such study shall, to the extent practicable, use nonintrusive methods of identifying, surveying, inventorying, and stabilizing ancient archeological sites and structures.

(3) In undertaking this study, the Secretary is directed to enter into cooperative agreements with the States of the Delta Region, the State Archeological Surveys, and Regional Archeological Centers located in Delta Region institutions of higher education for on-site activities including surveys, inventories, and stabilization and other activities which the Secretary deems appropriate.

(4) In addition to the over 100 known ancient archeological sites located in the Delta Region including Watson's Brake, Frenchman's Bend, Hedgepeth, Monte Sano, Banana Bayou, Hornsby, Parkin, Toltec, Menard-Hodges, Eaker, Blytheville Mound, Nodena, Taylor Mounds, DeSoto Mound and others, such study shall also employ every practical means possible, including assistance from the National Aeronautics and Space Administration, the Forest Service and Soil Conservation Service of the Department of Agriculture, the Army Corps of Engineers of the Department of Defense, and other appropriate Federal agencies, to locate and confirm the existence of a site known as Balbansha in southern Louisiana and a site known as Autiamque in Arkansas. The heads of these Federal agencies shall cooperate with the Secretary as the Secretary requires on a non-reimbursable basis.

(b) In furtherance of the purposes of this section, the Secretary is authorized to provide technical assistance and grants to private landowners for necessary stabilization activities of identified sites and for preparing recommendations for designating such sites as National Landmarks or other appropriate designations as the Secretary, with the concurrence of the landowners, determines to be appropriate.

(c) The Secretary is authorized to enter into cooperative agreements with the States, State Archeological Surveys, and Regional Archeological Centers of the Delta Region to develop a ten-year plan for the stabilization, preservation and interpretation of those sites and structures as may be identified by the Secretary.

SEC. 909. HISTORIC AND ARCHEOLOGICAL RESOURCES PROGRAM.

(a) PROGRAM.—The Secretary shall conduct a comprehensive program for the research, interpretation, and preservation of signifi-

cant historic and archeological resources in the Delta Region.

(b) ELEMENTS OF THE PROGRAM.—The program shall include, but not be limited to—

(1) identification of research projects related to historic and archeological resources in the Delta Region and a proposal for the regular publication of related research materials and publications;

(2) the development of a survey program to investigate, inventory and further evaluate known historic and archeological sites and structures and identify those sites and structures that require additional study;

(3) identification of a core system of interpretive sites and structures that would provide a comprehensive overview of historic and archeological resources of the Delta Region;

(4) preparation of educational materials to interpret the historical and archeological resources of the Delta Region;

(5) preparation of surveys and archeological and historical investigations of sites, structures, and artifacts relating to the Delta Region, including the preparation of reports, maps, and other related activities.

(c) GRANTS AND TECHNICAL ASSISTANCE.—(1) The Secretary is authorized to award grants to qualified tribal, governmental and non-governmental entities and individuals to assist the Secretary in carrying out those elements of the program which the Secretary deems appropriate.

(2) The Secretary is further authorized to award grants and provide other types of technical and financial assistance to such entities and individuals to conserve and protect historic and archeological sites and structures in the Delta Region identified in the program prepared pursuant to this section.

(d) The Secretary shall establish a national demonstration project for the conservation and curation of the archeological records and collections of Federal and State management agencies in the Delta Region.

TITLE X—AUTHORIZATION OF APPROPRIATIONS

SEC. 1001. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

TITLE XI—NEW ORLEANS JAZZ NATIONAL HISTORICAL PARK

SEC. 1101. SHORT TITLE.

This title may be cited as the "New Orleans Jazz National Historical Park Act of 1994".

SEC. 1102. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that:

(1) Jazz is the United States' most widely recognized indigenous music and art form. Congress previously recognized jazz in 1987 through Senate Concurrent Resolution 57 as a rare and valuable national treasure of international importance.

(2) The city of New Orleans is widely recognized as the birthplace of jazz. In and around this city, cultural and musical elements blended to form the unique American music that is known as New Orleans jazz, which is an expression of the cultural diversity of the lower Mississippi Delta Region.

(3) Jean Lafitte National Historical Park and Preserve was established to commemorate the cultural diversity of the lower Mississippi Delta Region including a range of cultural expressions like jazz.

(b) PURPOSE.—In furtherance of the need to recognize the value and importance of jazz, it is the purpose of this title to establish a New Orleans Jazz National Historical Park

to preserve the origins, early history, development and progression of jazz; provide visitors with opportunities to experience the sights, sounds, and places where jazz evolved; and implement innovative ways of establishing jazz educational partnerships that will help to ensure that jazz continues as a vital element of the culture of New Orleans and our Nation.

SEC. 1103. ESTABLISHMENT.

(a) IN GENERAL.—In order to assist in the preservation, education, and interpretation of jazz as it has evolved in New Orleans, and to provide technical assistance to a broad range of organizations involved with jazz music and its history, there is hereby established the New Orleans Jazz National Historical Park (hereinafter referred to as the "historical park"). The historical park shall be administered in conjunction with the Jean Lafitte National Historical Park and Preserve, which was established to preserve and interpret the cultural and natural resources of the lower Mississippi Delta Region.

(b) AREA INCLUDED.—The historical park shall consist of lands and interests therein as follows:

(1) Lands which the Secretary of the Interior (hereinafter referred to as "the Secretary") may designate for an interpretive visitor center complex.

(2) Sites that are the subject of cooperative agreements with the National Park Service for the purposes of interpretive demonstrations and programs associated with the purposes of this title.

(3)(A) Sites designated by the Secretary as provided in subparagraph (B).

(B)(i) No later than 18 months after the date of enactment of this title, the Secretary is directed to complete a national historic landmark evaluation of sites associated with jazz in and around New Orleans as identified in the document entitled "New Orleans Jazz Special Resource Study", prepared by the National Park Service pursuant to Public Law 101-499. In undertaking the evaluation, the Secretary shall, to the extent practicable, utilize existing information relating to such sites.

(ii) If any of the sites evaluated are found to meet the standards of the National Historic Landmark program and National Park Service tests of suitability and feasibility, and offer outstanding opportunities to further the purposes of this title, the Secretary may designate such sites as part of the historical park, following consultation with the owners of such sites, the city of New Orleans, the Smithsonian Institution, and the New Orleans Jazz Commission, and notification to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives.

SEC. 1104. ADMINISTRATION.

(a)(1) IN GENERAL.—The Secretary shall administer the historical park in accordance with this title and with provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4); and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467). The Secretary shall manage the historical park in such a manner as will preserve and perpetuate knowledge and understanding of the history of jazz and its continued evolution as a true American art form.

(2) To minimize operational costs associated with the management and administration of the historical park and to avoid duplication of effort, the Secretary shall, to

the maximum extent practicable, utilize the facilities, administrative staff and other services of the Jean Lafitte National Historical Park and Preserve.

(b) DONATIONS.—The Secretary may accept and retain donations of funds, property, or services from individuals, foundations, corporations, or other public entities for the purposes of providing services, programs, and facilities that further the purposes of this title.

(c) INTERPRETIVE CENTER.—The Secretary is authorized to construct, operate, and maintain an interpretive center in the historical park on lands identified by the Secretary pursuant to section 1103(b)(1). Programs at the center shall include, but need not be limited to, live jazz interpretive and educational programs, and shall provide visitors with information about jazz-related programs, performances, and opportunities.

(d) JAZZ HERITAGE DISTRICTS.—The Secretary may provide technical assistance to the city of New Orleans and other appropriate entities for the designation of certain areas in and around New Orleans as jazz heritage districts. Such districts shall include those areas with an exceptional concentration of jazz historical sites and established community traditions of jazz street parades.

(e) COOPERATIVE AGREEMENTS, GRANTS AND TECHNICAL ASSISTANCE.—In furtherance of the purposes of this title—

(1) The Secretary, after consultation with the New Orleans Jazz Commission established pursuant to section 1107, is authorized to enter into cooperative agreements with owners of properties that are designated pursuant to section 1103(b)(3) which provide outstanding educational and interpretive opportunities relating to the evolution of jazz in New Orleans. The Secretary may assist in rehabilitating, restoring, marking, and interpreting and may provide technical assistance for the preservation and interpretation of such properties. Such agreements shall contain, but need not be limited to, provisions that the National Park Service will have reasonable rights of access for operational and visitor use needs, that rehabilitation and restoration will meet the Secretary's standards for rehabilitation of historic buildings, and that specify the roles and responsibilities of the Secretary for each site or structure;

(2) The Secretary is authorized to enter into cooperative agreements with the city of New Orleans, the State of Louisiana, and other appropriate public and private organizations under which the other parties to the agreement may contribute to the acquisition, construction, operation, and maintenance of the interpretive center and to the operation of educational and interpretive programs to further the purposes of this title; and

(3) the Secretary, in consultation with the New Orleans Jazz Commission, is authorized to provide grants or technical assistance to public and private organizations.

(f) JAZZ EDUCATIONAL PROGRAMS.—The Secretary shall, in the administration of the historical park, promote a broad range of educational activities relating to jazz and its history. The Secretary shall cooperate with schools, universities, and organizations supporting jazz education to develop educational programs that provide expanded public understanding of jazz and enhanced opportunities for public appreciation. The Secretary may assist appropriate entities in the development of an information base including archival material, audiovisual records, and objects that relate to the history of jazz.

SEC. 1105. ACQUISITION OF PROPERTY.

(a) GENERAL AUTHORITY.—The Secretary may acquire lands and interests therein within the sites designated pursuant to section 1103(b)(1) and (3) by donation or purchase with donated or appropriated funds or long term lease: *Provided*, That sites designated pursuant to section 1103(b)(3) shall only be acquired with the consent of the owner thereof.

(b) STATE AND LOCAL PROPERTIES.—Lands and interests in lands which are owned by the State of Louisiana, or any political subdivision thereof, may be acquired only by donation.

SEC. 1106. GENERAL MANAGEMENT PLAN.

Within 3 years after the date funds are made available therefor and concurrent with the national landmark study referenced in section 1103(b)(3), the Secretary, in consultation with the New Orleans Jazz Commission, shall prepare a general management plan for the historical park. The plan shall include, but need not be limited to—

(1) a visitor use plan indicating programs and facilities associated with park programs that will be made available to the public;

(2) preservation and use plans for any structures and sites that are identified through the historic landmark study for inclusion within the historical park;

(3) the location and associated cost of public facilities that are proposed for inclusion within the historical park, including a visitor center;

(4) identification of programs that the Secretary will implement or be associated with through cooperative agreements with other groups and organizations;

(5) a transportation plan that addresses visitor use access needs to sites, facilities, and programs central to the purpose of the historical park;

(6) plans for the implementation of an archival system for materials, objects, and items of importance relating to the history of jazz; and

(7) guidelines for the application of cooperative agreements that will be used to assist in the management of historical park facilities and programs.

SEC. 1107. ESTABLISHMENT OF THE NEW ORLEANS JAZZ COMMISSION.

(a) ESTABLISHMENT.—To assist in implementing the purposes of this title and the document entitled "New Orleans Jazz Special Resource Study", there is established the New Orleans Jazz Commission (hereinafter referred to as the "Commission").

(b) MEMBERSHIP.—The Commission shall consist of 17 members to be appointed no later than 6 months after the date of enactment of this Act. The Commission shall be appointed by the Secretary as follows:

(1) One member from recommendations submitted by the Mayor of New Orleans.

(2) Two members who have recognized expertise in music education programs that emphasize jazz.

(3) One member, with experience in and knowledge of tourism in the greater New Orleans area, from recommendations submitted by local businesses.

(4) One member from recommendations submitted by the Board of the New Orleans Jazz and Heritage Foundation.

(5) One member, with experience in and knowledge of historic preservation within the New Orleans area.

(6) Two members, one from recommendations submitted by the Secretary of the Smithsonian Institution and one member from recommendations submitted by the Chairman of the National Endowment of the

Arts, who are recognized musicians with knowledge and experience in the development of jazz in New Orleans.

(7) Two members, one from recommendations submitted by the Secretary of the Smithsonian Institution and one member from recommendations submitted by the Director of the Louisiana State Museum with recognized expertise in the interpretation of jazz history or traditions related to jazz in New Orleans.

(8) Two members who represent local neighborhood groups or other local associations; from recommendations submitted by the Mayor of New Orleans.

(9) One member representing local mutual aid and benevolent societies as well as local social and pleasure clubs, from recommendations submitted by the Board of the New Orleans Jazz and Heritage Foundation.

(10) One member from recommendations submitted by the Governor of the State of Louisiana, who shall be a member of the Louisiana State Music Commission.

(11) One member representing the New Orleans Jazz Club from recommendations submitted by the club.

(12) One member who is a recognized local expert on the history, development and progression of jazz in New Orleans and is familiar with existing archival materials from recommendations submitted by the Librarian of Congress.

(13) The Director of the National Park Service, or the Director's designee, ex officio.

(c) DUTIES OF THE COMMISSION.—The Commission shall—

(1) advise the Secretary in the preparation of the general management plan for the historical park; assist in public discussions of planning proposals; and assist the National Park Service in working with individuals, groups, and organizations including economic and business interests in determining programs in which the Secretary should participate through cooperative agreement;

(2) in consultation and cooperation with the Secretary, develop partnerships with educational groups, schools, universities, and other groups to furtherance of the purposes of this title;

(3) in consultation and cooperation with the Secretary, develop partnerships with city-wide organizations, and raise and disperse funds for programs that assist mutual aid and benevolent societies, social and pleasure clubs and other traditional groups in encouraging the continuation of and enhancement of jazz cultural traditions;

(4) acquire or lease property for jazz education, and advise on hiring brass bands and musical groups to participate in education programs and help train young musicians;

(5) in consultation and cooperation with the Secretary, provide recommendations for the location of the visitor center and other interpretive sites;

(6) assist the Secretary in providing funds to support research on the origins and early history of jazz in New Orleans; and

(7) notwithstanding any other provision of law, seek and accept donations of funds, property, or services from individuals, foundations, corporations, or other public or private entities and expend and use the same for the purposes of providing services, programs, and facilities for jazz education, or assisting in the rehabilitation and restoration of structures identified in the national historic landmark study referenced in section 1103(b)(3) as having outstanding significance to the history of jazz in New Orleans.

(d) APPOINTMENT.—Members of the Commission shall be appointed for staggered

terms of 3 years, as designated by the Secretary at the time of the initial appointment.

(e) CHAIRMAN.—The Commission shall elect a chairman from among its members. The term of the chairman shall be for 3 years.

(f) TERMS.—Any member of the Commission appointed by the Secretary for a 3-year term may serve after the expiration of his or her term until a successor is appointed. Any vacancy shall be filled in the same manner in which the original appointment was made. Any member appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor was appointed.

(g) PER DIEM EXPENSES.—Members of the Commission shall serve without compensation. Members shall be entitled to travel expenses under section 5703, title 5, United States Code, when engaged in Commission business, including per diem in lieu of subsistence in the same manner as persons employed intermittently.

(h) ADMINISTRATIVE SUPPORT.—The Secretary shall provide the Commission with assistance in obtaining such personnel, equipment, and facilities as may be needed by the Commission to carry out its duties.

(i) ANNUAL REPORT.—The Commission shall submit an annual report to the Secretary identifying its expenses and income and the entities to which any grants or technical assistance were made during the year for which the report is made.

SEC. 1108. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this title.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PAYMENTS IN LIEU OF TAXES ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 455, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 455) to amend title 31, United States Code, to increase Federal payments to units of general local government for entitlement lands, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

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 "Payments In Lieu of Taxes Act".

SEC. 2. INCREASE IN PAYMENTS FOR ENTITLEMENT LANDS.

(a) INCREASE BASED ON CONSUMER PRICE INDEX.—Section 6903(b)(1) of title 31, United States Code, is amended—

[(1) in subparagraph (A), by striking "75 cents for each acre of entitlement land" and inserting "93 cents during fiscal year 1994,

\$1.11 during fiscal year 1995, \$1.29 during fiscal year 1996, \$1.47 during fiscal year 1997, and \$1.65 during fiscal year 1998 and thereafter, for each acre of entitlement land"; and

[(2) in subparagraph (B), by striking "10 cents for each acre of entitlement land" and inserting "12 cents during fiscal year 1994, 15 cents during fiscal year 1995, 17 cents during fiscal year 1996, 20 cents during fiscal year 1997, and 22 cents during fiscal year 1998 and thereafter, for each acre of entitlement land".]

(1) in subparagraph (A), by striking "75 cents for each acre of entitlement land" and inserting "93 cents during fiscal year 1995, \$1.11 during fiscal year 1996, \$1.29 during fiscal year 1997, \$1.47 during fiscal year 1998, and \$1.65 during fiscal year 1999 and thereafter, for each acre of entitlement land"; and

(2) in subparagraph (B), by striking "10 cents for each acre of entitlement land" and inserting "12 cents during fiscal year 1995, 15 cents during fiscal year 1996, 17 cents during fiscal year 1997, 20 cents during fiscal year 1998, and 22 cents during fiscal year 1999 and thereafter, for each acre of entitlement land".

(b) INCREASE IN POPULATION CAP.—Section 6903(c) of title 31, United States Code, is amended—

(1) in paragraph (1), by striking "\$50 times the population" and inserting "the highest dollar amount specified in paragraph (2)"; and

(2) in paragraph (2), by amending the table at the end to read as follows:

"If population equals—	the limitation is equal to the population times—
5,000	\$110.00
6,000	103.00
7,000	97.00
8,000	90.00
9,000	84.00
10,000	77.00
11,000	75.00
12,000	73.00
13,000	70.00
14,000	68.00
15,000	66.00
16,000	65.00
17,000	64.00
18,000	63.00
19,000	62.00
20,000	61.00
21,000	60.00
22,000	59.00
23,000	59.00
24,000	58.00
25,000	57.00
26,000	56.00
27,000	56.00
28,000	56.00
29,000	55.00
30,000	55.00
31,000	54.00
32,000	54.00
33,000	53.00
34,000	53.00
35,000	52.00
36,000	52.00
37,000	51.00
38,000	51.00
39,000	50.00
40,000	50.00
41,000	49.00
42,000	48.00
43,000	48.00
44,000	47.00
45,000	47.00
46,000	46.00
47,000	46.00
48,000	45.00
49,000	45.00

50,000 44.00."
SEC. 3. INDEXING OF PILOT PAYMENTS FOR INFLATION; INSTALLMENT PAYMENTS.

Section 6903 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(d) On October 1 of each year after the date of enactment of the Payment in Lieu of Taxes Act, the Secretary of the Interior shall adjust each dollar amount specified in subsections (b) and (c) to reflect changes in the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor, for the 12 months ending the preceding June 30."

[SEC. 4. LAND EXCHANGES.

[The second sentence of section 6902(b) of title 31, United States Code, is amended by inserting before the period the following: "and does not apply to payments for lands conveyed to the United States in exchange for Federal lands".]

SEC. 4. LAND EXCHANGES.

Section 6902 of title 31, United States Code, is amended to read as follows:

§6902. Authority and Eligibility.

"(a) The Secretary of the Interior shall make a payment for each fiscal year to each unit of general local government in which entitlement land is located, as set forth in this chapter. A unit of general local government may use the payment for any governmental purpose.

"(b) A unit of general local government may not receive a payment for land for which payment under this Act otherwise may be received if the land was owned or administered by a State or unit of general local government and was exempt from real estate taxes when the land was conveyed to the United States except that a unit of general local government may receive a payment for—

"(1) land a State or unit of general local government acquires from a private party to donate to the United States within 8 years of acquisition;

"(2) land acquired by a State through an exchange with the United States if such land was entitlement land as defined by this chapter; or

"(3) land in Utah acquired by the United States for Federal land, royalties, or other assets if, at the time of such acquisition, a unit of general local government was entitled under applicable State law to receive payments in lieu of taxes from the State of Utah for such land: Provided, however, That no payment under this paragraph shall exceed the payment that would have been made under State law if such land had not been acquired."

SEC. 5. EFFECTIVE DATE; TRANSITION PROVISIONS.

(a) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), this Act and the amendments made by this Act shall become effective on [October 1, 1993] October 1, 1994.

(2) LIMITATION.—The amendment made by section 2(b)(2) shall become effective on [October 1, 1998] October 1, 1999.

(b) TRANSITION PROVISIONS.—

(1) FISCAL YEAR [1994] 1995.—During fiscal year [1994] 1995, the table at the end of section 6903(c)(2) of title 31, United States Code, is amended to read as follows:

"If population equals—	the limitation is equal to the population times—
5,000	\$62.00.
6,000	58.00.
7,000	54.50.
8,000	51.00.
9,000	47.00.
10,000	43.50.

11,000	42.00.
12,000	41.00.
13,000	40.00.
14,000	38.50.
15,000	37.00.
16,000	36.50.
17,000	36.00.
18,000	35.50.
19,000	34.50.
20,000	34.00.
21,000	33.75.
22,000	33.50.
23,000	33.00.
24,000	32.50.
25,000	32.25.
26,000	32.00.
27,000	31.75.
28,000	31.50.
29,000	31.25.
30,000	31.00.
31,000	30.75.
32,000	30.50.
33,000	30.00.
34,000	29.75.
35,000	29.50.
36,000	29.25.
37,000	28.75.
38,000	28.50.
39,000	28.25.
40,000	28.00.
41,000	27.50.
42,000	27.25.
43,000	27.00.
44,000	26.50.
45,000	26.25.
46,000	26.00.
47,000	25.75.
48,000	25.50.
49,000	25.00.
50,000	24.75."

(2) FISCAL YEAR [1995] 1996.—During fiscal year [1995] 1996, the table at the end of section 6903(c)(2) of title 31, United States Code, is amended to read as follows:

"If population equals—	the limitation is equal to the population times—
5,000	\$74.00.
6,000	69.50.
7,000	65.00.
8,000	61.00.
9,000	56.00.
10,000	52.00.
11,000	50.50.
12,000	49.00.
13,000	47.50.
14,000	46.00.
15,000	44.50.
16,000	43.50.
17,000	43.00.
18,000	42.00.
19,000	41.50.
20,000	41.00.
21,000	40.25.
22,000	40.00.
23,000	39.50.
24,000	39.00.
25,000	38.50.
26,000	38.25.
27,000	38.00.
28,000	37.50.
29,000	37.25.
30,000	37.00.
31,000	36.75.
32,000	36.25.
33,000	36.00.
34,000	35.50.
35,000	35.00.
36,000	34.75.
37,000	34.50.
38,000	34.00.
39,000	33.75.
40,000	33.25.

41,000	33.00.
42,000	32.50.
43,000	32.25.
44,000	32.00.
45,000	31.50.
46,000	31.00.
47,000	30.75.
48,000	30.50.
49,000	30.00.
50,000	29.50."

(3) FISCAL YEAR [1996] 1997.—During fiscal year [1996] 1997, the table at the end of section 6903(c)(2) of title 31, United States Code, is amended to read as follows:

"If population equals—	the limitation is equal to the population times—
5,000	\$86.00.
6,000	81.00.
7,000	76.00.
8,000	71.00.
9,000	65.50.
10,000	60.00.
11,000	58.50.
12,000	57.00.
13,000	55.00.
14,000	53.50.
15,000	51.50.
16,000	51.00.
17,000	50.00.
18,000	49.00.
19,000	48.00.
20,000	47.50.
21,000	47.25.
22,000	46.25.
23,000	46.00.
24,000	45.25.
25,000	45.00.
26,000	44.50.
27,000	44.00.
28,000	43.75.
29,000	43.50.
30,000	43.00.
31,000	42.50.
32,000	42.00.
33,000	41.75.
34,000	41.25.
35,000	41.00.
36,000	40.50.
37,000	40.00.
38,000	39.50.
39,000	39.00.
40,000	38.75.
41,000	38.25.
42,000	38.00.
43,000	37.50.
44,000	37.00.
45,000	36.50.
46,000	36.00.
47,000	35.75.
48,000	35.25.
49,000	35.00.
50,000	34.50."

(4) FISCAL YEAR [1997] 1998.—During fiscal year [1997] 1998, the table at the end of section 6903(c)(2) of title 31, United States Code, is amended to read as follows:

"If population equals—	the limitation is equal to the population times—
5,000	\$98.00.
6,000	92.00.
7,000	86.00.
8,000	80.50.
9,000	74.50.
10,000	68.50.
11,000	66.50.
12,000	64.50.
13,000	63.00.
14,000	61.00.
15,000	59.00.
16,000	58.00.

17,000	57.00.
18,000	56.00.
19,000	55.00.
20,000	54.00.
21,000	53.50.
22,000	52.75.
23,000	52.00.
24,000	51.50.
25,000	51.00.
26,000	50.50.
27,000	50.25.
28,000	50.00.
29,000	49.50.
30,000	49.00.
31,000	48.50.
32,000	48.00.
33,000	47.50.
34,000	47.00.
35,000	46.50.
36,000	46.00.
37,000	45.50.
38,000	45.00.
39,000	44.50.
40,000	44.00.
41,000	43.50.
42,000	43.00.
43,000	42.75.
44,000	42.25.
45,000	41.75.
46,000	41.25.
47,000	40.75.
48,000	40.25.
49,000	39.75.
50,000	39.25."

The PRESIDING OFFICER. Under the previous order, the reported committee amendments are considered agreed to.

So the committee amendments were agreed to.

The PRESIDING OFFICER. The time is controlled.

Who yields time?

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. I thank the Chair.

PRIVILEGES OF THE FLOOR

Mr. WALLOP. Mr. President, I ask unanimous consent that Senator DOMENICI's staff member, Gary Ziehe, be granted privileges of the floor during the Senate's consideration of S. 455.

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

Mr. WALLOP. Mr. President, before I begin, may I say to the distinguished chairman of the Appropriations Committee that I very much appreciated the remarks that he made about the bill just passed. I hope that somehow or another we can find a way to come to our senses, because it is not a responsible thing to do to acquire more and more land without the means of caring for it. I know ranchers who do that, and the condition of those properties is what one might expect. The Government need not join them in that irresponsibility. So I thank the Senator.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Wyoming [Mr. WALLOP].

Mr. WALLOP. Mr. President, I support S. 455, the payment in lieu of taxes legislation. I am an advocate of and a cosponsor of this legislation.

The way to get rid of payments in lieu of taxes would be to treat the public lands States in the manner that all those that are not public lands States are treated, and return some of this land to State ownership. But that is another issue.

The bill, if approved, would increase payments in lieu of taxes over a 5-year period and base the payments on the Consumer Price Index. I am not generally an advocate of indexing, but the problem that we in the public land States have is that the Federal Government is our biggest neighbor and landlord. We provide the Federal Government with the police services, the fire services, the maintenance services, the transportation services, highway services, and everything else to manage these lands. Were these lands in private ownership or were these lands in the ownership of the State, they would directly produce the income to the State that we now ask as a fair share of this payment in lieu of taxes. It is to compensate these States for the presence of a Government that other States, who will be opposing this, do not know about and cannot comprehend.

Local governments that have Federal lands within their jurisdiction are compensated for revenues they would ordinarily receive in local property taxes if the lands were not under Federal control and management. Payment in lieu of taxes, or PILT payments, were designed by Congress to supplement, not to replace, other Federal land payments that local governments may be receiving.

May I say, under this administration those local payments are diminishing rapidly because they come from timber sales, they come from other public land uses.

PILT provides Federal funds to local governments which have these tax-exempt lands within their bounds. For the last 14 years the program has received the maximum amount allowed under the 1976 act, which is \$105 million. However, the program has nowhere near kept up with inflation and the overall dollar value of the program has declined significantly. The bill seeks to correct that shortfall by phasing in the new payment schedule, increasing the present 75 cents an acre payment to 93 cents in 1994, \$1.11 in 1995, \$1.29 in 1996, \$1.47 in 1997, and \$1.65 in 1998. Payments based on other factors such as population are also phased in, with increases according to a schedule proposed in the legislation.

After the 5-year phase-in period, the payments would be adjusted for inflation based upon the Consumer Price Index. The bill also would delete a provision in the existing law that forbids PILT payments for certain lands that States or local governments have transferred, traded, or sold into Federal holdings. In my State of Wyoming, payments in lieu of taxes have become

critical to local government. It is part of the budget for the many services as I mentioned before: search rescue, law enforcement, road maintenance, and other services that these local governments provide. The burden on the year-round taxpayer to provide services to seasonal visitors using the public lands is often substantial.

The Congress has recognized its unique intergovernmental relationship with Wyoming counties and others through the PILT program and other natural resource receipt sharing programs. That is because the counties and local governments provide the basic infrastructure and services that have enabled the Federal agencies to protect and manage these vast amounts of public lands.

This is the original unfunded mandate. We are obliged to do this for the health and safety of our citizens and because the Federal Government does not do it. Were they to do it, we would have to establish some sort of national police force, a national firefighting agency, a national search and rescue capability. They are not about to do that.

So, if Wyoming counties and the local governments did not exist, the Federal Government would have to invent something like those to provide community facilities, roads and schools and other services for the thousands of Federal employees and their children who manage the public resources. We have to educate the children of the Federal employees. We would not shirk that duty. But surely there is some level of accountability that the Federal Government ought to shoulder for this privilege and this service. Were they State employees or were they private employees, taxes would be paid.

The partnership between Wyoming counties and local governments and the Federal Government is a partnership that has benefited our local communities and enabled the Federal Government to manage its lands. The time has come, however, for us to address a shortfall that has been allowed to materialize within the PILT program. In the public land States again, I would say, these programs have become essential to Government operations. And the government operations that are local have become essential to the Federal Government. This is an exchange of service for compensation, and the payments not having been adjusted since 1976, but the costs of delivering and providing those services to the Federal Government have increased along with everything else during that period of time.

I urge my colleagues to support this amendment.

I reserve the remainder of our time. I understand the Senator from Oregon [Mr. HATFIELD], would control.

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD. Mr. President, I yield whatever time necessary to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. I thank the distinguished Senator from Oregon for yielding time, as well as the distinguished Senator from Wyoming, for his advocacy of this bill.

I speak today as an original cosponsor of S. 455, the Payments in Lieu of Taxes Act, as introduced by Senator HATFIELD. I want to commend my colleague from Oregon for his hard work in crafting this legislation.

This legislation is responsive to the needs of rural communities across the Nation. In short, it proves to rural communities across the country that Uncle Sam can be a good neighbor. It is also fiscally responsible.

Many counties in the West have a large portion of their land base in Federal ownership. In my State of Montana, nearly 30 percent of the land base is in Federal ownership. In the past, these communities have counted on Federal lands to provide jobs and an adequate tax base.

Mineral development, oil and gas drilling, and logging are activities that have historically occurred on public lands and that provided high paying jobs and a steady flow of tax revenue to rural counties.

This bill amends the Payments in Lieu of Taxes Act of 1976, which was designed to compensate local governments for the presence of tax-exempt Federal lands within their boundaries.

Envision, as a county commissioner, trying to provide services for the people in your county when most of your tax base is exempt and cannot be taxed. Why? Because it is Federal land. You would have a devil of a time providing services to the people who live within your county.

As a Member of the House, I worked hard to pass the law creating PILT. Since that time, Federal compensation has been frozen. Time and inflation have eroded this program to the point where payments worth \$1 back in 1976 are worth only 50 cents today.

Back in 1976, a half gallon of milk cost 80 cents; a gallon of gas cost 60 cents, and a box of cornflakes cost 51 cents. Today that half gallon of milk will cost you around \$1.40; the gasoline costs \$1.10 a gallon; and the cornflakes cost \$2.70 for a 12-ounce box.

While most folks have seen their incomes rise to keep pace with the inflationary rise in consumer goods, counties must provide the same services—usually more expensive services—with PILT dollars that have not risen in 17 years.

The fact that PILT payments have been frozen at the same level for 17 years is particularly disheartening when you look at other instances where the Federal Government has

kept pace with inflation in providing payments almost identical to the PILT Program.

For example, the Federal Government compensates the District of Columbia for tax revenue lost by the presence of federally owned land and buildings. In 1977, just a year after the PILT Program was enacted, Congress appropriated \$272 million to meet that obligation. Every year this payment has increased to more than keep pace with inflation. This last year, we appropriated \$636 million for the District of Columbia.

Now, I have traditionally supported this program, that is, the D.C. payments, because I understand the need to compensate the District of Columbia for lost revenue. All I ask is that we also do right by the States, particularly the counties, that are funded under the PILT Program. This bill brings about a long overdue increase in the level of appropriations to the PILT Program under a 5-year phase-in. Put simply, the PILT Program would be brought in line with the 1990's and would guard against the value of payments diminishing in the future.

Also, by phasing this increase in over a 5-year period, this bill is specifically tailored to minimize the budgetary impact of a payment increase.

More than 1,700 counties in 49 States benefit from this program. In Montana, all 56 counties depend on the program to some degree. Mostly rural, these counties house our enormous complex of national forests, national parks, wildlife refuges, and lands administered by the Bureau of Land Management. These payments enable rural counties, the tax bases of which are constrained by the presence of non-taxable Federal land, to meet the education and transportation needs of their citizens and meet the demand placed on local services by people recreating on public lands.

Think of all the folks from the East, Mr. President, who come out to western Montana—Glacier Park, Yellowstone Park—to enjoy themselves on vacation. They put immense pressure on these counties, and these counties provide services for folks all around the country who come out and visit us. It is only fair that we enable counties to have adequate revenue so they can provide the services not only to residents of those counties but all the visitors who come out to visit our Federal lands.

These counties relying on PILT payments recognize the need to control Federal spending. At the same time, the need to keep pace with the growing cost of providing basic services is something we cannot overlook or ignore. The bill simply asks that we recognize the importance of the PILT Program and tailor it to more adequately reflect the present.

Mr. President, I strongly urge the Senate to adopt this legislation.

I thank the Senator for yielding me this time.

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, as the sponsor of this legislation, I want to merely highlight a few of the points that have already been eloquently stated in arguments supporting this bill by Senator WALLOP and Senator BAUCUS.

There are now some 44, I believe, cosponsors of this legislation, because it does affect 1,700 counties over 49 States in this country.

Back in 1976, we first adopted the payment in lieu of taxes, and very simply stated it is the effort of the Federal Government to compensate as an offset for some of the costs for road maintenance, for highway patrols, for police, for rescue efforts, for all the other things that occur on the Federal public land that is tax-exempt. Those counties provide those services.

Now, to summarize, Mr. President, the Federal Government has been increasing recreational positions of special, unique setasides, of wilderness, of scenic and wild rivers, of heritage centers, and so forth and so on, because we want to preserve unique areas of our country, withdrawing those lands frequently from either private ownership or transferring their interests to increase the recreational value to those land.

We also have, Mr. President, a continuing withdrawal of the administration, especially this administration, of many of those activities on those Federal lands that have produced revenues such as in the forestry of the Pacific Northwest. So there is a double whammy. The Feds are saying we must increase recreational access, recreational activities on Federal land—and I have been a supporter of that—but at the same time the Federal Government is closing down in the process forestry, mining, fisheries, grazing, and others. Rural America is getting the squeeze.

I would like to recite at some appropriate time even the changing of the formulas of educational grants to the States where they are being now skewed to the urban centers at the expense of rural America.

So here we have in these counties that provide these services an eroding base of financial support to provide the services that are mandated, mandated by the Federal Government, by the policies the Federal Government is pursuing.

Some will argue that this is an entitlement. This is not an entitlement. This is set up as payment in lieu of taxes to the local governments charged with administering services to those Federal lands.

It is a bill we owe; it is a contract we have to try to keep up with the chang-

ing policies of narrowing the base lands of revenue producing activities and increasing the people flow into those areas. That is what it is, to update that almost 50 cents on the dollar of 20 years ago.

Some will argue, well, this is going to then create a further obligation by the Federal Government that is going to set aside other obligations that are current. Mr. President, this is a continuing obligation, and every year the Interior Subcommittee will have to make the tough decisions that that Interior Subcommittee, chaired by the Senator from West Virginia, has to make today. We cannot cover all those obligations. We have just added 6 million acres of wilderness and other classifications for the California Desert. That does not mean that is going to be funded this year. It is going to have to take its place, and it is going to have to find its way, competing with all the other funding responsibilities of the Interior Subcommittee. And it is going to have to be done on an annual basis.

This is a small effort to try to update the obligation the Federal Government owes the counties, owes the people of this country to provide those services. Now, \$105 million this year is what we pay out to those counties. We want to add \$25 million this year. We want to go on on an incremental basis to move this in with the greatest possible ease and with the least disturbance to other ongoing programs up to \$200 million a year within 5 years.

So I just want to plead with my colleagues to recognize what is happening to rural America—I give myself 2 more minutes—with all the policies that we are facing today that are in the process of change and transition. Are we going to squeeze them out?

I should like to also indicate when the health plan was first discussed, rural America had very little attention. I think those of us who have some concerns about rural America must realize, when we lose 200 and 300 hospitals within a couple of years in rural America, that is the trend of rural America—to be further eroded by policies that we are undertaking even at this time.

So I plead with my colleagues again on behalf of the county associations across this Nation, 49 States involved, 1,700 counties, that we take this reasonable, this logical, and this obligatory action to keep faith with the people in those counties who are providing these services.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma.

Mr. NICKLES. Will the Senator from West Virginia allow me 5 minutes?

Mr. BYRD. Mr. President, I yield 5 minutes to the distinguished Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I hear the comments made by my distinguished colleague, Senator HATFIELD from Oregon, and it is with some regret that I oppose him on this bill because I happen to share many of the views he stated. I agree there are some obligations out there. The Federal Government presently owns over 600 million acres, about one-third of the United States.

We will be making payment in lieu of taxes of about \$109 million in 1994. That is a pretty significant amount, but I could imagine that if that was in private hands the payments would be much, much greater than \$109 million.

But, Mr. President, I rise in opposition to this bill because I am looking at the end results. The results are that payments in lieu of taxes will skyrocket over the next 5 years and then be indexed. I do not think we can afford it. We are paying \$109 million in 1994. If this bill is enacted, that will escalate about \$20 million plus for the next several years. It will be \$227 million by the year 1998. So in 1994, we are spending \$109 million. By 1998, we will be spending \$227 million. It will more than double in 5 years and then it will continue to escalate with inflation automatically.

The Senator from Oregon was correct. He said, well, the Appropriations Committee, the Subcommittee on the Interior, is going to have to find the money. The chairman of the subcommittee and I have spent a lot of time on this, and we do not have an extra \$100 some million per year to be distributing in this committee in payment in lieu of taxes. I wish we did, but the money is not there. The obligations are there. We have lots of commitments. We have commitments on land. We have commitments on inholdings where people are surrounded by Federal land and have been told that the Federal Government was going to buy their lands and incorporate them as part of the national parks.

We just added maybe more than \$1 billion of inholding obligations with the California Desert bill that just passed. My concern is that the PILT bill is going to obligate this subcommittee another \$100 million per year. I do not believe we have the money. I do not see the money this year or the next several years.

I know my colleagues said, well, many, many States will benefit. I know in my State our county officials have contacted me and said Oklahoma is receiving \$781,000 right now, and that will more than double in the next 4 years. Frankly, everyone's payments will more than double in the next 5 years under this bill. The unfortunate thing is we do not have the money to pay for it.

I have made this statement in the past. I think the Federal Government owns too much land, particularly out

West. I sympathize with my colleagues from the West who have the Federal Government owning a majority of the State because it brings about a lot of problems—in many cases restrictions on development; in many cases they are not able to service the land. So they are seeking payment in lieu of taxes. They are seeking other changes. People are trying to make changes in grazing policy and in mining policy. A lot of that probably would not happen if we had those lands in private hands. There is no reason for grazing land in many cases to be in the Federal Government's hands, to be under the BLM. There is no reason. We graze in my State on private lands. Why do we not do that in other States? Maybe we could solve a lot of these problems. We have a lot of obligations in our parks, BLM and the Forest Service. They are Federal lands, and in many cases should be Federal lands. We should be able to fund those and provide decent services to them. We are not doing a good enough job right now. I am talking about anything from the Grand Canyon to the Grand Tetons to other national parks, forests, or monuments to which we are not giving adequate service.

We have constituents that cannot get access. We have constituents that are not receiving services because we are not able to adequately fund resources to those parks. Yet, now another major new spending initiative that will be coming from this committee, and I do not see the money coming to pay for it.

So, yes, I know that every Senator probably has county commissioners, county officials saying, please support this bill, because they are going to get more money. My concern is we do not have the money to give them.

So it is with some reluctance and also with respect that I rise in opposition to my friend and colleague from the State of Oregon. I hope my colleagues will vote in opposition to this bill.

I yield the floor.

Mr. HATFIELD. Mr. President, I yield 5 minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. I thank my ranking member, Mr. President. I thank my good friend from Oklahoma, too, because I think he brings out some very good points. Maybe the money is not there or maybe it is. Maybe it is the lack of priorities we set on how we are going to spend it. Maybe we should take a look at that. Maybe we should take a look and see why our commissioners—and "I am an old one"—maybe they are saying, because of those public lands our roads are broken up; because of those public lands and the activities on those public lands is the reason we have to provide water, sewer, infrastructure; we have to provide a lot

of things in this county that normally settles on the taxpayers that pay on private lands.

I will tell you that the PILT payment is nowhere near what the private landowners pay. If this Government wants to own the land, then they must own up to the responsibility of ownership, which is in a community you pay your share of the taxes right along with everybody else.

We pass tax bills here. We say, well, the Federal Government is not taking a big bite out of our paycheck. When you go home and count your county taxes, sales taxes, income taxes, property taxes. All at once you have a big bill.

So what I am saying is, yes, we have money there to pay for this. We have to set our priorities. Are we going to be a good neighbor, or are we not going to be a good neighbor?

I have dealt with these PILT payments. They are very important. It compensates those county governments and local governments for public lands that are not taxed normally in each of the States. I would say it is kind of hard to figure out. If you are from a State that really does not have a lot of public land, it is hard to figure. But nonetheless, every year since I have been a Member of this body, we have tried to increase the PILT payments to stay up with the rest of the property taxpayers in our particular communities every year just like anybody else.

But if the American people want those lands to be owned by the Government, then the American people are going to have to be good neighbors and pay their taxes and pay their fair share of what it takes to run schools, to do roads, health facilities, emergency facilities, public safety, sheriffs, ambulances, all the infrastructure it takes to put together and keep together a community.

Mr. President, I rise today to join my colleague Senator HATFIELD, to urge the Senate to pass S. 455, the PILT bill. This bill will update a Federal program that is very important in Montana and other Western States that have extensive Federal lands. It is a program known as payments in lieu of taxes, or PILT. While there are other Senators here which support PILT, I know first hand what this program means to Montana's counties.

As a former county commissioner, I have dealt with the difficulties local governments face in providing all the necessary services to a community. While the Congress allows our Federal Treasury to go into the red, county government just can't do that.

The PILT program compensates counties for the Federal lands—which cannot be taxed—within their boundaries. Since over one-third of Montana is owned by the Federal Government these funds are essential to the local

governments of my State. We are not here asking for more than our fair share, we are here to make sure we are treated fairly.

Current PILT funds have not been increased since 1976. They have not been increased to reflect even inflation. It is simply a matter of fairness that S. 455 be signed into law. The bill which Senator HATFIELD has introduced, and I am a cosponsor of, is an evenhanded plan that provides for a phased in increase of PILT funds over the next few years.

PILT helps build and maintain the roads which support our local economies, in some counties it is the funding that provides our schools, our firefighting and other resources other areas take for granted. But when your county may be as much as 88 percent owned by the Federal Government, this investment in Montana's infrastructure becomes very important. Mr. President, an increase in these payments is long overdue, and it is a fair thing to do.

Mr. President, I want to bring to this body a little bit of common sense. This, in fact, could be an unfunded mandate if we do not start increasing the PILT payments. You are mandating local governments to provide services and infrastructure without sending a check with it. I do not see the Federal Government spending a lot of money on the roads in and around Yellowstone Park, Glacier Park, nor the Forest Service or BLM, and yet those public lands attract people from all over America, and they use that infrastructure.

So I support this bill. Yes; it is an increase. But, remember, this increase has not been tinkered with or advanced or increased since 1976, if I have my information correct, 1976. That is a long time. In fact, we are nearing almost 20 years since any adjustment has been made in payments to the States under this program, which is a program. If you want us to own public lands in the State, then we have to be good neighbors and pay taxes and pay for the services that we receive with ownership of that land.

Mr. President, I thank my ranking member.

I yield the floor.

Mr. HATFIELD. Mr. President, I yield myself 2 minutes.

Mr. President, I ask unanimous consent that Senator LEAHY be added at this time as a cosponsor.

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

AMENDMENT NO. 1629

Mr. HATFIELD. Mr. President, on behalf of Senator JOHNSTON, our chairman, I have a technical amendment that has been cleared on both sides. I would like at this time to send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Oregon [Mr. HATFIELD], for Mr. JOHNSTON, proposes an amendment numbered 1629.

Mr. HATFIELD. 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:

1. On page 7, line 3, strike "October 1, 1999." and insert in lieu thereof "October 1, 1998."

Mr. HATFIELD. Mr. President, this is a technical amendment. As reported by the committee, the bill provides for a 5-year phase in of increased PILT payments and after that the bill provides for an annual adjustment for PILT payments based on inflation. This amendment makes a technical correction to the effective date of the annual adjustments after the 5-year phase in.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreement to the amendment.

The amendment (No. 1629) was agreed to.

Mr. HATFIELD. 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. HATFIELD. Mr. President, I yield 5 minutes to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho [Mr. CRAIG], is recognized.

Mr. CRAIG. Mr. President, I thank my colleague, the distinguished Senator from Oregon, for yielding.

Let me tell the Senate that I am extremely pleased to be a cosponsor, an original cosponsor, of S. 455, attempting to address an issue that many have already spoken to this morning, that the Congress has been, in my opinion, negligent in not readdressing the issue of payment-in-lieu-of-tax legislation, a law that has been on our books for now a good number of years, since 1976.

Mr. President, I rise to express my strongest support of S. 455, the Payments in Lieu of Taxes Act of 1993 [PILT]. It was my pleasure to join with Senator HATFIELD as an original cosponsor of this greatly needed legislation.

The current PILT legislation was enacted in 1976. The payments made under that act have never been adjusted for inflation since the bill was enacted. That is simply unacceptable. Costs to operate the rural counties have continued to rise, and this legislation intends to help those counties. Mr. Chairman, my counties desperately need this help.

In my State of Idaho 63 percent of the land—nearly 34 million acres—is

owned by the Federal Government. There are no local property taxes assessed on these lands. Yet public use of the Federal lands has increased dramatically during the same period, and that places a financial burden on local government. Their costs for road maintenance, traffic signing, law enforcement, and many other activities are increased because thousands of visitors are attracted to our national forests, national monuments, and public domain lands.

Traditionally, most counties in Idaho have relied on annual payments from the Federal Government based on receipts from logging, mining, and grazing programs. For many reasons, these receipts have declined. It is only fair that we enact changes so that local governments are provided reasonable payments for the mixed blessing of being neighbors to vast tracts of Federal ownerships which are nontaxable.

The formula for payments to local governments in lieu of taxes is badly in need of updating. It has not been changed in 14 years. Obviously, the value of these payments have declined substantially over these years. This legislation will adjust the current formula so that payments more closely approximate those intended when the bill was passed in 1976, and provides for an annual update based on the Consumer Price Index.

This legislation is welcomed in Idaho, and is important to 48 other States with Federal ownership. It has my support.

Let me give an example of the problem as it is manifested in two Idaho counties.

Idaho County is 86 percent federally-owned and contains 4.6 million acres of Federal land. That's about the size of the State of New Jersey. Approximately \$1.6 million—25 percent—of the county's annual budget is used for search and rescue, law enforcement, solid waste handling, court costs, road access, et cetera on Federal lands. The current PILT payment to Idaho County is \$434,000 per year.

In Boise County, 84 percent of the land base is federally-owned. There is a little over 1 million acres of Federal land, and the county receives about \$89,000 per year in PILT payments. Approximately 44 percent of the county's budget is spent on costs generated on Federal lands. Court costs for two murder cases that occurred on Federal lands have cost Boise County over \$300,000 in direct costs and continue to cost \$10,000 to \$12,000 per month for appeals. This does not include indirect costs which are estimated at over \$500,000.

In both cases, costs incurred from activities on Federal lands far outstrip the PILT revenues. Mr. Chairman, these costs are strangling our rural counties. Due to the high percentage of Federal ownership counties do not have

a broad based tax base to collect revenues and spread costs. It is for this reason that I support a more equitable funding for PILT and the proposal as outlined in S. 455.

The Senator from Oklahoma said that we do not have the money. The Senator from Montana said, then, "Let us readjust our priorities."

It is not a coincidence, Mr. President, that those who debate for this legislation are from the West, west of the Mississippi; those who oppose it are from east of the Mississippi. The reason is simply that Western States are the holders of large tracts of public land that this Senate oftentimes gets caught up in debate on. We just finished debate on S. 21, a major redesign of Federal properties in the State of California—8 million acres of Federal properties in that State alone, in one piece of legislation. It speaks to the tremendous scope of land that we, as Senators representing our States and governments, are responsible for in the direction of public policy, as to how those Federal lands will be managed.

(Mrs. MURRAY assumed the chair.)

Mr. CRAIG. For well over a decade, the National Association of Counties lobbied this Congress to be more responsive to the needs of those States who had large tracts of public land, and in 1976 the payment-in-lieu-of-tax concept became law. That was simply to say that the Federal Government, beyond other resources that it was utilizing in those counties, in those public-land States, ought to be like other landowners; it ought to participate directly as it relates to paying some form of revenue in the form of a tax on an allocation of a per-acre basis of those lands. That worked well in concert with other forms of revenue that were flowing off from public lands in our States.

For example, in the State of the Presiding Officer, Washington, in the State of Oregon, the State of the co-sponsor of this legislation, and in my State of Idaho, many of those public lands were yielding public timber. We here in Congress said that a portion of the stumpage, the price paid for the timber, should flow back to counties, and that money should be used for bridges, schools, roads, and that was all well and good. It did help our counties provide what was primarily their major responsibility: The support of the infrastructure of an existing central government at the county level.

That has changed dramatically, Madam President, as we see diminished timber cuts and, therefore, diminished revenue flows to many counties. That is why the payment-in-lieu-of-tax becomes increasingly more important, because we had changed public policy here in Washington that directly affected the revenue flow of counties as it related to timber. It has also hap-

pened regarding grazing. Therefore, it affects the ability of a ranch to sustain itself and to be an income source through property tax to the local unit of government.

What I am saying, Madam President, as we change public policy here on our public lands, we, in a very direct way, affect the ability of a county, based on revenue flow, to operate. That is on the negative side. There is a positive. The positive was that as we changed public policy, as the public became increasingly aware of public lands and wanted to enjoy them, to recreate on them, in the decade of the 1970's and 1980's, and as Americans fled or flowed to their public lands for recreational purposes, this in one way helped counties, because it created greater population flows to live in and stay in the motels, to utilize those facilities.

Well, as that increased the flow, it also increased the demand from these counties as it related to police, law enforcement, and all of that.

Here is something that my colleagues from Eastern States do not understand: Idaho County, ID, is 86 percent federally owned. Of its entire budget, \$1.6 million, 25 percent is spent on Federal lands doing the work of the Federal Government. Boise County, ID, is 84 percent owned by the Federal Government; 37 percent of its budget is spent on Federal lands taking care of Federal responsibilities. Yet, a very small portion of their total budget comes from a source of Federal revenue.

By the way, I say to the chairman of the Appropriations Committee, Idaho County, ID, is larger than the State of New Jersey; Boise County, ID, is larger than the State of Connecticut. Yet, less than a fourth of their land base is privately owned and yields revenue for the purpose of infrastructure, maintenance, law enforcement, and community support.

It is an important piece of legislation. I congratulate the Senator from Oregon for getting this to the floor for the purpose of debate.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD addressed the Chair.

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

Mr. BYRD. Madam President, we have now come to the time of year "when well-apparel'd April on the heel of limping winter treads." The flowers of April are in bloom, and so is authorizing fever. The trouble is that it is difficult for a limping Federal budget to afford these well-appareled authorization programs, and we tread upon our ability to pay for our existing responsibilities with each pretty new authorizing posy that sprouts.

April may be fine, but the coming budget winter is going to be very, very cold.

Madam President, today the Senate is considering S. 455, the Payment In

Lieu of Taxes Act, which was reported out of the Energy and Natural Resources Committee on February 2, 1994, by a vote of 18 yeas and 2 nays. This legislation is sponsored chiefly by my good friend, Senator HATFIELD, and he is my good friend.

If he were not my good friend, we might be on this bill a little longer. He is also the ranking minority member of the Appropriations Committee. And the bill is cosponsored by 44 other Senators.

I have the highest regard for Senator HATFIELD. I have stated that time and time again on this floor, and I can understand his support of the legislation. I do not question for a minute his good reasons, his sincere dedication to this effort, and I know that he will be prepared to ably defend the legislation. I just wish he were on my side on this question.

While I appreciate Senator HATFIELD's commitment to the legislation, I must voice my concerns about the cost of this bill. This we cannot avoid. This we cannot eschew. There is no way around facing up to the cost of this bill.

The payment in lieu of taxes—PILT—program comes under the jurisdiction of the Interior Appropriations Subcommittee, which I chair and upon which the able Senator from Oklahoma, Senator NICKLES, who has already spoken in opposition to this measure, serves as ranking member of the subcommittee.

Senator HATFIELD is also on the subcommittee, and Senator HATFIELD, of course, is the ranking member of the full committee and the former chairman of the full committee.

Madam President, the PILT Program compensates local governments for tax revenue lost on lands which become exempt from local taxation when the lands are acquired by the Federal Government. The pending legislation will, over a period of 5 years, more than double the current payment level authorized for the PILT Program.

However, nothing in S. 455 indicates which programs are to be reduced in order to fund the increase proposed by this legislation. There is nothing in this bill which tells me, as chairman, and which tells the other members of the Appropriations Subcommittee, what programs are going to have to be reduced in order to pay the increased funding proposed by this bill.

This bill is yet another example of "spend now, worry later" legislation.

The Interior and related agencies appropriations bill currently provides \$104 million for the PILT Program. This is a program that has been in existence since 1976.

The Department of the Interior estimates that S. 455 would authorize increases in appropriations for the PILT Program totaling approximately \$150 million to be phased in over 5 years.

Madam President, this is an increase of nearly 145 percent in the cost of the program over a period of 5 years, not considering the additional costs that would be incurred through the indexation of the program for inflation. Senators had better stop, look, and listen.

Madam President, where are we going to come up with this kind of money? It really does not grow on trees. I know that my friend from Oregon understands the motivation for my concern. As chairman of the committee, I have to address these things.

This is not to say that I am any more dedicated to reducing the budget deficit than is my friend from Oregon. He often joins me and I join him in efforts to reduce the budget deficits.

But in the outyears, after providing for directed payment increases, S. 455 also would automatically adjust PILT annually for inflation, based on changes in the Consumer Price Index—annually.

So if we enact this legislation, these PILT payments, for my State as well as others, will go up automatically after the fifth year to cover inflation.

Madam President, no other discretionary program, that I can think of, in the entire Federal budget is adjusted upward for inflation. In fact, discretionary spending as a whole has not kept up with inflation, and we are operating now under a freeze, which means that it will not keep up with inflation.

Are we now going to set the precedent that what are, in effect, property taxes are to be indexed to inflation? Remember, PILT payments are designed to help local governments replace tax revenues lost because lands are removed from the local tax base due to Federal acquisition. What about the opposite? Should we reduce the PILT payment when States impose property tax limitations? By linking payments for Federal lands to inflation, it is possible that the push for Federal land acquisition funding will increase, particularly as States are faced with difficult budgetary decisions.

Madam President, in addition to the changes discussed thus far, the pending bill would expand lands eligible for PILT payments by allowing local governments to receive payments for lands exchanged between the States and the Federal Government. Such is currently not the case. Furthermore, the costs of this bill increase with each piece of land the Federal Government will purchase in the future.

Let me say that again, and as I say it, I have in mind all of the many requests from Senators that come to the Interior Appropriations Subcommittee for appropriations for additional land acquisition. I say to the distinguished Senator from New Jersey, you ought to see the list. Many of the same Senators who are supporting this legislation

write to the committee and ask for more moneys for land acquisition. They want the Federal Government to own more and more land in their State. It is a thirst of which there is no known quenching.

These factors are not taken into account in the cost estimates provided by the Interior Department, but will obviously increase PILT payments in the coming years.

Despite the fact that the level of funding for the PILT Program has remained constant, at about \$105 million for the last 15 years, a random sampling conducted by the Bureau of Land Management which compared revenues received by local governments from taxes paid on private property with PILT payments for similar properties shows that PILT payments on Federal lands often exceed the average per-acre property taxes that are paid to local governments for private property in the Western States.

The primary beneficiaries of an increase in the PILT Program would be Western States, as Senator CRAIG stated just a few minutes ago. Ten Western States receive 75 percent of the PILT payments made under the current program, 10. Ten Western States receive 75 percent of the PILT payments made under the current program.

So that means that the remaining 39 States—one State, Rhode Island, does not receive any PILT payments—the remaining 39 States and possessions receive 25 percent of the PILT payments. Some of the Senators from these favored Western States have raised the strongest voices about the need to cut discretionary spending.

I can hear the echoes now rattling the rafters in this Chamber. "We must cut discretionary spending," they say. And yet the same Senators have written a new speech. Now they want to increase PILT payments by 145 percent and index them to the rate of inflation after the first 5 years.

So they are the strongest voices, many of them, about the need to cut discretionary spending. And I would remind them that PILT is discretionary spending.

Madam President, the Office of Management and Budget has not yet issued a formal statement of administration position for S. 455. However, in testimony before the Energy Committee on this legislation last year, the Bureau of Land Management, in testimony cleared by the Interior Department and the OMB, opposed enactment of this legislation.

Madam President, I have noted the number of cosponsors that this legislation has. Many may view this legislation as an easy vote because it benefits each and every State where the Federal Government owns land.

It benefits my own State, West Virginia. I am looking at a table of current expenditures under the PILT Pro-

gram. For 1993, West Virginia received \$789,525. And, of course, over the next 5 years that will increase, and then it will be indexed to inflation.

No wonder my county commissioners, many of them, contact me and say they support this program. "Senator BYRD, please vote for this bill." And I can understand their need for the payments in those counties.

But, Madam President, I do not know where we are going to get the money. I do not know. And when Senators come to me asking that this be funded, I am going to say, "I don't know where we will get the money. What programs do you want to cut? What programs benefiting your State do you want to cut?"

Before voting for this legislation, each Senator should consider what programs should be cut in order to fund this initiative. Should the allocation for the Labor-HSS-Education Subcommittee be reduced? I daresay not. The chairman and ranking member of that subcommittee will not want to see it reduced.

Should we cut defense? I daresay the chairman and ranking member of that subcommittee will not want that subcommittee's allocations cut.

Should agricultural programs be reduced in order to fund this increase? I daresay the chairman and ranking member of that subcommittee will likewise not want to see the allocations cut for their programs if this bill passes and becomes law.

Should water and sewer infrastructure investments be decreased?

If the answer to these questions is no, then the cuts will have to be found where? Within the Interior Subcommittee's jurisdiction, my subcommittee's jurisdiction.

What programs are we going to cut there? Should we start closing parks? Should the level of assistance provided for low-income weatherization be reduced? Should the per student funding levels for Indian education be decreased? Should we terminate funding for Forest Service road construction? Should the Land and Water Conservation Fund State assistance program be eliminated? Should the Smithsonian Institution be closed several days of the week? How will we make up the \$250 million cut in the Indian Health Service budget proposed in fiscal year 1995?

And we are getting a double whammy here today with not only this bill, but also the bill which has just passed the Senate a little while ago—the California Desert bill. Both of these bills, the costs thereof, are going to fall upon the Interior Appropriations Subcommittee. That is the subcommittee I chair.

These are the types of choices the Interior Subcommittee will be faced with if this legislation becomes law. These are not pleasant alternatives to have to confront. The way to avoid these types of choices is to not enact this

legislation. It is hard to vote against, of course.

I will have to write my county commissioners and say, "I voted against it. I know that you wanted me to vote for it, but I voted against it." I have to write them and tell them that. And when I go to West Virginia—and I am going this weekend—I will undoubtedly meet some of them there and I will have to tell them why I voted against this legislation.

So, if this bill passes, we are, in effect, saying that a transfer of funds from the Federal Government to State and local governments is more important than other programs funded in the Interior appropriations bill. I contend that this should not be the case.

I will suggest, however, that if the State and local governments are so concerned about the effects of Federal land ownership, there is a solution. We can stop—s-t-o-p; the red sign that we find at the intersection—we can stop all land acquisitions funded in the Interior bill. Just stop them. None. Zip. Zero. This would not eliminate the cost of this legislation insofar as existing Federal lands are concerned, but it would minimize, somewhat, the uncosted effects of this legislation. But I know that this is not a policy that many of the cosponsors of the legislation would desire.

Many of the very Senators who are suggesting through their cosponsorship of this legislation that local governments are not being adequately compensated for the lands the Federal Government already owns, are also supporters of additional Federal land acquisitions. For fiscal year 1994, the cosponsors of this bill requested approximately \$245 million. Get that, the cosponsors of this bill, for fiscal year 1994, requested approximately \$245 million in funding for land acquisition projects in the Interior bill!

I would say, Madam President, that despite stated concerns over underpayment for existing Federal lands, and their so-called drag on the local tax base, many in this body still believe that additional Federal land acquisition is desirable. They just cannot get enough. Their appetite is gargantuan. How are we to fund additional land acquisition if a higher PILT payment is authorized in a time of flat, or declining, budgets?

Madam President, prior to the recess the Senate passed the budget resolution which provides for even less spending authority than was requested in the President's budget. Spending cut fever is alive and well in the Congress. All of the doctors have diagnosed the disease but the agreement on the cure is proving to be more difficult. The Appropriations Committee and the Senate are going to have to cut some of the spending proposed in the budget. And no doubt, there will be those who will contend that some of the program re-

ductions and spending cuts proposed by the President are unacceptable. Will our ability to face these difficult decisions become any easier by increasing authorized spending levels for existing programs?

Madam President, discretionary spending is under very strict budgetary caps for the foreseeable future. Allowances are not available for inflation, and any increases are going to have to come as a result of decreases elsewhere in the budget. Increases here have to be offset by decreases elsewhere in the budget. We cannot continue to delude ourselves that these types of decisions will not be necessary. The bucket is full. The only way to prevent it from overflowing is to turn off the authorizing faucet or to spill some out in the form of specific cuts in programs.

Madam President, on the chart to my left is a diagram on which we will see two faucets. The faucet at the upper left is designated as the "authorizing faucet." It represents authorization bills, like the one pending before us. The authorizing faucet.

The lower faucet is the appropriations faucet through which appropriations bills flow. I have long contended that, if we want to stop the money flood, we ought to shut off the authorizing faucet.

I know it is a great pleasure, I have experienced it a few times, to be called down to the White House and witness the President sign a bill. The President, after he signs, a letter at a time, he turns around and hands a pen to one of the admiring onlookers. And how pleasant it is for me to be able to take one of those pens—that the President has just used in signing a bill that I cosponsored—back to my house where my daughters—who are no longer small, my grandchildren are grown—but there was once upon a time I could take the pen home and give it to one of my grandchildren. Whereupon, I could say, "Here is a pen that I received. Yes, I stood right beside the President. As a matter of fact, I stood by his elbow. And he signed the bill with this pen and gave it to me."

And who is "me?" I am just a country boy from way back there in the hills of West Virginia. Who would ever have thought that I would one day stand at the elbow of the President of the United States and receive a pen from his own hand by which he had just signed a bill that I had cosponsored? What a matter of tremendous pride!

But, my friends, we have to sober ourselves up a bit. Those who criticize the Appropriations Committee so loudly and perennially for spending, should turn off the authorizing faucet. The same Senators go glibly down to the well day after day and cast their votes for this authorizing measure, that authorizing measure, and some other authorizing measure, the enactment of each of which increases the pressures

for funding on the Appropriations Committee. Now, you watch the pressures, I have said to Senators, watch the pressures that build on the Appropriations Committee as a result of the legislation that was passed earlier today and as a result of this measure, if it is passed into law.

The way to cut spending is to vote against authorizing bills that authorize new spending rather than continuing to vote for authorizing measures, letting that faucet open which increases the pressure as the flow enters the second faucet, the appropriations faucet. In between, you see, there are all the pressure groups that come in, write in, and call in. They will say, "Now we have this new bill that authorizes additional PILT payments, Senator, we want you to fund that legislation."

Therefore, the only way to really get a handle on spending is to exercise caution when it reaches the authorizing faucet, turn off the authorizing faucet. And to date, the Senate has been unwilling to vote down bills authorizing new spending programs.

I suggest the time is long overdue for us to start that process, and I urge Senators to vote against this legislation.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. How much time does the Senator wish?

Mr. BRADLEY. Perhaps 10 minutes, 15 minutes?

Mr. BYRD. How much time do we have remaining, may I ask?

The PRESIDING OFFICER. The Senator from West Virginia controls 24 minutes.

Mr. BYRD. I have 24 minutes. I thank the Chair.

I have to save 10 minutes for Mr. METZENBAUM, and the Senator wants how many?

Mr. BRADLEY. Ten minutes.

Mr. BYRD. I yield 10 minutes to the distinguished Senator from New Jersey [Mr. BRADLEY].

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Madam President, the basic message on this bill is that we really cannot afford it. We have a mushrooming budget deficit, a growing national debt. We need to cut spending, not increase spending. This program increases spending.

For 200 years there was no payment in lieu of taxes. The first payments were authorized in 1976 and were made in the late 1970's, when the deficit and the Federal debt were a fraction of what they are today. What is the chance, do you think, we would have PILT payments if we had a national debt of \$3.5 trillion? Unlikely. This program came into being at a time when there was virtually no national deficit and the national debt was very small.

Proponents of the legislation argue that the PILT payments have been re-

duced because of inflation. It is true. Over the 17 years, PILT payments have been reduced in real dollars. It is also true that, over the last 18 years, PILT payments have increased in real dollars—because in reality they did not exist 18 years ago. This was a new gift to counties and States with high amounts of public lands.

The proponents want to index these payments to communities to compensate for inflation. The existing program pours money out, \$100 million a year or so. Now we want to index them for inflation. Madam President, would the same proponents of this amendment be willing to index payments to the Federal Government for such things as grazing rights? When the money is going out from the Federal Government to States, we are for indexing. When the money is coming back in from private users of public lands, the money is not indexed—a very interesting irony, but one that should be noted. Maybe that is where we can get some more money to reduce that budget deficit. We will index grazing fees, index all payments to the Federal Government from users of Federal property.

Madam President, this program is technically not an entitlement, since funds still have to be appropriated. History tells the story that funds will be appropriated. This program has been funded to the authorized level, just over \$100 million per year, since its inception in 1976. The fact is that, if we pass this legislation, the odds are overwhelming that we will be appropriating another \$130 million by 1998—that is the BLM estimate—another \$130 million, making it a \$250 million program at a time when the budget deficits are mushrooming.

I would like to make another point. PILT payments can be used by the local governments for anything. They can be used for anything. The money is completely unencumbered. No wonder the communities are so enthusiastic about it. It is kind of like general revenue sharing: Here it comes back. You use it for anything.

Proponents of the legislation will make the case that this money is really to compensate local communities for the hardship of Federal land. But there is no requirement that this money be used to alleviate the hardship of Federal land. This money could be used for police; it could be used for emergency services; it could also be used for a giant conference table in the office of the local county commissioner. This money could also be used for a modern audiovisual room to show videos to the county commission when the deliberations get boring.

So let us make no mistake here. This is not money to alleviate hardship. This is money in the form of general revenue sharing directly to counties.

Of course, the distinguished ranking member and proponent of this legisla-

tion says that this goes to 1,700 counties in America, in 49 States. But 75 percent of the money goes to 10 States; 33 States will get under \$1 million a year; 9 States will get over \$5 million a year. This is money that goes to States that have high amounts of public lands. North Carolina has 6 percent public lands. It gets about \$1.3 million. New York has 1 percent public lands. It gets \$35,000. Michigan has 9 percent public lands. It gets about \$1.2 million. Nevada, on the other hand, has 90 percent Federal lands and gets \$6.7 million. The reality is that this program represents large payments to States with high levels of public lands, not for everybody in the country, but for 10 States. And the argument is to alleviate the hardship of public lands.

A final point: The PILT payment takes no account of local need or circumstances. The program is completely blind. Money is allocated based on a formula. The formula references Federal acreage, local population, and other Federal land payments. A community that is in desperate need gets no special help here. For example, in the Northwest—I see the distinguished Senator in the chair from the State of Washington—timber communities have been hard hit, timber communities with sizable amounts of Federal land. Do those communities get any more money than any other community with the same amount of Federal land? No. They do not get any special consideration here. And, in fact, if that community is losing population because people are being unemployed and they are leaving, that community would end up getting less money—less money.

Madam President, I think there is another way to illustrate how this is a blind payment, not based upon need, not based upon real local circumstances. Let me just give you three counties in the West that one would not normally associate with hardship.

Take Pitkin County, CO. That is the home of Aspen, CO. Under this legislation, that county gets \$350,000 per year, forever. That is more than 24 States will get under this legislation, \$350,000 for Aspen; more than 24 States.

Take Teton, WY. That is where Jackson Hole is. They get \$500,000. That is more than 27 States will get under this legislation.

Take Taos, NM. They get \$1 million. That is more than 33 States will get under this legislation.

And why is Aspen getting \$350,000, and Jackson Hole \$500,000, and Taos \$1 million? Well, it is to compensate for the hardship, the hardship of Federal lands." It seems to me, Madam President, that those million dollar properties in Aspen are there precisely because of the "hardship" of Federal land. It seems to me as well that they are able to make it on their own.

Now, if the case was made that there are some counties in the West that

have real hardship because of timber, that have real hardship because of Federal lands, and at the same time there is no attempt by the State, by the county to promote tourism to try to bring in more people from the outside to create more hardship—

The PRESIDING OFFICER. The time of the Senator from New Jersey has expired.

Mr. BRADLEY. May I have 2 minutes, rather 1 minute.

Mr. BYRD. I yield 1 additional minute.

Mr. BRADLEY. If those counties were not luring in other people, tourists, to create more hardship, this case would be a stronger case. But the reality is that the money will go to counties that do not deserve the money. It is a blind contribution. It goes to local governments for whatever purpose the local government chooses to use it. It will increase the Federal budget deficit by over \$400 million in the next 5 years. And in my view we ought to say, no, let us not increase the Federal budget deficit another \$400 million.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Madam President, I ask unanimous consent that the time on the bill be extended until 12:45 p.m. with the additional time equally divided as under the previous agreement and that the Senate vote on final passage of S. 455 at 12:45 p.m., with paragraph 4, rule XII being waived.

This is a request from the majority leader.

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

Who yields time?

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. I yield 4 minutes to the Senator from Utah [Mr. BENNETT].

The PRESIDING OFFICER. The Senator from Utah has 4 minutes.

Mr. BENNETT. I thank the Chair.

I am pleased to associate myself with the legislation of the Senator from Oregon as a cosponsor of S. 455. Many of my colleagues feel as I do that action on PILT is long overdue. Counties around the country depend upon this program to provide funding to help them govern their counties and comply with the myriad of unfunded Federal mandates.

The Payments in Lieu of Taxes Act of 1976 was adopted with the purpose of providing compensation to those counties with Federal lands within their boundaries in lieu of their lost private land tax base. These national parks, monuments, wildlife refuges, national forests, Bureau of Land Management, Bureau of Reclamation and Corps of Engineers lands in nearly every instance would be worth thousands of dollars per acre if held in private own-

ership and part of the local tax rolls. Although payments rates of 10 cents an acre is certainly not equivalent to the revenues these lands would produce if they were on the local tax roll, but at least there is some compensation for these Federal enclaves. At its best, this compensation is pennies on the dollar, but it is something.

It is important to note that PILT payments are not a Federal subsidy to the counties. PILT payments are intended to compensate counties for services provided on Federal lands and which are required by Federal law. The basic service provided on Federal lands are no different than service to be provided on private lands. The distinction is that private land pay for these services and the Federal lands do not.

Inflation has seriously diluted the level of PILT payments. The act was authorized in 1976 but the appropriated level has not changed since that time. The reason for this is that the basic formula for determining PILT payments has not been adjusted in 17 years. Senator HATFIELD's bill corrects this problem by adjusting the formula by raising the PILT authorization over 5 years. It would still be the responsibility of the Interior Appropriations subcommittee to determine whether to fund the program at the new higher levels.

I hope the Appropriations Committee would be willing to follow the lead of this committee. Last year the Appropriations Committee expressed concern with the PILT increase primarily due to its costs and insists that any increase be offset by commensurate spending reductions. I support that approach.

I want to express my concern on the issue of transient tourist populations. This is an important issue for the State of Utah. There are counties whose population changes radically during the course of a year as a result of tourist visiting national parks, monuments, and recreation areas. Daggett County, UT, has a permanent population of 694 people. The county is 97-percent federally owned with much of the land under the control of the Bureau of Reclamation. The Flaming Gorge Reservoir was built during the Kennedy administration as part of the Colorado River storage project. The fishing and recreational opportunities are fabulous. Approximately 2.5 million visitors recreate on the reservoir from May through September. Originally safety on the reservoir was the responsibility of the U.S. Coast Guard. However, since the early 1980's Daggett County has been responsible for providing emergency services including those previously provided by the Coast Guard. Daggett County has provided these services, in addition to the other basic county services, by generating tax revenues from the 3 percent of the land within the county subject to prop-

erty taxation and from modest PILT receipts.

You may be wondering about the large revenues generated by tourist dollars. The sad truth is that very few tourist dollars are generated in Daggett County. Many visitors bring their food and supplies with them. When the tourist season is over, the county is left with substantial unreimbursed costs as a result of search and rescue, waste disposal, fire protection, and police services provided to tourists by the county. Tourists spend very few of their dollars in Daggett County. As a result, Daggett and other counties are experiencing difficulty in providing even the most basic services their permanent county residents.

Finally, the Federal Government may not make PILT payments on Federal lands that were exchanged for State lands. For example, this committee and the Congress recently approved land exchange legislation on the behalf of the State of Utah. This legislation exchanged State land for Federal land. It also exchanged State lands for federal royalties. Under S. 455 State lands traded for federal royalties would be eligible for PILT payments.

I should like to respond briefly to the comments made by my friend from New Jersey, who has given us some specific counties that he says are not worthy of these kinds of payments by the Federal Government. And he implies that if only the counties would get busy and acquire tourism, they would have enough income to take care of their needs.

Since he cited a specific county, I will respond with a specific county from our home State of Utah. Daggett County in Utah has a permanent population of 694 people; 97 percent of the land in Daggett County is owned by the Federal Government, and the Flaming Gorge Reservoir in that county was built during the Kennedy administration as part of the Colorado River Storage Project. The fishing and recreational opportunities are fabulous, and approximately 2½ million people visit that county every year.

On a tax base of 694 permanent residents, they have to provide all of the safety, all of the fire service, all of the search and rescue for 2½ million people off of the tax base, as I say, of 694. It is the opposite side of the example cited by my friend from New Jersey whose State does not have the blessing we do of being owned in the majority by the Federal Government.

I believe that these PILT payments are necessary. We are talking about \$130 million over the next 5 years. The Senator from New Jersey voted for a crime bill that will cost \$20 billion, and we are talking about getting a little money for crime control and law enforcement into the hands of the local counties in my State and in the other States that do not have a large property tax base.

Very simply, the Federal Government is the largest landowner in the State of Utah. The Federal Government has not been paying its share of property taxes like any other landowner would. If those from the States that are concerned about this issue say, well, let them tax their local land properly and the Federal Government does not have a role and would agree with us, we will be glad to make a swap and let all of the land become Utah land so that they will not be burdened with the responsibility of the Federal Government running it. Then we will handle our own affairs.

Otherwise, we have to look to the Federal Government for assistance just the way the District of Columbia does because of their shrinking tax base.

Mr. HATFIELD. Madam President, I yield 5 minutes to the Senator from Utah.

Mr. HATCH. Madam President, I really appreciate my colleague doing that.

Madam President, I understand the arguments on both sides.

But I rise to express my enthusiastic support for S. 455, the Payments in Lieu of Taxes (PILT) Program Act, and I strongly encourage my colleagues to adopt this important piece of legislation. Passage of this measure would be a tremendous boost to counties all across our Nation that have large portions of Federal lands within their boundaries and that struggle under the financial burden of providing services to those who visit and recreate on these lands.

My colleague from Utah mentioned Daggett County, located in the far western corner of our State, with less than 700 people. And, yet, 2.5 million people visit that county, and local officials have to provide all services to these visitors. They are in despair. They do not know what to do. The Federal Government does not pay any taxes. They do not pay anything for those lands, and we are stuck out in the West having the Federal Government in control of them.

I am an original cosponsor of S. 455, and I have been a longtime supporter of the PILT Program. This has not been a difficult position to take over the years, since the Federal Government is the majority owner of Utah's total acreage; 70.2 percent of Utah's 52 million acres is owned and managed by various Federal agencies. In most of Utah's rural counties, the Federal Government owns more than 70, 80, and even 90 percent of the entire county. This means that the land base in the large majority of Utah's 29 counties, as far as tax base is concerned, consists of 30, 20, and even 10 percent or less of the county's total acreage. From these dismally low percentages, a county must obtain the necessary funds to provide all county services to all county citizens. As I am sure my colleagues can

appreciate, our county officials are forced to tax to death that portion of their land held privately to make up the shortfall caused by the presence of Federal lands.

The PILT Program recognizes the financial burden these lands place upon local governments and forms the backbone for Utah's county budgets and other States as well. PILT funds are used for emergency search and rescue, law enforcement, fire and emergency medical services, solid waste disposal, road maintenance, health and human services, and many more uses to support a local community's welfare.

These funds are not always used, as the distinguished Senator from New Jersey said, for conference tables or to purchase audio-video materials. Counties are dying out there, and worried sick about how they are going to keep up their services.

That is why PILT funds are so essential to local governments. They come relatively unencumbered with Federal mandates and directives, which makes them even more helpful to local governments. They are not misspent or used in some wasteful fashion that taxpayers would disapprove of or resent. The PILT Program is not a handout to Utah's counties or any other county in the Nation. It is a constant reminder to the Federal Government that it owns millions of acres of land throughout the country which cannot be taxed, but which generate financial obligations to local governments.

They are equally important for the millions of citizens who visit our national parks and forests each year. If you are lost hiking in the Uinta National Forest, it will be the Utah County Sheriff's Department that will look for you. If you are caught in a flash flood in the Narrows in Zion National Park, the Washington County emergency team will initiate your rescue operation. Most of the costs of these lifesaving undertakings will be incurred by local entities.

Congress cannot treat this program like other Federal programs; that is, it cannot pass the costs of managing or administering these lands on to local governments whose budgets are already severely constrained. Local governments cannot take it; there is simply little or no tax base to absorb these costs. That is why passage of S. 455 is vitally important to county governments.

As my colleagues know, since 1976, the PILT Program has received approximately \$105 million, which is the maximum amount authorized under the original legislation. Unfortunately, this amount, measured in constant dollars, is less than half of the authorized amount. During the past decade, visitation to the national parks and forests has increased by approximately 20 million and 25 million people, respectively. S. 455 recognizes the impact these in-

creases have on local governments and updates the PILT Program over a 5-year period so it reflects the present, not the past. It adjusts the program for inflation to ensure that counties are not faced with this situation again.

What does passage of S. 455 mean to Utah's counties? It would mean a gradual increase from last year's payment of approximately \$8.9 million to an amount totaling over \$20 million by fiscal year 1998. Frankly, this amount that will be paid is especially appropriate for Utah for our public-land counties which have experienced tremendous increases in visitation during the past decade. In Utah, we brag about our national parks throughout the country because Utah is one of the great national park and national monument States. Just within Utah's 12 national parks, visitation increased 78 percent between 1980 and 1990.

S. 455 also contains an important provision originally drafted last session by our former colleague, Jake Garn, in collaboration with the Utah Association of Counties, that was modified this year by myself and several Senators, including Senator BENNETT. This provision will allow State lands conveyed to the United States in exchange for Federal lands, royalties, or other assets, to be eligible for PILT payments. In the past, Utah has suffered from its own charity by conveying State lands to the Federal Government without those lands becoming eligible under the PILT formula. Through these exchanges, Utah has seen its historic annual PILT payment decrease by approximately \$2 million in recent years. This legislation will ensure that States are not penalized when the total percentage of Federal ownership increases within their boundaries, even though counties must provide services to those additional Federal acres.

Even with passage of S. 455, there remains one important item related to the PILT Program that should be addressed by this body in the future.

During the summer, on any given weekend, the local population in several Utah counties, such as Grand County, may increase two-, three-, or fourfold. A temporary explosion of individuals who do not pay local taxes and who do not own land on the local tax rolls, yet require the time and attention of local government, should be recognized by the PILT Program.

This matter was discussed prior to deliberations by the Senate Energy and Natural Resources Committee on S. 455 without reaching a solution. I hope that a resolution can be found in the near future by those of us interested in this issue so that additional and justifiable relief can be provided to these impacted counties through the PILT Program. I intend to continue pursuit of this matter.

In closing, I want to praise Senator HATFIELD for his superb leadership on

this issue. This is important, and he has done a great job.

Let me just say one other thing. Give us back our lands. Let us take them back in Utah. We will be glad to take them over, and we will manage them better than the Federal Government ever could. Let us consider Daggett County and other smaller counties with populations of less than 1,000, less than 5,000, which do not have any tax base. They are primarily owned by the Federal Government, which pays no local taxes, and yet these counties are responsible for providing many services to the tourists who come to our State to visit the national parks, the national monuments, the national wildlife refuges, and so forth.

We want these people provided for, but our counties do not have the funds to do it. They are strapped. This bill is the only hope for them to be able to solve these problems. The remedy this legislation provides is long overdue.

I yield the floor.

(Mr. CAMPBELL assumed the chair.)

Mr. HATFIELD. Mr. President, I yield 6 minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. I thank the Chair. I thank my colleague.

Mr. President, I rise to cosponsor S. 455, and I commend the senior Senator from Oregon for offering the Payments in Lieu of Taxes Act.

Let us be realistic, Mr. President. This is simply an issue of fairness. The States east of the Mississippi, States like New Jersey, West Virginia, object to this because they get a very, very small amount of PILT payment.

Fine. Fine. As has been said by some of my colleagues, then just give the Western States back their land. Give it back to us. We will not ask for any PILT payments. We look at the needs of the east coast relative to rapid transit, mass transit, Amtrak, legitimate issues for the populated Eastern States that do not have the impact of tremendous Federal acreage.

You know, this body just voted for more Federal land in the West, more land, more wilderness, and that vote cost the taxpayers in this country \$1 billion because we are going to have to pay those inholders. That is what it cost. Did we appropriate the money? No.

We committed an obligation for a billion dollars—we passed it a few moments ago—a billion dollars for wilderness. Why do we object to \$100 billion a year for schools, sewers, and drinking water for small areas of the West?

Mr. President, I am from Alaska, and 70 percent of the land in our State is owned by the Federal Government. We have 248 million acres of Federal land. In fact, Alaska is so vast and contains so much Federal land that 34 percent of all of the Federal land in the United States is in my State.

There are 51 million acres of Park Service land in Alaska. Mr. President, that is 70 percent of all the Park Service acreage; 15 percent of the land in my State of Alaska.

There are 76 million acres of U.S. Fish and Wildlife Service refuges. That is 85 percent of all the Fish and Wildlife Service lands; 21 percent of the land in my State.

There are 90 million acres of BLM lands. That is 34 percent of all BLM lands; 25 percent of the land in the State.

There are 57 million acres of wilderness already designated in Alaska. That is why when we ask, "Well, how much wilderness is enough?" we are a little testy relative to those from other States mandating more wilderness in my State of Alaska. We have 60 percent of all of the wilderness designated in the United States.

So when we look at the justification of PILT payments and we are taken to task on the issue of "can we afford it?" we just committed a billion dollars for inholdings. As you know, Mr. President, this billion-dollar commitment associated with the California Desert Wilderness Act is already behind another \$2 billion that has already been authorized in the sense of acquiring the inholdings, but no appropriation.

So as we look at the merits of PILT payments for the Western States, those vast acreages that have sparse populations, they have legitimate needs, and these needs can only be met by legislation such as that introduced by the senior Senator from Oregon, S. 455. That is why I support this issue, which is simply fairness.

When I listen to colleagues say we cannot afford it, I say: Give us back our land, Mr. President, and we will call it even. Give that acreage in the State of Alaska back to the State, and we will manage it. But when you say it is Federal land and you dictate the use of that land and put the burden on us, and we do not get anything for it, that is why we are here today in support of S. 455.

I commend my friend from Oregon and urge my colleagues to support this bill, which could mean an awful lot to the people in the remote villages of Alaska, who have no other alternative than to accept the dictate of the Federal Government on the manner in which the Federal Government chooses to manage its land in my State, with no contribution to those residents that live there, who would like to see some of this land put perhaps to a more productive utilization.

I urge my colleagues to support this bill. It means so much to the remote areas of the West. I say to my friend from Oregon that if we cannot get this, we will be happy to take the land back.

PILT payments are intended to compensate boroughs for Federal lands that do not generate taxes. The pro-

gram applies to National Park Service, BLM, and Forest Service lands.

PILT payments are vital to Alaska's boroughs. Alaska's boroughs have desperate needs for funding. The very basic services usually funded by local taxes are wanting in many of our villages. We struggle to find funding for clean drinking water systems, for sewer systems, and for education and health care services. These villages are often surrounded by Federal land, but the land provides no tax base.

Mr. President, this is a situation that this Congress can and should correct. It is a simple issue of fairness. This is especially true as the current administration and in fact the trend of the Congress is to put more and more Federal land off limits to resource development and dedicate more and more lands for single purpose preservation use. This means less tax revenues as a result of development and more unfunded demand to provide basic services for tourist visitors. This body has a responsibility to recognize the very real impact of these land use decisions.

Mr. HATFIELD. Mr. President, I thank the Senator from Alaska for his remarks. I yield myself whatever time I may need.

I am sorry that our colleague, our good friend from New Jersey, Senator BRADLEY, had to leave the floor for other pressing business. We are all in that situation, unfortunately, too often here, not to be able to conclude any matter that we start. We have to spread ourselves over many places and meetings.

For the record, I want to make a slight comparison between the State of New Jersey, which he represents so ably, and the State of Oregon. But I do not want to do it State by State—that is, State in comparison to State. I want to compare the State of New Jersey to one county in Oregon, Harney County. Mr. President, Harney County has 6 million acres of land, or 9,375 square miles—in one county. The State of New Jersey has 7,468 square miles. That is the State of New Jersey versus one county in Oregon. That one county in Oregon, which is Harney, has 74 percent, or 5 million acres, of Federal ownership. That equates to 7,812 square miles within the county. So the Federal ownership within one county of Oregon is larger than the whole State of New Jersey.

It sort of reminds me of the Constitutional Convention, the big States and the small States, and the debate of how we were going to represent them in the U.S. Congress. Our forefathers came up with the brilliant idea of recognizing both population and space, or square miles, and recognizing that by appropriating representation to the small States and the large States in the House on the basis of population; and it gave all States equal representation here in the U.S. Senate. That was a brilliant solution.

But I see no accommodation in the remarks made by the Senator from New Jersey, recognizing that there are these unique differences between his State, which has very little public ownership, and my State and the States of others who have been speaking here today, representing their States, having large amounts of public ownership under the Federal title.

Surely, there must be some understanding expressed here as to those unique problems of large public ownerships and those responsibilities imposed upon the counties of those States to perform the basic services of fire protection, rescue, health, roadway, construction, and access.

I wish I had the number of New Jersey licenses that have visited Oregon. I understand why they all want to come to Oregon—to see the beauty—whether it is from New Jersey or any other State; as in the State of Colorado, which because of the large public ownership, the large number of scenic and wild rivers, we have 42 scenic and wild rivers in my State. I have authored every one of them, and I am proud of that record. The next highest number is 10 in the State of California. We have over 2 million acres of wilderness in my State, beautiful wilderness, and I am proud to have authored most of that. We have the Columbia River Gorge, which is one of the most unique pieces of God's creations on Earth. We have set that aside in order for the people from other States to come and enjoy. We have the Seashore Sand Dunes, unique to any part of this country—acres upon acres of land set aside, taken off the tax rolls, to provide recreation for other people besides our own people in Oregon.

I could go on about the John Day Fossil Beds, the Quinta Head, the Cascade Head, the monuments that we have in our State. And other Western States have similar spectacular scenery that we are preserving and taking off the tax rolls. I say to my good friend from West Virginia, as well, that I would be very happy to say each acre of land we withdraw from private ownership for public designation and public preservation and ecology and environmental reasons, we ought to return back to the tax rolls one acre of public ownership.

We have the largest amount of BLM checkerboard in our State. Checkerboard is a poor way to administer public land. That is where you have a section of private, a section of public, a section of private, a section of public. That is why we call it checkerboard.

I know there is a lot of marginal land in that Federal ownership. All right. Let us respond. If we say, well, we are taking more off and withdrawing more land for public purposes, let us make it equal and return to private land ownership.

We have found that land exchange really enhances both parties—it en-

hances the public land management to be able to block up their land for management, and it also helps us establish new and preserved areas of beauty.

We are working now with the full support of the Federal agencies on some land exchange for the Steam Mountains in our State to preserve them. There are a lot of big ranches there. Those are willing sellers or willing traders for land elsewhere owned by the Federal Government. That does not cost us a penny. There are lots of ways we can adjust to this plan.

I would also say that when I hear my colleague from New Jersey say, "Well, it did not happen for 200 years, so, therefore, why should we do it today?" I can make all sorts of comparisons about what did not happen 200 years ago that we are doing today. I do not think that is much of an argument. I found that to be part of the bane of my existence in political philosophy with some of the colleagues even within my own party. If it had not happened for 200 years, why do it today? And across the aisle, it is the same way. We are hearing it today. I just do not think that argument holds water. We did not fly 200 years ago. We did not do a lot of things that we are doing today. So that to me is a very, very weak argument to say just because we did not do it for 200 years why should we have this kind of compensation now.

I also would like to indicate, in response to my colleague, the chairman of our committee, as we were chatting awhile ago, very seldom do we find ourselves on opposite sides of the controversial issues. We are more together than we are apart. I do not particularly enjoy this role. I would much rather be fighting the battle with him than against him. It is on a matter of principle and he is very friendly. This is a matter that the counties are getting a higher rate of return on the PILT than they are in return from private property tax.

First of all, I ask unanimous consent that a copy of the National Association of Counties study debunking the Interior Department's statements on this issue be printed in the RECORD.

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

NATIONAL ASSOCIATION OF COUNTIES,
Washington, DC, March 30, 1992.
Hon. TIMOTHY E. WIRTH,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR WIRTH: The National Association of Counties has become aware of a report prepared by the Bureau of Land Management for the Senate Appropriations Subcommittee on Interior and Related Agencies. It claims to show that federal land payments are higher than local real property tax payments on comparable private lands. The implication is that the current Payments-in-Lieu-of-Taxes (PILT) program is more than adequate compensation for counties.

As we both know, that notion is absurd. The BLM report contains serious flaws, mis-

leading analysis, and leads to erroneous conclusions. We are extremely concerned that the report prepared without our knowledge or input might be misconstrued by Senator Byrd's Appropriations Committee and have an adverse impact on our chances of passing the PILT bill, S. 140, which you have introduced with Senator Domenici.

We have, therefore, prepared our own response to the BLM study which we have enclosed. Please review our analysis and take whatever action you think is appropriate. We will await your advice.

Thanks for your help and continuing support.

Sincerely,

LARRY NAAKE,
Executive Director.

NACO RESPONSE TO BLM STUDY COMPARING
PILT PAYMENTS TO REAL PROPERTY TAX
COLLECTIONS

As a preface to our response to the Bureau of Land Management (BLM) study, let us remind the Appropriations Subcommittee on Interior and Related Agencies of the central facts: the Payments-in-lieu-of-taxes (PILT) program which was enacted in 1976 has never had an authorized increase; the Consumer Price Index has increased by 120% since 1976; and PILT is not an entitlement program. If the original program had contained some measure of inflation index, some baseline as most other programs contain, we would not, in 1992, be asking Congress for an increase that is critical to 1789 counties across the nation.

The BLM comparison of PILT payments with county real property tax collections contains serious flaws, misleading analysis, and leads to conclusion which are erroneous. Given the complications which even BLM admits to in the study, we strongly feel that the report which was not approved by the BLM Director is not a legitimate document on which the Appropriations Subcommittee can reach valid conclusions.

To set the historical context of the PILT program, the Advisory Commission on Intergovernmental Relations in its report entitled *The Adequacy of Federal Compensation to Local Governments for Tax Exempt Federal Lands* published in 1978, stated that the real costs and benefits cannot be known, that a relationship analogous to a business partnership is formed. "Both the federal and local governments must incur costs to make the federal land productive: both deserve a share of the rewards. . ."

The ACIR goes on to say that ". . . the per acre payment approach makes no claim that the payment approximates the actual fiscal impact on local governments of federal land ownership. Furthermore, ". . . this approach adopts an administratively simple device—a set payment per acre." In other words, the very essence of the program is its simplicity and a recognition by Congress that it is a partnership arrangement, not an exact value for value approach.

Trying to do a tax equivalency analysis, federal land payments vs. local property tax collections, is fraught with pitfalls. Unfortunately, BLM has fallen in the pit at every turn.

The problem, as pointed out by ACIR, is varying state law made more complex by administrative practice which departs for legal standards. It is compounded by the lack of reliable data concerning local tax practices.

From the beginning, the BLM methodology is questionable. The most reliable and accurate methodology for collecting data would have been to directly contact knowledgeable

county officials to request property tax data for comparable private real property. BLM dismissed that approach because of the time and effort that would have to be expended. That was an unfortunate decision, for it undermined the accuracy and authenticity of its report. Talking directly with county officials who could have explained and even helped BLM understand the peculiarities of each state basis for taxing real property might have produced a more accurate picture of the local conditions. The fact that BLM may have had limited time and resources to fulfill the Subcommittee's request showed little sensitivity in its approach to this issue which is critical to county governments.

In its approach, BLM chose to lump together PILT payments and payments made under natural resource receipt sharing statutes, such as the 25% timber receipts shared between counties and the federal government. This presents an unfair and inaccurate picture. PILT payments go into the general funds of counties with no restrictions. Timber receipts can only be used for county school and road budgets while grazing receipts pay only for grazing improvements in the counties where they are generated. In addition, many counties receive only PILT payments and do not receive natural resource payments since there is no commercial uses on the public lands in their county.

In choosing categories of private lands to compare with federal lands, BLM has made some erroneous assumptions. As our Oregon Association of Counties points out (see attachment) in its analysis of the Oregon data, the report totals three types of lands; timberland, grazing land, and grazing and recreational land, as though they were equitable. These cannot be grouped together and only timberland is an accurate classification in Oregon tax law. In addition, timberland is subject to a severance tax when timber is harvested. This adds \$58 million of private annual tax revenue and is completely ignored by BLM in its analysis. Therefore, the whole set of data for Oregon is misleading and inaccurate.

In Colorado, only agricultural assessed lands were included as comparable lands. Under the state constitution, the actual value is determined solely by the earning or productive capacity of such lands, capitalized by a rate prescribed by law. The intent of all this is to grant all agricultural lands preferential treatment for tax purposes. The use of agricultural lands as comparable lands by BLM is an attempt to find the lowest property tax liability to illustrate the adequacy of PILT. Again, it is misleading and inaccurate, and the conclusion that federal land payments are more than those generated by tax revenues is not valid.

An example provided by Clear Creek County, Colorado (see attached), provides a more reasonable comparison of private land to federal land. Mining claims are privately owned properties for which the only allowed uses are mining, milling, and closely associated or related uses. A mining claim with this zoning, located on a mountainside with no existing utilities would pay on the average \$2.84 per acre in property taxes. We have included examples in the attachments from other counties in Colorado to indicate private property tax rates.

If you closely examine the individual states selected for the study and the individual counties within the states, the comparisons are made on very small samples of private property. For example, in Coos County, Oregon, only 160 acres out of 700,000 acres of

private lands, and in Marion County, Oregon, only 320 acres out of 500,000 total acres of private land. In the Oregon analysis, twenty two counties do not have any private land listed in the report. With such a tiny sample it is statistically impossible to draw any accurate conclusions.

It is interesting to note that BLM also collected data from Florida, Michigan, and West Virginia. Data from those states showed that real property tax payments were considerably higher than total federal payments. However, BLM dismissed those findings because it "... includes tax revenues from residential and commercial tracts in two counties in each of these states." If they could tell that residential and commercial values rendered those comparisons invalid, surely logic would dictate that BLM should have recognized that comparing subsidized tax rates with federal land payments is just as invalid.

We suggest that the BLM report which was prepared for the Subcommittee on Interior and Related Agencies is seriously flawed and cannot be used to compare the adequacy of federal land payments to the current PILT program. Even BLM noted in its report "... comparisons of local tax collections to PILT and Federal land payments should only be used as general indicators of the adequacy of the Federal payments."

As we have indicated earlier, it is also not relevant to the issue. PILT payments are now worth less than half of the value of when the program was enacted. Furthermore in the last fifteen years the costs of providing services to public lands has increased and counties' ability to raise revenues have actually decreased. Congress created a partnership program with local governments and we are looking for the Federal government to live up to its commitment to provide adequate funds to carry out our own responsibilities on public lands.

LIST OF ATTACHMENTS

Association of Oregon Counties—A.
County of Clear Creek, Colorado—B.
Jackson County, Colorado—C.
Moffat County—D.
Montrose County, Colorado—E.

ATTACHMENT A

[From the Association of Oregon Counties,
Mar. 11, 1992]

To: Peter Kenney & Rick Keister (NACo)
From: Bob Cantine, AOC Executive Director
Subject: Senate Appropriations Committee report on federal payments to counties (objections to PILT bill—S. 140).

At your request, Gil Riddell and I reviewed the BLM/Senate Appropriations Committee report related to S. 140, NACo's PILT adjustment bill. You asked for an immediate response. Here are our observations on the report.

1. The report includes federal forest receipts in the analysis. This is unfair because the two types of programs—PILT and forest receipts—are paid on different bases and are county-specific. Forest receipts are paid to counties that have federal forests based on the amount of commercial activity (i.e., timber harvesting) done that year. Twenty-five percent of this income on national forest land is returned to counties in the forest; 75% goes to the federal treasury. Consequently, if payments to counties increase, payments to the federal government also increase—three times as much! It has been a long-standing, mutually beneficial county/federal government partnership; a program that has stood alone and supported itself.

This is not a per acre assessment as is PILT; the legal basis is completely different. Moreover, national forest receipts are dedicated to roads and schools, if they are not available—as are PILT payments—to support other essential relevant services as law enforcement and search & rescue. Road funds are used to build and maintain roads driven by persons who work and play in the federal forest.

Further, the authors ignore that these two types of programs are county-specific, not statewide. Each type of program treats each county differently. For example, nearly 75% of our major PILT county, Malheur, is owned by the federal government and virtual all of that land is managed by BLM. Malheur Co. receives \$595,256 to provide essential services to over 4.3 million acres of federal land. These revenues must be used for road maintenance as well, because national forest payments to the county road fund amounted this fiscal year to a "whopping" \$6,832.

2. The sample acreages of private land used to compare property tax rates with federal payments are extremely small. For example, Coos Co. timberland—160 acres (over 700,000 total acres of private land); Marion Co. timberland—320 acres (500,000 total acres of private land); etc. Twenty-two counties do not have any private land listed in the report at all. The total private acreage used is 13,353 acres—out of over 45,000 square miles of private land. It seems that the authors picked a parcel here and there that suited their intentions. Property taxes are based on assessed valuation—i.e., market value of the "tax lot"/parcel—not payments per acre. Market values can vary considerably from property to property. It is impossible to judge the accuracy of this report with such a tiny sample.

3. The report purports to sample private "timberland", "grazing land", and "grazing and recreational" land. It then totals the three types together as though they were equitable. Only "timberland" is an accurate classification in Oregon tax law. We assume the other types listed are under farm-use assessment. These are separate classifications that cannot be grouped together. In addition to regular property taxes, private timberland is generally subject to a severance tax when timber is harvested (5.85% of sales price in Western Oregon; 4.35% in Eastern Oregon). This amounts to \$58 million of private annual tax revenue, and is completely ignored by the authors. Also ignored by the authors is the State's per acre assessment on forest land for fire protection; it varies from 39c/acre to 76c/acre depending on the county.

4. In Oregon, the tax rate per acre of private land for the operation of county government only, not for schools or cities or special districts, is \$9.30/acre, and not the \$1.04/acre stated in the report. Granted the authors have drawn their figure from a tiny sample of about 1/3rd of the counties in Oregon, while the larger figure is for all private land. Nevertheless, county services are delivered to all lands, with an emphasis on areas outside cities, based on the need for those services at the time. Ranchers and timberland owners can expect to receive the same county services when needed as the town dweller. If the authors really want to compare the private and federal tax loads statewide, and insist on including federal forest receipts in the analysis, it is more appropriate to compare the \$9.30/acre counties draw from private land to the report's \$4.55/acre counties draw from federal land.

ATTACHMENT B

COUNTY OF CLEAR CREEK,
Georgetown, CO, March 11, 1992.

Hon. TIMOTHY WIRTH,
U.S. Senate,
Washington, DC.

Attn: Russ Shay

DEAR SENATOR WIRTH: Thank you for providing the information developed by the Bureau of Land Management (BLM) regarding the relationship between federal land payments and actual property taxes paid on comparable, privately owned lands. It is clear to me that employees of BLM who prepared this data have intentionally skewed their methodology to insure a predetermined result.

In reviewing the data for Colorado, I noticed immediately that only agriculturally assessed lands were included as comparable lands. In fact as I reviewed the data for several other states, the same pattern was clearly apparent. As you know, agricultural land in Colorado is valued exclusively by the capitalization of income approach. Article X, section 3 of the Colorado Constitution provides that the actual value of agricultural lands, as defined by law, shall be determined solely by consideration of the earning or productive capacity of such lands, capitalized at a rate prescribed by law. The income stream to be capitalized is the net income that could be derived from the earning or productive capacity of the land after allowance for typical expense. The intent of this constitutional provision and of the legislature in enacting law to implement it, is to grant all agricultural lands preferential treatment, for taxation purposes, when compared to the valuation of all other lands. The use of agricultural lands as comparable lands by BLM is clearly an attempt to find the lowest possible property tax liability to illustrate the adequacy of PILT payments to offset the cost of local government services.

I would offer three examples of lands within Clear Creek County, as more reasonably comparable to federal lands:

Mining claims which are contained within the "Mining 2" zoning district, under the "Clear Creek County Zoning Regulations", are privately owned properties for which the only allowed uses are mining, milling and closely associated or related uses. A mining claim with this zoning, located on a mountain side with no existing road access, in very steep topography and with no utilities whatsoever, would pay on average \$2.84 per acre in property taxes.

Mining claims in the "Mining 1" zoning district are privately owned properties with allowed uses including all mining uses and residential uses. A mining claim with this zoning, four wheel drive access road, sloping to steep topography and no utilities available, would pay on average \$38.37 per acre in property taxes.

Large acreage tracts located near the eastern boundary of the Mount Evans Wilderness Area, surrounded by national forest lands, zoned for residential use, with access through a locked gate on a four wheel drive road, sloping to steep topography and no utilities available, pay on average \$16.44 per acre in property taxes.

These examples are typical of privately owned, vacant lands within Clear Creek County which have the lowest assessed value because of their remoteness or difficulty of development. As factors such as access, availability of utilities, terrain, etc. improve, the assessed value and taxes paid would increase. I believe these provide much more valid comparisons than those presented

by BLM. In addition, I am certain the BLM realty specialists in Colorado are sufficiently familiar with the special treatment afforded agricultural lands to have concluded their data was irrelevant in this context.

We are working with other Colorado counties and counties in other states selected by BLM to develop similar responses. When we have the data together we will forward it to you.

Thanks again for your support on this and many other issues important to Clear Creek County.

Sincerely,

PETER KENNEY,
Chairman, Clear Creek County
Board of Commissioners.

ATTACHMENT C

Review of BLM PILT Payment Report—
Jackson County

All data based on year 1990.
Government Payments:
PILT Acres: 519,138.
PILT payments: 519,138.
Federal Land Payments: 173,931 (made up of U.S. Minerals Lease & Federal Forest payments).
Total Federal payments: 225,845.
\$/Acre: \$0.435.
Private Property Tax Payments:
Private agricultural acres: 338,798.
Ag tax payments: 304,674 (5.89/AC).
Severed mineral tax payments: 7,918.
Total ag + sev min: 312,592.
\$/Acre: \$0.92.
Oil payments: 43,524.
Total ag + sev min + oil: 356,116.
\$/Acre: \$1.05.
Jean E. Maxwell, Jackson County Assessor, March 16, 1992.

ATTACHMENT D

ASSESSED VALUATION 1991 MOFFAT COUNTY
AGRICULTURE LANDS

Grazing land	Appraised value per acre	Assessed value per acre:mill levy=taxes per acre
Class 1	\$14.23	\$4.10x67.824=\$2,788
Class 2	12.07	3.50x67.824=2,374
Class 3	10.38	3.00x67.824=2,035
Class 4	8.53	2.45x67.824=1,663
Class 5	6.30	1.89x67.824=1,280

Dry farm land	Appraised value per acre	Assessed value per acre:mill levy=taxes per acre
Class 1	\$94.69	\$27.00x67.824=\$1,831
Class 2	87.76	25.50x67.824=1,729
Class 3	64.46	19.00x67.824=1,289
Class 4	41.00	12.00x67.824=814
Class 5	29.30	8.50x67.824=576

Average payments per acre Moffat County: 0.724

ATTACHMENT E

BOARD OF MONTROSE
COUNTY COMMISSIONERS,
Montrose, CO March 12, 1992.

Mr. PETER KENNEY,
Clear Creek County Commissioners' Office,
Georgetown, CO.

DEAR PETER: After reviewing the information prepared by BLM estimating the amount of property taxes Montrose County would receive in place of P.I.L.T. funds, I requested our County Assessor to prepare a more accurate calculation (enclosed for your review).

It is really quite unfair to assume the entire 970,497 acres of public land Montrose County has would be classified as grazing and waste land. Instead, our assessor has taken the total amount of acreage we have

in the following classifications and applied this ratio to the 970,497 acres of public land we have:

- *Vacant land.
- *Crop land.
- *Dry farm.
- *Meadow hay.
- *Grazing land.
- *Waste land.

Even this conservative approach produces \$2.12 per acre for potential property taxes versus the \$0.065 to \$0.75 per acre currently received.

I hope the enclosed worksheet will help mitigate the BLM report.

Sincerely,

CINDY K. BOWEN,
District #1 Montrose County Commissioner.
Mr. HATFIELD, Mr. President, let me give you an illustration.

We have, as I say, in Harney County 6 million acres, of which 5 million approximately are in public ownership, Federal ownership. The private land in Harney County is being taxed today at \$2.90 an acre on the average. The payment in lieu of tax on that same acreage in Harney County is 6 cents an acre, s-i-x cents, pennies an acre.

If this bill should pass, that would increase this PILT Program, and it would then rise to 14 cents an acre as against \$2.90 an acre.

We can give many examples. This is not just a unique, bizarre-type of case that I have cited. But I could give examples in every Western State about the ratio of the payment in lieu of tax as against the private tax against the private landowners within those counties.

I think, therefore, that that is challengeable and particularly with this study which I have asked to be made a part of the RECORD.

I would like to respond briefly to the chairman of the committee in saying where are we going to get the money. That is a legitimate question. I struggle with him. In the 6 years that I chaired the committee, I struggled to issue the then 302(b) allocation, how we are going to apportion the discretionary funds across the 13 subcommittees, and the chairman today, along with his chairmen of the subcommittees and the ranking members of those subcommittees, worked out an allotment we call the 602(b) allocation. That has not been done to my knowledge. And, therefore, there is this flexibility, this window of flexibility, in which we will then soon find ourselves with what the figure that we have to work within this Interior Subcommittee. That is not a known figure to me at least at this time.

That is a very difficult position that the chairman is in and that is a very difficult position for each member of the committee, that is, the full Appropriations Committee, because there are so many good programs and there are so many great requests, legitimate requests, passionate requests, we have to deal with.

Let me suggest at this point—and it is not just a suggestion that is taken

out of the air—Senator KERREY of Nebraska and I cosponsored a proposal here last year dealing with this problem by suggesting a transfer of some reductions in the Defense Subcommittee. We have 20 B-2's authorized, B-2 bomber airplanes for the Air Force, \$818 million each, almost \$1 billion for one airplane, which was all done prior to the whole change of the geopolitics of this world. We have a star wars program for 1995 of \$3.3 billion request. We have the F-22 advanced tactical fighter, \$2½ billion in 1995 request. Some question even the need for this airplane in today's world. A C-17 cargo airplane, six airplanes authorized at \$3 billion in 1995, \$500 million, a half billion per copy. One of those C-17 cargo airplanes could take care of all of this plus many more requests that the chairman of that committee will have to phase in trying to satisfy all the colleagues in this Senate. Or one B-2 bomber could take care of this.

So I do not come here saying let us add another \$25 million this year and incrementally raise it up to double what it is today of \$105 million, without any concern about where we are going to get the money.

But as the colleague from Montana, Senator BURNS, said a while ago, it is not a question of the amount of money; it is a matter of the priorities that we place on the expenditure of that money. Everyone would have a different set of priorities. I understand that. I am sure that many of my colleagues would not agree with me that one B-2 bomber or part of the star wars program or the F-22 advanced tactical fighter or the C-17 cargo, even taking one of them away to transfer that money to other purposes, that they would agree with that. We are 100 different persons in this body, and I am sure we have at least 90 different priorities as we would individually want to set the priorities. But that is at least a possibility that should be considered in setting the priorities of how we are going to pay for this increased PILT Program.

I would like to suggest too, that as we get into this business further, we are going to hear a lot about the matter of counties already receiving enough money. Let me just quote from the Public Land Law Review Commission that was established in 1970 a very great document that was sort of a milestone in our public policy.

If the national interest dictates that land should be retained in Federal ownership, it is the obligation of the United States to make certain that the burden of that policy is spread among all the people—

Including New Jersey; all the people—
Of the United States and not borne only by those States and governments in whose area the lands are located.

I conclude that report's quote:

Therefore, the Federal Government should make the payments to compensate State and

local governments for the tax immunity of Federal land.

That is why the Sierra Club has endorsed this program. That is why the Nature Conservancy people have endorsed this program. It is not just the recipients, the county associations, as you might imagine, would be for it, logically, legitimately, reasonably. But here we have the Sierra Club, we have the Nature Conservancy Organization that say we want to preserve those lands, we want to preserve the unique parts of the ecology and the environment and we are willing to endorse the proposition that was stated so eloquently in the Public Land Law Review Commission that all of the Nation should help support that setaside, that withdrawal, that preservation.

You know, it is very interesting, we are facing an increasing problem of the Endangered Species Act. The Endangered Species Act is a national law. I am proud to have authored the first one in 1972. I am sometimes a little hesitant to tell my constituents at home, now that we have had this siege of the spotted owl and now we have the salmon problem. And there is a tremendous impact on all the people of our State.

But, it is a national law. Every State now has some listing, and there are thousands, and more plant and wildlife candidates for further listing.

The question now to be considered is: Should the Nation, as a whole, with a national law, bear some of the economic impact or should the people of a given central area or a focused area bear that burden of a national law?

Now that is going to become an increasingly difficult question to answer as the reauthorization of the Endangered Species Act comes along. Let me tell you why.

We have spent \$100 million in the Bonneville Power Administration alone, which is based on ratepayers of the region to mitigate salmon loss in our Columbia State River system. We have paid that within the region because of four listings of salmon, because we have treaties that were made by our National Government and the various tribes of the American Indians in that area and committing to those Indian tribes a certain take of that fish because of their culture, because of their religion, because of their economics.

During the Depression of the 1930's, there was no depression on the Indian reservations in my State because the fish were running in those rivers and that was their economy.

So, consequently, we are taking that responsibility, even those treaties were made by the National Government of trying to fund a major part of the mitigation of that fish loss.

And yet, Mr. President, in this administration's budget that is now before us, they have excised the Mitchell

Act funds to build the hatcheries and to upgrade the hatcheries. And 25 percent of the salmon that are caught come out of the hatchery mitigation, the fence or the screens that we are trying to place on the dams to protect the downstream fingerlings, excise that; the Columbia smelt, excise that; the National Oceanographic study to the anadromous fish going out from the ocean into our waters, excise that; excising all of these programs for fish mitigation that the Federal Government put on the Endangered Species Act. And they are saying, in effect, to us, "You fund it." And yet, that is a national concern, a national resource.

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

Mr. BYRD. Mr. President, do I have some time remaining?

The PRESIDING OFFICER. The Senator has 20 minutes and 26 seconds.

Mr. BYRD. Has the time of the Senator from Oregon been used?

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

Mr. BYRD. I would be happy to yield some of my time to the Senator.

Mr. HATFIELD. I thank the Senator.

Mr. BYRD. I yield 10 minutes to the control of Senator HATFIELD.

Mr. HATFIELD. I thank the Senator from West Virginia.

Let me close with one sentence and then I would like to yield 5 minutes to the Senator from New Mexico.

I was concluding that I think we now have the eye and the ear of the administration. They have now committed themselves to trying to find the money for the fish mitigation.

My point was simply this. There is a national interest in these counties because of the national ownership. There is a national obligation because of the utilization by people of these areas and by people all over this Nation. Therefore, I think the least we can do is help offset the increased costs that are created by public ownership in my part of the country.

I yield 5 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 5 minutes.

Mr. DOMENICI. I thank the Chair and I certainly thank my friend from Oregon and Senator BYRD for yielding time.

I understand in previous debate Senator BRADLEY alluded to a county in New Mexico, Taos County, with the assertion that that county would get \$1 million under this proposal.

Let me just make sure that the Senate understands the size of the public domain in counties like Taos. Taos County has 740,000 acres of public land.

One might even have picked a different county in New Mexico and said, "How about Catron County?" 2.8 million acres of Catron County are owned

by the Federal Government. They will get something like, well, I do not have the exact dollar number, but significantly more obviously than Taos, which is a very poor county, not rich, because the Federal Government owns all the land, very poor, very poor services, very little money for the county Government.

So, obviously, I am here as a cosponsor of Senator HATFIELD's legislation.

I was one of the original Senators on the floor when we passed PILT. The distinguished Senator from Wyoming, Senator Hansen, was on the floor when this PILT amendment was passed here and retained in conference and we started down a path of fairness.

The Federal Government owns huge portions of our respective counties' lands in a State like New Mexico, in a State like Oregon, in a State like Colorado, and certainly in a State like Nevada.

Much of the source of revenue for running a county comes because of taxes they impose on land. Here we have in many counties nothing left to impose any local taxes on. Clearly, PILT is a way to treat these county Governments fairly with reference to the ownership of Federal land versus taking care of the basic needs of the people of the respective counties in a State like New Mexico.

Thirty-three percent, overall, of the State of New Mexico is owned by the Federal Government. In several of our counties, 80 percent of the surface of the land is owned by the Federal Government.

Local governments will not be able to function without adequate PILT payments. And it goes without saying that a formula that has not changed the dollar number since 1976—meaning if you are really helping local government by this formula distribution, they are getting exactly the same as in 1976. That is a long time without any increase. And the Hatfield amendment would not try to pick all that up but would say, in the future, you would index the PILT payment.

And I fully understand that the distinguished chairman of the Appropriations Committee, Senator BYRD, while I was not here this morning to hear the entire statement, indicated that appropriations is in a pretty tight squeeze. He mentioned a blossoming April with a bleak winter. I think I heard that much and I thought that was a very fine way to explain the appropriated accounts of this Government. This is an appropriated account. It is not an entitlement. We are going to have to find the money in appropriations.

But I say to the distinguished chairman, when there is so much need to bring this formula current, we understand we will have to take our place among all the various authorized programs of the Nation and try to get our money through the process. We do have

some people who are going to work very hard at that, I say to the chairman, and I think we are going to try very hard to succeed.

Mr. President, I rise today to speak in strong support of this bill, which I have cosponsored with my friend, Senator HATFIELD.

This bill is extremely important to the counties in the State of New Mexico. Thirty-three percent of New Mexico lands are owned by the Federal Government. Several counties in New Mexico contain over 80 percent Federal lands.

Local government would not be able to function without adequate PILT payments.

The present formula for PILT was devised in 1976, and has not been revised to meet today's realities.

Currently, the PILT formula provides that lands acquired from the State are exempt from consideration for PILT payments.

This creates a situation that when the State agrees to exchange land with the Federal Government for their mutual benefit, this exchanged land ceases to be eligible for PILT payments.

This legislation corrects this unintended, unfair removal of land from eligibility for payments. It also clears the way for States to enter into exchange agreements with the Federal Government that will ultimately benefit both everyone.

This bill provides for a phasing-in of increased payments over a 5-year period to allow Congress, Federal agencies and local governments to better plan future activities.

Since its inception in 1976, the PILT Program has not seen a single increase in the authorized level of payments.

Undoubtedly, all of us would agree that the cost of government at all levels has increased significantly since 1976.

Mr. President, this legislation is most important to the survival of local government in the provision of public services.

The concept of PILT is as valid today as when it was passed, but the lag of payments behind inflation has produced a hardship on the local communities.

When the Federal Government holds what would ordinarily be private lands, it should act responsibly, and provide its fair share to the local infrastructure.

I urge the Senate to pass this important legislation.

I just say to the U.S. Senate, much has been said in the last year about the U.S. Government versus the West; the U.S. Government versus the States with great public ownership. Some have talked about the war on the West, maybe I have even, when we speak about new grazing rules and regulations.

But, essentially, this is one that is desperately needed to just treat our

States fairly when we try to take into consideration the public, U.S. Government, ownership of lands within our respective States.

I hope it passes. As I indicated, it is not an entitlement. Clearly, this is needed. It is needed out of a sense of fairness to these States. I hope the Senate will, before the day is up, vote it in.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD addressed the Chair.

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

THE BIRTHDAY OF SENATOR BEN NIGHORSE CAMPBELL

Mr. BYRD. Mr. President, on another matter, I call attention to the fact that today is the birthday of our distinguished Presiding Officer, Senator BEN NIGHORSE CAMPBELL, the Senator from the State of Colorado.

The Senator from West Virginia wants to congratulate the Chair. I have experienced a similar situation 76 times, and it has gotten to the point that I do not enjoy it anymore. But let me say to my friend, Senator CAMPBELL, who is in the chair:

Count your garden by the flowers,
Never by the leaves that fall;
Count your days by the sunny hours,
Not remembering clouds at all.
Count your nights by stars, not shadows;
Count your life by smiles, not tears;
And on this beautiful April afternoon,
Count your age by friends, not years.

Mr. President, back on the bill, I ask unanimous consent to have printed in the RECORD a table showing the distribution of PILT payments by the States, and I make that request.

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

Table II.—Summary of payments to eligible units of Government by State, BLM

State/Territory:	1993 Payment
Alabama	\$139,175
Alaska	4,347,805
Arizona	8,696,248
Arkansas	1,257,446
California	10,459,027
Colorado	6,285,256
Connecticut	18,850
Delaware	9,576
District of Columbia	49,513
Florida	1,281,825
Georgia	699,913
Guam	895
Hawaii	9,950
Idaho	7,379,289
Illinois	313,252
Indiana	212,652
Iowa	127,815
Kansas	337,818
Kentucky	506,096
Louisiana	156,088
Maine	95,200
Maryland	41,157
Massachusetts	52,865
Michigan	1,179,441
Minnesota	718,539
Mississippi	327,514

	1993 Payment
Missouri	1,015,777
Montana	8,239,592
Nebraska	351,861
Nevada	6,716,988
New Hampshire	94,332
New Jersey	40,730
New Mexico	10,595,126
New York	35,205
North Carolina	1,269,779
North Dakota	549,463
Ohio	203,047
Oklahoma	783,600
Oregon	2,843,000
Pennsylvania	211,044
Puerto Rico	22,292
South Carolina	302,709
South Dakota	1,228,642
Tennessee	472,483
Texas	1,309,563
Utah	8,885,822
Vermont	243,975
Virgin Islands	10,918
Virginia	1,102,214
Washington	4,034,049
West Virginia	739,525
Wisconsin	411,283
Wyoming	6,789,331
Total	103,205,555

Mr. BYRD. Mr. President, I have before me a statement of administration policy with respect to S. 455, Payments in Lieu of Taxes Act.

The Administration supports the payment in lieu of taxes (PILT) program to compensate units of local governments of losses to their real property tax base due to Federal lands within their boundaries. The Administration, however, cannot support S. 455, which would authorize substantial increases in PILT payments.

Unlike other public land payments to States and units of local government that are funded principally from revenues arising from public land use, the PILT program is funded through direct annual appropriations. Consequently, given the discretionary limits imposed by the Omnibus Budget Reconciliation Act of 1993, additional PILT payments would come at the expense of other priority programs.

Mr. President, in closing, may I say, we will have to cut various domestic programs, defense and other existing domestic programs, below the President's request. And we will have to cut them, not just below inflation but below a hard freeze in 1995. The question is, should we enact a bill that will more than double these payments to local governments over the next 5 years and then index them to rise automatically with inflation thereafter and at the very time when we are going to have to cut many existing worthwhile programs every year for the foreseeable future?

Mr. President, I speak apologetically with regard to my friend Mr. HATFIELD. I have spoken in opposition to S. 455, realizing that he has 44 fine cosponsors on his legislation. He is entitled to tremendous credit for the efforts that he has put forth. He has talked with me about this bill a number of times and visited me in my office about it, and I think he is going to win a victory today. That would be my guess. I have not counted votes. But if he has all

those 44 cosponsors vote for the bill, which I presume they will do, that is a pretty good start.

In any event, I congratulate him on his dedication to the goal of passage of the bill. I do express the hope, however, that Senators who are not cosponsors will think carefully and remember that, as a result of passage of this bill into law, what is added to one part of the budget will have to be taken away from some other part of the budget, from other programs which have been very worthwhile and which continue to need funding. But we only have so much money and we have to make that do. That is what concerns me.

I call attention once more in closing to the fact that we should be more careful at the authorizing level when bills are brought to the floor, bills that are very attractive—many of them create new programs. These are programs that cost money. That is the time and place for Senators to exercise care with respect to Federal spending.

I daresay there is very little interest in the galleries today, very little interest in the press, probably, because this is not very spectacular, this business of passing authorizing measures while someone cries: "Help me, Cassius, or I sink."

It is the charges concerning big spenders that make the headlines. I hope the National Taxpayers Union and other organizations that are pretty constantly criticizing the appropriators as the big spenders will take note that it is the authorizing legislation that opens the dikes, the authorizing legislation that opens the faucets to the big spending further down the road. Once that authorizing faucet is open, then the pressure flows toward the appropriations faucet, and that is when the dollar signs get the attention of the organizations that are perennially criticizing the appropriators.

Does my friend need any additional time? I have 5 minutes.

Mr. HATFIELD. I thank the chairman. I would just like to make a unanimous-consent request.

Mr. BYRD. Mr. President, I yield my remaining time to the Senator from Oregon [Mr. HATFIELD].

The PRESIDING OFFICER. The Senator from Oregon [Mr. HATFIELD] is recognized.

Mr. HATFIELD. I thank the Senator for his consistent and totally generous conduct, and when we disagree, agree to disagree without being personal about it. As I say, I have great respect for the chairman, who represents, to me, the model Senator of this body and again demonstrates that today as two people who work so closely together who happen to be of a different view on this particular bill.

Mr. President, at this time I ask unanimous consent to print in the RECORD a letter from Governor Bill Clinton to Governor Roy Romer in sup-

port of this PILT increase. I emphasize the title "Governor"—not the President, Governor; the National Association of Counties; the Association of Oregon Counties; Governor Ann Richards of Texas; and a letter from Governor Roy Romer; along with a Congressional Budget Office cost estimate on S. 455; a copy of the 1992 Hatfield-BYRD floor colloquy; a press release in support of S. 455 issued by the Nature Conservancy; and before I had asked for the National Association of Counties' rebuttal to the question of BLM private property versus PILT comparisons. Those would complete the documents that I ask be printed in the RECORD.

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

STATE OF ARKANSAS,
OFFICE OF THE GOVERNOR,
Little Rock, AR, July 23, 1991.

Hon. ROY ROMER,
Governor of Colorado, State Capitol, Denver,
CO.

DEAR ROY: I am in receipt of your correspondence concerning Payments-in-Lieu-of-Taxes (PILT) to Units of Local Government. With over 3.1 million entitlement acres in the State of Arkansas, it is indeed an important issue here as well. The shrinking availability of resources for all levels of local government in this state as well as the nation is of extreme concern. Achieving an appropriate and inflation adjusted level of funding under the PILT program should be a priority among all the states involved.

You can be assured that the Arkansas congressional delegation is being made aware of the significance of House Resolution 1495 and Senate Bill 140.

I appreciate your correspondence concerning this critical issue.

Sincerely,

BILL CLINTON.

NATIONAL ASSOCIATION OF COUNTIES,
Washington, DC, February 23, 1993.

Hon. MARK O. HATFIELD,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR HATFIELD: The National Association of Counties wishes to express its full support for your legislation which would restore the full value to the Payments-in-lieu-of-taxes (PILT) program. At our recent Board of Directors meeting, NACo affirmed that the passage of an increased PILT authorization is one of our top seven national priority issues.

As you are well aware, PILT was authorized in 1976 and is subject to the yearly appropriations process. The authorization, however, has not been increased since the original program was introduced. The value of the program has been severely eroded by simple inflation to the point where in today's dollars, it is worth less than half of when enacted 17 years ago.

For 17 years Congress has recognized its responsibility to provide payments to over 1700 counties in 49 states to compensate them for the taxes lost through federal ownership of open space lands. Full funding under the current authorization has been about \$104 to \$105 million nationwide. If inflation had been factored into the program, full funding today would be \$245 million as estimated by the Bureau of Land Management. That would be just to keep up with the original value of the PILT program.

For counties with large amounts of tax exempt public lands, the funding of PILT is

critical. It is a major portion of their budgets and goes to help fund the direct and indirect services counties provide to public lands. PILT funds are spent for emergency search and rescue, law enforcement, fire and emergency medical services, solid waste disposal, road maintenance, and health and human services. All of these services are necessary to support the vast system of national parks, national forests, fish and wildlife refuges, and reclamation areas whose visitation has increased dramatically in the last 17 years.

Counties continue to rely on the property tax to fund the operation of local government. Statewide tax limitation measures have constrained the growth of local property taxes. But even under the strictest limitations, there is room for some increase for inflation. That has not been the case with PILT. While the consumer price index has skyrocketed over 120 percent since 1976, PILT payments have remained flat. Counties are faced with increasing costs for services to public lands and are being squeezed by the shrinking value of the existing program.

Shifting priorities in federal land management decisions have also piled an additional burden on local governments. Economic uses of public lands have been curtailed by Congress, further adding to the financial burden of local communities. Restrictions on mining, logging, and grazing have a direct impact on local economies and threaten the stability of communities that must service public lands areas. As natural resource payments to counties decline, the importance of PILT has increased dramatically.

The legislation you have introduced does not seek to make PILT an entitlement program. Counties have, year after year gone to the appropriations committees in Congress to make their case for full funding of the program. We are willing to continue to do that in the future. We are, as elected officials, perfectly aware of the constraints of budget deficits. That is why we support your approach of phasing in over a five year period an increase in the authorization for PILT. As the Congress begins to shift savings from defense programs to domestic programs, we think PILT should have a high priority for increased funding.

Your leadership on this issue is important to counties across the nation. You have the unique perspective of representing a state with vast amounts of federally owned lands whose traditional uses are being altered by protection plans for the northern spotted owl. You are aware of how an increase in the PILT authorization could help distressed natural resource dependent communities whose economies are in transition. We appreciate your willingness to tackle this issue which is so important to counties nationwide.

We look forward to working with you on the passage of a new PILT authorization. Thanks for your strong support and leadership.

Sincerely,

JOHN STROGER,
President.

ASSOCIATION OF OREGON COUNTIES,
Salem, OR, February 8, 1993.

Hon. MARK O. HATFIELD,
Hart Office Building, Washington, DC.

DEAR SENATOR HATFIELD: The Association of Oregon Counties most enthusiastically supports your legislative concept regarding adjustment to the federal payments-in-lieu-of-taxes program.

In coordination with the National Association of Counties, we have been seeking ad-

justment in payments under the program that would simply recapture value lost to inflation since its adoption in 1976.

Given federal budget realities, a three-year phase-in is certainly reasonable. In addition, the feature of an annual cost-of-living index is key to the program current.

Your concept effectively helps address the need for domestic economic revitalization, particularly in our hard pressed rural counties with predominant federal land ownership, such as Lake (78% federal ownership), Harney (76%), and Malheur (75%).

Your concept also addresses equity in this federal-county partnership. Tax immunity of these national purposes lands places an unfair burden on taxpayers of the county, who provide vital services—such as road maintenance, law enforcement, solid waste, and search and rescue operations—to visitors and agency employees. Both the costs of county services and number of visitors to public lands is increasing significantly every year.

Two quick examples of the need for your concept:

Grant County is 60% federally owned. In 1976, PILT was 22% of the county general fund budget. By 1991, PILT payments had fallen to only 9% of the budget. After full phase-in of your concept, payments to Grant County should return to 21% of its budget.

Harney County, with a population of 7,100, is 76% federally owned and must maintain over 2,000 miles of county roads. PILT pays \$308,000, or only 6.4 cents per acre. This payment is less than half of what the county would be authorized under your concept.

We deeply appreciate your leadership and stand ready to help. We will stay in close consultation with your staff.

We also look forward to our visit with you March 2nd, and are pleased that you will be addressing the NACo Legislative Conference.

Best regards,

MICHAEL J. SYKES,
President.

STATE OF TEXAS,
OFFICE OF THE GOVERNOR,
Austin, TX, August 14, 1991.

Hon. ROY ROMER,
Governor of Colorado, State Capitol, Denver, CO.

DEAR ROY: Thank you for writing about House Resolution 1495, to increase Payments-In-Lieu-of-Taxes (PILT) to Units of Local Government. I also support its passage. To update PILT levels at least to reflect inflation is a must.

I am notifying members of our congressional delegation of my support. If there is anything else that I can do for you, please let me know.

Sincerely,

ANN W. RICHARDS,
Governor.

STATE OF COLORADO
EXECUTIVE CHAMBERS,
Denver, CO, July 23, 1991.

Hon. DALE BUMPERS,
Chairman, Public Lands, National Parks and Forests, Senate Office Building, Washington, DC.

DEAR CHAIRMAN BUMPERS: I am writing in reference to Senate Bill 140, "To Increase Payments-In-Lieu-of-Taxes (PILT) to Units of Local Government," by Senators Timothy Wirth and Pete Domenici. This is the "companion bill" to House Resolution 1495 by Representative Pat Williams of Montana.

I was invited to testify on SB 140, but regret that I could not, due to a scheduling conflict with the Western Governors' Asso-

ciation. This bill is extremely important to counties in this state with public lands. If the bills are enacted, most of these counties will increase their PILT payments by two to three times. Clearly, this will be an important gain for many counties throughout this state and the West.

The national lands in Colorado and the rest of the country are our children's heritage and must be protected and served. The counties in my state with public lands are becoming inundated with demands for services on these lands, including roads, shelter, fire protection, search and rescue, medical and law enforcement, among others. SB 140 will allow the nation's counties to better respond to these demands. We need to begin the process of returning to the level of resources envisioned in 1976 when PILT was enacted.

Your support of this proposal is requested.
Sincerely,

ROY ROMER,
Governor.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 4, 1994.

Hon. J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 455, the Payment In Lieu of Taxes Act. This estimate assumes that the bill will be amended to make section 2(b)(2) effective as of October 1, 1998.

Enactment of S. 455 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,
ROBERT D. REISCHAUER.

CONGRESSIONAL BUDGET OFFICE
COST ESTIMATE

1. Bill number: S. 455.
2. Bill title: Payment In Lieu of Taxes Act.
3. Bill status: As ordered reported by the Senate Committee on Energy and Natural Resources on February 2, 1994.

4. Bill purpose: S. 455 would change the formula used to calculate payments in lieu of taxes (PILT payments) to locate governments and would provide for annual adjustments to these payments based on changes in the Consumer Price Index (CPI). The higher payments would be phased in over a five-year period beginning in 1995. Counties containing certain types of federal land within their borders currently receive PILT payments as compensation for taxes that would be levied on these lands if they were privately owned. The changes in the formula would increase the amount of money authorized for PILT payments, though total payments would still be limited to the amounts provided in appropriation acts. The bill also would delete a provision of current law that prevents the federal government from making PILT payments on certain lands.

5. ESTIMATED COST TO THE FEDERAL GOVERNMENT
(By fiscal year, in millions of dollars)

	1995	1996	1997	1998	1999
Estimated authorization level	25	53	78	109	137
Estimated outlays	25	53	78	109	137

This table does not include an estimate of the impact of a provision in S. 455 that deletes a current prohibition against making

PILT payments on certain types of federal lands. While enactment of this provision would further increase the authorization for PILT payments, CBO has no information on the number of acres nationwide that would be affected.

The costs of this bill fall within budget function 800.

BASIS OF ESTIMATE

In preparing this estimate, CBO assumed that S. 455 would be enacted during fiscal year 1994 and that appropriations would be provided as estimated beginning in fiscal year 1995. We also assumed that the permanent population caps specified in section 2(b)(2) would be made effective beginning in fiscal year 1999.

The Bureau of Land Management provided CBO with estimates of the total PILT payments that each county would receive over the 1995-1999 period as a result of the formula changes specified in the bill. This information indicates that the payments would total about \$132 million in fiscal year 1995 and would reach \$255 million by 1999. The 1994 appropriations bill for the Department of the Interior and related agencies provides about \$105 million for PILT payments. Under current law, we expect such payments to remain at about this level, adjusted only for inflation, over the 1995-1999 period. The estimated cost of S. 445 is the difference between payments under the formula specified in the bill and the amounts included in CBO's baseline projections.

6. Pay-as-you-go considerations: The Budget Enforcement Act of 1990 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1998. CBO estimates that enactment of S. 455 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

7. Estimated cost to State and local governments: Assuming appropriation of the necessary funds, county governments would receive additional PILT payments beginning in fiscal year 1995 as specified in the table above.

8. Estimate comparison: None.

9. Previous CBO estimate: None.

10. Estimate prepared by: Theresa Gullo (226-2860).

11. Estimate approved by: C.G. Nuckols, Assistant Director for Budget Analysis.

[From the CONGRESSIONAL RECORD, Friday, Oct. 2, 1992, S16299]

Remarks by Hatfield (R-OR) and Byrd, Robert (D-WV) on H.R. 5503 and S. 140 on the Payment-in-Lieu-of-Taxes Program.

ON THE PAYMENT-IN-LIEU-OF-TAXES PROGRAM

Mr. HATFIELD. I know my good colleague from the great State of West Virginia is aware of an issue that has arisen with county governments over the payment-in-lieu-of-taxes [PILT] program, a program funded through the Senate Appropriations Subcommittee on Interior. To put it simply, the PILT program enacted in 1976, which compensates counties for the presence of Federal tax exempt lands in their jurisdictions, has not received an increase in the authorization level in 16 years. Today, the value of the program is less than half of when it was originally enacted.

County governments provide vital search and rescue, law enforcement, fire and emergency services, and road maintenance and construction to national parks, national forests and wildlife refuges. Though the costs of providing these services has risen, the PILT payments which assist the counties in pro-

viding these services have remained static. We are fond of saying that the Nation's public lands belong to all of us. We should also recognize the responsibility of the Federal Government to financially assist the local units of government expected to provide services to these areas.

Today, PILT payments are distributed to 1,789 counties in 49 States. Contrary to a perception by some, PILT is not simply a western program.

Mr. BYRD. I understand that, Senator Hatfield. PILT payments are critical to the local budgets of counties located within or adjacent to national parks or forests in the east, and throughout the country.

Mr. HATFIELD. That is an excellent point. Other States whose counties receive at least \$1 million through the PILT Program are Arkansas, Florida, Michigan, North Carolina, Texas, and Virginia. My own State of Oregon receives about \$2.9 million per year under the PILT Program.

In order to adjust these current PILT levels for inflation, however, legislation is necessary. Senate bill 140, currently before the Congress, attempts to make an inflationary adjustment for the PILT Program. The bill received broad bipartisan support in the Senate, as indicated by the cosponsorship of 64 Senators.

Mr. BYRD. I understand the popular support for S. 140, but am concerned about how an increased authorization will impact many of the other critical programs contained in the Department of the Interior appropriations bill. The Federal budget outlook for next year is less than optimistic at this time and thus the increase in the PILT Program called for under S. 140 is simply unworkable in today's fiscally limited climate.

Next year the rules of the budget process will allow us to review domestic versus defense programs and to assess our spending priorities. I will be glad to work with the ranking member at that time to consider a solution that seeks to address the concerns raised by the Nation's counties while also being fiscally responsible and sensitive to the constraints on our Federal budget and the Interior appropriations bill. We are unable at this time to fund many existing authorizations, let alone providing for the significant increases contemplated in S. 140, as well as other legislation.

Mr. HATFIELD. I appreciate the Senator's expression of support for finding an equitable solution in the next Congress, and I look forward to working closely with him on the PILT issue next year.

[From the Nature Conservancy, Nov. 3, 1993]

DECADE-OLD FEDERAL PAYMENT SYSTEM PENALIZES RURAL COMMUNITIES

WASHINGTON, DC.—Today hearings were held on Senator Mark Hatfield's Bill S. 455, designed to ensure that rural communities are not penalized for having Federal natural areas in their counties. S. 455 would increase the authorization for The Bureau of Land Management's Payment In Lieu of Taxes (PILT) program. The formula for computing these payments has not been updated since 1976. Over the last seventeen years inflation has greatly devalued the PILT payments, creating hardship for many rural counties.

The PILT program was established in 1976 to provide payments to counties to offset the effect of tax-exempt federal lands within their boundaries. PILT payments are calculated by a formula involving the number of acres of public land within a county, a county's population, and certain revenue-sharing monies received by a county during the previous year.

"We applaud Senator Hatfield's effort to provide a more stable base of economic support for rural counties," said Russell Hoefflich, Director of The Nature Conservancy's Oregon Field Office, who submitted testimony in support of this legislation to the Committee. "As the federal government acquires natural areas of national significance, it needs to keep its commitment to support the continued health and vitality of these local communities. Increased PILT payments are an important first step in doing that," he added.

Increasing PILT payments becomes increasingly important in states such as Oregon, where pressure exists to cut back on natural resource extraction and where additional land acquisition by the Federal Government for conservation and recreational purposes is being considered. In order to avoid having such acquisitions and cutbacks negatively effect local tax revenues, PILT payments must be indexed to reflect the impact of inflation.

The Nature Conservancy is a landowner in many of the rural jurisdictions where PILT payments are an important part of country budgets, which support vital services such as law enforcement, road maintenance, emergency medical service, and fire protection. "We have a strong interest in seeing that jurisdictions don't find themselves penalized for federal land ownership in the area," Hoefflich said.

The passage of S. 455 would increase PILT payments "in a way that seems to us eminently fair," states Hoefflich's testimony. It would set the payments at a level equal to those established in 1976 adjusted to account for the inflation since that date and accommodates future inflation as well so that the problem currently faced would not be repeated.

Mr. HATFIELD. Mr. President, I yield back the remainder of whatever time I have.

THE PRESIDING OFFICER. The Senator has 2 minutes and 15 seconds.

RECESS

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 2 minutes.

There being no objection, the Senate, at 12:42 p.m., recessed until 12:44; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. CAMPBELL).

PAYMENTS IN LIEU OF TAXES ACT

The Senate continued with the consideration of the bill.

Mr. CONRAD. Mr. President, I am pleased that the Senate is debating S. 455, the Payment in Lieu of Taxes Act. I am a cosponsor of this legislation and hope that it will soon be enacted into law.

The Payment In Lieu of Taxes, or PILT, is designed to compensate local governments for lost tax revenue due to Federal ownership of land. In a sense, it is the Federal Government's property tax. This is a vital payment to rural communities that are struggling to provide services for their citi-

zens. I am talking about basic services like fire and police protection, emergency response, and road construction and maintenance. The costs for these services are going up, but the Federal Government's payment for its share of them is not.

PILT was enacted in 1976 and the payments have not been increased since that time. Thus, the value of PILT today is less than half of what it originally was. S. 455 will increase PILT back to its original value and then index it to inflation. To reduce the budgetary impact, the increase will be phased in over 5 years.

Mr. President, this is simply a question of fairness. Federal land erodes a county's tax base. At the same time, every county must provide basic services, regardless of who owns the land. The Federal Government owes it to the counties to give them fair compensation. In 1976, the Government began to do this, but the Government has, of late, been neglecting its obligation.

In my State of North Dakota, the Government owns millions of acres of land. It is particularly alarming to counties for the Federal Government to continue acquiring additional land and paying inadequate PILT. The Federal Government owns millions of acres in North Dakota—it is time for the Government to become a better neighbor.

North Dakota currently receives about \$550,000 annually under PILT. This legislation will more than double the Government's payments to North Dakota counties by the year 2000. Many North Dakotans have contacted me in support of S. 455, and I urge its speedy adoption.

Mr. DORGAN. Mr. President, as a cosponsor, I wish to briefly express my support for this bill. I strongly supported similar legislation while a Member of the House of Representatives for many years, and I wish to thank Senator HATFIELD'S efforts to bring this legislation to the floor.

We sharply debate many funding issues in the Senate, trying to decide the merit of one against another, and we must delete and reduce more and more items from our spending authorizations and appropriations because of our severe deficit spending problems.

However, the PILT Program should not simply be placed in the arena of merit from which Congress selects the most worthy candidates. PILT is a commitment Congress made 17 years ago to partially reimburse counties for erosion of local tax base resulting from Federal actions. As such, PILT should be viewed here as "paying the rent." PILT is a part of the Federal Government's cost of being in the land business out in the States. It is a consideration we owe to local governments by previous agreement.

I represent a State where PILT payments are not very large. North Da-

kota is 25th among the States in the total payments its counties receive under this program. About \$550,000 is apportioned to 53 North Dakota counties, and that works out to less than \$10,000 per county.

However, PILT is important funding to counties that have lost tax base to Federal land ownership. I asked a county commissioner from a western North Dakota County if PILT made much difference in the county's budget, and if the county would actually know the difference if PILT was terminated. Her county gets only \$36,000 from PILT, but she said the money was very important to a total county budget of about \$3 million. The county has severe budget problems, so it is critical the Federal Government meet its financial commitment to such a county.

This bill is a reasonable and responsible proposal, and I fully support it.

Mr. DURENBERGER. Mr. President, I rise today to offer my strong support for the proposed amendments to the Payments In Lieu of Taxes [PILT] Program.

I would like to start out by thanking my friend and colleague from Oregon, Senator HATFIELD, for all his hard work on this bill. I am an original cosponsor and an active promoter of S. 455, because I believe it will go a long way toward correcting inequities that for many years have existed between counties in my own State of Minnesota and the Federal Government.

Enacted in 1976, the PILT Program provides compensation to county governments that have tax-exempt programs or contain Federal lands—like national parks, forests, and wildlife refuges—and Bureau of Land Management [BLM] lands within their boundaries. More than 1,700 counties throughout 49 States benefit from this program, including many in Minnesota.

PILT funds help county governments meet the real and growing needs of their citizens for education, transportation, health care, law enforcement, waste disposal, and many other essential services. The payments are an extremely important source of revenue for counties which are continually asked to provide increased services despite diminishing budgets.

Unfortunately, though the Consumer Price Index has increased by 120 percent since 1976, the program's authorization level has not. Over the past 17 years, the value of PILT has eroded to less than half its original worth, creating yet another unfunded mandate on local governments.

Senator HATFIELD'S bill will phase in, over 5 years, an adjustment increasing the formula from 75 cents for each acre of entitlement land to \$1.65 per acre. Under the alternative method of determining PILT payments, the increase will be from 10 cents per acre to 22 cents per acre. Additionally, the population cap will be amended proportion-

ally. Finally, the program will be indexed for inflation starting after the first year and will continue to be subject to the appropriations process.

An important feature of this bill is the 5-year phase-in of the full adjustment. Previous legislation, which I cosponsored, mandated the full adjustment in a 1 fiscal year period. The appropriations process was simply not able to accommodate an additional \$115 million, and the legislation was subsequently stalled. I believe that the 5-year phase-in makes the bill more fiscally responsible, and thus more acceptable.

Minnesota counties rely on PILT payments as a significant source of revenue. Minnesota has 2,582,664 entitlement acres of Federal land—most of them located in northern Minnesota. Several counties comprise the majority of this land: Cook County contains 629,000 acres, a full 69 percent of its entire acreage; Lake County contains 727,025; and St. Louis County contains 837,935 acres. In fiscal year 1992, counties in Minnesota received roughly \$685,000 from the BLM.

Under S. 455, Minnesota will see a first-year increase to \$914,103, and an increase by the fifth year of \$2,885,074. These payments are essential to counties in providing important daily services in places such as the Boundary Waters Canoe Area Wilderness [BWCAW].

Moreover, many counties have additional burdens due to the influx of part-year residents and visitors during summer months, increasing demands for services. For example, in my State, Cook and Lake Counties—home to the Superior National Forest and the BWCAW—have seasonal increases in costs for emergency medical care and solid waste collection and disposal. Travelers to the BWCAW drive through St. Louis County, leaving behind high road maintenance costs. Without PILT payments, it is up to the local residents to cover these additional costs for daily services—costs the rest of us often take for granted.

Mr. President, this legislation is a fair and equitable solution to a problem that has hampered Minnesota counties for many years and I urge my colleagues to vote to support S. 455 this afternoon.

Mr. DASCHLE. Mr. President, today we have an opportunity to enact long-overdue legislation that would increase the payments in lieu of taxes to counties. This issue is about equity. It is about the Federal Government living up to its responsibilities and it is about ensuring that counties are not penalized for having Federal lands.

Simply put, PILT payments currently are insufficient to meet the Federal responsibility to counties. In the past, PILT payments have been important to South Dakota. However, their value has substantially diminished as

inflation has wiped out much of their original worth.

Without adequate payments to counties, the very presence of Federal land in those counties can be considered an unfunded mandate—a burden imposed by the Federal Government for which there is insufficient compensation.

This body has heard the concerns raised by local governments with respect to unfunded mandates. Many are well justified.

The lack of sufficient compensation for the presence of nontaxable Federal lands justifiably causes outrage. It creates a great disparity among counties as those with large tracts of Federal land are deprived of much of their tax base. They must rely on the largesse of the Federal Government to make up this difference.

Many of the counties with substantial amounts of Federal lands are located in the West. As we all know, management of Federal lands is changing. Timber harvesting is declining. Grazing fees are increasing. Mining royalties will soon be imposed. Some of these reforms are fair. Others may be excessive.

But what is clear is that if the Congress is going to ask the West to accept these changes, then it must in turn treat those lands fairly. The existence of Federal lands benefits all Americans. The national forests provide timber and recreation. The wildlife refuges provide important habitat, while the national parks provide places of beauty and quiet contemplation.

The counties that contain these Federal lands should not be asked to bear the financial burden associated with a reduced tax base without just compensation. If we are going to change the rules of the game, we must keep the players' welfare in mind. That is what this legislation is designed to do.

As you know, PILT payments are intended to help offset the loss of revenue caused by the presence of certain tax-exempt Federal land within local government boundaries. The formula established in 1976, and still used today, is based on acreage and population of affected counties. However, since the program formula is not indexed for inflation the amount of money now received, when measured in constant dollars, is worth less than half of what it was when the program was initiated in 1976.

I am proud to be a cosponsor of the Payments In Lieu of Taxes Act. The bill will raise the caps and index the payments for inflation. It will correct the injustices that have been wrought by the corrosive effects of 14 years of inflation.

This bill is not some extravagant luxury that Congress is bestowing on counties. It merely represents an effort to ensure that the Federal Government will live up to its responsibilities as a landowner and reflect the changes that are occurring in this Nation.

Private property owners must pay taxes to local governments. They must live with their tax assessment, which increases annually with inflation. It is only fair that the Federal Government be held to a similar standard.

I am hopeful that today this bill will be enacted and PILT payments will be raised to a more fair and meaningful level. I urge my colleagues to support this bill. Thank you Mr. President.

Mr. GORTON. Mr. President, I am proud to be a cosponsor of S. 455, a bill which will help local governments throughout my State provide services where currently unfunded Federal obligations require them to absorb the growing cost of providing these services on their own.

Mr. President, this legislation will provide—at minimum—a degree of relief to communities across my State which are missing out on property tax dollars. By increasing PILT payments we are living up to a commitment made to these counties so that they can continue to provide important services to visitors on Federal lands without bankrupting our local counties.

You need only glance at a map of my State to figure out that large tracts of land are owned by the Federal Government, thereby leaving many counties in my State dependent upon PILT payments to help meet increased service demands.

Let me give you a few examples of the importance of this legislation to my State of Washington. On one end of the spectrum is Okanogan County, which includes 1.56 million acres of federally owned land, and in nearby Chelan County the Federal Government owns 1.42 million acres of land. And on the other end of the spectrum is Adams County, where the Federal Government owns one, solitary acre. Mr. President, whether it's a million acres or one acre, the Federal Government must fulfill its obligation to these counties.

Members of the Interior Appropriations Subcommittee have expressed a concern about the cost of this legislation and the impacts it will have upon other spending priorities funded within the bill. As a member of the Senate Subcommittee on Interior Appropriations, which will appropriate funds for the PILT Program each year, I believe that appropriations for this program to be an extremely important funding priority for the subcommittee.

We have made a commitment to communities across the United States and this legislation provides us the important opportunity to meet these obligations. Mr. President, I urge my colleagues to vote in favor of S. 455.

Mr. REID. Mr. President, I rise today in support of S. 455, a bill to increase the amount of funding for the Payments In Lieu of Taxes [PILT] Program. As a cosponsor of this important piece of legislation, I realize that we

are requesting for an increase over the fiscal year 1995 budget request. This is necessary to recoup the losses to local governments from inflation. The PILT Program has not been seen an increase in authorized funding levels since 1976. This bill will allow for yearly inflation adjustment.

I represent a State which has 87 percent of its land, some 72 million acres, controlled by the Federal Government. All of the 17 counties in the State of Nevada, are mostly Federal land. With all of the mandates placed upon them by this Congress—from sewage treatment to safe drinking water, the PILT Program has assisted these communities in meeting the terms of compliance of these laws.

What we need to understand is that when PILT was enacted in 1976, it was an expansion of a notion of government partnership between the Federal Government and States and local governments that has existed since 1906. The Federal Government has accepted the obligation to share with county governments a percentage of the revenues it derives from commodity uses of public lands. I reiterate that these funds are spent by counties in my State to support services provided to users of the public lands: law enforcement, fire and emergency medical services, solid waste management, road maintenance, as well as other important services.

I urge my colleagues to support this legislation which is so vital to the survival of many of the rural communities in the State of Nevada and across the West.

Mr. JEFFORDS. Madam President, I rise in strong support of S. 455, a bill to increase the Federal Government's payments in lieu of taxes, [PILT] program. These are funds sent to local communities to offset property taxes which would otherwise be paid by private landowners.

I think it is high time we acted to bring the PILT payments closer to economic realities, and that is why I've long been a supporter of this concept as well as a cosponsor of this particular bill.

As one who has consistently supported land acquisitions by the U.S. Forest Service in Vermont, I say to my colleagues that we cannot assume that the general population will continue to support such expenditures if the Federal Government is not willing to pay its fair share for local impacts of Federal ownership. We must raise the PILT to a more meaningful level, and, moreover, tie the PILT to the Consumer Price Index in order to account for annual inflation.

This bill does both.

We could argue for years over the appropriate benchmark for the PILT. Indeed, the fact that the PILT has not been increased since its inception in 1976—in fact, it has been eroded by inflation—is partly due to disagreements

over the appropriate payment amount. Perhaps if we had originally indexed the PILT to the inflation rate we could have avoided the controversies of today.

I support the levels set by S. 455. In brief, the payment would rise in increments from the current \$.75 per acre to \$1.65 per acre by fiscal year 1999, after which payments would be increased in proportion to the Consumer Price Index. Rather than delay passage over protracted debate, I think we should agree to the numbers set by the Energy and Natural Resources Committee and move promptly to passage.

I realize such increases must be offset by reductions in other Federal programs, but I think PILT payments are a priority.

While the PILT payments will remain—in the vast majority of cases—well below property tax levels paid by private owners, I believe there is a growing recognition of the values derived from public ownership. Some of these can be quantified, others cannot.

In general terms, our world is becoming a smaller place, and it is important to reserve from development natural areas for public enjoyment and wildlife habitat. No longer can we take for granted the public benefits that have so long been provided by private landowners.

More and more, we are seeing landowner associations being formed to restrict public access to places long favored by locals. More and more, residences are being developed in areas long utilized by wildlife. More and more, land management practices strip away long-term values for short-term gains.

I am not an alarmist over these realities. Indeed, conversion rates have slowed in some respects. But I do support a continuation of long-term conservation strategies, including Federal land purchases when appropriate. And I feel the PILT program must be adjusted upward in order to maintain public support.

Finally, I want to mention that emerging studies are beginning to quantify the economic benefits associated with public ownership. In Vermont, case studies have focused on the economic impacts of land conservation compared to such impacts from residential or commercial development. What we're finding is that land left in its natural state, since it does not typically require additional public investments in roads, education, and municipal services, is often more cost effective—from the town's perspective—than if such land is developed.

Of course, the best case—again, from the town's perspective—might be private ownership of undeveloped land and carefully planned development. But as I've mentioned, the dynamics of private ownership often cannot provide the long-term benefits of public owner-

ship. Adjustment of the PILT will help cushion the impacts of ownership changes in the short term, and encourage continuation of public and local support for the long term.

And so, Madam President, I encourage Senate approval of S. 455. Let's bring the PILT back in line with its original purposes by restoring inflationary losses. This is an issue that we cannot simply ignore.

Mr. KEMPTHORNE. Madam President, I am pleased today to voice my strong support for S. 455, the Payments In Lieu of Taxes Act. I am a cosponsor of this bill, and I believe that S. 455 is a bill which restores some fundamental fairness to local governments by increasing payments in lieu of taxes by the Federal Government.

Most Idaho counties are directly affected by Federal lands within their boundaries. In the State of Idaho, the Federal Government owns 63.7 percent of all land. The total land ownership of the Federal Government in Idaho is greater than the total combined area of Connecticut, Delaware, Maryland, Massachusetts, New Jersey, Rhode Island, and Vermont. Or in other words, the Federal Government owns a total land mass in Idaho equivalent to the total land mass of the State of Alabama.

In just one county in Idaho, Butte County, of the total 1,431,322 acres in that county the Federal Government owns 85.2 percent of the land. According to the census, Butte County has a per capita income in 1989 dollars of \$10,257. This is a county that had 6.9-percent unemployment in 1993; 10 percent of all families live below the poverty level. It has a population of just 3,100 people.

The Federal Government owns 85 percent of the taxable property base of this county, yet payments in lieu of taxes [PILT] to Butte County make up only 7 percent of the county budget. Butte County finances road improvements and other critical services, which aid and benefit the Federal ownership.

PILT allows rural counties, whose tax base is consumed with Federal ownership, to meet the education and transportation needs of their citizens, and the demands placed on local services by the presence of Federal lands.

Many characterize PILT as an entitlement or bailout of rural local governments. This characterization is harsh and ignores the reality of the situation. The Federal Government has a responsibility as a neighbor and steward of the land it owns to contribute as a local community member. Just as we would not expect an absentee landlord to ignore his or her local responsibilities, we cannot allow the Federal Government to ignore its obligation to the communities that are both benefited and burdened by its presence.

Measured in constant dollars PILT payments are worth less than half of

what they were when the program was initiated in 1976. It is past time for a readjustment of the responsibility of the Federal Government.

Federal ownership of land within a State was not intended to burden the host State but, having the Federal Government as the single largest absentee landlord in the State puts us at a severe disadvantage. As a U.S. Senator I have pledged to aid local governments and local communities in their fight for a partnership with the Federal Government. It is time for the equity to local government.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. BYRD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the final passage of S. 455, as amended. The yeas and nays have been ordered. The clerk will call the roll.

The clerk called the roll.

Mr. FORD. I announce that the Senator from Alabama [Mr. SHELBY] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Maine [Mr. COHEN] is necessarily absent.

The result was announced—yeas 78, nays 20, as follows:

[Rollcall Vote No. 90 Leg.]

YEAS—78

Akaka	Feingold	Mack
Baucus	Feinstein	Mathews
Bennett	Ford	McCain
Bingaman	Gorton	McConnell
Bond	Graham	Moseley-Braun
Boren	Gramm	Moynihan
Boxer	Gregg	Murkowski
Breaux	Hatch	Murray
Brown	Hatfield	Nunn
Bryan	Heflin	Packwood
Bumpers	Helms	Pressler
Burns	Hollings	Pryor
Campbell	Hutchison	Reid
Coats	Inouye	Robb
Cochran	Jeffords	Sarbanes
Conrad	Johnston	Sasser
Craig	Kassebaum	Simon
D'Amato	Kempthorne	Simpson
Danforth	Kennedy	Smith
Daschle	Kerrey	Specter
DeConcini	Kerry	Stevens
Dole	Kohl	Thurmond
Domenici	Leahy	Wallop
Dorgan	Levin	Warner
Durenberger	Lott	Wellstone
Exon	Lugar	Wofford

NAYS—20

Biden	Glenn	Mitchell
Bradley	Grassley	Nickles
Byrd	Harkin	Pell
Chafee	Lautenberg	Riegle
Coverdell	Lieberman	Rockefeller
Dodd	Metzenbaum	Roth
Faircloth	Mikulski	

NOT VOTING—2

Cohen Shelby

So the bill (S. 455), as amended, was passed, as follows:

S. 455

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 "Payments In Lieu of Taxes Act".

SEC. 2. INCREASE IN PAYMENTS FOR ENTITLEMENT LANDS.

(a) INCREASE BASED ON CONSUMER PRICE INDEX.—Section 6903(b)(1) of title 31, United States Code, is amended—

(1) in subparagraph (A), by striking "75 cents for each acre of entitlement land" and inserting "93 cents during fiscal year 1995, \$1.11 during fiscal year 1996, \$1.29 during fiscal year 1997, \$1.47 during fiscal year 1998, and \$1.65 during fiscal year 1999 and thereafter, for each acre of entitlement land"; and

(2) in subparagraph (B), by striking "10 cents for each acre of entitlement land" and inserting "12 cents during fiscal year 1995, 15 cents during fiscal year 1996, 17 cents during fiscal year 1997, 20 cents during fiscal year 1998, and 22 cents during fiscal year 1999 and thereafter, for each acre of entitlement land".

(b) INCREASE IN POPULATION CAP.—Section 6903(c) of title 31, United States Code, is amended—

(1) in paragraph (1), by striking "\$50 times the population" and inserting "the highest dollar amount specified in paragraph (2)"; and

(2) in paragraph (2), by amending the table at the end to read as follows:

"If population equals—	the limitation is equal to the population times—
5,000	\$110.00
6,000	103.00
7,000	97.00
8,000	90.00
9,000	84.00
10,000	77.00
11,000	75.00
12,000	73.00
13,000	70.00
14,000	68.00
15,000	66.00
16,000	65.00
17,000	64.00
18,000	63.00
19,000	62.00
20,000	61.00
21,000	60.00
22,000	59.00
23,000	59.00
24,000	58.00
25,000	57.00
26,000	56.00
27,000	56.00
28,000	56.00
29,000	55.00
30,000	55.00
31,000	54.00
32,000	54.00
33,000	53.00
34,000	53.00
35,000	52.00
36,000	52.00
37,000	51.00
38,000	51.00
39,000	50.00
40,000	50.00
41,000	49.00
42,000	48.00

43,000	48.00
44,000	47.00
45,000	47.00
46,000	46.00
47,000	46.00
48,000	45.00
49,000	45.00
50,000	44.00

SEC. 3. INDEXING OF PILT PAYMENTS FOR INFLATION; INSTALLMENT PAYMENTS.

Section 6903 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(d) On October 1 of each year after the date of enactment of the Payment in Lieu of Taxes Act, the Secretary of the Interior shall adjust each dollar amount specified in subsections (b) and (c) to reflect changes in the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor, for the 12 months ending the preceding June 30."

SEC. 4. LAND EXCHANGES.

Section 6902 of title 31, United States Code, is amended to read as follows:

§ 6902. Authority and Eligibility.

"(a) The Secretary of the Interior shall make a payment for each fiscal year to each unit of general local government in which entitlement land is located, as set forth in this chapter. A unit of general local government may use the payment for any governmental purpose.

"(b) A unit of general local government may not receive a payment for land for which payment under this Act otherwise may be received if the land was owned or administered by a State or unit of general local government and was exempt from real estate taxes when the land was conveyed to the United States except that a unit of general local government may receive a payment for—

"(1) land a State or unit of general local government acquires from a private party to donate to the United States within 8 years of acquisition;

"(2) land acquired by a State through an exchange with the United States if such land was entitlement land as defined by this chapter; or

"(3) land in Utah acquired by the United States for Federal land, royalties, or other assets if, at the time of such acquisition, a unit of general local government was entitled under applicable State law to receive payments in lieu of taxes from the State of Utah for such land: *Provided, however,* That no payment under this paragraph shall exceed the payment that would have been made under State law if such land had not been acquired."

SEC. 5. EFFECTIVE DATE; TRANSITION PROVISIONS.

(a) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), this Act and the amendments made by this Act shall become effective on October 1, 1994.

(2) LIMITATION.—The amendment made by section 2(b)(2) shall become effective on October 1, 1998.

(b) TRANSITION PROVISIONS.—

(1) FISCAL YEAR 1995.—During fiscal year 1995, the table at the end of section 6903(c)(2) of title 31, United States Code, is amended to read as follows:

"If population equals—	the limitation is equal to the population times—
5,000	\$62.00
6,000	58.00

7,000	54.50
8,000	51.00
9,000	47.00
10,000	43.50
11,000	42.00
12,000	41.00
13,000	40.00
14,000	38.50
15,000	37.00
16,000	36.50
17,000	36.00
18,000	35.50
19,000	34.50
20,000	34.00
21,000	33.75
22,000	33.50
23,000	33.00
24,000	32.50
25,000	32.25
26,000	32.00
27,000	31.75
28,000	31.50
29,000	31.25
30,000	31.00
31,000	30.75
32,000	30.50
33,000	30.00
34,000	29.75
35,000	29.50
36,000	29.25
37,000	28.75
38,000	28.50
39,000	28.25
40,000	28.00
41,000	27.50
42,000	27.25
43,000	27.00
44,000	26.50
45,000	26.25
46,000	26.00
47,000	25.75
48,000	25.50
49,000	25.00
50,000	24.75

(2) FISCAL YEAR 1996.—During fiscal year 1996, the table at the end of section 6903(c)(2) of title 31, United States Code, is amended to read as follows:

"If population equals—	the limitation is equal to the population times—
5,000	\$74.00
6,000	69.50
7,000	65.00
8,000	61.00
9,000	56.00
10,000	52.00
11,000	50.50
12,000	49.00
13,000	47.50
14,000	46.00
15,000	44.50
16,000	43.50
17,000	43.00
18,000	42.00
19,000	41.50
20,000	41.00
21,000	40.25
22,000	40.00
23,000	39.50
24,000	39.00
25,000	38.50
26,000	38.25
27,000	38.00
28,000	37.50
29,000	37.25
30,000	37.00
31,000	36.75
32,000	36.25
33,000	36.00
34,000	35.50
35,000	35.00
36,000	34.75

37,000	34.50
38,000	34.00
39,000	33.75
40,000	33.25
41,000	33.00
42,000	32.50
43,000	32.25
44,000	32.00
45,000	31.50
46,000	31.00
47,000	30.75
48,000	30.50
49,000	30.00
50,000	29.50."

(3) FISCAL YEAR 1997.—During fiscal year 1997, the table at the end of section 6903(c)(2) of title 31, United States Code, is amended to read as follows:

"If population equals—	the limitation is equal to the population times—
5,000	\$86.00
6,000	81.00
7,000	76.00
8,000	71.00
9,000	65.50
10,000	60.00
11,000	58.50
12,000	57.00
13,000	55.00
14,000	53.50
15,000	51.50
16,000	51.00
17,000	50.00
18,000	49.00
19,000	48.00
20,000	47.50
21,000	47.25
22,000	46.25
23,000	46.00
24,000	45.25
25,000	45.00
26,000	44.50
27,000	44.00
28,000	43.75
29,000	43.50
30,000	43.00
31,000	42.50
32,000	42.00
33,000	41.75
34,000	41.25
35,000	41.00
36,000	40.50
37,000	40.00
38,000	39.50
39,000	39.00
40,000	38.75
41,000	38.25
42,000	38.00
43,000	37.50
44,000	37.00
45,000	36.50
46,000	36.00
47,000	35.75
48,000	35.25
49,000	35.00
50,000	34.50."

(4) FISCAL YEAR 1998.—During fiscal year 1998, the table at the end of section 6903(c)(2) of title 31, United States Code, is amended to read as follows:

"If population equals—	the limitation is equal to the population times—
5,000	\$98.00
6,000	92.00
7,000	86.00
8,000	80.50
9,000	74.50
10,000	68.50
11,000	66.50

12,000	64.50
13,000	63.00
14,000	61.00
15,000	59.00
16,000	58.00
17,000	57.00
18,000	56.00
19,000	55.00
20,000	54.00
21,000	53.50
22,000	52.75
23,000	52.00
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35,000	46.50
36,000	46.00
37,000	45.50
38,000	45.00
39,000	44.50
40,000	44.00
41,000	43.50
42,000	43.00
43,000	42.75
44,000	42.25
45,000	41.75
46,000	41.25
47,000	40.75
48,000	40.25
49,000	39.75
50,000	39.25."

The Senator from Missouri [Mr. BOND], is recognized.

HEAVY RAINS AND FLOODING IN MISSOURI

Mr. BOND. Mr. President, I have a message that is unfortunately very untimely for the people of my State. I hope that I can call the attention of my colleagues to it.

Yesterday, the administration proudly claimed that it cut through red tape and bureaucracy to get the Santa Monica Freeway open 2½ months ahead of schedule. We congratulate the bureaucracy. We are glad for the people of Santa Monica, and we are delighted to hear that this is a new way of reinventing Government.

Unfortunately, for people that live in the valleys of the State of Missouri along the river bottoms, Government has been reinvented in the wrong way. I have told this body several times that if the administration continues to delay the replacement of levees blown out in the disastrous floods of 1993, rising waters in 1994 are going to bring havoc, disruption, and loss to our State, our families, our businesses, and our communities.

The long-predicted rains have come; they hit heavily over this weekend. Serious flooding has occurred. I ask how long we are going to continue seeing the Corps of Engineers contradict, delay, and dawdle through the responsibility of repairing the levees.

Yesterday I was in central Missouri. I stood on the road and looked at the community of Loutre, Loutre Market. It is flooding. This is an area that is flooding this year because the Corps of Engineers has refused to carry out its responsibility and rebuild the levees that protect it. This is the levee just upstream. Notice the hole. That is where the water came through. The water has not gone over the top of the levee. The water came through where the levee has been left open.

What does this do to the communities? Schools are closed in the area. People cannot get to work. This is Highway 94 and Highway 100 in Missouri. It is between Hermann and Loutre and New Florence, MO. We spent \$1.7 million repairing this stretch. Highway equipment is out in the water trying to keep that road from washing out again.

You can see the levee that has not been repaired just above it is letting the water come in, flood and potentially destroy the \$1.7 million worth of work there as well as the \$1.1 million worth of work on the other State highway.

This is a broader view of what has happened in the Missouri River bottom near Hermann, MO. You can see that the waters have come through. As I went down with the Army National Guard in the helicopter yesterday, I

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

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

The motion to lay on the table was agreed to.

(Mr. KOHL assumed the Chair.)

VISIT TO THE SENATE BY PEOPLE'S REPUBLIC OF CHINA'S MINISTER OF FOREIGN TRADE

Mr. JOHNSTON. Mr. President, it is with pleasure that I introduce to the United States Senate Madam Wu Yi, the Minister of Foreign Trade from the People's Republic of China, who is standing in the back of the Chamber. She is a very distinguished Minister who is bringing the People's Republic of China to a market economy. [Applause.]

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that Senator BOND be recognized to address the Senate as in morning business for up to 5 minutes, and that following the conclusion of his remarks, Senator DANFORTH be recognized to address the Senate as in morning business for up to 15 minutes; that upon the conclusion of Senator DANFORTH's remarks, there be a period for morning business for an additional 10 minutes, during which Senators be permitted to speak therein for up to 5 minutes each.

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

saw many areas where water was pouring through levees that were not repaired.

The levees that the Corps of Engineers has been working on out of the Omaha district are about 83 percent repaired. The levees out of the St. Louis district are about 50 percent repaired. But in the Kansas City area which takes in essentially the Missouri River from Kansas City almost to St. Louis less than 19 percent of the levees have completed initial repair. In other words, with the spring rains and the rising rivers, all of these lands are going to be submerged again. These are agricultural lands. These are airports. These are highways. These are municipal utilities. These are communities and families who are living here and being flooded because the bureaucrats have delayed, dawdled, and procrastinated.

I want to know what the corps' problem is. Why have they decided to forsake their responsibility? They have used every means in the book to find good excuses for not repairing the levees.

I talked to about 60 angry people—men, women and children—yesterday who wanted to know why their communities are being devastated.

Mr. President, I cannot answer them. I cannot give them a good reason why after we appropriated the money to repair the levees they have not been done. Here is a community of Hermann, MO, a historic town. See the flooding through here. What is even worse is that you cannot go north from Hermann because the highways are under water.

The story continues to get worse and worse. We appropriated money for the Soil Conservation Service, and they were prepared to repair the Quindero levee north of Kansas City, the Corps of Engineers EDA said EDA might do it. EDA was going to study to the end of May. That is when the flood will hit between now and summer.

Mr. President, the people of Missouri are suffering. I ask my colleagues to join me to doing something to get the Corps of Engineers to move.

I thank the Chair and I am grateful to my colleague from Missouri.

The PRESIDING OFFICER. The Chair recognizes Senator DANFORTH of Missouri.

SUPREME COURT NOMINEES

Mr. DANFORTH. Mr. President, I would like to address the Senate as a result of the announcement made by our majority leader yesterday that he will not be willing to be considered at this time for nomination for Associate Justice of the U.S. Supreme Court. And I would like to speak more generally about what that statement says about our process for confirming Supreme Court nominees.

Now, I know that from the standpoint of this Senator because of my own involvement with the Thomas nomination the natural reaction of people would be, well, there he goes again talking about something that was of particular interest in his own past. And maybe that is correct. But I want to talk about it in context of the Mitchell decision because it is clear to me that something has gone terribly wrong with the confirmation process and that the role of the Senate to advise and give consent to Presidential nominations has now reached the point where it is undermining the very thing that it was designed to serve, namely, to try to assure that first-rate nominees are brought forward and first-rate people are put on the Supreme Court.

I am confident that of the Members of the Senate, exclusive of the majority leader himself, there are 99 Members of the U.S. Senate who believe that GEORGE MITCHELL would be an absolutely outstanding Justice of the U.S. Supreme Court in every respect. The quality of his mind, the quality of his person, his temperament, his character, everything that goes into a first-rate Supreme Court Justice is possessed by Senator MITCHELL. Yet the reason that was given by Senator MITCHELL was that he cannot do justice to his job as majority leader and still be a nominee for the Supreme Court. And maybe that is correct, but if it is correct, to me it is a very damning statement about the process that we have erected for confirming Supreme Court nominees.

In the judgment of this Senator there is absolutely no reason why the Senate could not do an adequate job of giving advice and consent on a Mitchell nomination and still allow the majority leader to perform all of the functions of a Senator and of a majority leader.

But I can understand the majority leader's analysis because what we have created now is a system which is so long and drawn out and elaborate that anybody facing it would have to say what am I getting into; how can I possibly get through this; how can I get through it and do anything else with my life?

Currently, the way in which the Senate operates and the way in which nominees function, is that before the committee hearings are held the nominees make office calls certainly on Members of the leadership and members of the Judiciary Committee and often other Members of the Senate as well. That is the nominee's call and that is the White House's call. It is not something that is required by the Senate but it has become part of the system and it has become something that is expected.

I know that in the case of the Thomas nomination then-Judge Thomas went around to more than 50 Senate offices, and it took most of the month of

July just to do that, just to make those calls. So anybody who is now facing nomination believes that is the thing to do.

Judge Ginsburg called on me. I am not a member of the Judiciary Committee, but Judge Ginsburg—before she went before the Judiciary Committee—called on me. I do not know how many other calls she made.

But that is a very time-consuming thing—and in my opinion and in the opinion of this Senator—for a Supreme Court nominee to go around individually one-on-one and make office calls is demeaning. I do not think that is an appropriate thing for a Supreme Court nominee to do, and I am pointing the finger at myself because I took Judge Thomas around, but I do not think that is right.

Then after the office calls are made then the process begins of studying for the confirmation hearing. Now, until the mid-1930's it was the general practice that Supreme Court nominees not be called to testify before the Judiciary Committee. I do not know if it was never done but generally it was not done, and between the mid-1930's and the mid-1950's occasionally nominees would be making appearances before the Judiciary Committee. After 1955 it became the universal practice.

However, the nature of those hearings has expanded. In 1962, Justice White testified for a day, Justice Fortas for a day, Chief Justice Burger for a day, Justice Blackmun for a day.

But then, after that, it began to accelerate. Justice Powell 4 days, Judge Bork 5 days, and Justice Thomas 7 days. Of course, he had the famous second hearing that was involved in that. But there were 5 days of his main appearance before the committee.

The process of studying for those hearings is very, very time-consuming, because any member of the committee can ask any question. So what happens is that for a period of a month or so, every day the nominees are studying huge briefing books about Supreme Court decisions. Then they go before the committee and they are asked questions.

It is the opinion of this Senator that the asking of questions about jurisprudence to Supreme Court nominees is not appropriate. And the reason it is not appropriate is not only that it takes a lot of time, but that it jeopardizes the independence of the judiciary.

What a potential Justice is asked is to give the committee an understanding of how the Justice would rule on a case coming before the Court. That is the purpose of asking the question. So it is the opinion of this Senator that that kind of extensive questioning, particularly questioning over a period of days, about specific points of law—how do you interpret the first amendment, how do you interpret the due process clause, and on and on and on—all of

these questions, in the opinion of this Senator, are not only extremely time consuming, but really raise the question of the separation of powers and the independence of the judiciary.

And then, of course, there are the investigations into matters of character, the FBI analysis, and the fact that in controversial nominations there are all these various groups fanning out through the country trying to find out whatever rumor or information they can get on a candidate that they do not support. I think this has just gone haywire.

We have seen that the process has become so time-consuming, so convoluted, that the majority leader says, "Well, I can't go through it and still do the job of being the majority leader and getting the President's health care program through Congress."

I have not discussed this with the majority leader. I do not intend to put myself into his head.

Maybe any Senator can come to the floor and say the way we are doing this is just exactly the right way to do it. But, in my judgment it has clearly malfunctioned. It has clearly backfired right now. It has clearly taken out of consideration a person who would be eminently qualified to be on the Supreme Court.

I do not think it is necessary for us to make a judgment on the character of Senator MITCHELL, to have all of these extensive interviews and all of this investigative process. It seems to me the judgment is made about the totality of the character of the human being, and if we cannot judge it in this case, having served with the majority leader for years in the Senate, then we cannot make a judgment about anything that comes before the Senate.

So my point is, first of all, I regret that a good person has been, in effect, taken out of consideration because of a conflict between duties as majority leader and a Senator and what a person would have to go through as a Supreme Court nominee.

But, second, to raise the question as to whether we are doing this in the right way; to raise the question in the context of a Democratic President and a Democratic Senator and a Democratic potential nominee for the Supreme Court—something in which I have zero partisan interest at all. None. I have no partisan interest in this whatever.

But I have seen this process, and I think it is a crazy process. I think we should simplify it. I do not believe Supreme Court nominees should be making office calls. I do not believe they should, in effect, have to study for a bar exam before they go before the Judiciary Committee. I do not believe they should be questioned for days on end on points of law. I do not believe there should be an effort to ask them to prejudge how they are going to de-

cide matters or view matters as a member of the Court. And I do not believe this extreme poring into people's lives serves the real world interest of getting first-rate people on the Supreme Court.

I simply wanted to raise that point to the Senate in the hope that at some point in time we will come to a more reasonable and, I would say, more modest way of giving advice and consent for Supreme Court nominees.

Mr. MATHEWS addressed the Chair. The PRESIDING OFFICER. The Chair recognizes Senator MATHEWS of Tennessee.

Mr. MATHEWS. Mr. President, I would like to take this opportunity to congratulate my colleague from Missouri, who has just made a statement here on the floor. I think he has put his finger on a matter that is of utmost importance, not only to this body but to this country.

I think we are approaching a time when the procedures which we have devised and developed as a body here to carry out our constitutional responsibility to advise and consent are becoming so burdensome as to discourage good people from seeking office.

I think we spend an awful lot of our time today, unfortunately, reacting to what someone might surmise is going on in this country rather than really dealing with the truth of what is there.

I join my colleague and say that the time is coming when we must stand up, when we must do some things here to let good people know that there is a way for them to serve their Government without putting them through all sorts of demeaning exercises and processes that we devise for our own benefit, perhaps. I congratulate the Senator from Missouri on his statement.

LEAVE OF ABSENCE

Mr. MATHEWS. Mr. President, pursuant to rule VI, paragraph 2, of the Senate rules, I ask unanimous consent that I be permitted to be absent from the Senate from 4:30 p.m. today on through the end of the session today. I have business back in my State that I need to take care of. I will be returning tomorrow in time for the session.

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

Mr. MATHEWS. I thank the Chair and I yield the floor.

Mr. DORGAN addressed the Chair. The PRESIDING OFFICER. The Senator from North Dakota, Mr. DORGAN.

THE CONSUMER PRICE INDEX REFUTES FED RESERVE ACTIONS

Mr. DORGAN. Mr. President, I wanted to take the floor briefly today to comment on some news that arrived this morning to the American people about the Consumer Price Index.

The Department of Labor announced today that the Consumer Price Index

for the most recent month rose to 0.3 percent. Today's report followed yesterday's report about the Producer Price Index which rose just 0.2 percent. The combination of these reports on prices suggests that we have only modest inflation in this country. We do not have a classic inflation problem; and we do not have inflation running out of control. Inflation seems to be well in hand at a very modest level.

I point this out only because we have recently seen action in this country by the Federal Reserve Board that has prompted hardly a whisper or a whimper of objection. This is despite the fact that the Federal Reserve Board—a behemoth organization, which is accountable to no one—takes action that has a significant impact on the economic fortunes of this country.

I would like to use a chart to demonstrate what has happened to inflation. We have had some inflation problems in this country, but this chart demonstrates we have a relatively low rate of inflation today. It has come down each of the last 4 years and, according to this month's and today's announcement by the Department of Labor, remains at a very modest rate. One would not believe that if one were watching the behavior of the Federal Reserve in recent weeks.

We have had twin economic goals in our country for a long, long time: full employment and stable prices. Both are important, and both are goals that almost all of us share. The Federal Reserve Board, however, seems to have its priority with respect to those goals on the side of stable prices. In other words, they are taking actions that have much more impact on the price side than on the employment side.

Let me describe what I mean by that. We have inflation fairly well under control, with inflation decreasing each year of the past 4 years. Recent reports show that inflation is still modest in this country and is not growing. Despite that, the Federal Reserve Board has voted twice to increase interest rates in order to slow down the economy.

Someone for whom I have great respect, Alan Murray, recently wrote a Wall Street Journal column essentially supporting the Federal Reserve Board, saying the Federal Reserve Board should have taken this action, not with respect to inflation rates, but because the economy was moving too fast.

I do not share that view. The fact is, we have just come out of a very long and very troublesome recession. Our economy is not nearly up to cruising speed. We have not nearly fully employed our American work force. Millions of Americans are without work in this country. We are not fully exercising the capacity in our plants and equipment in America. Yet, we have a Federal Reserve Board operating behind closed doors, in secret, making

monetary policy decisions to say let us slow down the American economy.

This is not new. The Federal Reserve Board was created earlier in this century, and was promised not to become a central bank that is accountable to no one, but in fact that is exactly what it has always been.

What I want to complain about today is not just the Fed's actions. In my judgment, the Fed has caused economic injury to our country by increasing interest rates on two occasions at a time when we should have continued the move towards more economic expansion. This would not risk more inflation because we have plenty of excess capacity in the workplace. But the Fed did this by themselves with no public debate, no discussion about whether it was a wise or unwise thing. They did it because it represents their constituency.

Let me describe what I mean. The Federal Reserve Board makes decisions, as I said, in a closed room. At least in the Open Market Committee you have people in that room voting on monetary policy that affects every American and affects the economy of this country. Some of those people who vote in that room, in the Open Market Committee, have never been appointed or confirmed by anybody in public office. The Open Market Committee contains, on a rotating basis, a number of regional Federal Reserve bank presidents. These people are largely selected by the big bankers in their region. They are then sent here to cast votes on what they think our monetary policy ought to be.

It should surprise no one that their votes reflect a bias on the side of saying let us control inflation versus worrying about employment, because the big money center banks, as a matter of fact, are much more disadvantaged by a higher rate of inflation than they are by a lower rate of employment.

When this town is obsessed by accountability, and all kinds of public interest groups around here are asking that everybody be accountable for everything, why is it that we have an institution like the Federal Reserve Board which, in the face of this country's economic challenges, takes action to increase interest rates twice at precisely the wrong time. Why is not anybody asking for accountability by the Federal Reserve Board?

Why do people who make up to \$200,000 or more a year as regional Federal Reserve bank presidents come to town and vote on public policy that affects every American's life, and yet we have no accountability for those actions? The votes are taken in secret, behind closed doors, cast in some cases by people who have never been appointed by the President or confirmed by Congress.

I raise this question today in the context of suggesting that now is the time

for us to move some legislation that I and my colleague, Senator SARBANES, and my colleague on the House side, Congressman HAMILTON, and some others have introduced, S. 219, the Monetary Policy Reform Act. It would remove the regional Fed presidents from the Open Market Committee and make the seven members of the Board of Governors responsible solely for monetary policy.

As a matter of fact, I have suggested more reforms for the Fed. I think what we ought to do for the Federal Reserve Board is not to give monetary policy to politicians, but to open the door and shine some light on the Fed. Nothing, in my judgment, would better serve the country's interests than to blind the Federal Reserve Board with a little sunshine so the American people could see how monetary policy is made and on whose behalf it is made.

In the last century we used to debate monetary policy from bars to barber shops. The question of interest rate policy was of immense concern to the American people, and it used to be part of political debates in this country. It is not any longer because there is this mystery shrouding monetary policy. We do not have much to say about it. It is conducted in secret down at the Federal Reserve Board. We do not quite understand it.

But I know enough about it to understand that monetary policy by the Fed that creates interest rate increases at a time like this, is more designed to serve the economic interests and the financial interests of the money center banks than it is to serve the economic interests of a family that needs a job in this country. That is why we need some reforms at the Federal Reserve Board.

It is a long and tired and, in many ways, a tortured debate we have about the Federal Reserve Board, because the minute we raise the question someone says, "Oh, so you want politicians to take over interest rate policy?"

No, that is not what I want. Nor do I want monetary policy, including interest rate policy in this country, to be the sole province of people who do their business behind closed doors and largely serve the economic interests and the financial interests of America's money center banks. We deserve better than that. We deserve more than that.

There is an opening at the Federal Reserve Board on the Board of Governors. It is safe to say my Uncle Joe is not going to be appointed. Oh, my Uncle Joe, I think, would probably be a pretty good choice. He knows something about business. He has worked all of his life. But the fact is the Fed is populated by a small congregation of people who call themselves bankers, economists, and others who think they know something about the economy of this country. And maybe they do, although I would observe that just prior to going into the last recession in 1990,

a survey of the top forty economists in America showed that 35 of 40 of them surveyed predicted the next 12 months would be 12 months of steady economic growth. Of course in the next 12 months we experienced the beginning of the recession. Thirty-five of 40 economists did not predict the recession. One would wonder, then, whether my Uncle Joe might not contribute something to the profession.

I hope the American people, that the U.S. Senate, and others, will start asking significant and serious questions about who is making monetary policy and for whose benefit it is made.

We share the same goal: stable prices and full employment. But why is it, at a time when inflation is very, very low, and still modest—and I see no danger signs in the intermediate term—why is it the Federal Reserve Board behaves like a doctor who would now say to a patient, well, I see nothing wrong with you; I see no evidence of a problem, but I am going to prescribe some antibiotics just in case you run into a problem in the future. That would be irresponsible for a doctor, as were the two interest rate increases by the Fed.

I hope that finally we begin debating as a result of what the Fed is now doing, out of sync with what I think it should be doing at this time in our country, the question of what role should the Fed play in our future. How should the Federal Reserve Board be made accountable to the collection of interests of all of the American people, not just some of the money center banks that it seems all too often to serve.

Am I too harsh with the Federal Reserve Board? Well, maybe; but I think not. The question of monetary policy is too important for the American people not to have a voice. I think that we now need to rethink fundamental policy about how and where we conduct monetary policy and what role the American people can and should play in it.

Mr. President, I yield the floor. I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant 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. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 747, the nomination of Rodney A. Coleman to be an Assistant Secretary of the Air Force.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nomination will be stated.

DEPARTMENT OF DEFENSE

The assistant legislative clerk read the nomination of Rodney A. Coleman, of Michigan, to be an Assistant Secretary of the Air Force.

The PRESIDING OFFICER. The Senator from Georgia [Mr. NUNN].

Mr. NUNN. Mr. President, I thank the majority leader for bringing up this nomination. It has been pending now for about a month. It was reported out on March 10.

I am pleased that we are going to be able to bring this to the Senate for action today.

Mr. President, on the 26th of January of this year, President Clinton nominated Mr. Rodney A. Coleman, of Michigan, to serve as the Assistant Secretary of the Air Force for Manpower, Reserve Affairs, Installations, and Environment. As is the case with all nominations for positions in the Department of Defense, Mr. Coleman's nomination was referred to the Committee on Armed Services.

Within the Committee on Armed Services, Mr. Coleman's fitness to serve in this key position was carefully reviewed. In accordance with normal committee procedures, Mr. Coleman provided written answers to a number of very pertinent policy questions. These questions addressed the duties and responsibilities of the position for which he is nominated, his qualifications to execute those duties and responsibilities, and a number of specific policy issues affecting the U.S. Air Force. Mr. Coleman's answers were carefully reviewed by the committee and I ask unanimous consent that they be printed in the RECORD.

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

FEBRUARY 18, 1994.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your note of congratulations on my selection by the President to serve as Assistant Secretary of the Air Force for Manpower, Reserve Affairs, Installations, and Environment.

Enclosed are the answers to your policy issue questions. I appreciate the opportunity to submit my views in advance of my confirmation hearing and look forward to appearing before your committee to further discuss these important issues.

Sincerely,

RODNEY A. COLEMAN.

Enclosures.

ADVANCE QUESTIONS SUBMITTED BY SENATOR NUNN

DEFENSE REFORMS

Q. More than seven years have passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms. I am reminded that Admiral Crowe commented after enactment of the legislation

that it would take approximately six years for full implementation.

Do you support full implementation of these reforms?

A. Yes.

Q. What do you consider to be the most positive accomplishments of the legislation?

A. For the military departments, the Goldwater-Nichols act clarified the responsibility to "organize, train, and equip" to adequately support operators in the field. The Air Force has used this focus on organizing, training, and equipping to accomplish comprehensive restructuring of the Air Force. If confirmed, I would have significant inputs on organizing and training issues.

Q. What is your view of the extent to which these defense reforms have been implemented thus far?

A. Coming from the private sector, I have not been involved in executing these reforms. I have read articles in the popular press and also previous testimony that credited part of our success in the Gulf War to changes resulting from Goldwater-Nichols. I noted that in his recent testimony before this Committee, Dr. Perry cited such advancements as clarifying the role of the Joint Staff and ensuring the centralized management and support of the Special Operations Forces. I attribute such improvements as evidence of good-faith on the part of the Services and the Department of Defense.

Q. Do you have any plans for further action to ensure fuller implementation of these defense reforms in your area?

A. While I have no specific plans, as yet, I would look for opportunities within my scope of responsibilities to support the goals of that legislation.

DUTIES

Section 8014 of Title 10, United States Code provides that the Assistant Secretaries of the Air Force shall perform such duties and exercise such powers as the Secretary of the Air Force may prescribe. As Assistant Secretary of the Air Force for Manpower, Reserve Affairs, Installations and Environment you would be a top leader and manager in the Air Force.

Assuming you are confirmed, what duties do you expect that Secretary Widnall will prescribe for you?

A. If I am confirmed, I understand that Secretary Widnall will assign me general responsibilities of providing guidance, direction and oversight of all matters pertaining to formulation, review and execution of plans, policies, programs, and budgets relative to: (1) Military and civilian personnel; (2) Manpower management programs and techniques; (3) Anti-discrimination programs; (4) Reserve component affairs; (5) Installations and Base Realignment and Closure Issues; (6) Environment, safety, and occupational health; (7) Air Force review and appeal boards; (8) Drug policy oversight; and (9) Mobilization planning.

As the senior member of her team responsible for these functions, I expect to provide counsel to her and represent her in these areas in interactions with other government officials and private organizations in matters of mutual concern.

In carrying out these duties, what would be your relationship to the Under Secretary of Defense for Personnel and Readiness, to the Deputy Undersecretary of Defense for Environmental Security, to the Assistant Secretary of Defense for Reserve Affairs?

A. I understand that the Secretary of Defense may designate these levels of Department of Defense officials to exercise author-

ity, direction, and control over Air Force activities within their realm of responsibility. I would plan to develop open lines of communication with them on policy matters.

What background and experience do you possess that you believe qualifies you to perform these duties?

A. I spent ten years on active duty in the United States Air Force as a civil engineering officer. During this time, I held responsible command positions implementing design and construction programs at Air Force installations in the United States and the Far East. I also was responsible for commanding combat engineering troops in Vietnam. I have had the opportunity to observe high-level decision-making while serving as a White House Fellow assigned as a Special Assistant to the Secretary of Interior. Immediately following my military service, I served in the District of Columbia government as executive assistant to the City Council Chairman which gave me high level liaison with the Congress and the White House on issues of mutual concern. I currently am an executive in General Motors and have worked with municipal governments throughout the United States on tax and environmental issues as well as the closure of twenty nine manufacturing plants affecting over 70,000 employees. I believe that the breadth of this experience qualifies me for the position to which I have been nominated.

Do you believe that there are any steps that you need to take to enhance your expertise to perform these duties?

A. While I believe I have the general background to serve as Assistant Secretary, I will need to familiarize myself with specific issues and to develop working relationships with specialists in the areas I would oversee.

MAJOR CHALLENGES

In your view, what are the major challenges confronting the next Assistant Secretary of the Air Force for Manpower, Reserve Affairs, Installations and Environment?

A. There is no lack of challenging opportunities facing the next Assistant Secretary. Examples include the challenge of determining the right mix (civilian/military/contractor) of resources in both active and reserve forces; smoothing the way for the more diverse workforce of the future; continued management of the military drawdown (including associated base closure and environmental issues); and the integration of the military health system with the national health-care reform initiatives. All of these challenges must be handled without losing sight that they are in support of the primary role of providing mission ready forces.

Assuming you are confirmed, what plans do you have for addressing these challenges?

A. These challenges are tough, usually requiring interaction among groups within DoD, within the Executive Branch, and with Congress. If confirmed, I plan to play an active role in those interactions and to ensure that members of my team are fully prepared to contribute positively to the process.

MOST SERIOUS PROBLEMS

Q. What do you consider to be the most serious problems in the management of Air Force manpower? How do you intend to deal with these problems, and what timetables would you establish for each?

A. I believe that maintaining a qualified and motivated workforce is essential. Recent years have seen large reductions of military and civilian personnel. By the end of the FYDP, military end strength will have de-

clined 36% and civilian strength 33% from FY86 levels. Even with the programs that Congress has provided to cushion the impact, this has been and continues to be a stressful time. My own observations from my days as a junior captain during the post-Vietnam drawdown and my experience in industry with downsizing and consolidating facilities suggest to me that the people who work in an organization must have confidence that the senior leadership cares about them. We must keep faith with those who have served and may have had their careers curtailed as a result of the end of the Cold War. But we also must ensure that the Air Force remains an attractive career choice. Daily events reinforce the knowledge that the Air Force is not having a "going out of business sale." Secretary Widnall has a recurring theme in her presentations of "People First." If confirmed, I would hope to demonstrate a sustained pattern of decisions supporting the theme of "People First."

OFFICER MANAGEMENT ISSUES

Q. In 1991, the methods used in the Air Force to select officers for promotion attracted significant attention within the Department of Defense and in the Senate. In fact, deficiencies in the Air Force officer promotion system prompted a major review by the Department of Defense of all officer promotion systems in the Department. That review resulted in a sweeping revision of the Department of Defense directive (DoDDir 1320.12) governing officer promotion selection boards and the means by which information is provided to officer promotion boards.

Do you believe that the reforms required by the Department of Defense directive have been implemented in the Air Force?

A. I am aware that the Air Force has issued guidelines covering changes in the law regarding the conduct of promotion boards and that senior leadership has directed that promotion policies be open, understandable, and consistent. I understand senior Air Force leadership has placed special emphasis on compliance with pertinent legislation as well as the DoD Directive. For example, the Secretary of the Air Force conducts interviews of board presidents and selected board members after they have conducted promotion boards. In the absence of direct experience with these matters, I believe the reforms have been implemented as required.

Q. To what extent does the officer corps of the Air Force believe that the system used to promote officers to all grades, including general officer grades, is fair and impartial?

A. I can only speculate at this point. I want to believe the great majority of officers have faith in the system and its integrity. If confirmed, I will make every effort to ensure the Air Force vigorously complies with the spirit and letter of all relevant laws, DOD Directives and Air Force regulations regarding officer promotions.

Q. Are you aware of the allegations surrounding recent officer promotion boards at Hanscom Air Force Base? What actions do you intend to take to preclude situations similar to that at Hanscom Air Force Base from recurring elsewhere?

A. I am aware that there are allegations a single individual used inappropriate procedures and considered non-performance related information in his assessment of officers in his organization. However, I am not aware of the details and cannot comment on specific remedial actions. Specific allegations of improper evaluation processes will be investigated. If the rules were broken, the Air Force will ensure "due process" and equitable treatment for affected officers. The Air

Force has already initiated an Air Force-wide re-education effort focused towards commanders, senior raters and personnel staffs on the fundamental tenets and principles of the Officer Evaluation System.

PERSONNEL TRANSITION INITIATIVES

Q. Over the past several years, the Congress has provided to the Secretaries of the Military Departments a number of management authorities to facilitate the drawing down of military personnel. Certainly, these authorities were intended to ensure the continued readiness of the Armed Forces both during and after the draw down.

How is the Air Force measuring the effectiveness and cost effectiveness of its use of the authorities the Congress has provided?

A. Congress has provided voluntary separation and early retirement incentives, and it has authorized and funded a Transition Assistance Program to facilitate the drawdown. These incentive programs have been very useful in helping the Air Force meet their drawdown force-level targets. Even with those incentives, involuntary authorities have had to be invoked in order to achieve military and civilian drawdown goals to date. The Air Staff updates its monitoring system weekly on this and provides a report to the Secretary.

CIVIL-MILITARY COOPERATIVE ACTION PROGRAM

Q. Section 1081 of the National Defense Authorization Act Fiscal Year 1993 establishes the Civil-Military Cooperative Action Program.

What specific do you have for giving our reserve forces, particularly logistics or engineer units, the opportunity to play a greater role in civil-military cooperation as they go about performing their military missions?

A. The National Guard and Air Force Reserve have opportunities to play a greater role in community improvement cooperation programs as they go about performing their military training and missions. Natural disasters such as the floods in the mid-west, and the recent earthquake in California highlight a need for the use of all our national assets to bring quick response in the way of needed supplies and assistance. Reserve Component personnel are already actively engaged in numerous community cooperative program, I plan to review all of the current projects with the idea of assessing the ability of the Air Reserve Components to play an even greater role in their contribution to the community consistent with the criteria specified in Section 1081, and coordinated with OUSD (Personnel & Peadiness). I note, and agree with, Committee members' comments that worthwhile community service project must not put military readiness at risk.

MAINTAINING A READY FORCE

Q. The military services were characterized as being hollow during the late 1970s and early 1980s. Many readiness problems during those years were directly related to manpower problems.

What indicators or early warning signals would you establish to protect against potential hollowness and readiness problems in the Air Force?

A. Readiness is the first priority of the Secretary of Defense and the Secretary of the Air Force. Dr. Widnall and General McPeak recently announced that 1994 will be designated the "Year of Readiness" and be an area of special emphasis. If confirmed, I would expect to have a significant role in establishing and implementing readiness goals within my areas of responsibility.

RESTRUCTURING OF THE AIR FORCES RESERVE COMPONENTS

Q. On December 10, 1993, the Secretary of Defense announced a major restructuring of the Reserve Components of the Army. Although there are as of yet few details available regarding this restructuring, it is clear that this restructuring will dramatically affect the future capabilities of the Army Guard and Reserve.

What effect, if any, do you believe this restructuring will have on the Air Force Reserve and Air National Guard?

A. I do not see any significant effects on the Air National Guard and Air Force Reserve resulting from the restructure of the Army's reserve components.

Q. Do you believe that a restructuring of the Reserve Components of the Air Force is needed?

A. The Air Reserve Components do not need a restructuring such as the Army reserve components are currently undergoing. The Air Force has long integrated its Guard and Reserve components both in war plans and in day-to-day operations. The Air Force does make force mix adjustments that may alter missions of specific units. These force structure changes are part of a continuous review process that ensures the Air Reserve Components continue to provide the right capabilities for the Total Force as mission requirements change.

DEPARTMENT OF DEFENSE MAINTENANCE DEPOTS

Q. The National Defense Authorization Act established a Department of Defense Task Force to review a whole series of issues in the area of depot maintenance in the military services.

What role do you think that DOD maintenance depots play in the overall logistics and readiness posture of the Air Force?

In your view, what role do the DOD maintenance depots play in our overall industrial base capability? What do you think is the proper balance between DOD depots and the private sector for Air Force depot maintenance workload?

A. I understand the Assistant Secretary of the Air Force for Manpower, Reserve Affairs, Installations & Environment, does not have primary oversight responsibility for Air Force logistics and maintenance depots. Logistics oversight responsibility falls under the Assistant Secretary for Acquisition. However, I fully support the task force. In my base closure role, I also support the cross Service analysis of defense depots being conducted as part of the Base Closure 95 process.

RELATIONSHIP TO ECONOMIC SECURITY, ENVIRONMENTAL AND LOGISTICS OFFICIALS

Q. What will be your relationship to the Assistant Secretary of Defense for Economic Security, the Deputy Under Secretary of Defense for Environmental Security, and the Deputy Under Secretary of Defense for Logistics?

A. I expect to have a sound working relationship with the Assistant Secretary and both of the Deputy Under Secretaries in areas of mutual concern. In order to carry out my statutory and assigned responsibilities, it will be necessary for me to deal directly and frequently with these officials. I will cooperate fully with them and their offices to achieve efficient administration of the Department of Defense and to carry out effectively the authority, direction, and control of the Secretary of Defense.

ENVIRONMENTAL ISSUES

Q. In your view, is the current funding level for the Defense Environmental Res-

toration Account (DERA) adequate to meet the full range of the Air Force's environmental clean-up requirements?

A. Funding levels are adequate to clean up past problems at installations, but not as quick a pace as the Air Force desires. Current funding has allowed the Air Force to meet legal requirements, but only through renegotiating longer timeliness in some of the agreements.

Q. What priorities will you establish in the expenditure of the Air Force's DERA funds and how would you go about doing this?

A. DERA policy is established by OSC, and currently that policy is to fund only legally mandated requirements; i.e., those sites where the Air Force either has a legal (signed agreement) or statutory requirement, or to correct an imminent threat to human health or the environment.

Q. What steps would you take to ensure that the Air Force meets all of its legal obligations under existing environmental agreements with EPA and the States?

A. I will continue to make environmental matters a top priority in the Air Force. I will sustain the Air Force's policy of funding the legally mandated requirements. I will conduct periodic reviews and, as required, I will interject myself to ensure problems are resolved promptly and the program stays on track.

Q. The bulk of the Air Force's cleanup program is driven by legally enforceable agreements with the EPA and the States. There is some concern that there are contaminated sites not covered by these agreements that present a greater risk to the public health and safety than those covered by the agreements. What sites has the Air Force identified that fit into this category? How do you plan to address these sites? What role will you play in ensuring that the Air Force maintains an aggressive "cradle-to-grave" pollution prevention program?

A. Sites that are not on installations with agreements signed with the regulators but that score fairly high on our risk models fit into this category. The Air Force is working with OSD to change funding priorities from signed agreements to a system that prioritizes based upon risk to health, safety and the environment. All Air Force sites are being reassessed to determine their health safety and environmental risks, and the nature of contaminants, pathways and receptors. The Air Force is working with OSD and the regulators to allow priorities to be based upon reducing high and medium risk sites to low risk.

Q. In most instances, pollution prevention activities are not legally mandated. An aggressive pollution prevention program is necessary to eliminate new cleanup obligations, and, in the long term, to reduce O&M costs. What role would you play in ensuring that the Air Force implements pollution prevention?

A. I will support a very active pollution prevention program to eliminate contamination and reduce future liabilities and costs. It is much more cost effective to prevent a problem by changing a process or material before use than to handle and dispose of it afterwards. Pollution prevention will allow us to meet legal mandates with minimum expense. Although not legally required, the Air Force treats pollution prevention as a must pay bill. The Assistant Secretary's office has oversight to ensure that pollution prevention policies are being effectively implemented, and that adequate funding is available. By emphasizing successes the Air Force has achieved in pollution prevention

and continuing to be a strong advocate, I will keep pollution prevention as a top priority. This commitment will allow the Air Force to benefit from reduced compliance and cleanup costs in the future, which will reduce the strain on the O&M budget.

Q. Over the next two years, a number of major environmental laws must be reauthorized, including the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and the Clean Water Act.

What role will you play in the reauthorization process for these laws? What specific issues of importance to the Air Force should be addressed in this reauthorization process?

A. In line with my environmental responsibilities I expect to play an active role in reviewing and commenting on these legislative items and helping to define the Air Force needs on each piece of legislation. It will be important to me to ensure that the process addresses the need of the Air Force to reconcile the two, often competing, requirements of being a good steward of the environment and maintaining a force trained, resourced, and ready to defend the interests of the United States.

BASE CLOSURE ISSUES

Q. The National Defense Authorization Act of Fiscal Year 1994 contained a number of provisions designed to assist local communities make the transition associated with base closure. One of the provisions provided the Department of Defense with the authority to transfer property at closing bases at reduced or no cost to local communities pursuant to regulations to be issued by DoD. These regulations would establish criteria when such below-cost or no-cost transfers are appropriate.

What role will the Assistant Secretary of the Air Force (Manpower, Reserve Affairs, Installations, and Environment) play in the development and implementation of these regulations? What do you believe are the important issues that should be addressed in these regulations?

A. Two offices that report to the Assistant Secretary have roles here. The Deputy Assistant Secretary for Installation is part of the Base Closure Implementation Steering Group that is currently developing the implementing guidance for the provisions of the Defense Authorization Act. The Air Force Base Conversion Agency, the organization on the front lines of redevelopment, is also involved in developing this implementing guidance. I fully support the intent of this legislation as well as the President's Five Part Plan to Revitalize Base Closure Communities that was announced in July 1993. Closing Air Force installations is difficult for the local communities and for the Air Force because we have developed close ties with those communities. I fully support the objectives of the President's program: rapid redevelopment and creation of new jobs.

Subsequently, Mr. Coleman met with members of the committee individually and with selected staff. On February 24, the committee held an open hearing to review a number of nominations including Mr. Coleman's. Subsequent to that hearing on March 10, the Committee on Armed Services reported his nomination to the Senate with a recommendation that it be confirmed.

Mr. Coleman has superb credentials and is well suited to meet the challenges of the position for which he has been nominated. Mr. Coleman spent 10

years as an officer in the Air Force, during which he served as an engineering officer. He was appointed by the President in 1970 as a White House Fellow.

After leaving the Air Force, he served as the executive assistant to the chairman of the District of Columbia City Council and as a consultant to the Pennsylvania Avenue Development Corporation.

In 1980, Mr. Coleman joined the General Motors Corp. as the director of government relations for the central foundry division. In 1985, he was promoted to the position of director, municipal government affairs at General Motors headquarters. In 1990, he assumed his current position as executive director, Urban and Municipal Affairs for the General Motors Corp., where he is responsible for providing leadership and counsel to the management of General Motors on municipal government and minority group issues, nationwide. He has played a key role in the process of downsizing the infrastructure of General Motors. He is active nationally and locally in a number of civic and professional organizations.

The position for which he has been nominated, the Assistant Secretary of the Air Force for Manpower, Reserve Affairs, Installations and Environment, is a key position in the Department of the Air Force hierarchy. If confirmed and appointed, Mr. Coleman will be responsible for providing to the Air Force guidance, direction, and oversight on all matters pertaining to the plans, policies, programs, and budgets concerning active, reserve, and civilian personnel and manpower programs; antidiscrimination programs; installations, base realignment and closure issues; environmental, safety and health concerns; and mobilization planning. Mr. Coleman will play an important role in the BRAC process within the Air Force, and his experience in General Motors in this area will be very valuable to the Air Force.

From this abbreviated list of the responsibilities of the Assistant Secretary of the Air Force for Manpower, Reserve Affairs, Installations, and Environment, it is clear that this is a position that has an important amount of influence on the personnel readiness, quality of life, and stewardship of resources within the Air Force. As such, it should not remain vacant without compelling justification, especially in this time of force reductions and base closures.

Mr. President, the Committee on Armed Services has examined this nomination and is satisfied that Mr. Coleman is the right person for this position. I urge my colleagues to support this nomination.

I thank the Senator from Michigan for his stalwart assistance in this nomination. He has been a help in all of these nominations, but particularly

the Coleman nomination. I thank him for his assistance.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Michigan [Mr. LEVIN], is recognized.

Mr. LEVIN. Mr. President, let me first thank my good friend from Georgia, and the majority leader, for bringing this nomination to the floor. It has been pending over a month. Mr. Coleman is well suited to this position for the reasons Senator NUNN mentioned. His work in the Air Force, his experience in the Air Force, and then his work at General Motors in governmental relations suits him well for this position.

There are many challenges in this position, but one of the most challenging is the closing of bases. We have been through that in Michigan, and we know the problems. Mr. Coleman is particularly well suited by his experience with General Motors and having to close facilities, and the need to deal sensitively with all of the various issues which arise when a facility is closed. You have a community that has been injured, that needs to get back on its feet. You have individuals who also have to be assisted when bases are closed. Mr. Coleman is extremely well qualified for that part of this position, as well as for the other aspects.

Again, I thank the majority leader and the Senator from Georgia, the chairman of the Armed Services Committee for pursuing this nomination to this point. I look forward to Mr. Coleman's confirmation.

Mr. MITCHELL. Mr. President, if there is no further debate on the matter, I ask that the Chair put the question to the Senate.

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

The nomination was confirmed.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, the President will be notified on the nomination.

Mr. MITCHELL. I thank the distinguished chairman of the Armed Services Committee and the distinguished Senator from Michigan.

We have now completed action on one of the three pending nominations on which we could not previously obtain clearance. There are two remaining and, at this moment, we are in a discussion with our Republican colleagues, attempting to gain their clearance to permit us to proceed with respect to the remaining two nominations.

It is my hope and expectation that I will be able to announce very shortly a schedule with respect to those two nominations.

In the meantime, Mr. President, I ask unanimous consent that the Senate return to legislative session and that there now be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

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

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

Mr. RIEGLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan [Mr. RIEGLE], is recognized.

Mr. RIEGLE. Mr. President I want to acknowledge the action that will be set in motion with respect to Rodney Coleman from Michigan. I strongly support his nomination. I think he represents one of the most highly qualified people in the country who have been asked to step forward. I very much look forward to his service in that position.

I thank the Chair and 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. Without objection, it is so ordered.

REREFERRAL OF A NOMINATION

Mr. MITCHELL. Mr. President, as if in executive session, I ask unanimous consent that Executive Calendar item No. 785 be referred back to the Committee on Foreign Relations and that the cloture motion filed on this nomination be withdrawn.

I am taking this action because it has just been brought to my attention that this particular nomination was reported in a manner contrary to Senate rules. The committee has asked for this action.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Mr. President, reserving the right to object, and of course I will not object, I thank the distinguished majority leader for taking this action. It saves a lot of "who struck John," and I thank him very much.

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

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I now ask unanimous consent that at 2:30 p.m. today, the Senate proceed to consideration of Calendar Order No. 395, S. 1970, a bill to authorize the Secretary of Agriculture to reorganize the Department of Agriculture.

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

Mr. MITCHELL. Mr. President, the Senate will, therefore, pursuant to that agreement, commence action on the Agriculture Department reorganization bill at 2:30.

I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. 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. GRASSLEY. Mr. President, it is my understanding that we may speak in morning business for 10 minutes.

The PRESIDING OFFICER. The Senator is correct.

The Senator from Iowa [Mr. GRASSLEY] is recognized.

IN SUPPORT OF THE EXON-GRASSLEY AMENDMENT

Mr. GRASSLEY. Mr. President, the budget conference will soon begin. I want to talk to my colleagues about what has become the No. 1 issue for that conference and that is the Exon-Grassley amendment.

I just want to briefly remind you what that amendment does and the importance of preserving it. It is a \$26 billion cut in the President's budget, and that is opposed to the House of Representatives rubber-stamping that budget this year.

The administration just released its March report on economic indicators. The news is somewhat troubling.

Civilian employment fell 221,000 in March; interest rates for 3-month T-bills were 3.06 percent in January 1993, and are now at 3.5 percent; 10 year T-bills were at 6.6 percent in January 1993, and now at 6.72. The administration's budget estimated that it would be at 5.8 percent for the next 5 years. So already there is a lot of additional costs there just from underestimating what interest rates would be.

In addition, CBO reported that the February deficit was \$1.6 billion higher than projected.

And we are all familiar with the rollercoaster recently in the stock and bond markets. The continued growth in the economy can only partly offset this news.

A recent Wall Street Journal editorial points to the latest economic indicators and the market and suggested that a major factor in this is that there have been no efforts to cut the deficit—no efforts to cut the deficit. Remember, the other body rubberstamped the President's budget. As an example, the editorial cited opposition to the Exon-Grassley \$26 billion cut.

The message is very clear: To help keep our economy stable and growing,

we must make greater strides in reducing the deficit to instill some confidence in the people that we are really trying to do something about the deficit.

The irony is we should be talking about increasing the size of spending restraint even beyond what Exon-Grassley did, not cutting Exon-Grassley in half.

Unfortunately, there is a lot of talk from the leadership in both Houses about doing just that—cutting the \$26 billion Senate figure in half. As it stands, the Exon-Grassley amendment amounts to only one-third of 1 percent over the next 5 years.

Who in their right mind can look their constituents in the eye and honestly say they support reducing the deficit when they cannot support this minuscule amount of spending cuts?

But we need to watch the big spenders closely. They are already plotting to undermine these cuts through gimmicks and tricks.

The Bureau of National Affairs—that is the BNA report that your office probably gets—quoted one big spender the other day on how to undermine the Exon-Grassley amendment, "put an even smaller amount of the cuts in 1995 and stick the larger cuts in the out years, knowing the cuts won't come about."

Well, the American people are watching and are not going to tolerate these smoke and mirrors.

My colleagues should know that many organizations dedicated to reducing the deficit have come out in support of the Exon-Grassley amendment, with groups such as Citizens for a Sound Economy and Citizens Against Government Waste making support of this amendment a key vote.

Other groups supporting the Exon-Grassley amendment include:

The National Taxpayers Union; the Committee for a Responsible Federal Budget; the National Federation of Independent Businesses; the Financial Executives Institute; the American Business Conference; the Small Business Survival Committee; the Christian Coalition; Concerned Women for America; Family Research Council; Americans for Tax Reform; the Association of Concerned Taxpayers; and the Seniors Coalition.

I ask unanimous consent that their letters be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. GRASSLEY. Every day more groups are joining in the fight to reduce the deficit and pass the Exon-Grassley amendment.

Let me briefly touch on two criticisms that have been raised against Exon-Grassley.

The first is that the cuts are not specific. Well, we all know that it is the

appropriators that decide where the cuts are going to come from and it doesn't matter what the budget resolution says.

If we did specify, the appropriators would claim their jurisdictional role and make the cuts where they want. If we don't specify, we are attacked for not providing details. You're damned if you do, and damned if you don't. So that argument doesn't wash. When you hear people saying this, watch out; it is a big spender trying to hide behind a little rock.

What Senator EXON and I did do is reduce the overall level of discretionary spending. This is the proper role of the budget committee; and shrinking the pie is a legitimate function of the budget resolution.

Second, the big spenders are telling everyone that it will be their program that will be cut.

The big spenders have admitted this is their plan. This morning's Congress Daily has one big spender on the Budget Committee saying:

We will be galvanizing forces outside the Congress that could be affected by the deeper budget cuts. We're going to try to show what the impact will be on various programs.

The big spenders have even gotten President Clinton to write Congress telling us these cuts will be the end of the world. I ask unanimous consent that the President's letter be printed in the RECORD.

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

THE WHITE HOUSE,
Washington, April 11, 1994.

Hon. JOHN R. KASICH,
Ranking Member, Committee on the Budget,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE KASICH: As you and your colleagues consider the Fiscal Year 1995 budget resolution in conference, I urge you to support the level of discretionary spending cuts that is reflected in the House budget resolution and to oppose the additional cuts proposed in the Senate resolution.

The discretionary spending levels contained in the House resolution reflect the hard freeze on outlays that was such an important part of last year's budget, which produced nearly \$108 billion in savings over five years, and which is forcing extremely difficult choices upon both the Administration and the Congress. Indeed the budget I proposed would cut some 300 existing programs and terminate 115. With this hard freeze already forcing significant spending cuts; the unallocated additional discretionary cuts contained in the Senate resolution pose a direct threat to two vulnerable areas of the budget which are essential to our country's future: the defense budget and our program of investments in long-term growth.

I am particularly concerned about the impact of these cuts on our military. The additional cuts would almost inevitably result in reductions in defense funds. Any significant reduction in defense spending below the levels I have requested would make it impossible to fund adequately the multi-year investments in the force structure, modernization, and readiness that I approved in the Bottom-Up Review. As I said in my State of

the Union Address, we must draw the line against further defense cuts. Our military must be the best equipped, the best trained, and the best prepared in the world. Those on both sides of the aisle who join me in that commitment should support my budget as embodied in the House resolution.

Similarly, the cuts in the Senate resolution pose a significant threat to our investments in education, training, research, technology, and crime-fighting that are critical to long-term economic growth and the well-being of America's families. These investments have already been trimmed significantly to conform to the hard freeze. Significant further reductions would seriously damage our efforts to provide more and higher-paying jobs today and in the future, to train today's workers and educate our children to perform jobs, and to fight the plague of violent crime in our cities and towns.

The 1995 budget I submitted reduces the Federal deficit by 40 percent and provides for three consecutive years of decline in the deficit for the first time in nearly a half-century. I am convinced that the careful path of deficit reduction we agreed upon last year is a critical factor in the stable, non-inflationary economic growth we are now experiencing. The level of additional cuts proposed in the Senate resolution poses a threat to our national security and to needed investments in our economic future. I urge you to support the level of cuts reflected in the House discretionary spending levels.

Sincerely,

BILL CLINTON.

Mr. GRASSLEY. This is the highest form of extortion of the taxpayer, because in my view, it is disingenuous.

From the way people are acting around here, you would think we had actually slashed spending for 1995 below 1994. Unfortunately, that is not the case.

So I warn my colleagues not to be caught up with the chicken littles who are running around saying the sky is falling.

Remember we are only talking about a \$26 billion cut out of \$2.7 trillion in discretionary spending over the next 5 years.

It is shameful the claims opponents are making against this amendment, and they should be embarrassed by their propaganda.

As a conferee, I will be fighting hard to preserve the full \$26 billion in cuts. I remind my fellow conferees that it is the Senate's clear position to support the full \$26 billion in cuts.

Three times during floor consideration of the budget the Senate overwhelmingly defeated efforts to waterdown or strike the Exon-Grassley amendment.

The message to the conferees is that the Senate will accept nothing less than the full \$26 billion in deficit reduction.

I thank my colleagues on both sides of the aisle for their steadfast support for this bipartisan effort to reduce the deficit.

In particular, I commend Senator EXON for his continued leadership and also Senators SIMON, CONRAD, and LAUTENBERG for their support for the Exon-

Grassley amendment in the Budget Committee.

Having gone against my party and the White House in previous budget debates, I know what a tough decision they all had to make when there was a Democrat in the White House and they are Democrats. So its good to have these deficit hawks with us.

I also want to thank the many deficit hawks on my side of the aisle for their continued support for deficit reduction.

Finally, let me remind my colleagues that this is the last train leaving the station this year for real deficit reduction. We need to give the taxpayers at least one victory in this year's budget.

EXHIBIT 1

NATIONAL TAXPAYERS UNION,

Washington, DC, April 13, 1994.

DEAR REPRESENTATIVE: The 250,000-member National Taxpayers Union (NTU) strongly urges you to vote in favor of the Penny-Kasich Motion to accept the \$26 billion in cuts approved by the Senate.

A bipartisan effort, led by Senators Exon and Grassley, in the Senate Budget Committee resulted in a resolution which includes an amendment to cut discretionary spending by \$26 billion. In the House, a bipartisan team led by Representatives John Kasich, Tim Penny, and Charlie Stenholm is working to keep the Senate cuts intact.

While no plan to cut federal spending is painless, the motion is an important step to avoid the greater economic pain to deficits spiraling out of control.

The American people have sent a clear message to Congress—cut spending and balance the budget. A vote for the Penny-Kasich Motion proves that you hear the people and heed their voices.

Vote YES on the Penny-Kasich Motion to preserve the Senate cuts.

Sincerely,

JILL LANCELOT,

Director, Congressional Affairs.

THE SENIORS COALITION,

Washington DC, April 12, 1994.

DEAR MEMBER OF CONGRESS: We at The Senior Coalition, a non-profit, non-partisan organization representing over 2,000,000 members and supporters in all fifty states, support budget cuts in pork-barrel discretionary spending in order to protect the Social Security Trust Funds.

Accordingly, we urge you to help protect Social Security by supporting the Penny-Kasich motion to preserve the Senate's \$26.1 billion in spending reductions over five years passed in S. Con. Res. 63.

How do spending cuts and progress toward a balanced budget help Social Security?

Currently, Social Security is operating with a cash reserve of less than 2 years. Some claim that today's high FICA taxes are creating a much larger surplus to "cushion" the system when the "baby boomer" generation retires, but where is the money?

The answer is that it has been "borrowed" by the government through U.S. bonds to finance the federal deficit.

Many in Congress claim that these "I.O.U.s" will be paid back to Social Security to meet the need of tomorrow's retirees, but when a nation has a debt of over 4 trillion, and not a penny has been paid back since the last balanced budget in 1969, can we trust Social Security's future to a government IOU?

The father into debt the nation falls, the less likely we will ever pay off the nation's

debt to the Social Security Trust Fund. Future benefits (guaranteed by the then worthless bonds) will have to be paid for with higher taxes or benefit cuts.

Balancing the budget would mean no additional government bonds to finance the deficit, and no more 'borrowing' from the Social Security Trust Fund. This would truly protect the future of our nation's retirees.

The Penny-Kasich motion is an excellent start. If we can't cut \$26.1 billion today, what kind of future do we have. What kind of future does Social Security have. Please think of that before you vote. Thank you for your consideration.

Sincerely,

JAKE HANSEN,

Director of Government Affairs.

COMMITTEE FOR A RESPONSIBLE
FEDERAL BUDGET,

Washington, DC, April 11, 1994.

DEAR FORMER COLLEAGUE: This is just to let you know that someone out there really cares about Senate efforts to reduce federal spending and the deficit. Thank you for your vote on the Exon/Grassley amendment to the budget resolution. We understand that this is just a first step, the Senate still has to reaffirm your commitment actually to cut spending as you consider individual appropriations bills and/or legislation to reduce the discretionary spending caps enacted as part of last year's budget agreement. But you are trying to make good on the promises Congress and the Administration made last year to cut spending more and you are to be congratulated for those efforts.

We believe that now, while the economy is growing, unemployment is declining, interest rates are edging up and inflation fears are surfacing, is the optimum time to do more to reduce federal spending and the deficit. We are pleased that a majority of the Senate seems to share that view. Let us know what we can do to further your efforts.

Best regards,

HENRY BELLMON.

FINANCIAL EXECUTIVES INSTITUTE,

Washington DC, April 8, 1994.

HON. JOHN R. KASICH,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN KASICH: On behalf of Financial Executives Institute, I am writing to offer FEI's strong support to the bipartisan effort in the House led by you, Rep. Tim Penny, and Rep. Charlie Stenholm to preserve the Senate's \$26 billion in spending cuts passed in S. Con. Res. 63.

Financial Executives Institute (FEI), is a professional association of 14,000 senior financial executives from some 8,000 major corporations throughout the United States and Canada.

As senior financial executives, we have long understood the correlation between fiscal responsibility and the efficient operation of our corporations. Indeed, if any corporation operated in the same manner as the Federal Government, the SEC would shut it down.

While attempting to cut an extra \$26 billion from the \$1.5 trillion budget will not balance the budget, it does send an important message to the American people that Congress is willing to take a small step toward curbing the runaway budget deficit.

We commend you and your colleagues for your tireless dedication to effect real change in the way Congress spends the American people's hard earned dollars. FEI stands ready to assist you in this important effort.

Sincerely,

J. KAITZ.

CITIZENS AGAINST GOVERNMENT WASTE,
Washington, DC, April 8, 1994.

DEAR REPRESENTATIVE: The House soon will consider a motion to instruct the conferees on the FY 1995 Congressional Budget Resolution, to be offered by Representatives John Kasich (R-OH), Tim Penny (D-MN), and Charles Stenholm (D-TX). The goal of the motion to instruct is to preserve \$26 billion in budget cuts adopted last month in the Senate version of the Budget Resolution. As you are aware, Senators James Exon (D-NE) and Charles Grassley (R-IA) offered the successful amendment, and we are anxious to see the House of Representatives follow suit.

It is time to make the cuts count. This is not just another motion. This instruction to the conferees would set an example for fiscal responsibility in our nation's budget process. The effort in the Senate to include the cuts totaling \$26 billion was completely bipartisan. Three attempts to strip some or all of the spending cuts were defeated.

Inside the Beltway, this may be a tough vote for some members of Congress. But American taxpayers know that adding to the deficit is more painful than a single vote in the U.S. House of Representatives.

The 600,000 members of the Council for Citizens Against Government Waste (CCAGW) urge you to vote to recede to the spending cuts in the Senate Budget Resolution. It is a vote in the best interest of our children and their children. CCAGW will rate this vote in our annual ratings.

Sincerely,

THOMAS A. SCHATZ,

President.

NFIB,

Washington, DC, April 11, 1994.

Hon. _____,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE: On behalf of the over 600,000 members of the National Federation of Independent Business (NFIB), I urge you to support the motion to instruct House conferees on the Budget Resolution to accept the \$26 billion in spending cuts approved by the Senate. I strongly encourage you to support this motion when it comes to the House floor for a vote.

The vote is likely to take place on Wednesday, April 13. Representatives Penny and Kasich are planning to offer the bipartisan motion to accept the spending cuts approved by the Senate. Senators Grassley and Exon led a bipartisan effort resulting in the Senate Budget Committee reporting out a resolution which included an amendment to cut discretionary spending by \$26 billion over the next five years. The full Senate adopted the resolution including the cuts by a vote of 57-40.

The House motion to accept the \$26 billion in cuts represents just a fraction of all federal spending; however, it is a necessary step to reduce the deficit and the size of the federal government. NFIB members have consistently and overwhelmingly voted in favor of immediate deficit reduction, 88% in favor most recently.

NFIB members believe that spending must be cut now. Again I urge you to vote for the bipartisan motion to instruct conferees to adopt the \$26 billion in spending cuts passed by the Senate.

Sincerely,

JOHN J. MOTLEY III,

Federal Governmental Relations.

AMERICAN BUSINESS CONFERENCE,
Washington, DC.
ABC RESOLUTION ON FISCAL YEAR 1995
BUDGET

Resolved, the American Business Conference (ABC), reaffirming its view that persistent federal budget deficits, combined with a low rate of national saving, are serious impediments to long-term economic growth, calls on the House and Senate budget resolution conferees to adopt the spending cuts approved by the Senate in its budget resolution for fiscal year 1995. These spending cuts represent an additional reduction over five years of \$43.2 billion in budget authority and \$26 billion in outlays from the Clinton Administration's budget proposal and the budget resolution of the House of Representatives. Believing, with the President, that the defense budget should not be subject to additional cuts beyond those achieved in OBRA 1993, ABC calls on House and Senate conferees to direct that the spending cuts fall on non-defense programs.

COMMITTEE FOR A RESPONSIBLE
FEDERAL BUDGET,
Washington, DC, April 11, 1994.

DEAR FORMER COLLEAGUE: This week, the House is expected to vote on a resolution to be offered by Representatives Penny, Kasich, Stenholm and others. The resolution will instruct House Conferees to agree, in the conference on the budget resolution to the Exon/Grassley amendment, to cut spending and the deficit.

We believe that now, while the economy is growing, unemployment is declining, interest rates are edging up and inflation fears are surfacing, is the optimum time to do more to reduce Federal spending and the deficit. We urge you, therefore, to support the Penny/Kasich/Stenholm resolution and other serious proposals to achieve that goal. Let us know what we can do to support your efforts toward that end.

Best regards,

HENRY BELLMON.

CHRISTIAN COALITION,
Capitol Hill Office, April 4, 1994.

DEAR MEMBER OF CONGRESS: On behalf of the one million members and supporters of the Christian Coalition, we urge you to resist any efforts to weaken the spending cuts now contained in S. Con. Res. 63, the concurrent budget resolution for fiscal year 1995.

A bipartisan effort, led by Senators Exon and Grassley, in the Senate Budget Committee resulted in a resolution which includes an amendment to cut discretionary spending outlays by \$26 billion over the next five years. Now the bipartisan team of Representatives Penny, Stenholm and Kasich is leading this effort in the House to keep these cuts. These spending reductions are only a modest step in reducing the deficit, yet it is imperative that they be preserved.

Congress has had several opportunities, but has failed, this year to reduce the deficit and provide tax relief for families. We know this is to the frustration to many of those Members who for years have tried to cut spending and to those Members who were elected in the last cycle on pledges of fiscal reform.

On April 15, millions of American families will be required to pay almost 40 percent of their income on taxes combined for all levels of government. Families have no choice but to spend within their means. It is time for Congress to do the same.

The legacy of debt we are leaving for our children is a disgrace. We urge you to pre-

serve the \$26 billion in spending reductions. The fiscally responsible votes will be "YES" on the previous question and "YES" on the original Kasich Amendment.

Sincerely,

MARSHALL WITTMANN,
Director, Legislative
Affairs.

HEIDI SCANLON,
Director, Govern-
mental Affairs.

CONCERNED WOMEN FOR AMERICA,
Washington, DC, April 6, 1994.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: Concerned Women for America's members throughout the United States are very disturbed by the increased tax burden on families which often compels both parents to enter the work force in order to make financial ends meet. Ironically, two-thirds of a working mother's salary in the average two parent, two-income household, will still go to pay for federal taxes rather than additional income for her family.

Representatives John Kasich (R-OH), Tim Penny (D-MN) and Charlie Stenholm (D-TX) recognize the overwhelming burden placed on American families and are working to secure America's future through deficit reduction and responsible government spending. In continuation of the bipartisan amendment passed in the Senate, Concerned Women for America urges Members to cut discretionary spending outlays by \$26 billion over the next five years. These cuts are the first step assuring a sound economic future for America's children. In order to achieve deficit reduction, the government must work the way American families reduce their own personal budget problems—through the reduction of spending.

CWA believes that is a winning issue. Our members strongly urge you to vote "YES" on the previous question and "YES" on the original Kasich Amendment to the FY 95 Budget.

Thank you for your time and attention. We look forward to working with you further on this issue. Concerned Women for America is the largest non-partisan, politically active women's organization in the nation, representing over 600,000 members.

Sincerely,

BEVERLY LAHAYE,
President.

CSE KEY VOTE NOTICE

APRIL 12, 1994.

Issue: Budget Resolution (Motion to Instruct House Conferees).

Vote: For the Previous Question and the Kasich Amendment.

DEAR REPRESENTATIVE: On behalf of the 250,000 members of Citizens for a Sound Economy (CSE), I urge you to vote yes on the previous question and yes on the original Kasich Amendment to instruct House conferees to accept the \$26 billion in spending cuts. A vote for both issues signifies your support to preserve the spending cuts passed by the Senate.

CSE will count this as a KEY VOTE to be reported to our members in your district. This KEY VOTE will be used to determine your eligibility for our Jefferson Award, to be presented at the conclusion of this Congress.

Sincerely,

MICHELE ISELE,
Vice President of Government Relations.

FAMILY RESEARCH COUNCIL,
Washington, DC, April 7, 1994.

DEAR MEMBER OF CONGRESS: We strongly urge you to support the Kasich/Penny/Stenholm motion to instruct the House conferees on the Budget Resolution to accept the Exon-Grassley amendment as added in the Senate. The Exon-Grassley amendment will require an additional \$26 billion in discretionary spending cuts over the next five years.

This step towards greater deficit reduction is important to families because of the special interest that families have in future generations. Parents are concerned that any debt that is passed on to the next generation will serve as a serious hindrance to their children's economic well-being. Reducing the deficit is vital to the long-term strength of the U.S. economy and thus the long-term economic strength of the family.

The cuts in Exon-Grassley are small, calling for only one-third of one percent over the next five years. The benefits, however, of beginning to reduce the deficit are great. Please do not pass up this opportunity for deficit reduction.

Please support the Exon-Grassley amendment by voting for the Kasich/Penny/Stenholm motion to instruct the conferees.

Sincerely,

GARY L. BAUER,
President.

AMERICANS FOR TAX REFORM,
Washington, DC, April 12, 1994.

HON. JOHN KASICH,
House of Representatives,
Washington, DC.

DEAR MR. KASICH: On behalf of the members of Americans for Tax Reform, I want to thank you for your efforts to achieve real deficit reduction, without raising taxes.

As we approach April 15, the real pain of a growing tax burden is being felt by millions of Americans. All the more important then, is your motion to instruct House conferees to accept the modicum of spending cuts enacted by the Senate in the Budget Bill. I am happy to support this effort, and to commit the members of ATR to the battle. Feel free to make whatever use of this letter you wish.

Sincerely,

GROVER G. NORQUIST.

ASSOCIATION OF CONCERNED TAXPAYERS,
Washington, DC, April 12, 1994.

HON. JOHN KASICH,
House of Representatives,
Washington, DC.

DEAR JOHN: Your efforts to achieve a reasonable substitute for the Clinton Budget are of primary importance. It is critical that we continue to move towards fiscal sanity, and clear that your proposal did that.

Unfortunately, the House saw fit to continue its profligate ways. The taxpayer fared somewhat better in the Senate, if the House will accept the Exon-Grassley amendment cutting the budget by \$26 billion over five years. While this does not achieve the level of savings in the original Kasich substitute, it is a good step in the right direction, and deserves support.

Please count the members of the Association of Concerned Taxpayers among the supporters of your effort to instruct the House conferees to accept the Senate position.

And thanks again for your efforts.

Sincerely,

GORDON S. JONES.

SMALL BUSINESS SURVIVAL COMMITTEE,

Washington, DC, April 4, 1994.

DEAR SMALL BUSINESS OWNER: A coalition of national grassroots organizations are working to cut spending and save taxpayers money, but their efforts may be wasted unless we act now to let our voices be heard!

Recently, the U.S. Senate Budget Committee adopted a resolution to cut \$26.1 billion dollars in discretionary spending from the budget. That means \$26.1 billions of wasteful spending taxpayers and small business owners won't have to pay for! This measure was approved by the Senate in a 57-40 vote.

The House of Representatives is now considering a motion offered by Rep. John Kasich (R-OH), Tim Penny (D-MN), and Charles Stenholm (D-TX) to preserve \$26 billion in spending cuts adopted by the Senate. There is a danger that some congressman may try to substitute an alternative resolution for the Kasich amendment that won't cut spending. In fact, the \$26 billion dollars in savings could be spent on new and wasteful programs!

The voice of small business must be heard on this critical issue! The Small Business Survival Committee believes that spending must be cut now, not sometime in the future. All SBSC members are urged to contact their congressional representatives before April 12 and tell them to vote "YES" on the original Kasich amendment.

Your congressional representative can be reached at 202-224-3121 (Capitol switchboard), or through your local district office.

Thank you for your effort. Every day small business owners have to make tough financial decisions—its about time Congress does the same. Your voice counts!

Sincerely,

KAREN KERRIGAN,

President.

Mr. GRASSLEY. Mr. President, I yield the floor and, seeing no other Senator wishing to speak, 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. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt stood at \$4,565,109,054,876.30 as of the close of business yesterday, Tuesday, April 12. Averaged out, every man, woman, and child in America owes a part of this massive debt, and that per capita share amounts to \$17,510.23.

Now, Mr. President, I have been making these reports for the better part of 2 years every day the Senate has been in session, and the Federal debt continues to climb, at the very same time Senators are going home and saying, "Oh, we are fighting this big deficit in Washington, DC." The responsibility for this Federal debt lies on the doorstep of the current U.S. Senate and the House of Representatives because no

President, be he Democrat, Republican, Independent or otherwise, can spend one penny that is not first authorized and appropriated by the Congress of the United States.

I give these figures updated every day to remind the American people that the spending in Washington, DC does matter, and it is having a startling, adverse effect on the futures of young people.

I thank the Chair. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from North Carolina suggests the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

DEPARTMENT OF AGRICULTURE REORGANIZATION ACT OF 1994

The PRESIDING OFFICER. The clerk will report S. 1970.

The bill clerk read as follows:

A bill (S. 1970) to authorize the Secretary of Agriculture to reorganize the Department of Agriculture, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am proud to present to the Senate the results of 2 years of work by the Senate Committee on Agriculture, Nutrition, and Forestry: The Department of Agriculture Reorganization Act of 1994.

What it does is mandate the first comprehensive reorganization of the Department of Agriculture since the 1930's. It is a result of 2 years' work.

I am pleased to have been joined in that work by the distinguished senior Senator from Indiana [Mr. LUGAR]. We have, in our capacities as the Republican and Democratic leaders of the Senate Agriculture Committee, realized for some time that the Department of Agriculture needed reorganization. In the past year especially, there have been intense efforts on behalf of all members of the committee to craft a bill to do that. Shortly before the last recess, we were able to come together as a committee and pass out, with only one dissenting vote, the bill S. 1970 that is before the Senate.

Let me tell you what it does. The last comprehensive reorganization of the Department of Agriculture occurred in the 1930's. The world changes. The Department of Agriculture, unfortunately, has not changed with it. And so, what we are going to do here is to make change—real change. This bill saves \$2.3 billion. It is a \$2-3 billion downpayment on reinventing Govern-

ment. It is saving \$2.3 billion for the American taxpayers. I believe a better Department of Agriculture will be the result.

Every one of us has heard back home that people would like to see us cut the Federal deficit. Certainly my fellow Vermonters feel, as I do, that we ought to be cutting it. Here is a chance for us to prove something, not to talk about whether or not we will cut it, but to actually cut the deficit.

This bill gives the American people more for their money not only because it saves money—obviously it does; it saves \$2.3 billion—but also because it allows the Department of Agriculture to better serve those it is supposed to serve.

We have had a proud past in the Department of Agriculture, from the time President Lincoln established it as "the people's department" back in the 19th century. But now we are about to go into the 21st century. We need a USDA that is looking to the future. When we streamline its operation, when we eliminate numerous levels of bureaucracy, you end up with a USDA more focused on the critical challenges facing American agriculture.

Just as we had one vision for a Department of Agriculture in the 19th century, we are going to have a much different vision in the 21st century. In the 21st century, American agriculture has to be ready to take advantage of new opportunities not in just the United States marketplace but a global marketplace; to take the lead in developing new technologies not just for ourselves but for other parts of the world; and to face the challenge of balancing agricultural production with environmental protection—protection we need so that our children and our children's children can reap the benefits of our agricultural expertise.

We ought to protect our consumers. We have to ensure the safety of our food supply. Today we have the safest food supply in the world. But we all know that it could be safer.

We should be trying to preserve the quality of life in rural communities. As a product of rural America, that is very, very near and dear to me.

Lastly, we should have a Department of Agriculture that combats hunger in our country, a country where 1 out of 10 people still need food stamps to feed themselves, a country where millions of children go hungry each day.

The new USDA which will result from this bill is organized around the basic missions I have just described. With this bill we have given Secretary Espy the tools he needs to bring USDA into the 21st century.

If I could take a couple more minutes, I would like to tell you some of the things it does. It provides budget saving by streamlining Federal employment and the Department's administration. That is where the \$2.3 billion

in savings between now and 1998 will come from.

It also cuts the size of the USDA bureaucracy by reducing the number of Federal employees by 7,500. The Department anticipates that most of these staff reductions will come through employees taking advantage of the buyout legislation that we passed, and which the President signed recently. The rest will be from normal attrition. I believe that it can be done without firings or RIF's.

It also streamlines USDA operations. We now have 43 independent agencies. Maybe at one time it was necessary, but we can shrink that to 28.

This bill does not limit cuts to the States. It requires a higher percentage cut in Department of Agriculture headquarters here in Washington than in the field. And it requires consolidation of the Washington, DC, offices.

But it creates out of this a new Farm Services Agency, which consolidates all farm programs. This makes way for an entirely new field structure based on field service centers, and allows the Secretary to close and consolidate over 1,100 county offices. Mr. President, in your State, in my State, in Senator LUGAR's State, and the other 47 States offices will be closed.

But I daresay in every one of those States we will have better services as a result, because it will also establish a Natural Resources Conservation Service. The bill will give local control over the final decisions of program recipients to county ASCS Committees. At the same time it will consolidate the Department of Agriculture's cost share programs in the new NRCS.

It also means we will have a single food safety agency to oversee all of the food safety inspection programs that the Department now runs. So one agency will have the responsibility.

It will consolidate the planning and policy development for all of USDA's research and education programs, some of which are the best in the world but some of which are overlapping and duplicative. It will consolidate them so we know where they are, and so we can nurture the best and get rid of those that do not work.

So it is good for taxpayers. It is good for farmers. It is good for the Department of Agriculture. It is not often you get a piece of legislation that you can say that about.

I think it will do more than that—it shows that we can cut costs and improve services at the same time. Maybe, Mr. President, with the Department of Agriculture, one of our largest Departments, we may set the standard for the rest of Federal Government.

As I said in my opening statement, I would not be at this point without the help, the cooperation, the expertise, and encouragement of the distinguished Senator from Indiana. So I yield to Senator LUGAR.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana [Mr. LUGAR] is recognized.

Mr. LUGAR. Thank you, Mr. President.

Mr. President, I thank my distinguished chairman for his thoughtful comments, and I thank him for his leadership on this issue and for the many other ways in which we work together in a bipartisan way in the Agriculture Committee.

This is one such instance, and a very important one in my judgment. I am here to speak in favor of these important efforts to reorganize the U.S. Department of Agriculture.

As many Senators will recall, this has been an issue of priority interest to me for the past 2 years. A GAO report and series of articles in the *Kansas City Star* and other distinguished newspapers throughout our country sparked my interest in the management and the structure of the U.S. Department of Agriculture.

I continued my review in mid-November of 1991 by requesting a comprehensive account of the U.S. Department of Agriculture employees, their offices, and work performed in each office in Washington and throughout our country.

After 3 months, I received a response memo from USDA stating:

You asked for the number of local USDA offices around the country. We have tried to get a straight answer to this question for as long as I have been here. Our staff still cannot give us an accurate number. It will be some time before we see the fruit of all these efforts. Until more progress is made, we will be unable to answer exactly how many of these offices "overlap or are just unnecessary."

Mr. President, from that rather low point of accountability and management, I must commend the Secretary because the USDA today knows how many employees it has, where they are located, and clearly USDA has a much better handle on the functions of those employees.

Based upon current data, I believe that the USDA can better perform its services to farmers, and to the general public, and save taxpayer resources.

I would note, Mr. President, that mature corporations in America have been undertaking a very difficult task of downsizing and streamlining in the private sector. They must do so or they would go out of business, into bankruptcy. Government agencies such as the USDA must look to the future and continually evaluate their effectiveness if they are to survive as viable servants of the people.

The legislation before us today was approved, as the chairman mentioned, by the Senate Agriculture Committee by a vote of 17 to 1, and the one dissent was really on other issues not pertaining to the size or the structure that Secretary Espy has proposed. This leg-

islation represents a new era of a smaller and more streamlined department.

S. 1970, the bill before us, provides Secretary Espy with broad authority to downsize the U.S. Department of Agriculture, moving from 43 agencies to 28.

This bill differs from the plan initially proposed by the Secretary in several ways that I wish to discuss for a moment, Mr. President.

Under the bill now before us, conservation programs will come under the jurisdiction of the newly created natural resources conservation service, the NRCS. Program rules and regulations for the agriculture conservation program would be set by the NRCS with the concurrence of the new farm service agency, both at the Federal and State levels.

At the local level, the current ASCS county committee, which is retained in the bill before us, would determine whether an individual farmer receives assistance under the ACP.

Secretary Espy's plan would have created agricultural conservation committees for each USDA field service center. Those committees, with equal representation from the ASCS committees and the Soil and Water Conservation districts, would have had the authority to approve NRCS recommendations on individual cost-share applications.

The bill before us addresses the concerns raised by farmers that somehow the newly created conservation agency will be less farmer friendly. The convenience provisions and the involvement of the farmer-elected county committees will ensure that farmers' interests will be protected. And the testimony of farmers has found that the bill is indeed farmer friendly.

This bill also proposes collocation of farm service agency local offices with natural resources conservation service local offices in order to improve service to farmers, to achieve computer compatibility and to share administrative resources.

The farm service agency and the conservation agency will no longer act and operate as independent entities but will instead be fully integrated in offering services to farmers.

(Mrs. FEINSTEIN assumed the chair.)

Mr. LUGAR. I underline this new provision, Madam President, because the fact is that, in the past, the allegation was made by this Senator and others that USDA was seemingly composed of 43 separate empires, loosely held together under a Secretary of Agriculture, who was nominally in control. At the local level, farmers frequently had to go to different locations for various services. In subsequent years, many of the offices were co-located, which means they were in the same building, in a particular county seat or

site, but still insulated by, really, a firewall in terms of cooperation—separate computers, receptionists, telephones, and separate forms and procedures. Therefore, the average farmer coming into this situation still had to deal with very separate circumstances at much loss of time and bureaucratic hassle.

The whole quest has been to collocate and then to try to reduce the walls and bring compatibility of function. A large stride, we hope, is being made at the top, with the superstructure now reduced from 43 to 28 agencies. Still ahead—and I will discuss this in a moment—is what occurs out in the field where producers come into contact with the Department in most cases.

Because of issues raised by land grant colleges around this country, the Cooperative State Research Service and the Extension Service will be merged to form the Cooperative State Research and Education Service. This combination recognizes the unique roles of these two agencies in carrying out partnership programs with the States, and that will help to ensure that local and State research and education needs are addressed appropriately.

I underline that situation because it was one that brought a great deal of attention and a great number of distinguished university leaders to Washington to make certain that the situations were addressed. In my judgment, they have been, and they testified to that effect.

Finally, I mention an amendment that I proposed to reduce the number of congressionally mandated reports that the U.S. Department of Agriculture must prepare. My amendment was included in the bill, and I am grateful for that inclusion.

Last summer, I wrote to Secretary Espy requesting a comprehensive list of the reports and studies conducted by the Department of Agriculture. The Secretary responded last fall and indicated that the Department had identified 284 congressionally mandated reports that would have cost the U.S. Department of Agriculture \$40 million to complete, if all the reports were in fact completed.

My amendment, which has been included in the bill, makes clear that USDA will not be required to produce any of the 284 reports. However, I recognize that there may be some reports that are particularly important to the Secretary or useful to Congress and the public. Therefore, my amendment permits the Secretary to complete not more than 30, or about 10 percent of these mandated reports each year, at his discretion.

Mr. President, some may have wondered why the focus of our reform effort has been on the Department of Agriculture. In fact, many farmers, many

people in agribusiness, many citizens in general, suggest that USDA was probably worthy of attention, but they have asked why the searchlight of truth has focused on this specific agency as opposed to the U.S. Department of Defense or of Transportation or of Commerce or of many other agencies throughout the Government.

In fact, in Vice President GORE's efforts, a number of Department agencies have been targeted for a great deal of attention. I commend the Vice President on his attention to USDA. His staff came to almost the same conclusions as those contained in this legislation, in order to obtain the savings of \$2.3 billion, that Senator LEAHY, chairman of the committee, has cited.

It is my hope—and I am sure that is the case with the chairman—that our efforts in the Agriculture Committee will focus the attention of other committees on the Departments for which they have jurisdiction. The USDA is by no means the best or the worst, but it is—at least for those of us in the Agriculture Committee—our responsibility. For 2 years, we believe we have pressed Secretary Madigan, and now Secretary Espy, to take action that would be important to the American people.

Madam President, Secretary Espy, when he came into office, inherited research done by the previous incumbent, Secretary Ed Madigan. Secretary Madigan had conducted his research after being pressed substantially by this Senator and Senator LEAHY and by others on our committee, who noted likewise a General Accounting Office report and the articles in the papers. The fact that there was, if not inattention, simply a sense of lack of organization throughout the country found in field offices, in addition to the problems in Washington, DC.

Early on in the consideration, I suggested that 50 field offices be closed. I identified those on the basis of the GAO report. I identified the fact that the overhead expenses for these offices were significantly higher than the amount of payments to farmers in their areas. It appeared to me that many of these offices served very few farmers and that they could be consolidated with other offices to the benefit, really, of farmers, the public, and the taxpayers as a whole. My initial call for the closure of the 50 offices did not rate an immediate response from the Department. I did further research and suggested 150 that had expenses, overhead expenses, substantially greater than benefits to farmers in their areas.

In due course, I pressed long enough that Secretary Madigan, who is my friend and for whom I have great regard, decided to set up in May of 1992 a so-called SWAT team. This was made up of some Members of the Congress and others, who went out as a staff for field hearings to take a look at the field office situation. Unfortunately, our re-

port did not come in until after the election of 1992, and by that time, it was apparent that Secretary Madigan would no longer be serving as Secretary of Agriculture, with a new administration coming in.

Nevertheless, to his credit, he persisted to publish a final report, and over 7,000 field offices were listed in terms of their importance on five standards, which included the number of farmers being served, the amount of payments, the proximity of these offices to each other or to the people they were serving, the conditions that made it difficult to get to the offices, and various other criteria. Secretary Madigan and his group suggested that approximately 1,200 of these offices should be consolidated. He made that recommendation about 5 days before leaving office. Secretary Espy inherited that report at that point.

Secretary Espy met with Senator LEAHY and with me at a breakfast meeting at which he indicated his priorities. His priorities were to tackle the Washington situation first, to take the most significant cuts in the Washington bureaucracy, as opposed to the field. It was a judgment call. My own choice would have been to approach both simultaneously and to do both very quickly upon the Secretary's coming into office and then having an enthusiastic mandate to do this work.

It has taken awhile. Obviously, this is April 1994 as opposed to February 1993. But to the credit of the Secretary, he has followed through, as has his staff, and it took some time for that staff to come into place and now the superstructure situation is being addressed. That is what this bill is about.

I am hopeful that we will pass the bill today and that we will offer at least our advice to the House. They have moved, at least, in subcommittee form, and I am hopeful their committee will do more work. But then we have before us still a task—I hope the Secretary will offer extensive leadership toward that objective very rapidly. That is, to take a look at the field office situation.

I am certain the Secretary is aware of that. He has studied the same report Secretary Madigan has. He has had recommendations now from all of the State directors in the field and, hopefully, is on the threshold, with the knowledge of this legislation, of acting on those recommendations.

In my judgment, Madam President, he can do the job administratively. He may require legislation. I pledged to work with Chairman LEAHY if that is the course the Secretary takes to try to expedite those recommendations, too.

I think the credibility of all of our efforts—the administration and congressional—relies on prompt activity on a subject that has been discussed very substantially now for 2 years with in-

tensive thought by the Agriculture Committee.

I conclude this opening presentation by saying, frequently it is asked at Farm Bureau meetings and other agricultural meetings in my State, what is the constituency for this? Who is in favor of all of this?

Let me just say, first and foremost, farmers in the United States of America are in favor of this. If this is a source of wonderment to some, I would point out that farmers, by and large, understand bureaucratic inefficiency when they see it. They have endured a great deal. They are eager for someone to take cognizance of their predicament. And they applaud constructive efforts, whether it be by the Secretary or by the Congress.

I mention this very candidly, because the thought has been out there for a long time that not a single field office could be closed in America without an enormous political storm; that a field office closed in any of our States or any of our districts would lead people to come to Washington to demand that every bit of those offices be kept open and every employee and every dollar be kept alive, almost in a base closing situation.

Let me just say, Madam President, from my own experience in Indiana in 1992 prior to the change of administration, Don Villwock, who was the State director for ASCS, came to the conclusion that in Ohio County, IN, the office ought to be consolidated with nearby Dearborn County along the Ohio River. And the State office, in fact, issued directions that the office be closed and the records be consolidated.

This created an enormous storm, not from the farmers in Indiana but from bureaucrats in Washington, because they said, how can this be? Do you have to have the three members of the local board and the State board and national office even to close a single local office?

Secretary Madigan, I believe, was in some puzzlement about this. Our staff did some research utilizing the Library of Congress to note that the Secretary alone has the ability to make those consolidations as he had since the 1930's. He can deputize the State director to do this and, in essence, my advice to Secretary Madigan was to let the local level prevail, which, in fact, occurred.

I mention this, Madam President, because in my earlier press conferences I raised the question; is it conceivable that a single office anywhere in America can be closed? And until that point the answer was, no, not a single one. But as of that time, a single one was closed.

Madam President, the second closure occurred in a way that that was even more personal with regard to my situation. My farm is in Marion County in Indiana. Just before Christmas, as a

matter of fact, I received a mimeograph notice from the ASCS, the Agriculture Stabilization and Conservation Service office in Marion County, my own home county, that as of early January the Marion County office would be consolidated with nearby Johnson County to the South; that the record of my farm would go to Franklin, IN, about 20 miles away from where we were; that the three-member board simply held a meeting and decided the number of farmers left in very urban Indianapolis, and Marion County did not justify having the office. In a very sensible way, it decided to consolidate.

Once again there was a firestorm back in Washington as to how anyone can do such a thing, actually create a consolidation. But once again my advice to Secretary Espy was to let people in my home county do this if they wished to do so. I did not press the issue. Just simply, as a farmer in Marion County, I received notice that it had occurred. I applauded it, as a matter of fact, on that day and hoped it was occurring throughout America.

It has not yet occurred throughout America, but I hope it will soon, as do I believe most farmers and surely most taxpayers also hope.

Therefore, I commend those who have been pioneering in this quest. I am grateful for the very strong advocacy of Chairman LEAHY and a majority of members of the Agriculture Committee who have clearly been in the vanguard in reform in a bipartisan way now through two administrations. And I see this day as a moment of triumph for good government.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I thank the Senator from Indiana for his statement. I point out that this has been a joint effort, and I think one that can bear fruit.

As I said earlier, offices will be closed or consolidated in Vermont, Indiana, and California. But I think every one of us knows no matter what part of the country we are from, we are going to have a better department as a result.

Madam President, I ask for the yeas and nays on the pending legislation.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. Madam President, I know the distinguished senior Senator from New Mexico is on the floor and wishes to speak on another subject. If I might inquire how much time he will need. Obviously he has all the time he wants. This is just for planning purposes.

Mr. DOMENICI. I thank the distinguished chairman. I would probably use 7 to 8 minutes.

Mr. LEAHY. Madam President, may I suggest this, and I am going to soon, in

just a moment, yield to the Senator from New Mexico for whatever time he needs: Might I suggest that, if anyone else has anything they want to add to this bill or amendments they want to bring forth, they may want to come over while the Senator from New Mexico is speaking, because there has been a long gestation period on this bill and I think the Senator from Indiana and I, in our role as delivery service, would like to deliver this package for the consideration of the other body. So we would be ready to move very quickly.

With that, Madam President, I yield the floor.

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

Mr. DOMENICI. Madam President, let me indicate that I would clearly not want to interrupt and delay a matter such as the Leahy-Lugar bill that is on the floor. But I understand that by my speaking a few moments, I am not delaying it, because they are waiting for Senators with amendments. I clearly will try to accommodate wherever I can.

CHARACTER

Mr. DOMENICI. Madam President, I come to the floor to tell a little story. I think it is a very important story, and I would like to share it with everyone.

Let me start by saying, as a Senator from the State of New Mexico—and I have now been here over 21 years—I have watched the level of anxiety, apprehension, even fear in the constituents in my State. I have watched people all over the country, and it has reached the point where it seems that almost anything that is not going right will draw the ire of the American people. But I believe the real reason for anxiety bordering on fear is not what our polls tell us. I do not believe it is crime, and I do not believe it is jobs, although I do believe all of these are very important.

But I believe the people in this country and in my State are frightened because something is happening to the character of our country and they see it as it is directly reflected in the character of our people. As adults, we are frightened to death because we see the lack of character among our young people. We are fearful that the boat of values or character is just adrift without a rudder.

So about 7 months ago, I happened to be reading a column in the Washington Post by William Raspberry. It was called "Honor Thy Fogies." I ask unanimous consent that the column be printed in the RECORD.

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

[From the Washington Post, Oct. 11, 1993]

HONOR THY FOGIES

(By William Raspberry)

Friends of Guilt-Induced Eschewal of Sin—FOGIES for short—are pleased to announce that we have taken in some new members: Barbara Jordan, Tom Selleck and Michael Josephson.

Their unofficial induction (these new FOGIES aren't even aware they've been inducted) took place in Washington last Friday, with the launching of something called the Character Counts Coalition, described in the press release as "an effort to address one of the critical issues of the day—the character and values of our society, especially our young."

That, of course, is precisely what motivates us old FOGIES. We are sick of watching silently while our children go to hell in the handbasket of moral relativism. We want people to start talking again about the eternal verities—about good and bad, right and wrong.

We are the ones whose neck veins throb when we hear yet another proposal for the distribution of condoms in high schools (which are forbidden to distribute the Ten Commandments), who advocate public floggings for those parents whose only childrearing guide is what other parents let their children do, who would require teenage mothers to enroll in free early childhood courses on pain of being pilloried, or at least having their welfare checks docked, who . . . who . . .

Why don't you listen to Barbara Jordan, while I lie down a second. The former Texas representative joined Hollywood's Selleck and Josephson, founding head of the Josephson Institute of Ethics, to announce formation of the Character Counts Coalition—27 culturally and politically diverse groups claiming to represent some 20 million children. Here's Jordan:

If we are successful, we are going to make character the No. 1 call of young people in this country. They are going to think before they act because they know that if they do the wrong thing, that there are consequences, and they may not like these consequences. Kids now must understand that they are responsible for their actions. . . . We are responsible for making sure that young people know what is expected of them.

See how calmly she says it? You suppose it's because she doesn't have any children?

To be utterly serious for a moment, her words are right on target. Our children need to understand their personal responsibility, and we have to make sure they know what we expect of them. We reveal our expectations most forcibly by our behavior—as when we allow our children to cheat on school work, or to wear clothes that the family budget can't account for, or when we leave 16- and 17-year-olds to party on their own and provide buses to fetch them home just on the off chance that some of them might overindulge in the beer we know the law forbids them to drink.

And how are our children behaving? Look at Josephson's stunning statistics showing that within just this past year:

Thirty-nine percent of high school-age boys (and 26 percent of girls) have stolen something from a store.

A fourth of the boys and a fifth of the girls have stolen something from a family member.

Two-thirds of high-schoolers and a third of college students cheated on an exam—30 percent of the 15- to 18-year-olds cheated at least four times.

Half the college males and 38 percent of the females drove while drunk—a quarter of the men and a tenth of the women doing so at least four times.

A third of college-age men, a fifth of college-age women say they would lie to get a job; 21 percent would falsify a report to keep a job.

Worse, they do these things without apparent guilt or remorse. Where did our children get such dreadful morals? There is both indictment and hope in the answer the Josephson Institute turned up: American youth consistently list their parents as their ethical role models—their teachers second.

"This means," said Selleck, "that parents and teachers have the moral authority to persuade, encourage and inspire the best in young people." But it requires that we be "unequivocal about labeling [immoral or unethical behavior] as wrong and unacceptable."

Michael Josephson and the Character Counts Coalition have tried to reduce their effort to six core values: trustworthiness, respect, responsibility, fairness, caring and citizenship.

Not a bad list, that. It avoids two of the major pitfalls of ethics discussions: religion and moral dilemmas.

It's hard to think of a religion that would have difficulty with any of these six principles, with the possible exception of "citizenship" in some of its definitions. As for the dilemmas, it often strikes me that we use them as a way of avoiding ethical teaching.

"There are many areas where it is not always easy to know what is the right thing to do," Selleck acknowledged. "But there are just as many where there is no doubt. Violence, theft, lying, cheating and drunk driving are wrong. And we need to say so as loudly and as often as possible."

We card-carrying FOGIES couldn't have said it better.

Mr. DOMENICI. Madam President, what this article says is that there is a group of Americans who are talking about the idea that character counts in America, and that we ought to take a good look at ourselves and see if we are neglecting our critical role and responsibility as adults by not speaking out on values and character out of fear that if we get involved we will be told, "That's not your business, Whose morals? Whose values?"

The article refers to a group called the Character Counts Coalition. To give you some idea of the broad base of support this group has, and to illustrate the political and ideological range of this group, let me just tell you who the coalition's co-chairs are. Former Congresswoman Barbara Jordan is one of the co-chairs, and the other is actor Tom Selleck. Obviously, that is a liberal and a conservative. In fact, I think Tom Selleck frequently says he is one of two actors in Hollywood who supported Ronald Reagan openly.

But here we have two co-chairs of obviously diverse political ideologies, who are nonetheless united behind the idea that character counts and are convinced enough of its importance to lend their names to a coalition. I read that with a degree of interest and I wrote and found out about it.

It has been with me ever since. So I chose, on an occasion when I was being given a rather distinguished award in my State and before what is for my State a very large crowd, maybe 700 people. They wanted to hear a speech, I assume, on policy. I chose to give a speech on character. I never, never got such a response in my political life, which spans 21½ years here and 4 years as a councilman and mayor of my home city. Never such a response.

They actually lined up afterward saying, "What do we do about this? How can we help?"

Well, that stuck with me for a while, until about 2 months ago. And I decided that maybe I would recruit a few Senators from both sides of the aisle to see if we could not put together our own Senate Character Counts Caucus. And it was, I'm proud to say, very easy. I got four Democrats and three Republicans to join me. I believe we represent a very broad philosophical and ideological base—Senator NUNN, Senator MIKULSKI, Senator DODD, and Senator LIEBERMAN; and Senator DOMENICI, Senator DANFORTH, Senator BENNETT, and Senator COCHRAN.

We met and talked about what we might do. We brought in some of the people who belonged to the Character Counts Coalition. Between us, we decided that we were going to try to do something to promote this goal and objective.

I now would like to read the six core elements of character, that we are embracing. These elements were developed not by the eight of us, but by a diverse group of ethics scholars, educators, and representatives of groups who serve our young people and I believe if we all decide that we want to be part of this, and if we want to educate with reference to this, I think this group has found—and a large cross-section of America has concurred—that there will be little or no objection to these six basic principles of character; trustworthiness, respect, responsibility, fairness, caring, and citizenship. We call them the six core elements of character.

Our group got together and we decided that we would put together a resolution. It will be coming to each Senator's office from the eight of us. We will be asking the Congress to establish a week in October as a "National Character Counts Week" and asking the President to ask Americans to embrace these core elements, to spend time discussing them, and work to reinvigorate and reinstall character, especially these six elements of character, into our children, into our workplaces, into our institutions, and into our businesses.

We had a press conference on it, we got information out to the public, and we will ask every Senator to help us with that and cosponsor it. But, Madam President, that is not really

why I came to the floor today. Let me finish the story.

I went home during the most recent recess and I decided to tell the people in my State about it. I was very fortunate. The first day I arrived, it happens that the New Mexico Association of School Business Officials, which includes all 89 of our school superintendents, are in one room in a convention. I had a half hour. I talked about it. I said, "Why don't we talk our school boards into establishing this as a matter of policy and see what we can do to try to bring into the very fiber of education in our schools these six care elements of character?"

Madam President, to my amazement, when I was finished, slowly but surely, everyone stood up and applauded, yet another overwhelming reaction. And now a litany of correspondents, who were there or heard second-hand what I had said, started asking, "Tell us more about it." And let me tell you, we are busy responding to each of them and asking the coalition to provide them each with more information.

The next time I had a chance to be in Albuquerque, I had the opportunity to go to a grade school. I want to mention it and commend it and commend a few people, because I want to acknowledge that, before the Senator from New Mexico got interested, an Albuquerque grade school, Bel-Air Elementary School, about 9 months ago became very active in this same issue and with the same group I have just told you about. They decided as a school, with the permission ultimately of the school board and all of the teachers committed, to see what they could do about bringing such responsibility, respect, trustworthiness, fairness, caring, and citizenship, to these young children in an orderly, regular part of their school day.

I went there on a day when they were having an assembly of grade schoolers. Now, if anybody from the Senate thinks that it is easy to be part of that small and young group of our children and talk about these kinds of things, let me tell you that I didn't know at all what to expect to happen there.

They were all sitting on the floor of the largest room they had. This was their normal assembly to promote, discuss, and give awards for the previous month's word. And the previous month's word was "caring." All over the halls of that school were posters exemplifying caring. The young people were giving awards to the student who they thought showed the most caring during their everyday activities. It was astounding.

Before the assembly, I met with maybe 25 of their teachers. They were excited because they were preparing themselves for that assembly and for the month when they were going to move from "caring" to "fairness" and talk about fairness as a character or virtue.

Do you know what I learned, fellow Senators? I learned that the teachers themselves said,

Pulling ourselves together to try to figure out how to integrate into the daily lives of our young students these kinds of attributes, we have ourselves become better teachers and better people, because we cannot teach responsibility and live with ourselves being irresponsible. It is contagious.

And they also said, believe it or not, that third graders are talking about responsibility and using the word and, what's more, understanding what it means.

Madam President, I ask unanimous consent to have printed in the RECORD an Albuquerque Journal story about this school. And I want to personally say to three people in New Mexico who have something to do with this that I am very proud of them, and maybe we altogether have hit on something that may indeed be contagious and, yes, may fill an enormous void in this Nation's well-being.

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

CHARACTER COUNTS FOR BEL-AIR PUPILS—
RESPECT, FAIRNESS PART OF LEARNING
(By Tracy Dingmann)

"Remember R.A.K."—random acts of kindness—say the little pink and yellow signs posted all over Bel-Air Elementary.

Dotting the walls are bright blue certificates honoring "local heroes" for their good deeds.

And hand-lettered poems featuring "caring," the word of the month, decorate nearly every inch of the halls.

What's happening here?

It's called character education, and Bel-Air, at 4725 Candelaria NE, is the first Albuquerque Public Schools campus to give it a try.

Six months ago, Bel-Air adopted a national program called Character Counts, which advocates infusing students with six core values: trustworthiness, respect, responsibility, fairness, caring and citizenship.

The program was developed two years ago during a conference in Aspen, Colo., by the Josephson Institute of Ethics, a consortium of religious groups, community leaders, educators, parents and students.

Last week, the Albuquerque Public Schools board unanimously endorsed putting Character Counts in all APS schools.

Bel-Air staffers use various methods to teach students about the values, from choosing films and books that reflect them to setting up playacting situations, discussions and word games.

Lessons on values span all subjects and aren't confused to any class, says assistant principal Dennis Romero.

"There is no set curricula," he said. "The values are an umbrella under which we do other things."

The program has brought good things to Bel-Air, says school counselor Mary Jane Aguilar.

For example, the number of slips issued to students for discipline problems dropped from 64 in September to 17 in December, she said.

And a recent survey shows staffers heartily support the initiative and see an improvement in student behavior both in and outside the classroom.

Perhaps more importantly, kids report feeling the changed atmosphere.

"I feel safer," said fifth-grader Claire Long, who added she had often been picked on by her classmates. "Last year, I would just put my head down on my desk and cry two or three times a week."

Bel-Air principal Charles Lefnosky said the school decided to pioneer Character Counts for APS after a parent told school workers they "weren't living in the real world."

Schools preach against fighting; but the parent said in "real life," kids have to stick up for themselves and fight back.

"We didn't realize it, but we had one set of rules, and the community had another," said Aguilar.

The problem isn't confined to the Bel-Air neighborhood, Aguilar said. "Violence as a first response really permeates our youth. It's like that all over the city. It doesn't matter where you are."

So the Bel-Air staff tackled the problem by inviting students and their families to learn a different way to react.

The staff began by crafting a definition for each of the six core values that all students could understand.

For example, responsibility was defined as: "You know what is expected. You do what is expected. Others can depend on you to know and do what it expected."

Making the words actually mean something to the children was harder than it sounds, Romero said.

Net, staffers identified certain actions associated with each word, such as "doing things without your mother reminding you" as examples of being trustworthy.

Lastly, they encourage students to "model" the value expressed in the word of the month.

To reward those who do good things, Bel-Air holds assemblies and hands out certificates.

The school gets the whole community involved by discussing the program at PTA meetings, bringing parents in to perform skits during assemblies, and posting inspirational messages on the school's marquee.

Though teaching values has improved the school's atmosphere, staffers at Bel-Air think the program will eventually benefit the students academically, too.

"If kids feel safe, then they're able to focus on academics, and not about who's going to beat them up after school," Romero said. "We're hoping test scores are going to reflect that, but we don't know. It might take a couple of years."

Launching the program district wide recently won support from the board and the Albuquerque Teachers Federation, but staffers at Bel-Air say they have concerns.

The program won't work unless everyone at the school believes in it and wants to do it, said Aguilar. Also, she said putting the program together takes lots of work and time and there's no instruction manual for doing it.

"If they don't make a real commitment, it will all go by the wayside," she said.

Mr. DOMENICI. There are many people I could mention, but I really want to acknowledge the efforts of three in particular: Don Whatley, who is the president of the American Federation of Teachers in New Mexico, has been a stalwart at pursuing this through his organization and through the school board. He will remain a leader, and I think with his leadership New Mexico

can become a lead State in producing instructional material that will help our teachers, better inculcate, day by day, these six core character elements in our young people. Mary Jane Aguilar, who is the counselor in charge of the program—dynamic, enthusiastic, learning day by day and taking everything she can get to put together some kind of material so they can follow it up with the young people. And the vice principal, Dennis Romero, who is in charge of it.

Madam President, I once again ask unanimous consent to have the joint resolution that the eight Senators I mentioned have signed on to be printed in the RECORD, so those who have listened today will once again find the resolution and perhaps, as the letter to our colleagues circulates, they will connect this talk today with the resolution. I hope Senators will all join us because I think we must pass it and ask our President to start down this path.

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

S.J. RES. 178

Whereas young people will be the stewards of our communities, Nation, and world in critical times, and the present and future well-being of our society requires an involved, caring citizenry with good character;

Whereas concerns about the character training of children have taken on a new sense of urgency as violence by and against youth threatens the physical and psychological well-being of the Nation;

Whereas more than ever, children need strong and constructive guidance from their families and their communities, including schools, youth organization, religious institutions and civic groups;

Whereas the character of a Nation is only as strong as the character of its individual citizens;

Whereas the public good is advanced when young people are taught the importance of good character, and that character counts in personal relationships, in school, and in the workplace;

Whereas scholars and educators agree that people do not automatically develop good character and, therefore, conscientious efforts must be made by youth-influencing institutions and individuals to help young people develop the essential traits and characteristics that comprise good character;

Whereas character development is, first and foremost, an obligation of families, efforts by faith communities, schools, and youth, civic and human service organizations also play a very important role in supporting family efforts by fostering and promoting good character;

Whereas the Congress encourages students, teachers, parents, youth and community leaders to recognize the valuable role our youth play in the present and future of our Nation, and to recognize that character is an important part of that future;

Whereas, in July 1992, the Aspen Declaration was written by an eminent group of educators, youth leaders and ethics scholars for the purposes of articulating a coherent framework for character education appropriate to a diverse and pluralistic society;

Whereas the Aspen Declaration states that "Effective character education is based on

core ethical values which form the foundation of democratic society";

Whereas the core ethical values identified by the Aspen Declaration constitute the Six Core Elements of Character;

Whereas these Six Core Elements of Character are—

- (1) trustworthiness;
- (2) respect;
- (3) responsibility;
- (4) justice and fairness;
- (5) caring; and
- (6) civic virtue and citizenship.

Whereas the Six Core Elements of Character transcend cultural, religious, and socioeconomic differences;

Whereas the Aspen Declaration states that "The character and conduct of our youth reflect the character and conduct of society; therefore, every adult has the responsibility to teach and model the core ethical values and every social institution has the responsibility to promote the development of good character";

Whereas the Congress encourages individuals and organizations, especially those who have an interest in the education and training of our youth, to adopt these Six Core Elements of Character as intrinsic to the well-being of individuals, communities, and society as a whole; and

Whereas the Congress encourages communities, especially schools and youth organizations, to integrate these Six Core Elements of Character into programs serving students and children: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of October 16 through October 22, 1994, is designated as "National Character Counts Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States and interested groups to embrace these Six Core Elements of Character and to observe the week with appropriate ceremonies and activities.

Mr. DOMENICI. Madam President, I do not know where we go next, but I do think it is time we unshackle ourselves from the tripod which has said to us for too long, "Do not get involved." Because it is time that we get involved. We in the Congress can help, but we are not necessarily the ones who will make character building across this land successful or unsuccessful. From this Senator's standpoint, I honestly believe while we must pass laws—and we have already passed a couple of them today—I think it is far more important we involve ourselves in seeing what we can do to encourage the grassroots of America—grade schools, business people, parents and civic groups—to meet this issue head on. The interest and enthusiasm is there. I spoke to a business group while in New Mexico and I chose to wind up the speech with this issue, and more people waited to ask about how they could get involved in this effort, both on a personal and professional level, than on the other subjects—although I will note they all expressed genuine interest in the other subjects as well.

Are people skeptical about it, especially when a politician talks about it? Yes.

I ask unanimous consent to have printed in the RECORD this editorial from the El Paso, Texas Times.

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

[From the El Paso (TX) Times]

GOING BEYOND THE THREE R'S
SCHOOLS SHOULD TEACH YOUNGSTERS VALUES,
TOO

There is a widespread sentiment in the United States that the nation is losing the character and values on which it was founded.

Politicians are distrusted and the business world is popularly regarded as unethical, but that is nothing new.

What really worries many people is the perception that this generation of young people is adrift and surrounded by violence, drugs, crime and sexuality without the benefit of firm values to help them through the storm.

Two years ago, the Joseph & Edna Josephson Institute of Ethics convened a group of eminent educators, youth leaders and ethics scholars to arrive at a set of common values that would transcend religious, political, cultural and socio-economic differences.

What emerged was the "Aspen Declaration" that included a list of six core values that are critical to the sound foundation of a democratic society.

The six—trustworthiness, respect for others, responsibility, fairness, caring and citizenship—are values with which few would disagree.

The Josephson Institute wants to see young people encountering these core values at home, in school and in their outside organized activities.

"We figure if we can teach some at school and if parents give them some at home and they get some more at baseball and soccer practice, maybe it'll take," said Jozelle Smith, director of the Institute's Youth Ethics Program.

That is what it will take to begin to counter all of the messages they are getting about what is acceptable and unacceptable.

U.S. Sen. Pete Domenici, R-N.M., leads a bipartisan group of eight senators pushing for Senate endorsement of the Josephson Institute's initiative and the approval of a national "Character Counts Week" in October.

"It seems we are teaching kids about violence . . . disregard for others and a lack of responsibility," Domenici said last week. "We need to look for a way to teach values that would be meaningful, not dictatorial."

Domenici concedes that the Senate may seem a strange place from which to be urging ethics on the rest of the country, saying, "Maybe we need to develop character, too."

And he is more than a little right when in saying, "A country without . . . character is lost."

The Senate can help, as can other institutions, from Little League Baseball and the United Way to the National Council of La Raza, which happens to be three of 35 national organizations that are charter members of the Character Counts Coalition.

This effort to promote six core values could become just another barrage of political rhetoric from Washington and another chance for stars to act as though they care in Hollywood. Or it could be the start of a serious attempt by many thousands of middle Americans to reorient the country.

The latter is possible if school districts will embrace the idea of making core values an integral part of the educational curriculum, starting in pre-kindergarten and going through the last week of the senior year.

Just last month, the Albuquerque public school system endorsed the Character

Counts concept, due largely to the efforts of one woman, Mary Jane Aguilar, an elementary school counselor who started a yearlong program this year to inoculate students in her school with these core values.

El Paso County's nine school districts should do the same and commit to having programs in place by fall.

Parents and communities would rally behind such efforts without much prodding, for they are as worried as the rest of America about what kind of country this is becoming.

Mr. DOMENICI. Madam President, since El Paso is New Mexico's immediate neighbor, and because a significant portion of their newspaper's circulation is in my State, I chose to go to an editorial board meeting in El Paso to talk about this issue. They have two outside editorial board people and they were there. We talked for an hour.

There was cynicism by one. In fact one said why should we expect people who are Members of Congress to have anything significant to say about this?

My response was, as best I could: Well, if we are really waiting around for leaders—locally, county, State, national—who are without blame for anything that has happened in the country, who have always been absolutely beyond reproach, who maybe have not done all they should about character development in the country, then I think we will have to wait around for the second coming. Because there will be no one around.

My answer must have worked, because a full editorial page was devoted to the subject, "Going Beyond the Three R's." I have made that a part of the RECORD.

Madam President, I want to close by suggesting that I am not here to overstate our case as elected political leaders of the country; nor to understate it. Nor to indicate that the development of something like this, perhaps a sea of change in the country with reference to this—I am not suggesting this Senator or any I know are going to be the cause of making that work. But I think we can join together and say we want to encourage and help local groups that want to be involved, from families to businesses to schools to teacher groups and any kind of institution that is interested in our country's future. I think there is a chance that with the innovation and skills of Americans who know how to teach—I think there is a real probability that if we worked with them, and pushed, prompted, asked, and encouraged, we can come up with some very exciting ways to have the young people of this country thinking about character: Trustworthiness, respect, responsibility, fairness, caring, and citizenship.

I do not think that these six elements are the end-all of all qualities of character. But I submit we ought not debate for 5 years or 10 what we think they are either. I think the sooner the better, that we get on with trying to

talk about these particular six, and saying that obviously at the local level or in a school you can talk about others but let us begin by supporting these six.

So beyond the three people in my State and the three things I asked be put in the RECORD, I want to say there are already thousands of people working on this who are legitimately concerned, and there are hundreds of organizations working out there, many of which have joined with this coalition. There are countless others taking their own paths, their own approaches to building character. But I submit that if you can get eight Senators like we did, with varying ideological and philosophical differences, to say, "let us do something about this," and when no one within any group seems to object to these six elements of good character, I submit the time is right for us to move beyond the argument of whose values we mean—let us start with these six—and start to focus on how we might get involved in a meaningful way.

I do not have solutions to how far we should go as a branch of Government, but I can say there is going to be a need for the development of instructional material and helping our teachers learn how to do this in a way they are comfortable with and meets the full expectations of parent groups and the community. I think that is the next thing we will be confronted with.

I hope we will pass our resolution and that the President will help us. But I am also concerned as to where the resources are assembled for the development of the kinds of pedagogic equipment—instructional material and the like—to go forward with this. Also, where the business community will go to find help in pursuing it.

I close today by saying there is no doubt in my mind that a man's character is a man's fate. There is no doubt in my mind that a country without character is lost, and that a country cannot have character if its people have no character.

So it seems to me through a very fortunate series of things the Senator from New Mexico happens to be involved in this, and I am hopeful a lot more people will be. I will continue until we see, collectively, whether it will succeed and where it will go.

DEPARTMENT OF AGRICULTURE REORGANIZATION ACT OF 1994

The Senate continued with the consideration of the bill.

Mr. DOMENICI. Madam President, I rise in support of this bill.

I would like to congratulate the distinguished chairman and ranking member for bringing this bill to the floor.

This bill would provide the Secretary of Agriculture with broad authority to transfer and consolidate functions and

resources within the Department in order to improve the efficiency and economy of existing programs.

The bill would also require the Secretary to reduce staff levels at USDA by at least 7,500 staff years by September 30, 1999, with proportionally greater reductions in the headquarters staff than in the field.

The bill also consolidates all the farm programs into a single farm service agency, and closing and consolidation over 1,100 county offices and reducing the number of independent agencies from 43 to 28.

Madam President, this bill establishes a single, consolidated natural resource conservation service and gives local control over final decisions on program recipients to county ASCS committees.

This bill is the first step in creating a smaller and more efficient USDA.

This bill would benefit the users of USDA programs by consolidating field offices and agencies. The farmer would only have to make one visit to one office instead of making three different stops at three different agencies.

Madam President, the Congressional Budget Office estimates that enactment of this bill would reduce Federal outlays for the Department's activities by \$890 million over the next 5 years, assuming appropriations are reduced.

These savings are due to the reduction of 7,500 staff years over the 5-year period and a reduction in overhead costs.

I would not mislead my colleagues by saying that enactment of this bill would, in reality, reduce outlays. These savings are achieved on the discretionary side of the budget which are constrained by the discretionary caps.

These savings were already assumed by the administration in its budget submission and in the congressional budget resolution that passed the Senate.

Mr. FEINGOLD. Madam President, as a member of the Agriculture Committee, I rise in support of S. 1970, the USDA reorganization bill. I applaud Chairman LEAHY and Senator LUGAR for their leadership in this area and for working so diligently to reach consensus in the committee and in bringing this bill to the floor so quickly. I also commend the Secretary of Agriculture, Mike Espy, for taking the initiative to propose such a massive and comprehensive reorganization.

This reorganization is expected to save \$2.3 billion over the next 5 years. That is a significant level of savings that can be achieved simply by making changes that make sense. They make sense for the farmer, the consumer and the taxpayers who foot the bill.

When the Agriculture Committee considered this legislation, there were many contentious issues associated with this reorganization. There was, however, virtually unanimous agree-

ment that we needed to reorganize the Department so that its structure more accurately reflected the mission and functions of USDA. We also needed to consolidate agencies that had been created and expanded since the USDA was created so many years ago.

The structure of agriculture has changed greatly since USDA was created in 1862 with dramatically fewer farmers producing more food on less land. As such, USDA's traditional methods for providing services need re-vamping and the very large number of field offices must be reduced while services should be provided in a more efficient manner. S. 1970 provides the Secretary with the tools to accomplish the closing and collocation of field offices and the streamlining of services. This aspect of the reorganization was one component of my 82-plus-point plan for deficit reduction.

The scope of the Department has grown far beyond production agriculture but rather encompasses food safety, environment, research, nutrition, hunger prevention, and international trade. This reorganization recognizes that by establishing a new Assistant Secretary for Food Safety, by creating the Natural Resources Conservation Service to handle virtually all conservation programs within the Department, by establishing an Under Secretary for Food and Consumer Services to better manage the nutrition and antihunger functions of the Department and by consolidating many agencies that conduct similar services and perform like functions.

As a Member of the Senate from an agricultural State, it is extremely important to me that we achieve an equitable consolidation and streamlining among all of the functions of the Department and between the headquarters and field offices. I am very pleased that my proposal to achieve greater consolidation in the research functions of the USDA have been included in this bill with the cooperation of my colleagues. By including my proposal to consolidate the Economic Research Service and the National Agricultural Statistics Service into the Agricultural Economics and Statistics Service, I think we have achieved an equitable consolidation.

While putting this bill together in the Senate took considerable effort on the part of the Department and the Senate Agriculture Committee, this was, unfortunately, the easy part. The hard part will be making this reorganization a reality at both the headquarters level and in the field. I look forward to working with the Secretary of Agriculture and farmers and consumers in Wisconsin to implement these very important changes to the benefit of all parties.

This is a groundbreaking piece of legislation that strikes the fat from bureaucracy, eliminates over 7,500 em-

ployees from the payroll, and takes a stab at the headquarters level before asking farmers to make substantial changes. It saves taxpayers over \$2 billion in the short run, and much more in the long run. This bill makes sense. It should be a model for the reorganization of other departments and I urge my colleagues to support it.

Mr. COCHRAN. Madam President, I support this Department of Agriculture reorganization bill as reported by the Agriculture Committee. With over 112,000 employees and an annual budget in excess of \$60 billion it is one of the largest departments in the U.S. Government. It will be a big job to streamline and improve the delivery and efficiency of services to farmers, while not compromising the quality and availability of those services.

During Secretary Espy's confirmation hearing, he said that his reorganization preference for the Department would begin at the Washington level. I am pleased to see that this is the approach the Secretary is authorized to take in this bill.

Since 1980, the number of U.S. farms has declined by over 14 percent, while the average farm size has increased by 10 percent over the same time period. Although the number of farms is declining, the number of farmers participating in the numerous farm programs is increasing. In addition, the Department of Agriculture has experienced more demanding responsibilities, with the new requirements of each successive farm bill. There is much more complexity in all farm programs, as well as increased environmental and conservation compliance requirements.

While we all want to end Government waste and improve efficiency to get the most out of Federal funds, we must also recognize that the Department of Agriculture supports the largest industry in our Nation. Agriculture provides jobs for 21 million people while contributing \$18 billion to our Nation's trade surplus. The Department of Agriculture and its programs help our farmers overcome unfair trade practices in foreign markets, promote the export of our agricultural products, ensure the safety of our Nation's food supply, help provide credit to rural landowners, and provide food and nutrition assistance to those who are disadvantaged.

I am glad this bill maintains the county committee structure. Each State Farm Service Agency committee will be responsible for determining if a county committee is to be merged with another county committee in the event that a county loses its field office. This allows State committees to have direct oversight in the consolidation of county committees in consultation with the Secretary.

The bill also contains language which establishes the Natural Resources Conservation Service as a separate agency

responsible for all conservation and environmental programs administered by USDA. The establishment of the Natural Resources Conservation Service has been a major issue in the development of this legislation. The controversy surrounding the Natural Resources Conservation Service has been the administration of the Agricultural Conservation Program. Currently, ASCS has total control over the administration of ACP. The compromise in this bill allows the Natural Resources Conservation Service and the Farm Service Agency to jointly set guidelines and priorities for the ACP at the Washington and State levels. All technical assistance at the county level will be provided by the Natural Resources Conservation Service. The Farm Service Agency at the county level will be responsible for compliance oversight and payment to the farmer for cost share assistance. The county committee will continue to make the final decision on which applicants are eligible to receive cost share assistance under the ACP. This compromise allows both the Farm Service Agency and the Natural Resources Conservation Service to have a shared role in administering this conservation cost share program.

I thank the distinguished chairman and ranking member of the Agriculture Committee for their good work on this important legislation. I urge my colleagues to support this bill.

Mr. DOLE. Madam President, during the early eighties, President Reagan organized the President's Private Sector Survey on Cost Control, the so-called Grace Commission, to evaluate ways to streamline Government agencies and programs. While some of those recommendations were adopted, most were left untouched.

Later, under President Bush, Secretary of Agriculture Ed Madigan continued in the spirit of the Grace Commission by developing a plan which significantly reorganized the U.S. Department of Agriculture. After many years of hard work by both Republicans and Democrats, we have before us a bill which streamlines the USDA. I commend Secretary Espy for continuing the legacy left by his Republican predecessors.

This legislation is a compromise between many competing interests. I believe all of us agree that USDA, and for that matter other Federal agencies, should be reorganized. The issue at hand is how to best go about it.

Madam President, Secretary Espy said last year that the consolidation should start at the top. While many of us agreed with his approach, it obviously will not be an easy task. Federal jobs—whether in Washington or at the local level—seem to be viewed by many as permanent unless they are in somebody else's country or State.

My chief concern with reorganization has been that local service to the farm-

er be maintained. While there were attempts to take away local control, in the end we developed a plan that allows farmers to control their area offices through a farmer-elected county committee structure.

I am hopeful the administration will be willing to go even further and offer some fresh proposals that get at the real problem—the laws passed by Congress and the regulations promulgated by USDA agencies. We simply cannot continue feeding an ever-growing bureaucracy by creating new programs and expanding those that already exist. The farmer is at the other end bearing the brunt of all of this well-intentioned yet costly and time-consuming paperwork.

Last year I wrote Vice President GORE asking that as we move through the debate on reinventing Government, we take a serious look at reducing paperwork to the farmers, ranchers, and small business men and women. I pointed out the Agricultural Program Reporting and Recordkeeping Improvement Act, which was included in the 1990 farm bill. The act instructed USDA to develop a method for decreasing paperwork for farmers and ranchers. I further encouraged the Vice President to consider adopting a goal of reducing these paperwork requirements by 50 percent within 2 years.

I understand USDA is now working toward these goals through such programs as Info Share and I commend Secretary Espy for his efforts in this area. I urge the Department to continue to work toward the end goal that we set in 1990.

I hope the USDA reorganization bill is the first of many agency reorganization bills that come before the Senate. The people have made it clear that they want a smaller, less intrusive, more efficient Government and this bill responds to those demands.

Mr. BURNS. Madam President, I rise today to support the bill before the Senate, Senate bill 1970. While I do have some reservations about this bill, I believe the U.S. Department of Agriculture does need some revamping—the USDA needs to change with the times.

American agriculture does not just feed our own people, it feeds the world. My State of Montana produces much of the food consumed within the United States and throughout the world. Montana exports beef, wheat, and other commodities. Our agricultural communities can provide our entire Nation with its daily bread. And I don't want to see that change.

Streamlining the USDA is important for two important reasons. We need the USDA to be more efficient to be more responsive to farmers and ranchers.

S. 1970 will streamline Federal employment in the USDA at a savings of \$1.3 billion through 1998. Streamlining departmental administration will save an additional \$1 billion. The head-

quarters in Washington will be consolidated and that's something everyone agrees should take place.

I do have concerns regarding the closing 1,100 county offices. I think that this bill should have taken a greater look at making cuts in Washington so that some of these field offices would not be affected. I think we are cutting the bureaucracy at the wrong end.

While I do have concerns regarding these cuts, I believe over all this bill is important in moving the USDA forward to better serve American agriculture.

Mr. MITCHELL. If I might have the attention of the distinguished chairman and ranking minority member of the Agriculture Committee for a brief colloquy.

As both the chairman and ranking member know, section 1704 of the 1985 farm bill, Public Law 99-198, requires the Secretary of Agriculture to perform random spot checks of potatoes entering the United States through ports of entry in the northeastern United States and to report annually to the Agriculture Committees of the House and Senate on the results of the spot checks.

Under those provisions, USDA has conducted a program of spot inspections along the Maine-Canadian border for the past several years and has reported annually to the House and Senate committees the results of such inspections.

During consideration of the 1990 farm bill, it was the view of the U.S. Department of Agriculture, in a July 2, 1990 letter from then-USDA general counsel, Alan Charles Raul, that section 1704 was permanent legislation that did not require reauthorization in the 1990 farm bill.

I would ask the floor managers if this history conforms to their understanding of the annual random checks undertaken by USDA under section 1704 of the 1985 farm bill?

Mr. LEAHY. The majority leader has correctly provided the history of the annual spot inspections of Canadian potatoes entering through Maine ports of entry under section 1704.

Mr. COHEN. Section 105 of S. 1970 requires the Secretary to review with the House Agriculture Committee and the Senate Agriculture, Nutrition, and Forestry Committee those reports which the Department is currently required by law to provide but which should be eliminated.

In recent weeks, the Maine Potato Board has contacted Senator MITCHELL and me asking that the annual spot inspections of Canadian potato imports through Maine ports of entry be discontinued. Given the language included in section 105 of this legislation, is it the view of the floor managers that if section 105 is enacted into law that repeal of section 1704 is not necessary to

discontinue the inspection requirement on the part of the Secretary of Agriculture. Is it the view of the floor managers that the Secretary could determine this report as unnecessary and simply discontinue conducting the annual inspections and subsequent reports?

Mr. LUGAR. As principal author of section 105 I would tell the Senators from Maine that it is my understanding that if this language is included in the final bill signed by the President that repeal of section 1704, Public Law 99-198 would not be necessary for the Secretary to discontinue these inspections.

Mr. LEAHY. I concur with the sentiments of the ranking member that section 105 of S. 1970 could negate the need for specific repeal of the inspection and reporting authority, if the Secretary so chose. I would be willing to work with the Senators from Maine, the distinguished ranking member and the Secretary to include these reports in the list of those reports the Secretary eliminates.

Mr. MITCHELL. I thank both floor managers. Senator COHEN and I appreciate the attention of the distinguished Senators from Vermont and Indiana to this matter. I look forward to working with them, Senator COHEN and the Secretary in seeing that these unnecessary inspections and annual reports are discontinued.

Mr. COHEN. I also thank the distinguished floor managers for their attention to this matter which is of significant importance to the Maine Potato Board and the potato industry in general.

Mr. DASCHLE. Madam President, I would like to take this opportunity to express my support for S. 1970, the USDA reorganization bill, and to urge all of my colleagues to endorse this ambitious effort.

The plan outlined in S. 1970 represents the most comprehensive effort ever undertaken to reorganize USDA. It cuts bureaucracy and spending without diminishing services, and reflects the essence of the President's call to reinvent Government.

Secretary Espy deserves praise for the time and effort he devoted to the preparation of the administration's reorganization proposal. He embraced the President's directive to streamline Government with enthusiasm, and produced a reorganization plan that should serve as a model for other Federal agencies.

I also wish to commend Chairman LEAHY, Senator LUGAR, and my other colleagues on the Senate Agriculture Committee for their contribution to this effort. They worked tirelessly to shape a proposal that will not only save taxpayers more than \$2 billion over the next 5 years, but will also deliver more efficient service to farmers.

The need for reorganization is unquestioned. Today, USDA encompasses

a much broader range of missions and programs than it did in the 1930's when the present structure was created. In addition to food and agricultural production, USDA's programs now focus on such vital issues as conservation, food safety, rural development, and expansion of markets for agricultural products.

The Department must continue to change if it is to meet the needs of agriculture in the 21st century and, at the same time, address the serious budget problems that face our Nation. This reorganization plan serves those goals.

The task of restructuring this massive organization to face budgetary realities and at the same time meet the needs of its various missions was not easy. USDA cannot afford to reorganize simply by changing agency names or redrawing boxes on organizational charts.

It has been my view that a substantive reorganization plan must meet three major objectives: First, enhancing the efficiency of service to farmers; second saving taxpayers' money; and third improving the coordination of USDA programs.

Moreover, any effort to meet this challenge must start at USDA headquarters with a review of all department facilities and administrative offices here in Washington. We cannot tolerate a plan that cuts only field staff while condoning "business as usual" in Washington. USDA must focus on streamlining its administrative structure first.

That is exactly what has been done. Currently, USDA conducts administrative operations at 16 scattered locations in and around Washington. S. 1970 requires consolidation of these local headquarters offices, which will both save money and facilitate better program coordination within the Department.

Above all else, service to agricultural producers must take high priority in the new USDA. Any changes we make to the present structure must enhance the quality of service.

The new Farm Services Agency established by S. 1970 will accomplish this goal by providing farmers with easier access to USDA programs through consolidation at the local level. To further improve service in the future, I have asked USDA to launch pilot programs across the country that will allow farmers to conduct their business with the Farm Services Agency right from their farms, using telephones, fax machines, or computers. When implemented, this program could save farmers a great deal of valuable time.

Another provision that we have worked hard with the administration to include in this bill is the consolidation of all USDA food-safety functions into one independent agency within

USDA that reports directly to the Secretary of Agriculture. A single, independent food safety agency within the Department will allow for a greater emphasis on food safety and better program coordination, in keeping with the Department's commitment to address food safety from the farm to the table. It will also separate food safety functions from marketing and promotion programs, which, in the present structure, has been a source of considerable criticism. Such a move will facilitate the implementation of Secretary Espy's comprehensive initiatives to improve the safety of all USDA-inspected food products, to the benefit of consumers and producers alike.

I am pleased with the package of reforms included in S. 1970. This reorganization plan holds advantages for everyone, and it is worthy of the Senate's support.

Mr. LEAHY. Madam President, we have one or two housekeeping items to complete and we will go to final passage on this bill, I believe.

In the meantime, I will suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NOS. 1630 AND 1631, EN BLOC

Mr. LEAHY. Madam President, I send two amendments to the desk and ask unanimous consent that they be considered en bloc, and passed, en bloc.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

Is there debate?

Mr. LUGAR. Madam President, on our side of the aisle, we support the amendments. They have been worked out carefully by the distinguished staffs on both sides of the aisle and are under the authorship of the distinguished Senator from Wyoming [Mr. SIMPSON], and we tried to accommodate his very constructive intent.

Mr. LEAHY. Madam President, the other one of the two amendments was authored by the distinguished Senator from South Dakota [Mr. DASCHLE]. That also has been worked out on both sides.

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

The amendments (Nos. 1630 and 1631) were agreed to.

The amendments were agreed to as follows:

AMENDMENT NO. 1630

Mr. LEAHY offered an amendment No. 1630 for Mr. DASCHLE.

The amendment is as follows:

At the appropriate place, insert:

SECTION 1. ELIMINATION OF DUPLICATIVE INSPECTION REQUIREMENTS.

(a) IN GENERAL.—The Secretary of Agriculture shall—

(1) eliminate inspections of pilots and aircraft by the Department of Agriculture; and

(2) develop with the Administrator of the Federal Aviation Administration inspection specifications and procedures by which aircraft and pilots contracted by the United States Department of Agriculture will be inspected. The Administrator will ensure that the inspection specifications and procedures are met.

(3) permit the utilization by the Department of Agriculture of inspections and certifications of pilots and aircraft conducted by the Federal Aviation Administration.

(b) APPLICABILITY.—An inspection requirement shall be eliminated pursuant to subsection (a)(1) only if the pilots and aircraft are inspected by the Federal Aviation Administration for compliance with the safety regulations of the Federal Aviation Regulations.

AMENDMENT NO. 1631

Mr. LEAHY offered an amendment No. 1631 for Mr. SIMPSON.

The amendment is as follows:

On page 5, line 21, delete "function or".

On page 70, after line 25, add the following: "The compensation of any person serving as an Administrator shall not be raised by this Act."

This amendment clarifies certain authorities and prevents compensation increases.

Mr. LUGAR. Madam President, I move to reconsider the vote by which the amendments were agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

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

Mr. LEAHY. Madam President, we are ready, as I understand it, to now vote on final passage. I see another distinguished member of the committee. Does he wish to speak before or after passage?

Mr. MCCONNELL. Madam President, I understand that the leaders of the committee are anxious to move forward. Let me indicate my approval of this legislation, in particular, the decision not to radically restructure the county committees.

It was the administration's original intent to dramatically change the nature of rural county committees, particularly in that the farmers would no longer control the selection of those committees. That effort was dropped in the committee, for which I want to thank the chairman and ranking member. I think the committees now do continue to reflect the need for farmer input at the local level. I appreciate the support of the chairman and ranking members.

I support a reorganization of USDA which would streamline the 43 separate

agencies and better coordinate the 250 individual programs under its authority. I do not believe the Department, as it is presently structured, is adequately prepared to fulfill its future responsibilities. The bureaucratic maze is in desperate need of repair, but I do not want organizational changes to occur at the expense of the quality of services provided to our farmers.

In today's atmosphere, helping solve a farmer's groundwater problem is as important to keeping them in business as is maintaining the level of the support price. Assuring consumers their food is safe and wholesome is just as critical a role for USDA as developing a new variety of seed corn. Services should be delivered more quickly, more reliably, and more cost effectively. If we who consider ourselves advocates for American agriculture do not improve this mess it will be done for us and not necessarily in a friendly way.

Environmental and natural resource issues will remain a cornerstone to the future of farming. It is important that you recognized this in your plan and designated an agency to direct these efforts. The 121 conservation districts in Kentucky have done remarkable work in leading local farmers in a new and better way of farming. I am glad their work will not be lost in this reorganizational shuffle.

In the administration's original proposal, section 303 permitted the Secretary, in consultation with the State committee, to terminate, combine and consolidate county committees. The administration had also proposed combining the existing ASCS County Committee into one FSA Committee.

This meant the county or area committees would consist of five members. Three would be elected by farmers in the area or county and two would be appointed by the Secretary.

I had strong objections to combining the county or area committees. I also objected that two of the five committee members would be appointed by the Secretary.

I had planned to offer an amendment to retain the existing committee system in full committee markup. However, my amendment was adopted in committee staff deliberations before full committee markup.

I am proud of my efforts to retain the existing State and County Agricultural Stabilization and Conservation Service committee structure. The Secretary will be able to designate local administrative areas and no such local administrative area shall include more than one county. The local committees shall elect a three-member committee consisting of farmers in the area served. Committee members are elected for a 3-year term and no member shall serve more than three consecutive terms. The State committee shall be composed of no fewer than, and no more than, five members with the members

being appointed by the Secretary. This structure not only works well but provides confidence and continuity.

Most of the complaints I hear from Kentucky farmers is the paperwork is too excessive and the programs are too restrictive. USDA is simply too large, too complex, too divided, and too uncoordinated. S. 1970, the Department of Agriculture Reorganization Act of 1994, as reported from the Committee on Agriculture, Nutrition, and Forestry, provides the direction, flexibility, and improved management to provide the best quality of services to our farmers.

Streamlining USDA is more than changing the organization chart.

I would like to thank Chairman LEAHY and Senator LUGAR for including my proposal on the farm services committee structure. Mr. President, I yield the floor.

Mr. LUGAR. Madam President, I would like to take this occasion to commend the distinguished Senator from Kentucky. He did bring very forcefully to the attention of the committee a desire of farmers throughout this country to name the three members of the county committees. I believe it is my recollection—the chairman may have the same one—that our committee was really unanimous in that finding. It was sound. So I simply want to reassure farmers throughout the country that those three members are theirs, and that remains in the bill.

I thank the Chair.
The PRESIDING OFFICER. Is there further discussion?

If not, the bill having been read the third time, the question is, Shall the bill pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Alabama [Mr. SHELBY] is absent because of illness.

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

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 91 Leg.]

YEAS—98

Akaka	Craig	Hatch
Baucus	D'Amato	Hatfield
Bennett	Danforth	Heflin
Biden	Daschle	Helms
Bingaman	DeConcini	Hollings
Bond	Dodd	Hutchison
Boren	Dole	Inouye
Boxer	Domenici	Jeffords
Bradley	Dorgan	Johnston
Breaux	Durenberger	Kassebaum
Brown	Exon	Kempthorne
Bryan	Faircloth	Kennedy
Bumpers	Feingold	Kerry
Burns	Feinstein	Kohl
Byrd	Ford	Lautenberg
Campbell	Glenn	Leahy
Chafee	Gorton	Levin
Coats	Graham	Lieberman
Cochran	Gramm	Lott
Cohen	Grassley	Lugar
Conrad	Gregg	Mack
Coverdell	Harkin	Mathews

McCain	Packwood	Simon
McConnell	Pell	Simpson
Metzenbaum	Pressler	Smith
Mikulski	Pryor	Specter
Mitchell	Reid	Stevens
Moseley-Braun	Riegle	Thurmond
Moynihan	Robb	Wallop
Murkowski	Rockefeller	Warner
Murray	Roth	Wellstone
Nickles	Sarbanes	Wofford
Nunn	Sasser	

NAYS—1

Kerrey

NOT VOTING—1

Shelby

So the bill (S. 1970), as amended, was passed, as follows:

S. 1970

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 "Department of Agriculture Reorganization Act of 1994".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Purpose.
- Sec. 3. Definitions.

TITLE I—GENERAL AUTHORITIES OF THE SECRETARY

- Sec. 101. Delegation of functions to the Secretary.
- Sec. 102. Reorganization.
- Sec. 103. Personnel reductions.
- Sec. 104. Consolidation of headquarters offices.
- Sec. 105. Reports by the Secretary.

TITLE II—NATIONAL APPEALS DIVISION

- Sec. 201. Definitions.
- Sec. 202. National Appeals Division and Director.
- Sec. 203. Transfer of functions.
- Sec. 204. Personnel of the Division.
- Sec. 205. Notice and opportunity for hearing.
- Sec. 206. Informal hearings.
- Sec. 207. Rights of participants.
- Sec. 208. Division hearings and Director review.
- Sec. 209. Judicial review.
- Sec. 210. Implementation of final determinations of Division.
- Sec. 211. Decisions of State and county committees.
- Sec. 212. Prohibition on adverse action while appeal is pending.
- Sec. 213. Relationship to other laws.
- Sec. 214. Evaluation of agency decisionmakers and other employees.
- Sec. 215. Conforming amendments.

TITLE III—FARM AND INTERNATIONAL TRADE SERVICES

- Sec. 301. Under Secretary for Farm and International Trade Services.
- Sec. 302. Farm Service Agency.
- Sec. 303. State and county committees.
- Sec. 304. International Trade Service.

TITLE IV—RURAL ECONOMIC AND COMMUNITY DEVELOPMENT

- Sec. 401. Under Secretary for Rural Economic and Community Development.
- Sec. 402. Rural Utilities Service.
- Sec. 403. Rural Housing and Community Development Service.
- Sec. 404. Rural Business and Cooperative Development Service.

TITLE V—FOOD, NUTRITION, AND CONSUMER SERVICES

- Sec. 501. Under Secretary of Agriculture for Food, Nutrition, and Consumer Services.

Sec. 502. Food and Consumer Service.
 Sec. 503. Nutrition Research and Education Service.

TITLE VI—NATURAL RESOURCES AND ENVIRONMENT

Sec. 601. Natural Resources Conservation Service.
 Sec. 602. Reorganization of Forest Service.

TITLE VII—MARKETING AND INSPECTION SERVICES

Sec. 701. Grain Inspection, Packers and Stockyards Administration.

TITLE VIII—RESEARCH, ECONOMICS, AND EDUCATION

Sec. 801. Federal Research and Information Service.
 Sec. 802. Cooperative State Research and Education Service.
 Sec. 803. Agricultural Economics and Statistics Service.
 Sec. 804. Program Policy and Coordination Staff.

TITLE IX—FOOD SAFETY

Sec. 901. Food Safety Service.

TITLE X—MISCELLANEOUS

Sec. 1001. Assistant Secretaries of Agriculture.
 Sec. 1002. Removal of obsolete provisions.
 Sec. 1003. Additional conforming amendments.
 Sec. 1004. Termination of authority.
 Sec. 1005. Elimination of duplicative inspection requirements.

SEC. 2. PURPOSE.

The purpose of this Act is to provide the Secretary of Agriculture with the necessary authority to streamline and reorganize the Department of Agriculture to achieve greater efficiency, effectiveness, and economies in the organization and management of the programs and activities carried out at the Department.

SEC. 3. DEFINITIONS.

As used in this Act (unless the context clearly requires otherwise):

(1) **ADMINISTRATIVE UNIT.**—The term "administrative unit" includes—

(A) any office, administration, agency, institute, unit, or organizational entity, or component thereof, except that the term does not include a corporation; and

(B) any county, State, or area committee, as established by the Secretary.

(2) **DEPARTMENT.**—The term "Department" means the United States Department of Agriculture.

(3) **FUNCTION.**—The term "function" means an administrative, financial, or regulatory duty of an administrative unit or employee of the Department, including a transfer of funds made available to carry out a function of an administrative unit.

(4) **SECRETARY.**—The term "Secretary" means the Secretary of Agriculture.

TITLE I—GENERAL AUTHORITIES OF THE SECRETARY

SEC. 101. DELEGATION OF FUNCTIONS TO THE SECRETARY.

(a) **DELEGATION OF FUNCTIONS.**—Except as otherwise provided in this Act and notwithstanding any other provision of law, all functions and all activities, officers, employees, and administrative units of the Department, not vested in the Secretary on the date of enactment of this Act, are delegated to the Secretary.

(b) **EXCEPTIONS TO THE DELEGATION.**—This section shall not apply to the following functions and administrative units of the Department:

(1) The functions vested in administrative law judges by subchapter II of chapter 5 of title 5, United States Code.

(2) The functions vested in the Inspector General by the Inspector General Act of 1978 (5 U.S.C. App. 3).

(3) The functions vested in the Chief Financial Officer by chapter 9 of subtitle I of title 31, United States Code.

(4) Corporations and the boards of directors and officers of the corporations.

(5) The functions vested in the Alternative Agricultural Research and Commercialization Board by the Alternative Agricultural Research and Commercialization Act of 1990 (7 U.S.C. 5901 et seq.).

SEC. 102. REORGANIZATION.

(a) **GENERAL AUTHORITY OF THE SECRETARY.**—The Secretary may transfer any function or administrative unit of the Department, including any function or administrative unit delegated to the Secretary by this Act, and any officer or employee of the Department, as the Secretary considers appropriate. The authority established in the preceding sentence includes the authority to establish, consolidate, alter, or discontinue any administrative unit of the Department.

(b) **AUTHORITY TO TRANSFER RECORDS, PROPERTY, AND FUNDS.**—

(1) **IN GENERAL.**—Subject to section 1531 of title 31, United States Code, the Secretary may transfer any of the records, property, and unexpended balances (available or to be made available for use in connection with any affected function or administrative unit) of appropriations, allocations, and other funds of the Department, as the Secretary considers necessary to carry out this Act, except as otherwise provided in this section.

(2) **USE.**—Absent prior approval by law, any unexpended balances transferred pursuant to paragraph (1) shall be used only for the purposes for which the funds were originally made available.

(3) **ADDITIONAL AUTHORITY.**—The Secretary may make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with the functions or administrative units, as the Secretary considers necessary to carry out this Act.

(c) **PURPOSE OF THE AUTHORITY.**—The Secretary shall carry out subsections (a) and (b) with the goals of simplifying and maximizing the efficiency of the national, State, regional, and local levels of the Department, and of improving the accessibility of farm and other programs at all levels. To the extent practicable, the Secretary shall adapt the administration of the programs to State, regional, and local conditions.

(d) **EXHAUSTION OF ADMINISTRATIVE APPEALS.**—Notwithstanding any other provision of law, a person shall exhaust all administrative appeal procedures established by the Secretary before the person may bring an action in a court of competent jurisdiction against—

(1) the Secretary;
 (2) the Department;
 (3) an administrative unit of the Department; or

(4) an employee or agent of an administrative unit of the Department.

(e) **CONFORMING AMENDMENTS.**—Section 9 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714g) is amended—

(1) in subsection (a), by striking "(a)"; and

(2) by striking subsection (b).

SEC. 103. PERSONNEL REDUCTIONS.

(a) **DEFINITIONS.**—As used in this section:

(1) **FIELD STRUCTURE.**—The term "field structure" means the offices, functions, and

employee positions of all administrative units of the Department, other than the headquarters offices. The term includes the physical and geographic locations of the units. The term shall not include State, county, or area committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)).

(2) **HEADQUARTERS OFFICES.**—The term "headquarters offices" means the offices, functions, and employee positions of all administrative units of the Department located or performed in Washington, District of Columbia, or elsewhere, as determined by the Secretary.

(b) **EMPLOYEE REDUCTIONS.**—Subject to subsection (c), the Secretary shall achieve employee reductions of at least 7,500 staff years within the Department by September 30, 1999.

(c) **DISTRIBUTION.**—The percentage of employee reductions in the headquarters offices under subsection (b) shall be substantially higher than the percentage of employee reductions in the field structure, as determined by the Secretary.

(d) **SCHEDULE.**—The personnel reductions under subsections (b) and (c) should be accomplished concurrently in a manner determined by the Secretary.

SEC. 104. CONSOLIDATION OF HEADQUARTERS OFFICES.

The Secretary shall develop and carry out a plan to consolidate offices of administrative units of the Department located in Washington, District of Columbia, subject to the availability of appropriations.

SEC. 105. REPORTS BY THE SECRETARY.

(a) **IN GENERAL.**—Subject to subsection (b), notwithstanding any other provision of law, the Secretary may, but shall not be required to, prepare and submit any report to Congress or any committee of Congress.

(b) **LIMITATION.**—For each fiscal year, the Secretary may not prepare and submit more than 30 reports referred to in subsection (a).

(c) **SELECTION OF REPORTS.**—In consultation with the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, the Secretary shall determine which reports shall be prepared and submitted in accordance with subsection (b).

TITLE II—NATIONAL APPEALS DIVISION

SEC. 201. DEFINITIONS.

As used in this title:

(1) **ADVERSE DECISION.**—The term "adverse decision" means an administrative decision made by a decisionmaker that is adverse to a participant, including a denial of equitable relief, except that the term shall not include a decision over which the Board of Contract Appeals has jurisdiction. The term shall include the failure of a decisionmaker to issue a decision or otherwise act on the request or right of the participant to participate in, or receive payments, loans, or other benefits under, any of the programs administered by an agency. Notwithstanding section 701(a)(2) of title 5, United States Code, a discretionary decision of the Secretary or the Division shall be reviewable under section 706(2)(A) of such title unless the decision is generally applicable to all program participants and, as a matter of general applicability, is committed to agency discretion by law within the meaning of section 701(a)(2) of such title.

(2) **AGENCY.**—The term "agency" means any agency of the Department designated by the Secretary or a successor agency of the Department, except that the term shall include—

(A) ASCS;
 (B) CCC, with respect to domestic programs;
 (C) FmHA (including rural housing programs);
 (D) FCIC;
 (E) RDA (including rural housing programs);
 (F) SCS; or

(G) a State or county committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) or the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.).

(3) APPELLANT.—The term "appellant" means a participant who appeals an adverse decision in accordance with this title.

(4) ASCS.—The term "ASCS" means the Agricultural Stabilization and Conservation Service or a successor agency.

(5) CASE RECORD.—The term "case record" means all the materials maintained by the Secretary that concern the participant, including any materials related to the adverse decision.

(6) CCC.—The term "CCC" means the Commodity Credit Corporation or a successor agency.

(7) DECISIONMAKER.—The term "decisionmaker" means an officer, employee, or committee of an agency who makes an adverse decision that is appealed by an appellant.

(8) DIRECTOR.—The term "Director" means the Director of the Division.

(9) DIVISION.—The term "Division" means the National Appeals Division established by this title.

(10) EMPLOYEE.—The term "employee" means an individual employed by an agency, including an individual who enters into a contract with an agency to perform services for the agency.

(11) FINAL DETERMINATION.—The term "final determination" means a determination of an appeal by the Division that is administratively final, conclusive, and binding.

(12) FCIC.—The term "FCIC" means the Federal Crop Insurance Corporation or a successor agency.

(13) FMHA.—The term "FmHA" means the Farmers Home Administration or a successor agency.

(14) HEARING OFFICER.—The term "hearing officer" means an individual employed by the Division who hears and determines appeals of adverse decisions by any agency.

(15) HEARING RECORD.—The term "hearing record" means the transcript of a hearing, any audio tape or similar recording of a hearing, any information from the case record that a hearing officer considers relevant or that is raised by the appellant or agency, and all documents and other evidence presented to a hearing officer.

(16) IMPLEMENT; IMPLEMENTATION.—The terms "implement" and "implementation" refer to those actions necessary to effectuate fully and promptly a determination of the Division not later than 30 calendar days after the effective date of the determination.

(17) PARTICIPANT.—The term "participant" means any individual, group of individuals, partnership, corporation, association, cooperative, or other entity whose application for, or right to participate in or receive, payments, loans, or other benefits in accordance with any of the programs administered by an agency, is affected by an adverse decision made by a decisionmaker.

(18) RDA.—The term "RDA" means the Rural Development Administration or a successor agency.

(19) SCS.—The term "SCS" means the Soil Conservation Service or a successor agency.

(20) STATE DIRECTOR.—The term "State director" means the individual who is primarily responsible for carrying out the program of an agency within a State.

SEC. 202. NATIONAL APPEALS DIVISION AND DIRECTOR.

(a) ESTABLISHMENT OF DIVISION.—

(1) ESTABLISHMENT.—The Secretary shall establish and maintain a National Appeals Division within the Office of the Secretary to carry out this title.

(2) APA APPLICATION.—The provisions of title 5, United States Code, shall apply to all appeals of the Division, including chapters 5 and 7 of such title.

(3) PROCEDURAL REGULATIONS AND POLICIES.—The Secretary shall promulgate procedural regulations and policies to govern the conduct of the business of the Division. The Secretary shall ensure and enhance the independence, integrity, and efficiency of the Division, the Director, hearing officers, and other employees of the Division.

(b) DIRECTOR.—

(1) APPOINTMENT.—The Division shall be headed by a Director.

(2) POSITION CLASSIFICATION.—The position of the Director shall be a Senior Executive Service position that shall be filled by a career appointee (as defined in section 3132(a)(4) of title 5, United States Code), who shall not be subject to removal except for cause in accordance with law.

(3) QUALIFICATIONS.—The Director shall be a person who has substantial experience in practicing administrative law. In considering applicants for the position of Director, the Secretary shall consider persons employed outside the Government as well as Government employees.

(4) CONFORMING AMENDMENT.—Section 5316 of title 5, United States Code, is amended by adding at the end the following:

"Director, National Appeals Division, Department of Agriculture."

(c) DIRECTION, CONTROL, AND SUPPORT.—The Director shall be free from the direction and control of any person other than the Secretary. The Division shall not receive administrative support (except on a reimbursable basis) from any agency other than the Office of the Secretary. The Secretary may not delegate to any other officer or employee of the Department, other than the Director, the authority of the Secretary with respect to the Division.

(d) COMMUNICATION WITH SECRETARY AND AGENCIES.—The Director shall inform the Secretary and the appropriate agency of problems regarding the functions of the agency that are identified as a result of the activities of the Division under this title. The information provided by the Director may include proposals to resolve the problems identified or otherwise to improve the programs of the agency.

(e) APPEALABLE DECISIONS.—Subject to section 204(b)(2), if a decisionmaker determines that a decision is not appealable and a participant appeals the decision to the Director, the Director shall determine whether the decision is adverse or of general applicability, and thus appealable. Except for a legal interpretation that may be reversed or modified by the Secretary, the determination of the Director as to whether a decision is appealable shall be administratively final, conclusive, and binding.

(f) OTHER POWERS OF THE DIRECTOR.—The Director may enter into contracts and make other arrangements for reporting and other services and make such payments as may be necessary to carry out this title.

SEC. 203. TRANSFER OF FUNCTIONS.

There are transferred to the Division all functions exercised and all administrative appeals pending before the date of enactment of this Act (including all related functions of any officer or employee) of or relating to—

(1) the National Appeals Division established by section 426(c) of the Agricultural Act of 1949 (7 U.S.C. 1433e(c)) (as in effect before the amendment made by section 215(a)(2));

(2) the National Appeals Division established by subsections (d) through (g) of section 333B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1983b) (as in effect before the amendment made by section 215(b));

(3) appeals of decisions made by FCIC; and

(4) appeals of decisions made by SCS.

SEC. 204. PERSONNEL OF THE DIVISION.

(a) APPOINTMENT, DIRECTION, AND CONTROL.—The Director shall appoint such hearing officers and other employees as are necessary for the administration of the Division. A hearing officer or other employee of the Division shall have no duties other than those that are necessary to carry out this title. Hearing officers shall be supervised by the Director. All other employees of the Division shall report to the Director.

(b) LEGAL COUNSEL.—

(1) IN GENERAL.—The Director shall employ legal counsel to advise the Director with respect to legal questions affecting the Division. The legal counsel shall not serve as a counsel to any other agency of the Department. This subsection is not intended to affect the role of the Office of General Counsel in representing the Department in civil or criminal actions or as a liaison between the Department and any other Federal agency.

(2) REVIEW BY THE SECRETARY.—If a hearing officer or the Director disagrees with the General Counsel on a matter of legal interpretation with respect to a program or authority of the Department, the Secretary shall have the authority to make a final determination on the interpretation at the request of the General Counsel. The authority of the Secretary under this paragraph may not be delegated.

(c) PERFORMANCE EVALUATIONS.—The Director shall establish policies to provide for the evaluation of the Director, hearing officers, and other employees of the Division who are involved in the appeal process under section 208 or the supervision of other employees. The evaluation process shall be designed to ensure and enhance the independence, integrity, and efficiency of the Director and employees of the Division. The actual evaluations shall include evaluations by individuals outside of the Department and may include peer review.

SEC. 205. NOTICE AND OPPORTUNITY FOR HEARING.

(a) NOTICE REQUIRED.—Not later than 10 working days after an adverse decision is made that is adverse to the participant, the Secretary shall provide the participant with the written notice described in subsection (b).

(b) CONTENT OF NOTICE.—The notice required under subsection (a) shall contain a description of the following:

(1) The decision, including all of the reasons, facts, and conclusions underlying the decision.

(2) The appeal and implementation process available to the participant, including the rights and responsibilities of the participant provided by this title.

(3) An opportunity to request a determination by the Director pursuant to section

202(e) concerning whether a decision is appealable, if the decisionmaker determines that the decision is not appealable.

(c) **MAINTENANCE OF RECORDS.**—The Secretary and the Director shall maintain the entire case record and hearing record, respectively, and any additional information from any further appeal proceeding, of the participant at least until the expiration of the period during which the participant may seek administrative or judicial review of the determination.

(d) **JOINER.**—

(1) **GUARANTEED LOANS.**—With regard to a guaranteed loan under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.), a borrower or applicant who is directly and adversely affected by a decision of the Secretary may appeal the decision pursuant to this title without the lender joining in the appeal.

(2) **RENTAL HOUSING.**—A tenant in rental housing of an agency who is individually, directly, and adversely affected by a decision of the Secretary may appeal the decision pursuant to this title without the landlord joining in the appeal.

(3) **THIRD PARTIES.**—If the Director determines that the receipt of a payment, loan, or other direct benefit by a participant may be directly, substantially, and adversely affected by a determination of the Division, a hearing officer may invite the participant to participate in a hearing if the final determination resulting from the hearing would, as a practical matter, foreclose the participant from receiving the payment, loan, or other direct benefit of the participant. If the participant elects to participate in the hearing, the participant shall have the same procedural rights as the appellant with regard to the hearing and other procedures described in this title.

(e) **EFFECT OF REVERSAL OR MODIFICATION OF ADVERSE DECISION.**—If an adverse decision is reversed or modified by the Division, a decisionmaker may not base any subsequent adverse decision with regard to that appellant on the information that was available to the previous decisionmaker (or could have been available with reasonable diligence on the part of the previous decisionmaker).

SEC. 206. INFORMAL HEARINGS.

If a decisionmaker of an agency makes an adverse decision, the decisionmaker shall hold, at the request of the participant, an informal hearing on the decision.

SEC. 207. RIGHTS OF PARTICIPANTS.

Among other rights, a participant shall have the right, in accordance with this title, to—

- (1) appeal any adverse decision;
- (2) representation by an attorney or non-attorney throughout the informal hearing and appeals process under this title;
- (3) access to, and a reasonable opportunity to inspect and reproduce, the case record at an office of the agency located in the area of the participant; and
- (4) an evidentiary hearing.

SEC. 208. DIVISION HEARINGS AND DIRECTOR REVIEW.

(a) **POWERS OF DIRECTOR AND HEARING OFFICERS.**—To carry out their responsibilities under this section, the Director and hearing officers—

- (1) shall have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material available that relate to programs and operations with respect to which an appeal has been taken;
- (2) shall have the authorities that are provided under section 202(a)(2);
- (3) may request such information or assistance as may be necessary for carrying out

the duties and responsibilities established under this title from any Federal, State, or local governmental agency or unit of the agency;

(4) may, or shall at the request of an appellant with good cause shown, require the attendance of witnesses and the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary to the proper resolution of appeals;

(5) may require the attendance of witnesses, and the production of evidence, by subpoena; and

(6) may administer oaths or affirmations.

(b) **TIME FOR HEARING.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), an appellant shall have the right to—

(A) request a hearing, not later than 30 days after the date an adverse decision is made; and

(B) have a hearing by the Division on the adverse decision, not later than 45 days after receipt of the request for the hearing.

(2) **REDUCTION OR EXTENSION.**—The Director may establish an earlier deadline for a hearing (or request for a hearing) on an appeal relating to a time sensitive decision, or delay a hearing (or request for a hearing), at the request of an appellant for good cause shown.

(c) **LOCATION AND ELEMENTS OF HEARING.**—

(1) **LOCATION.**—A hearing on an adverse decision shall be held in the State of residence of the appellant or at a location that is otherwise convenient to the appellant and the Division.

(2) **EVIDENTIARY HEARING.**—The evidentiary hearing before a hearing officer shall be in person, unless the appellant agrees to a hearing by telephone or by a review of the case record and hearing record. The hearing officer shall conduct and resolve the hearing (regardless of the hearing format) in a fair and impartial manner and free of undue influence. The hearing officer shall not be bound by previous findings of fact by the agency in making a determination.

(3) **INFORMATION AT HEARING.**—The hearing officer shall consider information, including new information, presented at the hearing without regard to whether the evidence was known to the decisionmaker at the time the adverse decision was made. The hearing officer shall leave the record open after the hearing for a reasonable period of time to allow the submission of information by the appellant or the decisionmaker after the hearing to the extent necessary to prevent the appellant or the decisionmaker from being prejudiced by new facts, information, arguments, or evidence presented or raised by the decisionmaker or appellant. At the hearing, the agency may not rely on or assert new grounds for the adverse decision, if the grounds were not described in the agency decision notice.

(4) **BURDEN OF PROOF.**—The appellant shall bear the burden of proving that the adverse decision of the agency was erroneous.

(5) **PRODUCTION OF RECORD.**—An official verbatim record shall be provided by the Division for each hearing before a hearing officer. The appellant or agency representative may record an unofficial record of the hearing.

(6) **STANDARD OF REVIEW.**—In any case pending before a hearing officer, the hearing officer may determine that the adverse decision was in error only if substantial evidence demonstrates that the adverse decision was not correct. For purposes of this paragraph, the evidentiary threshold for substantial evi-

dence is lower than the evidentiary threshold for preponderance of the evidence.

(7) **DETERMINATION NOTICE.**—The hearing officer shall issue a notice of the determination on the appeal not later than 30 days after a hearing or after receipt of the request of the appellant to waive a hearing, except that the Director may establish an earlier or later deadline pursuant to subsection (b)(2). The hearing officer may include recommendations in the determination notice. If the determination is not appealed to the Director under subsection (d), the notice provided by the hearing officer shall be considered to be a notice of final determination.

(d) **REVIEW BY DIRECTOR.**—

(1) **REFERRAL.**—At the request of the appellant or the head of the agency affected by a determination of a hearing officer, the determination of the hearing officer shall be referred to the Director for review.

(2) **APPEAL BY HEAD OF AGENCY TO DIRECTOR.**—

(A) **REVIEW OF DETERMINATION OF HEARING OFFICER AT THE REQUEST OF AN AGENCY HEAD.**—In exceptional circumstances, if the head of an agency believes that the determination of a hearing officer is contrary to a statute or regulation, or a finding of fact of a hearing officer is clearly erroneous, only the head of the agency may make a written request, not later than 10 business days after receipt of the determination, that the Director review the determination.

(B) **REQUESTS FOR REVIEW.**—A request for review shall—

(i) include a full description of—

(I) the exceptional circumstances justifying the request for review; and

(II) the reasons that the head of the relevant agency believes that the determination is contrary to statute or regulation, or the finding of fact of the hearing officer is clearly erroneous; and

(ii) be provided to the appellant and the hearing officer at the same time the request is provided to the Director.

(C) **DETERMINATION OF DIRECTOR.**—Not later than 10 business days after receipt of the request for review, the Director shall—

(i) conduct a review of the determination based on the case record and hearing record, the request for review under subsection (b), and any additional arguments or information submitted by the appellant or the hearing officer; and

(ii)(I) issue a final determination notice that upholds, reverses, or modifies the determination of the hearing officer; or

(II) if the Director determines that the hearing record is inadequate, remand the determination for further proceedings to complete the hearing record, or, at the option of the Director, to hold a new hearing, and notify the appellant, agency, and hearing officer of the remand.

(D) **NEW HEARING.**—If the Director remands a determination for a new hearing on the adverse decision under subparagraph (C), the hearing officer shall make a new determination with respect to the adverse decision based on the case record and the hearing record.

(E) **FINALITY.**—The head of the relevant agency may not request a second review as to the determination of the hearing officer or the Director on the same issue.

(3) **APPEAL BY HEAD OF AGENCY OR APPELLANT TO DIRECTOR.**—

(A) **USE OF RECORD.**—If the determination of a hearing officer is appealed under paragraph (1), the hearing officer shall certify the hearing record and provide the record to the Director.

(B) NEW INFORMATION.—The Director may consider, under extraordinary circumstances, new information in reviewing a determination under this section. The appellant, decisionmaker, and hearing officer shall receive and have the opportunity to comment on the new information.

(C) ACTIONS.—Not later than 30 days after the referral to the Director, the Director shall—

(i) review the hearing record and the determination;

(ii) uphold the determination, issue a new determination, require that a new hearing be held on 1 or more of the issues considered at the original hearing, or take any combination of the actions described in this clause; and

(iii) issue a notice of—

(I) a new evidentiary hearing;

(II) a final determination; or

(III) a remand on certain issues and a final determination on remaining issues.

(D) RECOMMENDATIONS.—The Director may include recommendations in a final determination notice.

(E) RELIEF.—The Director shall have the same authority as the Secretary to grant equitable relief. Notwithstanding the administrative finality of a final determination, the Secretary shall have the authority to grant equitable or other types of relief to the appellant after a final determination is issued by the Division.

(e) BASIS FOR DETERMINATION.—The determination of the hearing officer and the Director shall be based on information from the hearing record, laws applicable to the matter at issue, and applicable regulations published in the Federal Register and in effect on the date of the adverse decision or the date on which the acts that gave rise to the adverse decision occurred, whichever date is appropriate. The Director shall not reverse the determination of a hearing officer with regard to a finding of fact that is based on oral testimony or inspection of evidence unless the finding of fact is clearly erroneous or the Director is considering new information under subsection (d)(3) with respect to the finding of fact.

(f) EFFECTIVE DATE.—The final determination shall be effective as of the date of filing of an application, the date of the transaction or event in question, or the date of the original adverse decision, whichever is applicable.

SEC. 209. JUDICIAL REVIEW.

A final determination of the Division under section 208 shall be reviewable and enforceable by any United States district court of competent jurisdiction in accordance with chapter 7 of title 5, United States Code. Notwithstanding section 701(a)(2) of such title, a discretionary decision of the Secretary or the Division shall be reviewable under section 706(2)(A) of such title unless the decision is generally applicable to all program participants and, as a matter of general applicability, is committed to agency discretion by law within the meaning of section 701(a)(2) of such title.

SEC. 210. IMPLEMENTATION OF FINAL DETERMINATIONS OF DIVISION.

(a) IN GENERAL.—On the return of a case to an agency pursuant to the final determination of a hearing officer or the Director under section 208, the agency shall implement the final determination of the Division not later than 30 days after the effective date of the notice of the final determination.

(b) ADDITIONAL AND UPDATED INFORMATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), after notice of a final determination is received by the agency—

(A) the agency may not require that additional and updated information be provided by the appellant or considered by the decisionmaker in implementing the final determination of the hearing officer or the Director; and

(B) additional and updated information from any other source may not be used in implementing the final determination.

(2) EXCEPTIONS.—

(A) INTRODUCTION BY APPELLANT.—If additional information is introduced by the appellant during the appeal process and accepted by the hearing officer or the Director, the agency shall consider the additional information in implementing the final determination.

(B) DETERMINATION LETTER.—If the final determination notice specifically states that additional and updated information will be considered in implementing the final determination, the agency shall consider any additional and updated information in implementing the final determination.

(C) SUBSEQUENT ADVERSE DECISION.—Additional and updated information considered under this paragraph may not be used as a ground for a subsequent adverse decision.

(c) IMPLEMENTATION RESPONSIBILITIES.—

(1) STATE DIRECTOR.—Each State director shall be—

(A) required to implement final determinations of a hearing officer or the Director that affect appellants in the State; and

(B) responsible for monitoring and ensuring the implementation of final determinations that reverse and modify adverse decisions.

(2) AGENCY HEADS.—Relevant agency heads shall be responsible for—

(A) the performance of State directors under paragraph (1); and

(B) the implementation of all final determinations of the Division that reverse or modify adverse decisions of the agency.

(d) PROTECTION OF APPELLANTS' RIGHTS.—

(1) IN GENERAL.—No officer or employee of the Federal Government shall make or engage in threats or intimidation, or solicit action, to prevent any potential appellant from exercising a right of the appellant under this title or make, solicit, or engage in retaliation or retribution for the exercise of a right of an appellant under this title.

(2) CORRECTIVE ACTION.—If an officer or employee of the Federal Government violates paragraph (1), the Secretary shall take corrective action (including the imposition of sanctions, when necessary) in conformance with civil service laws.

(e) IMPLEMENTATION PROBLEMS.—

(1) ACTIONS BY RELEVANT AGENCY HEAD.—The relevant agency head shall promptly correct any problems that may arise in the implementation of a final determination.

(2) OVERSIGHT.—The Secretary shall assign employees within the Office of the Inspector General whom appellants may contact concerning problems with the implementation of final determinations of the Division. The employees shall investigate and, to the extent practicable, resolve the implementation problems.

(3) IDENTITY AND ACTIVITIES OF OVERSIGHT AGENCY.—The Secretary shall notify the Director of the business address and telephone number of employees assigned under paragraph (2). The Director shall include this information in the final determination notice of the Division to an appellant.

SEC. 211. DECISIONS OF STATE AND COUNTY COMMITTEES.

(a) FINALITY.—Each decision of a State or county committee (or an employee of the

committee) that administers functions of CCC, or functions assigned to ASCS on the date of enactment of this Act, made in good faith in the absence of misrepresentation, false statement, fraud, or willful misconduct shall be final not later than 90 days after the date of filing of the application for benefits, unless the decision is—

(1) appealed under this title; or

(2) modified by the Administrator of ASCS or the Executive Vice President of CCC.

(b) RECOVERY OF AMOUNTS.—No action shall be taken by the CCC, ASCS, or a State or county committee to recover amounts found to have been disbursed as a result of a decision in error if the decision of the State or county committee has become final under subsection (a), unless the participant had reason to believe that the decision was erroneous.

SEC. 212. PROHIBITION ON ADVERSE ACTION WHILE APPEAL IS PENDING.

(a) IN GENERAL.—The Secretary may not take any adverse action against an appellant relating to an appeal while any proceeding authorized or required under this title is pending, including any action that would prevent the implementation of a decision that is favorable to the appellant.

(b) WITHHOLDING.—This section shall not preclude the Secretary from withholding a payment if the eligibility for, or amount of, the payment is an issue on appeal, except that ongoing assistance to then current borrowers and grantees shall not be discontinued pending the outcome of an appeal.

SEC. 213. RELATIONSHIP TO OTHER LAWS.

(a) OTHER RIGHTS.—This title is not intended to supersede or deprive a recipient of assistance from an agency of any rights that the recipient may have under any other law, including section 510(g) of the Housing Act of 1949 (42 U.S.C. 1480(g)).

(b) EQUITABLE RELIEF.—This title is not intended to affect the authority of an agency head to grant equitable relief.

(c) EMPLOYEE RIGHTS.—This title shall neither supersede nor interfere with rights granted to employees or their exclusive representatives by applicable civil service laws.

SEC. 214. EVALUATION OF AGENCY DECISIONMAKERS AND OTHER EMPLOYEES.

(a) EVALUATION IN ANNUAL REVIEW.—The Secretary shall promulgate regulations to require the evaluation described in subsection (b) as part of the annual review of the performance of decisionmakers, State directors, and agency heads.

(b) PERFORMANCE.—In the review, a decisionmaker, a State director, or an agency head shall be considered to have performed poorly if the decisionmaker, State director, or agency head—

(1) takes action that leads to numerous appeals that result in adverse decisions that are reversed or modified;

(2) fails to properly implement final determinations of the Division;

(3) fails to satisfactorily perform the reviewing and monitoring responsibilities required under subsection (c) or (e)(1) of section 210, whichever applies; or

(4) threatens or intimidates, or engages in retaliation or retribution against, an appellant in violation of section 210(d).

(c) SANCTIONS.—If a decisionmaker, State director, or relevant agency head has performed poorly (as determined under subsection (b)), the Secretary shall issue sanctions against the decisionmaker, State director, or relevant agency head, as the case may be, which may include a formal reprimand or dismissal consistent with civil service laws.

SEC. 215. CONFORMING AMENDMENTS.

(a) ASCS.—

(1) FINALITY OF FARMERS PAYMENTS AND LOANS.—Section 385 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1385) is amended—

(A) by striking the first sentence and inserting the following new sentence: "As used in this section, the term 'payment' means any payment under the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590a et seq.), any payment under the wheat, feed grain, upland cotton, extra long staple cotton, and rice programs authorized by the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) and this Act, or any loan or price support operation, or the amount of the payment, loan, or price support."; and

(B) in the second sentence, by striking "any such payment" and inserting "a payment".

(2) DETERMINATIONS BY SECRETARY; APPEALS.—Sections 412 and 426 of the Agricultural Act of 1949 (7 U.S.C. 1429 and 1433e) are repealed.

(b) FMHA.—Section 333B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1983b) is repealed.

(c) FCIC.—The last sentence of section 508(f) of the Federal Crop Insurance Act (7 U.S.C. 1508(f)) is amended by inserting before the period at the end the following: "or within 1 year after the claimant receives a final determination notice from an administrative appeal made in accordance with title II of the Department of Agriculture Reorganization Act of 1994, whichever is later".

TITLE III—FARM AND INTERNATIONAL TRADE SERVICES**SEC. 301. UNDER SECRETARY FOR FARM AND INTERNATIONAL TRADE SERVICES.**

(a) ESTABLISHMENT.—There is established in the Department the position of Under Secretary of Agriculture for Farm and International Trade Services (referred to in this section as the "Under Secretary"), to be appointed by the President, by and with the advice and consent of the Senate.

(b) DUTIES.—The Under Secretary shall exercise such functions and perform such duties related to farm and international trade services, and shall perform such other duties, as may be required by law or prescribed by the Secretary.

(c) CONTINUITY OF THE POSITION.—Any official serving as Under Secretary for International Affairs and Commodity Programs on the date of enactment of this Act, who has been appointed by the President and confirmed by the Senate, shall be considered on and after the date of enactment of this Act to be serving in the successor position established by subsection (a), and shall not be required to be reconfirmed by reason of the enactment of this Act.

(d) CONFORMING AMENDMENTS.—

(1) Section 5314 of title 5, United States Code, is amended by striking "Under Secretary of Agriculture for International Affairs and Commodity Programs." and inserting "Under Secretary of Agriculture for Farm and International Trade Services."

(2) Section 501 of the Agricultural Trade Act of 1978 (7 U.S.C. 5691) is repealed.

SEC. 302. FARM SERVICE AGENCY.

(a) ESTABLISHMENT.—The Secretary is authorized to establish and maintain a Farm Service Agency (referred to in this section as the "Agency") and assign to the Agency such functions as the Secretary may consider appropriate.

(b) HEAD.—

(1) AGENCY.—If the Secretary establishes the Agency, the Agency or any successor ad-

ministrative unit shall be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) FCIC.—The Secretary may appoint the Administrator of the Agency, or any other person, to serve as head of the Federal Crop Insurance Corporation.

(c) FUNCTIONS.—Except as provided in subsection (d), the Secretary is authorized to carry out through the Agency—

(1) price and income support, production adjustment, and other related functions;

(2) functions of the Federal Crop Insurance Corporation;

(3) notwithstanding section 331 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981), agricultural credit functions assigned prior to the date of enactment of this Act to the Farmers Home Administration, including farm ownership, operating, emergency, and disaster loan functions, and other lending programs for producers of agricultural commodities; and

(4) any other function or administrative unit that the Secretary considers appropriate.

(d) FUNCTIONS NOT ASSIGNABLE TO THE AGENCY.—Except as otherwise determined by the Secretary, functions relating to conservation programs authorized to be assigned to the Natural Resources Conservation Service established under section 601 may not be assigned to the Agency.

(e) USE OF EMPLOYEES.—Notwithstanding any other provision of law, in carrying out in any county or area any functions assigned to the Agency or any successor administrative area, the Secretary is authorized to—

(1) use interchangeably, in the implementation of functions, Federal employees, and employees of county and State committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)); and

(2) provide interchangeably for supervision by the employees of the performance of functions assigned to the Agency.

(f) COLLOCATION.—The Secretary, to the maximum extent practicable, shall collocate county offices of the Agency with county offices of the Natural Resources Conservation Service in order to—

(1) maximize savings from shared equipment, office space, and administrative support;

(2) simplify paperwork and regulatory requirements;

(3) provide improved services to producers and landowners affected by programs administered by the Agency and the Service; and

(4) achieve computer compatibility between the Agency and the Service to maximize efficiency and savings.

(g) CONTINUITY OF THE POSITION.—Any official serving on the date of enactment of this Act, who has been appointed by the President and confirmed by the Senate, shall not be required to be reconfirmed by reason of the enactment of this Act.

(h) CONFORMING AMENDMENTS.—

(1) The second sentence of section 505(a) of the Federal Crop Insurance Act (7 U.S.C. 1505(a)) is amended by striking "the Under Secretary or Assistant Secretary of Agriculture responsible for the farm credit programs of the Department of Agriculture," and inserting "one additional Under or Assistant Secretary of Agriculture, as designated by the Secretary."

(2) Section 507(d) of the Federal Crop Insurance Act (7 U.S.C. 1507(d)) is amended by striking "section 516 of this Act," and all that follows through the period at the end of the subsection and inserting "section 516."

(3) Section 331(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981(a)) is amended by striking "assets to the Farmers Home Administration" and all that follows through the period at the end of the subsection and inserting "assets to such officers or administrative units of the Department of Agriculture as the Secretary may consider appropriate."

SEC. 303. STATE AND COUNTY COMMITTEES.

Section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) is amended—

(1) by designating the first through eighth undesignated paragraphs as paragraphs (1) through (8), respectively; and

(2) in paragraph (5) (as so designated) by adding at the end the following new sentence: "The Secretary is authorized, after consultation with the State committee of the State in which the affected counties are located, to terminate, combine, and consolidate two or more county committees established under this subsection."

SEC. 304. INTERNATIONAL TRADE SERVICE.

(a) ESTABLISHMENT.—The Secretary is authorized to establish and maintain an International Trade Service (referred to in this section as the "Service") and to assign to the Service such functions or administrative units as the Secretary may consider appropriate and consistent with this Act.

(b) HEAD.—If the Secretary establishes the Service, the Service or any successor administrative unit shall be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate.

(c) FUNCTIONS.—The Secretary is authorized to carry out, through the Service or through such other officers or administrative units as the Secretary may consider appropriate, programs and activities involving—

(1) the acquisition of information pertaining to agricultural trade;

(2) market promotion and development;

(3) promotion of exports of United States agricultural commodities;

(4) administration of international food assistance; and

(5) international development, technical assistance, and training.

(d) CONTINUITY OF THE POSITION.—Any official serving on the date of enactment of this Act, who has been appointed by the President and confirmed by the Senate, shall not be required to be reconfirmed by reason of the enactment of this Act.

(e) CONFORMING AMENDMENTS.—Sections 502 and 503 of the Agricultural Trade Act of 1978 (7 U.S.C. 5692 and 5693) are repealed.

TITLE IV—RURAL ECONOMIC AND COMMUNITY DEVELOPMENT**SEC. 401. UNDER SECRETARY FOR RURAL ECONOMIC AND COMMUNITY DEVELOPMENT.**

(a) ESTABLISHMENT.—Subsection (a) of section 3 of the Rural Development Policy Act of 1980 (7 U.S.C. 2211b) is amended to read as follows:

"(a)(1) There is established in the Department of Agriculture the position of Under Secretary of Agriculture for Rural Economic and Community Development to be appointed by the President, by and with the advice and consent of the Senate.

"(2) The Under Secretary of Agriculture for Rural Economic and Community Development shall exercise such functions and perform such duties related to rural economic and community development, and shall perform such other duties, as may be required by law or prescribed by the Secretary of Agriculture."

(b) CONTINUITY OF POSITION.—Any official serving as Under Secretary of Agriculture for Small Community and Rural Development on the date of enactment of this Act, after appointment by the President, by and with the advice and consent of the Senate, shall be considered after the date of enactment of this Act to be serving in the successor position established by the amendment made by subsection (a), and shall not be required to be reconfirmed by reason of the enactment of this Act.

(c) CONFORMING AMENDMENT.—Section 5314 of title 5, United States Code, is amended by striking "Under Secretary of Agriculture for Small Community and Rural Development," and inserting "Under Secretary of Agriculture for Rural Economic and Community Development."

SEC. 402. RURAL UTILITIES SERVICE.

(a) ESTABLISHMENT.—Notwithstanding section 364 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2006f) and any other provision of law, the Secretary is authorized to establish and maintain within the Department the Rural Utilities Service (referred to in this section as the "Service") and to assign to the Service such functions and administrative units as the Secretary may consider appropriate.

(b) HEAD.—If the Secretary establishes the Service, the Service or any successor administrative unit shall be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate.

(c) FUNCTIONS.—The Secretary may carry out through the Service, or through any other officer or administrative unit as the Secretary may consider appropriate—

(1) electric and telephone loan programs and water and waste facility activities authorized by law, including—

(A) the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.); and

(B) section 2322 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1926-1); and

(2) water and waste facility programs and activities authorized by law, including—

(A) sections 306, 306A, 306B, and 306C, the provisions of sections 309 and 309A relating to assets, terms, and conditions of water and sewer programs, section 310B(b)(2), and the amendment made by section 342 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926, 1926a, 1926b, 1926c, 1929, 1929a, 1932(b)(2), and 1013a); and

(B) section 2324 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1926 note).

(d) CONTINUITY OF THE POSITION.—Any official serving on the date of enactment of this Act, who has been appointed by the President and confirmed by the Senate, shall not be required to be reconfirmed by reason of the enactment of this Act.

(e) CONFORMING AMENDMENTS TO THE RURAL ELECTRIFICATION ACT.—

(1) The first section of the Rural Electrification Act of 1936 (7 U.S.C. 901) is amended by striking "there is" and all that follows through "This Act" and inserting "this Act".

(2) Section 2 of such Act (7 U.S.C. 902) is amended by striking "Administrator" and inserting "Secretary of Agriculture".

(3) Section 3(a) of such Act (7 U.S.C. 903(a)) is amended—

(A) by striking "Administrator, upon the request and approval of the Secretary of Agriculture," and inserting "Secretary,"; and

(B) by striking "Administrator appointed pursuant to the provisions of this Act or

from the Administrator of the Rural Electrification Administration established by Executive Order Numbered 7037" and inserting "Secretary".

(4) Section 8 of such Act (7 U.S.C. 908) is amended—

(A) in the first sentence, by striking "Administrator authorized to be appointed by this Act" and inserting "Secretary"; and

(B) in the second sentence, by striking "Rural Electrification Administration created by this Act" and inserting "Secretary".

(5) Section 11A of such Act (7 U.S.C. 911a) is repealed.

(6) Section 13 of such Act (7 U.S.C. 913) is amended by inserting before the period the following: "; and the term 'Secretary' means the Secretary of Agriculture".

(7) Sections 206(b)(2), 306A(b), 311, and 405(b)(1)(A) of such Act (7 U.S.C. 927(b)(2), 936a(b), 940a, and 945(b)(1)(A)) are amended by striking "Rural Electrification Administration" each place it appears and inserting "Secretary".

(8) Section 403(b) of such Act (7 U.S.C. 943(b)) is amended by striking "Rural Electrification Administration or of any other agency of the Department of Agriculture," and inserting "Secretary".

(9) Section 404 of such Act (7 U.S.C. 944) is amended by striking "the Administrator of the Rural Electrification Administration" and inserting "the Secretary of Agriculture shall designate an official of the Department of Agriculture who".

(10) Sections 406(c) and 410(a)(1) of such Act (7 U.S.C. 946(c) and 950) are amended by striking "Administrator of the Rural Electrification Administration" each place it appears and inserting "Secretary".

(11) Such Act (7 U.S.C. 901 et seq.) is amended by striking "Administrator" each place it appears and inserting "Secretary".

(f) MISCELLANEOUS CONFORMING AMENDMENTS.—

(1) Section 236(a) of the Disaster Relief Act of 1970 (7 U.S.C. 912a) is amended by striking "Rural Electrification Administration" and inserting "Secretary pursuant to the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.)".

(2) The second undesignated paragraph of section 401 of the Rural Electrification Act of 1936 (52 Stat. 818; 7 U.S.C. 903 note) is amended by striking "Administrator of the Rural Electrification Administration" and inserting "Secretary of Agriculture".

(3) Section 15 of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 915) is amended by striking "Rural Electrification Administration" and inserting "Secretary".

(4)(A) Section 2333 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 950aaa-2) is amended—

(i) by striking paragraph (1); and

(ii) by redesignating paragraphs (2) through (11) as paragraphs (1) through (10), respectively.

(B) Chapter 1 of subtitle D of title XXIII of such Act (7 U.S.C. 950aaa et seq.) is amended by striking "Administrator" each place it appears and inserting "Secretary".

SEC. 403. RURAL HOUSING AND COMMUNITY DEVELOPMENT SERVICE.

(a) ESTABLISHMENT.—Notwithstanding section 364 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2006f) and any other provision of law, the Secretary is authorized to establish and maintain within the Department the Rural Housing and Community Development Service (referred to in this section as the "Service") and to assign to the Service such functions as the Secretary may consider appropriate.

(b) FUNCTIONS.—The Secretary is authorized to carry out through the Service, or through any other officer or administrative unit as the Secretary may consider appropriate—

(1) programs and activities under title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.);

(2) programs and activities authorized under section 310B(i) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(i)) and related provisions of law; and

(3) programs and activities that relate to rural community lending programs, including programs authorized by sections 365 through 369 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008 through 2008d).

SEC. 404. RURAL BUSINESS AND COOPERATIVE DEVELOPMENT SERVICE.

(a) ESTABLISHMENT.—Notwithstanding section 364 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2006f) and any other provision of law, the Secretary is authorized to establish and maintain within the Department the Rural Business and Cooperative Development Service (referred to in this section as the "Service"), and to assign to the Service such functions as the Secretary may consider appropriate.

(b) FUNCTIONS.—The Secretary is authorized to carry out through the Service, or through any other officer or administrative unit as the Secretary may consider appropriate, programs and activities, including—

(1) section 313 and title V of the Rural Electrification Act of 1936 (7 U.S.C. 940c and 950aa et seq.);

(2) subtitle G of title XVI of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5901 et seq.);

(3) sections 306(a)(1) and 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(1) and 1932);

(4) section 1323 of the Food Security Act of 1985 (Public Law 99-198; 7 U.S.C. 1932 note); and

(5) the Act of July 2, 1926 (44 Stat. 802, chapter 725; 7 U.S.C. 451 et seq.).

TITLE V—FOOD, NUTRITION, AND CONSUMER SERVICES

SEC. 501. UNDER SECRETARY OF AGRICULTURE FOR FOOD, NUTRITION, AND CONSUMER SERVICES.

(a) ESTABLISHMENT.—There is established in the Department the position of Under Secretary of Agriculture for Food, Nutrition, and Consumer Services to be appointed by the President, by and with the advice and consent of the Senate.

(b) DUTIES.—The Under Secretary of Agriculture for Food, Nutrition, and Consumer Services shall exercise such functions and perform such duties related to food, nutrition, and consumer services, and shall perform such other duties, as may be required by law or prescribed by the Secretary.

(c) CONTINUITY OF THE POSITION.—Any official serving as Assistant Secretary of Agriculture for Food and Consumer Services on the date of enactment of this Act, after appointment by the President, by and with the advice and consent of the Senate, shall be considered to be serving in the successor position established by subsection (a), and shall not be required to be reconfirmed by reason of the enactment of this Act.

(d) CONFORMING AMENDMENT.—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

"Under Secretary of Agriculture for Food, Nutrition, and Consumer Services."

SEC. 502. FOOD AND CONSUMER SERVICE.

(a) ESTABLISHMENT.—The Secretary is authorized to establish and maintain within

the Department the Food and Consumer Service (referred to in this section as the "Service") and to assign to the Service such functions as the Secretary may consider appropriate.

(b) FUNCTIONS.—The Secretary is authorized to carry out through the Service, or through any other officer or administrative unit as the Secretary may consider appropriate, programs and activities, including—

(1) the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

(2) the National School Lunch Act (42 U.S.C. 1751 et seq.); and

(3) the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

SEC. 503. NUTRITION RESEARCH AND EDUCATION SERVICE.

(a) ESTABLISHMENT.—The Secretary is authorized to establish and maintain within the Department the Nutrition Research and Education Service (referred to in this section as the "Service") and to assign to the Service such functions as the Secretary may consider appropriate.

(b) FUNCTIONS.—The Secretary is authorized to carry out through the Service, or through any other officer or administrative unit as the Secretary may consider appropriate, programs and activities relating to human nutrition research and education.

TITLE VI—NATURAL RESOURCES AND ENVIRONMENT

SEC. 601. NATURAL RESOURCES CONSERVATION SERVICE.

(a) ESTABLISHMENT.—The Secretary is authorized to establish and maintain within the Department the Natural Resources Conservation Service (referred to in this section as the "Service") and to assign to the Service such functions as the Secretary may consider appropriate.

(b) FUNCTIONS.—The Secretary is authorized to carry out through the Service, or through any other officer or administrative unit of the Department as the Secretary may consider appropriate, programs and activities, including—

(1) title X of the Agricultural Act of 1970 (16 U.S.C. 1501 et seq.);

(2) the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590a et seq.);

(3) the Water Bank Act (16 U.S.C. 1301 et seq.);

(4) section 4 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103);

(5) title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.);

(6) title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.);

(7) section 202(c) of the Colorado River Basin Salinity Control Act (43 U.S.C. 1592(c)); and

(8) the Farms for the Future Act of 1990 (7 U.S.C. 4201 note).

(c) USE OF EMPLOYEES.—Notwithstanding any other provision of law, in carrying out in any county or area any functions assigned to the Service or any successor administrative unit, the Secretary is authorized to—

(1) use interchangeably, in the implementation of functions, Federal employees, and employees of county and area committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)); and

(2) provide interchangeably for supervision by the employees of the performance of functions assigned to the Service.

(d) AGRICULTURAL CONSERVATION PROGRAM.—In carrying out the Agricultural Conservation Program, the Secretary shall—

(1) acting on the recommendations of the Service, with the concurrence of the Farm

Service Agency, issue regulations to carry out the program; and

(2) use a county committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) to make the final decision on which applicants are eligible to receive cost share assistance under the program based on priorities and guidelines established at the national and State levels by the Service.

(e) CONFORMING AMENDMENTS.—

(1) Section 5 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590e) is repealed.

(2)(A) Section 2(2) of the Soil and Water Resources Conservation Act of 1977 (16 U.S.C. 2001(2)) is amended by striking "the Soil Conservation Service of".

(B) Section 3(2) of such Act (16 U.S.C. 2002(2)) is amended by striking "through the Soil Conservation Service".

(C) The first sentence of section 6(a) of such Act (16 U.S.C. 2005(a)) is amended by striking "Soil Conservation Service" and inserting "Secretary".

SEC. 602. REORGANIZATION OF FOREST SERVICE.

(a) IN GENERAL.—Reorganization proposals that are developed by the Secretary to carry out the designation by the President of the Forest Service as a Reinvestment Lab pursuant to the National Performance Review (September 1993) shall include proposals for—

(1) reorganizing the Service in a manner that is consistent with the principles of interdisciplinary planning;

(2) redefining and consolidating the mission and roles of, and research conducted by, employees of the Service in connection with the National Forest System and State and private forestry to facilitate interdisciplinary planning and to eliminate functionalism;

(3) reforming the budget structure of the Service to support interdisciplinary planning, including reducing the number of budget line items;

(4) defining new measures of accountability so that Congress may meet the constitutional obligation of Congress to oversee the Service;

(5) achieving structural and organizational consolidations;

(6) to the extent practicable, sharing office space, equipment, vehicles, and electronic systems with other administrative units of the Department and other Federal field offices, including proposals for using an on-line system by all administrative units of the Department to maximize administrative efficiency; and

(7) reorganizing the Service in a manner that will result in a larger percentage of employees of the Service being retained at organizational levels below regional offices, research stations, and the area office of the Service.

(b) REPORT.—Not later than March 31, 1995, the Secretary shall submit a report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate that describes actions taken to carry out subsection (a) and identifies any disparities in regional funding patterns and the rationale behind the disparities.

TITLE VII—MARKETING AND INSPECTION SERVICES

SEC. 701. GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION.

(a) ESTABLISHMENT.—The Secretary is authorized to establish and maintain within the Department the Grain Inspection, Packers and Stockyards Administration (referred

to in this section as the "Administration") and to assign to the Administration such functions as the Secretary may consider appropriate.

(b) FUNCTIONS.—The Secretary is authorized to carry out through the Administration, or through any other officer or administrative unit as the Secretary may consider appropriate, programs and activities authorized under—

(1) the United States Grain Standards Act (7 U.S.C. 71 et seq.); and

(2) the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.).

(c) CONFORMING AMENDMENTS.—

(1)(A) Section 3 of the United States Grain Standards Act (7 U.S.C. 75) is amended—

(i) by striking subsections (z) and (aa); and

(ii) by redesignating subsection (bb) as subsection (z).

(B) Section 3A of such Act (7 U.S.C. 75a) is repealed.

(C) Section 5(b) of such Act (7 U.S.C. 77(b))

is amended by striking "Service employees"

and inserting "employees of the Secretary".

(D) The first sentences of each of sections 7(j)(2) and 7A(l)(2) of such Act (7 U.S.C. 79(j)(2) and 79a(l)(2), respectively) are amended by striking "supervision by Service personnel of its field office personnel" and inserting "supervision by the Secretary of the field office personnel of the Secretary".

(E) Section 12 of such Act (7 U.S.C. 87a) is amended—

(i) in the first sentence of subsection (c), by striking "or Administrator"; and

(ii) in subsection (d), by striking "or the Administrator".

(F) Such Act (7 U.S.C. 71 et seq.) is amended by striking "Administrator" and "Service" each place either term appears and inserting "Secretary".

(2) Section 407 of the Packers and Stockyards Act, 1921 (7 U.S.C. 228) is amended—

(A) by striking subsection (b);

(B) by redesignating subsections (c) through (f) as subsections (b) through (e), respectively; and

(C) in subsection (e) (as so designated), by striking "subsection (e)" and inserting "subsection (d)".

TITLE VIII—RESEARCH, ECONOMICS, AND EDUCATION

SEC. 801. FEDERAL RESEARCH AND INFORMATION SERVICE.

(a) ESTABLISHMENT.—The Secretary is authorized to establish and maintain within the Department the Federal Research and Information Service (referred to in this section as the "Service") and to assign to the Service such functions as the Secretary may consider appropriate.

(b) FUNCTIONS.—The Secretary is authorized to carry out through the Service, or through any other officer or administrative unit as the Secretary may consider appropriate, programs and activities, including—

(1) agricultural research; and

(2) agricultural information and library services.

SEC. 802. COOPERATIVE STATE RESEARCH AND EDUCATION SERVICE.

(a) ESTABLISHMENT.—The Secretary is authorized to establish and maintain within the Department the Cooperative State Research and Education Service (referred to in this section as the "Service") and to assign to the Service such functions as the Secretary may consider appropriate.

(b) FUNCTIONS.—The Secretary is authorized to carry out through the Service programs and activities, including—

(1) cooperative research programs; and

(2) agricultural extension and education programs.

SEC. 803. AGRICULTURAL ECONOMICS AND STATISTICS SERVICE.

(a) **ESTABLISHMENT.**—The Secretary may establish and maintain within the Department the Agricultural Economics and Statistics Service (referred to in this section as the "Service") and to assign to the Service such functions as the Secretary may consider appropriate.

(b) **FUNCTIONS.**—The Secretary may carry out through the Service, or through any other officer or administrative unit as the Secretary may consider appropriate, programs and activities, including—

- (1) economic analysis and research;
- (2) energy-related programs;
- (3) crop and livestock estimates; and
- (4) agricultural statistics.

(c) **STATE AND LOCAL STATISTICAL OFFICES AND PERSONNEL.**—The authority provided by subsections (a) and (b) shall not authorize a substantial change in the functions or structures of State and local statistical offices and employees of the offices.

SEC. 804. PROGRAM POLICY AND COORDINATION STAFF.

(a) **ESTABLISHMENT.**—The Secretary is authorized to establish and maintain within the Department the Program Policy and Coordination Staff (referred to in this section as the "Staff") and to assign to the Staff such functions as the Secretary may consider appropriate.

(b) **FUNCTIONS.**—If the Staff is established and maintained, the Staff shall provide common program policy development for the Federal Research and Information Service, the Cooperative State Research and Education Service, and the Agricultural Economics and Statistics Service.

(c) **COMPOSITION.**—Not less than 50 percent of the employees of the Staff shall be former employees of the Cooperative State Research Service and the Extension Service, as in existence on the date of enactment of this Act.

(d) **RELATIONSHIP TO FUNCTIONS CURRENTLY PERFORMED BY NASS.**—The Staff may not—

- (1) interfere with statistic collection and reporting; or
- (2) compromise the independence or integrity of statistic collection and reporting functions of the National Agricultural Statistics Service as in effect on the date of enactment of this Act.

TITLE IX—FOOD SAFETY**SEC. 901. FOOD SAFETY SERVICE.**

(a) **MEAT INSPECTION.**—The Federal Meat Inspection Act (21 U.S.C. 601 et seq.) is amended by adding at the end the following new title:

"TITLE V—FOOD SAFETY SERVICE**"SEC. 501. FOOD SAFETY SERVICE.**

"(a) **IN GENERAL.**—The Secretary shall establish and maintain within the United States Department of Agriculture the Food Safety Service (referred to in this section as the "Service") and to assign to the Service such functions as the Secretary may consider appropriate.

"(b) **ASSISTANT SECRETARY FOR FOOD SAFETY.**—

"(1) **APPOINTMENT.**—There shall be in the Service the position of Assistant Secretary for Food Safety (referred to in this section as the "Assistant Secretary"), who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) **CONTINUITY OF THE POSITION.**—Any official serving on the date of enactment of this section, who has been appointed by the President and confirmed by the Senate, shall not be required to be reconfirmed by reason of the enactment of this Act.

"(3) **RELATIONSHIP TO THE SECRETARY.**—The Assistant Secretary shall report directly to the Secretary.

"(4) **GENERAL POWERS.**—The Secretary is authorized to carry out, through the Service or through such other officers or administrative units as the Secretary may consider appropriate, programs and activities involving food safety under this Act and the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), including—

"(A) providing overall direction to the Service and establishing and implementing general policies concerning the management and operation of programs and inspection activities of the Service;

"(B) coordinating and overseeing the operation of all administrative entities within the Service;

"(C) research and inspection relating to meat, meat food products, poultry, and poultry products in carrying out this Act and the Poultry Products Inspection Act;

"(D) conducting educational and public information programs relating to the responsibilities of the Service; and

"(E) performing such other functions related to food safety as the Secretary may prescribe, except that only programs and activities related to food safety, as determined by the Secretary, shall be administered through the Service.

"(c) **TECHNICAL AND SCIENTIFIC REVIEW GROUPS.**—The Secretary, acting through the Assistant Secretary, may, without regard to the provisions of title 5, United States Code, governing appointment in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates—

"(1) establish such technical and scientific review groups as are needed to carry out the functions of the Service, including functions under this Act and under the Poultry Products Inspection Act (21 U.S.C. 451 et seq.); and

"(2) appoint and pay the members of the groups, except that officers and employees of the United States shall not receive additional compensation for service as a member of a group."

(b) **POULTRY PRODUCTS INSPECTION.**—The Poultry Products Inspection Act (21 U.S.C. 451 et seq.) is amended—

(1) by redesignating section 29 as section 30; and

(2) by inserting after section 28 the following new section:

"SEC. 29. ADMINISTRATION.

"The Secretary shall administer this Act through the Assistant Secretary for Food Safety of the Food Safety Service established under section 501 of the Federal Meat Inspection Act."

TITLE X—MISCELLANEOUS**SEC. 1001. ASSISTANT SECRETARIES OF AGRICULTURE.**

(a) **ESTABLISHMENT.**—There are established in the Department six positions of Assistant Secretary of Agriculture, each to be appointed by the President, by and with the advice and consent of the Senate.

(b) **FUNCTIONS.**—Each Assistant Secretary of Agriculture shall exercise such functions and perform such duties as may be required by law or prescribed by the Secretary, and shall receive compensation at the rate prescribed by law for an Assistant Secretary of Agriculture. The compensation of any person serving as an Administrator shall not be raised by this Act.

(c) **CONFORMING AMENDMENTS.**—

(1) Section 2 of the Act of February 9, 1899 (25 Stat. 659, chapter 122; 7 U.S.C. 2212), is repealed.

(2) Section 604 of the Rural Development Act of 1972 (7 U.S.C. 2212a) is amended by striking subsection (a).

(3) Section 2 of Public Law No. 94-561 (7 U.S.C. 2212b) is repealed.

(4) Section 1413 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3128) is amended by striking subsection (d).

(5) Section 8 of the International Carriage of Perishable Foodstuffs Act (7 U.S.C. 2212c) is amended by striking subsection (a).

(d) **CONTINUITY OF POSITIONS.**—Notwithstanding subsections (a) and (b) and the amendments made by subsection (c), any official serving in any of the positions referred to in this section on the date of enactment of this Act, after appointment by the President, by and with the advice and consent of the Senate, shall be considered after the date of enactment of this Act to be serving in the successor positions established by subsection (a) and shall not be required to be reappointed by reason of the enactment of this Act.

(e) **ADDITIONAL CONFORMING AMENDMENTS.**—Section 5315 of title 5, United States Code, is amended—

(1) by striking "Assistant Secretaries of Agriculture (7)" and inserting "Assistant Secretaries of Agriculture (six)"; and

(2) by adding at the end the following:

"Administrator, Farm Service Agency, Department of Agriculture.

"Administrator, International Trade Service, Department of Agriculture.

"Administrator, Rural Utilities Service, Department of Agriculture."

SEC. 1002. REMOVAL OF OBSOLETE PROVISIONS.

Section 5316 of title 5, United States Code, is amended—

(1) by striking "Administrator, Agricultural Marketing Service, Department of Agriculture";

(2) by striking "Administrator, Agricultural Research Service, Department of Agriculture";

(3) by striking "Administrator, Agricultural Stabilization and Conservation Service, Department of Agriculture";

(4) by striking "Administrator, Farmers Home Administration";

(5) by striking "Administrator, Foreign Agricultural Service, Department of Agriculture";

(6) by striking "Administrator, Rural Electrification Administration, Department of Agriculture";

(7) by striking "Administrator, Soil Conservation Service, Department of Agriculture";

(8) by striking "Chief Forester of the Forest Service, Department of Agriculture";

(9) by striking "Director of Science and Education, Department of Agriculture";

(10) by striking "Administrator, Animal and Plant Health Inspection Service, Department of Agriculture"; and

(11) by striking "Administrator, Federal Grain Inspection Service, Department of Agriculture."

SEC. 1003. ADDITIONAL CONFORMING AMENDMENTS.

Not later than 180 days after the date of enactment of this Act, the Secretary shall prepare and submit to Congress recommended legislation containing additional technical and conforming amendments to Federal law that are necessary as a result of the enactment of this Act.

SEC. 1004. TERMINATION OF AUTHORITY.

(a) IN GENERAL.—Subject to subsection (b), the authority delegated to the Secretary by this Act to reorganize the Department shall terminate on the date that is 2 years after the date of enactment of this Act.

(b) FUNCTIONS.—Subsection (a) shall not affect—

(1) the authority of the Secretary to continue to carry out a function that the Secretary performs on the date that is 2 years after the date of enactment of this Act; or

(2) the authority delegated to the Secretary under Reorganization Plan No. 2 of 1953 (5 U.S.C. App. 1).

SEC. 1005. ELIMINATION OF DUPLICATIVE INSPECTION REQUIREMENTS.

(a) IN GENERAL.—The Secretary of Agriculture shall—

(1) eliminate inspections of pilots and aircraft by the Department of Agriculture;

(2) develop with the Administrator of the Federal Aviation Administration inspection specifications and procedures by which aircraft and pilots contracted by the United States Department of Agriculture will be inspected. The Administrator will ensure that the inspection specifications and procedures are met; and

(3) permit the utilization by the Department of Agriculture of inspections and certifications of pilots and aircraft conducted by the Federal Aviation Administration.

(b) APPLICABILITY.—An inspection requirement shall be eliminated pursuant to subsection (a)(1) only if the pilots and aircraft are inspected by the Federal Aviation Administration for compliance with the safety regulations of the Federal Aviation Regulations.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

Mr. LEAHY. Madam President, I thank the Members for their cooperation on this.

I do want to note, as I did before, that nearly 2 years of work went into this, and the last few months especially has been very intensive work among all the staff, Republican and Democrat alike, and with the administration. I know I have been at more meetings than I want to even count with Senators on both sides of the aisle.

I think that this is a bill that would not have passed 2 years ago and probably would not have passed 6 months ago, but it has now.

I want to thank Jim Cubie, the chief counsel of our Senate Agriculture Committee, who worked so closely with Chuck Riemenschneider, the chief of staff of the Senate Agriculture Committee; Mike Fernandez, from the professional staff; Mike Knipe, counsel; and Amy Benoit and Cindy Squires of the Agriculture Committee staff; Scott Shearer from the administration; and Secretary Epsy, who came up here from time to time to meet with us. Those are the ones on our side.

I want to mention the unfailing courtesy and the efforts of Senator LUGAR

and Chuck Conner, his chief of staff, in working with us and all the Senators who cooperated.

And, of course, I especially want to thank the distinguished majority leader who made it possible to schedule this. We discussed this about 10 o'clock, I believe, Monday night.

And, Mr. Leader, if you could organize baseball this well—I am sorry.

Mr. Leader, I must say you made it possible for this to move through and I thank you very, very much.

Mr. LUGAR. Madam President, I would like to at this moment to thank my chairman, Senator LEAHY, with whom I have enjoyed such close cooperation, for his kind remarks.

I would like to thank the majority leader for scheduling our bill today. This is of great importance to each of us on this committee.

And I wish to thank our staff members, Chuck Conner, the head of our staff, Dave Johnson, Andy Morton, Terri Nintemann, Stacy Hoffhaus, and my own administration assistant, Marty Morris. I believe it is a step forward for American agriculture.

I thank the Chair.

Mr. MITCHELL. I thank my colleagues for their kind comments and for their usual diligence in moving this legislation promptly. It is a very significant bill. And I think the effects will be beneficial and long lasting.

ORDER OF PROCEDURE

Mr. MITCHELL. Madam President, we have been discussing with our colleagues the procedure for a possible agreement for handling the last of the three contested nominations which we were to deal with. I am awaiting a response from our colleagues.

So anticipating that I will receive that response momentarily, I will for now suggest the absence of a quorum, although I intend to have an announcement on dealing with that matter, or hope to have that announcement, very shortly.

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. COCHRAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

DEPARTMENT OF AGRICULTURE REORGANIZATION ACT

Mr. COCHRAN. Madam President, I would like to take this opportunity to make a comment or two about the bill that just passed.

I think it may have been overlooked, but the distinguished chairman of the committee and the distinguished ranking member of the committee deserve a

great deal of credit for the fact that this legislation has been developed and passed.

It was not an effort that just recently started. I can recall that the two of them began hearings on this subject when President Bush was in office and Secretary Madigan appeared before our committee and talked in great detail about the need for reorganizing, streamlining, and bringing new efficiencies to the Department of Agriculture. As a member of that committee, I participated in some of those hearings and saw first hand the influence that they both brought to bear on this issue.

It is to their credit, in my view, that this bill has passed today and been brought to the floor in the way that it has.

It has, of course, had the support of Secretary Epsy. At his confirmation hearing, I can remember the chairman asking about his intentions with respect to reorganization. They talked about it at some length.

So a great deal of credit goes to the chairman and the distinguished Senator from Indiana, both of whom worked very, very hard, and to all those others they mentioned, including members of the staff.

I would like to mention Mark Keenum, a member of my staff, who worked very hard with other committee staff to develop the provision of the legislation to preserve the integrity of the county committee structure of our agriculture programs.

I have already put a more complete statement on the issues in the RECORD, but I did want to make that comment about the work done by our leaders on the Agriculture Committee.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS-CONSENT AGREEMENT—NOMINATION OF ROSEMARY BARKETT

Mr. MITCHELL. Madam President, we have now reached an agreement on the remaining nomination. I will now propound a unanimous-consent request which has been cleared on both sides.

Madam President, as if in executive session, I ask unanimous consent that on Thursday, April 14, at 9:30 a.m., the Senate proceed to executive session to consider the nomination of Rosemary Barkett to be U.S. Circuit Judge for the Eleventh Circuit; that there be 6 hours of debate, equally divided between the chairman and ranking member of the Committee on the Judiciary or their designees; that when time is used or yielded back, the Senate, without any intervening action, vote on the nomination; and that, if confirmed, the motion to reconsider be tabled, and the President be immediately notified of the Senate's action.

I further ask unanimous consent that the cloture motion on this nomination be withdrawn.

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

Mr. MITCHELL. Madam President, I thank my colleagues for their cooperation in obtaining this agreement.

Under this agreement, a vote will occur no later than 6 hours after the debate begins at 9:30 a.m., which will, of course, be 3:30 p.m.. Although Senators should be aware that it is possible that not all the time will be used; therefore, the vote may occur prior to 3:30 p.m. It will occur no later than 3:30 p.m., possibly prior to that if not all time is used.

MORNING BUSINESS

Mr. MITCHELL. Madam President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

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.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 1:45 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3693. An act to designate the United States courthouse under construction in Denver, Colorado, as the "Byron White United States Courthouse."

H.R. 4066. An act to suspend temporarily the duty on the personal effects of participants in, and certain other individuals associated with, the 1994 World Cup Soccer Games, the 1994 World Rowing Championships, the 1995 Special Olympics World Games, the 1996 Summer Olympics, and the 1996 Paralympics.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

S. 1206. An act to redesignate the Federal building located at 380 Trapelo Road in Wal-

tham, Massachusetts, as the "Frederick C. Murphy Federal Center."

The enrolled bill was subsequently signed by the President pro tempore [Mr. BYRD].

MEASURES PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3693. An act to designate the United States courthouse under construction in Denver, Colorado, as the "Byron White United States Courthouse."

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-2453. A communication from the President of the United States (received and referred on April 12, 1994), transmitting, consistent with the War Powers Act, a report relative to Bosnia-Herzegovina; to the Committee on Foreign Relations.

EC-2454. A communication from the President of the United States (received and referred on April 12, 1994), transmitting, consistent with the War Powers Act, a report relative to Rwanda and Burundi; to the Committee on Foreign Relations.

EC-2455. A communication from the Comptroller of the Department of Defense, transmitting, pursuant to law, a report of a violation of the Antideficiency Act occurring in Los Angeles, CA; to the Committee on Appropriations.

EC-2456. A communication from the Comptroller of the Department of Defense, transmitting, pursuant to law, a report of a violation of the Antideficiency Act occurring in Norfolk, VA; to the Committee on Appropriations.

EC-2457. A communication from the Comptroller of the Department of Defense, transmitting, pursuant to law, a report of a violation of the Antideficiency Act occurring in New York, NY; to the Committee on Appropriations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-437. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on Commerce, Science, and Transportation.

"SENATE JOINT MEMORIAL 8030

"Whereas, harbor seals and sea lion populations have greatly expanded in recent years due to absolute protection afforded them under the Federal Marine Mammal Protection Act; and

"Whereas, seals and sea lions are active predators upon anadromous fish such as salmon and steelhead trout; and

"Whereas, anadromous fish populations are significantly reduced in numbers throughout Washington state and some stocks have been listed as threatened or endangered species; and

"Whereas, many more stocks of anadromous fish have been requested for listing as threatened or endangered species; and

"Whereas, many more anadromous fish stocks are likely to be listed as threatened or endangered; and

"Whereas, in order to allow certain salmon and steelhead populations to recover to, and be sustained at, viable levels it will be necessary to have more flexibility to actively manage seals and sea lions in identifiable areas where they cause unacceptable mortality levels in specific fish runs; and

"Whereas, the lethal removal of seals and sea lions is currently prohibited under the Federal Marine Mammal Protection Act in most all cases; and

"Whereas, it is time that the federal government allow that predacious seals and sea lions be killed in order for salmon and steelhead to be allowed a reasonable chance to survive; Now, therefore,

"Your Memorialists respectfully pray that the Marine Mammal Protection Act be modified to provide for reasonable, balanced and prudent population levels of seals and sea lions in the state of Washington and also provide for the active management of abundant populations at set levels determined with modern wildlife management science by federal and state management agencies, including the use of lethal removal when and where necessary.

"Be It Resolved, That copies of this Memorial be immediately transmitted to the Honorable Bill Clinton, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

POM-438. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Environment and Public Works.

"LEGISLATIVE RESOLVE NO. 22

"Whereas the Congress enacted the Oil Pollution Act of 1990 in order to prevent shipping accidents and to ensure that there would be adequate money immediately available to respond to oil pollution discharges, especially those discharges occurring in the ocean; and

"Whereas the Act increased from \$36,000,000 to \$150,000,000 the amount of financial responsibility that must be demonstrated by offshore exploration and production facilities; and

"Whereas the definition of 'offshore' in the Act covers facilities in, on, or under navigable waters of the United States; and

"Whereas the Alaska State Legislature is concerned that this definition may be interpreted to apply to all marinas, port authorities, utility companies, gas stations, trucking companies, railroads, pipelines, farms, and airports in almost every area of Alaska; and

"Whereas the potential effect on the Alaska economy could be severe because it is unlikely that any but the largest companies will be able to demonstrate the \$150,000,000 of financial responsibility required under the Act; and

"Whereas the broad coverage of the Act is well beyond the historical purview of the Minerals Management Service, United States Department of the Interior, which enforces the Act; and

"Whereas the Act provides a sliding scale for proof of financial responsibility for vessels but requires \$150,000,000 of proof of financial responsibility for all offshore facilities, regardless of risk to the environment from a potential spill; and

"Whereas the Alaska State Legislature agrees with the requirements of the Act to the extent that they relate to large companies conducting offshore activities on the outer continental shelf, but does not agree that the same financial responsibility requirements should apply to small companies that are only indirectly related to offshore activities;

"Be It Resolved, That the Alaska State Legislature urges the Congress to amend the Oil Pollution Act of 1990 so that the financial responsibility requirements of persons involved in oil operations more closely reflect the relative risks of those operations; and be it

"Further Resolved, That, in particular, facilities on the outer continental shelf should be the only facilities subject to the kind of high financial responsibility requirements now contained in the Act.

"Copies of this resolution shall be sent to the Honorable Al Gore, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Robert C. Byrd, President Pro Tempore of the U.S. Senate; the Honorable Thomas S. Foley, Speaker of the U.S. House of Representatives; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress."

OM-439. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Environment and Public Works.

LEGISLATIVE RESOLVE NO. 20

"Whereas the Tenth Amendment to the U.S. Constitution, part of the original Bill of Rights, reads as follows: 'The powers not delegated to the United States by the Constitution nor prohibited by it to the states, are reserved to the states respectively, or to the people'; and

"Whereas the limits on congressional authority to regulate state activities prescribed by the Tenth Amendment have gradually been eroded, and federal mandates to the states in these protected areas have become almost commonplace; and

"Whereas the regulation of traffic and motor vehicle safety laws is constitutionally the province of state, not congressional, authority; and

"Whereas a recently passed federal mandate would reduce the apportionment of federal highway funds to states that do not enact statutes requiring the use of helmets by motorcyclists; and

"Whereas, while the stated goals of this federal mandate to reduce highway fatalities and injuries through increased use of motorcycle helmets are certainly praiseworthy, it is the opinion of the legislature that the passage of such legislation by the U.S. Congress is at least an inappropriate federal mandate and at most a blatant transgression upon the state's regulatory authority under the Tenth Amendment;

"Be It Resolved, That the Congress is urged to refrain from imposing upon the states' constitutional authority to regulate traffic and motor vehicle safety within their respective boundaries, and specifically to repeal any law mandating the passage of state laws requiring the use of motorcycle helmets.

"Copies of this resolution shall be sent to the Honorable Al Gore, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Robert C. Byrd, President Pro Tempore of the U.S. Senate; the Honorable Thomas S. Foley, Speaker of the

U.S. House of Representatives; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources:

Shirley Mahaley Malcom, of Maryland, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 1998;

Mary Lucille Jordan, of Maryland, to be a Member of the Federal Mine Safety and Health Review Commission for the remainder of the term expiring August 30, 1996;

Robert S. Willard, of Ohio, to be a Member of the National Commission on Libraries and Information Science for the remainder of the term expiring July 19, 1994;

Gary N. Sudduth, of Minnesota, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 1997;

Frank J. Lucchino, of Pennsylvania, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 1998;

Martha B. Gould, of Nevada, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 1997;

Rodney A. McCowan, of Oklahoma, to be Assistant Secretary for Human Resources and Administration, Department of Education;

Larry Brown, Jr., of Maryland, to be a Member of the National Council on Disability for a term expiring September 17, 1995;

Bobby L. Roberts, of Arkansas, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 1998.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. KENNEDY. Mr. President, for the Committee on Labor and Human Resources, I also report favorably three nomination lists in the Public Health Service which were printed in full in the CONGRESSIONAL RECORDS of January 26 and 31, 1994, and ask unanimous consent, to save the cost of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

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

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. COCHRAN (for himself and Mr. LOTT):

S. 2011. A bill to suspend temporarily the duty on certain textile-manufacturing machinery; to the Committee on Finance.

By Mr. FEINGOLD:

S. 2012. A bill to amend the Civil Rights Act of 1964 and other civil rights laws to prohibit employers from requiring employees to submit claims relating to employment discrimination to mandatory arbitration; to the Committee on Labor and Human Resources.

By Mr. D'AMATO:

S. 2013. A bill to renew patent numbered 3,387,268, relating to a quotation monitoring unit, for a period of 10 years; to the Committee on the Judiciary.

By Mr. HEFLIN:

S. 2014. A bill to amend the coastwise trade laws to clarify their application to certain passenger vessels, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SIMPSON:

S. 2015. A bill to provide for daylight saving time on an expanded basis, and for other purposes; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD:

S. 2012. A bill to amend the Civil Rights Act of 1964 and other civil rights laws to prohibit employers from requiring employees to submit claims relating to employment discrimination to mandatory arbitration; to the Committee on Labor and Human Resources.

PROTECTION FROM COERCIVE EMPLOYMENT AGREEMENTS ACT

● Mr. FEINGOLD. Mr. President, I introduce a bill that strengthens the guarantees the Constitution provides citizens for due process in a court of law. Essentially, this bill closes a gaping loophole in the enforcement of civil rights laws in our Nation, which if not addressed, could result in erosion of the right of many citizens to secure through the courts, if necessary, their right to equal opportunity in employment. This bill amends the Civil Rights Act of 1964, and several other laws that protect the rights of workers against discrimination in the workplace to prohibit employers from requiring employees to waive their statutory rights and agree to submit claims relating to employment discrimination to mandatory arbitration as a condition of employment or advancement.

The immediate problem that gives rise to the need for this legislation concerns the growing practice of securities firms, and now other employers in information technology, legal services, and insurance fields, of requiring their employees to submit claims of discrimination, including sexual harassment, to mandatory and binding arbitration. According to an article published in the New York Times, "some companies are unilaterally imposing the restriction on their non-union employees, while others are insisting that job applicants forfeit their right to sue as a condition of employment. Still other companies are making such an

agreement a condition for promotion, stock options or other benefits."

In a study released in March, "Employment Discrimination: How Registered Representatives Fare in Discrimination Disputes," March 1994, (GAO/HEHS-94-17), the GAO found that in the securities industry, arbitration of disputes is a long standing practice. Until recently, the practice was primarily used when securities firm employees, known as registered representatives, were the subject of complaints by customers involving securities transactions. According to the GAO, securities firms require their registered representatives to file a registration and disclosure document known as the U-4 agreement. Filing the U-4 is a condition of employment, and it requires those who sign it to arbitrate disputes that may arise with their firms.

Unfortunately, some trial courts at the State and Federal level in upholding the legality of the U-4, have interpreted the mandatory arbitration provision as applicable to employment disputes, as well as those arising from securities transactions. In doing so, the courts have endorsed a practice, that when applied in the context of equal employment opportunity law, reeks with patent unfairness. As the GAO study points out, there are weaknesses in recordkeeping regarding employment discrimination claims that have gone to arbitration—the New York Stock Exchange and groups of industry professionals commonly referred to as SRO's don't even require that the arbitration decisions explain the disposition of each issue; the SRO's do not maintain data on the demographic characteristics of arbitrators—but GAO found that nearly 97 percent of them are white males over 60 years old; the SRO's do not have criteria for excluding arbitrators with a history of disciplinary actions taken against them; nor does the SEC in their oversight role require SRO's to report to it on discrimination cases filed and arbitrated—the GAO reports that SEC does not know the nature, types, or outcomes of these cases. And while the SEC response to GAO readily agrees to remedy the deficiencies identified, no such public agency regulates other industries where this problem is growing or may arise.

The court decisions upholding this mandatory arbitration program, and the ongoing practice of securities firms and others clearly disregard one of the basic underpinnings of civil rights law, that access to justice is essential to meaningful enforcement. It is the intent of this legislation to halt the further erosion of workers' civil rights, and to reverse the widening application of mandatory arbitration requirements to resolve employment discrimination cases. I emphasize mandatory arbitration because I want to be clear that

this legislation is in no way intended to bar the use of voluntary arbitration, conciliation, mediation, or other informal quasi-judicial methods of dispute resolution. In fact, I strongly support the use of voluntary dispute resolution methods as a way of reducing the caseloads of civil and criminal courts where appropriate. But to require workers to waive their constitutional right to settle their disputes before a judge and jury as a condition of employment, or promotion vitiates the several laws amended by this legislation that protect the civil rights of several classes of workers.

The bill amends the Civil Rights Act of 1964, and it makes the prohibition applicable to the U.S. Senate as an employer. It would be inconsistent at best, and simply hypocritical overall if we as a body of Congress sought an exemption for ourselves.

The bill amends the Age Discrimination in Employment Act of 1967. An increasing number of these cases involve claims submitted to mandatory arbitration that arise when older workers are forced to resign, retire, or be fired because an employer wants a younger and cheaper work force.

The bill amends the Americans With Disabilities Act of 1990 [ADA] and the Rehabilitation Act of 1973, which protects the rights of workers with physical and mental disabilities, and other appropriate statutes relating to the enforcement of equal employment opportunity protections.

As a body, the Congress has taken great strides in the advancement of employment law. The Civil Rights Act of 1991, and the ADA are examples. But the intent of those laws are being circumvented by some companies and entire industries bent on conducting commerce without regard to the basic civil rights of American workers to secure final resolution of disputes in a court of law under the rules of fairness and due process. It is simply unfair to require an employee to waive, in advance, his or her statutory right to seek redress in a court of law in exchange for employment or a promotion.

Let's not turn a blind eye toward the rights of workers. Let's enforce civil rights law with appropriate fairness and vigor. Let's restore integrity in the relations between employers and employees. Only in these ways will we advance the American ideals of equal protection, due process, and genuine justice.

Mr. President, I ask unanimous consent that the text of the legislation be printed in the RECORD with two articles from the New York Times discussing the problem.

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

S. 2012

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 "Protection From Coercive Employment Agreements Act".

SEC. 2. CIVIL RIGHTS ACT OF 1964.

(a) IN GENERAL.—Section 704 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-3) is amended by adding at the end the following:

"(c) It shall be an unlawful employment practice for an employer to—

"(1) fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to the compensation, terms, conditions, or privileges of employment of the individual, because the individual refuses to submit any claim under this title to mandatory arbitration; or

"(2) make the submission of such claim to mandatory arbitration a condition of the hiring, continued employment, or compensation, or a term, condition, or privilege of employment, of the individual."

(b) FEDERAL GOVERNMENT EMPLOYMENT.—Section 717(a) of such Act (42 U.S.C. 2000e-16(a)) is amended by striking the period and inserting the following: ", including any unlawful employment practice described in section 704(c)."

SEC. 3. AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967.

(a) IN GENERAL.—Section 4 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623) is amended by inserting after subsection (f) the following:

"(g) It shall be unlawful for an employer to—

"(1) fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to the compensation, terms, conditions, or privileges of employment of the individual, because the individual refuses to submit any claim under this Act to mandatory arbitration; or

"(2) make the submission of such claim to mandatory arbitration a condition of the hiring, continued employment, or compensation, or a term, condition, or privilege of employment, of the individual."

(b) FEDERAL GOVERNMENT EMPLOYMENT.—Section 15(a) of such Act (29 U.S.C. 633a(a)) is amended by striking the period and inserting the following: ", including any unlawful practice described in section 4(g)."

SEC. 4. AMERICANS WITH DISABILITIES ACT OF 1990.

Section 102 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12112) is amended—

(1) in subsection (b)—

(A) at the end of paragraph (6), by striking "and";

(B) in paragraph (7), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(8) conducting an act prohibited by subsection (c).";

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(3) by inserting after subsection (b) the following:

"(c) PROHIBITION ON REQUIRED SUBMISSION TO MANDATORY ARBITRATION.—No covered entity shall discriminate against a qualified individual with a disability—

"(1) in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job

training, and other terms, conditions, and privileges of employment, because the individual refuses to submit any claim under this title to mandatory arbitration; or

"(2) by making the submission of such claim to mandatory arbitration a condition of the eligibility to apply for employment, hiring, advancement, continued employment, employee compensation, or job training, or a term, condition, or privilege of employment, of the individual."

SEC. 5. REHABILITATION ACT OF 1973.

(a) EMPLOYMENT BY DEPARTMENTS, AGENCIES, AND INSTRUMENTALITIES.—Section 501(b) of the Rehabilitation Act of 1973 (29 U.S.C. 791(b)) is amended by inserting after the first sentence the following: "Such plan shall include provisions prohibiting the department, agency, or instrumentality from conducting any discrimination prohibited under section 102(c) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12112(c)) with respect to a claim under this section."

(b) EMPLOYMENT UNDER FEDERAL CONTRACTS.—Section 503(a) of the Rehabilitation Act of 1973 (29 U.S.C. 793(a)) is amended by inserting after the first sentence the following: "Such contract shall include provisions prohibiting the party from conducting any discrimination prohibited under section 102(c) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12112(c)) with respect to a claim under this section."

SEC. 6. REVISED STATUTES.

Section 1977 of the Revised Statutes (42 U.S.C. 1981) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following:

"(b) With respect to contracts relating to employment between such a person and another individual or entity, no such individual or entity shall—

"(1) fail or refuse to hire or to discharge the person, or otherwise to discriminate against the person with respect to the compensation, terms, conditions, or privileges of employment of the person, because the person refuses to submit any claim under this section to mandatory arbitration; or

"(2) make the submission of such claim to mandatory arbitration a condition of the hiring, continued employment, or compensation, or a term, condition, or privilege of employment, of the person."

[From the New York Times, Mar. 18, 1994]

RIGHT TO FILE SUIT FOR BIAS AT WORK— ARBITRATION IS REQUIRED

(By Steven A. Holmes)

WASHINGTON.—Prompted largely by fears that Federal juries will grant large monetary awards in bias cases, more and more companies are requiring their employees to submit claims of discrimination, including sexual harassment, to binding arbitration.

Some companies are unilaterally imposing the restriction on their nonunion employees, while others are insisting that job applicants forfeit their right to sue as a condition of employment. Still other companies are making such an agreement a condition for promotion, stock options or other benefits.

Corporations like I.T.T., Hughes, Rockwell International, N.C.R., Blue Cross/Blue Shield of Michigan, Brown and Root, and Travelers have adopted policies that require arbitration for discrimination claims, often precluding workers from filing lawsuits in Federal courts, according to court records, representatives of some of the companies and lawyers involved in civil rights litigation.

Other companies, like T.R.W., General Mills, M.C.I. and Conoco, are considering putting similar policies into effect.

WATCHING FROM THE SIDELINES

Lawyers involved in civil rights litigation say scores of other companies are waiting on the sidelines to see how Congress and the Supreme Court will deal with the issue. Some members of the House are beginning to study these practices, and the Supreme Court has dealt with them only once, upholding the policy on fairly narrow grounds.

Three years ago, in *Gilmer v. Interstate/Johnson Corp.*, the Court upheld the legality of requiring licenses securities dealers to submit claims to arbitration panels, like the one established by the New York Stock Exchange.

Citing the *Gilmer* case, a string of lower-court decisions has held that it is legal for companies to require new employees or those accepting promotion to agree to submit future complaints to arbitration. But the courts have not ruled on whether it is legal for companies to tell current employees that as of a certain date they may not bring a complaint of discrimination or harassment to court and must instead submit to arbitration.

THWARTING CONGRESS?

The issue only involves nonunion workers because the Supreme Court has long held that workers cannot lose their right to sue as a result of a collective-bargaining agreement.

Civil rights lawyers say that companies that require binding arbitration for discrimination complaints are thwarting the will of Congress, which in 1991 voted to allow jury trials and larger damage awards in cases involving bias on the basis of sex, religion or disability. Before the passage of the Civil Rights Act of 1991, cases were heard by Federal judges and awards were limited to back pay and attorney fees.

"What's going on is that Congress has passed significant employment laws like the Civil Rights Act and the Americans with Disabilities Act, and companies are basically opting out of the law," said Cliff Palefsky, a San Francisco lawyer who represents plaintiffs in discrimination cases.

Some lawmakers who are looking at the issue also said that Congress wanted jury trials in discrimination cases because it was felt that the Federal judiciary was dominated by white men who, in awarding damages to plaintiffs, might undervalue the pain and suffering of discrimination or sexual harassment.

"If Anita Hill had been a stock broker and had been sexually harassed by her employer, would she really get a fair hearing from a panel of white males who are managers in the securities industry?" asked Representative Edward J. Markey, Democrat of Massachusetts.

Lawyers and spokesmen for corporations that routinely submit discrimination claims to arbitration say they merely want to provide a quicker and less costly means for all parties of resolving employee disputes and to keep such fights out of an overburdened Federal court system.

"It is a way for individual employees, without having to spend a lot of money, to vindicate their rights," said Bob Carabell, the senior labor counsel for T.R.W., which is considering a form of arbitration.

KEEPING IT CONFIDENTIAL

Some companies prefer arbitration to trials because testimony and the decision can be kept confidential. And because arbi-

trators are often selected by both the employee and the company, managers have some control over who will ultimately judge a case.

"If you get an arbitrator or an arbitration decision you don't like, you don't pick him again," said T. Warren Jackson, the corporate counsel for Hughes Aircraft in Los Angeles.

But corporate lawyers acknowledge that the prime reason is concern that juries will grant large cash awards.

"It's the existence of jury trials which is the major impetus towards arbitration agreements," said Paul Grossman, a Los Angeles lawyer who represents corporations and who is a strident advocate of arbitration.

One person who has been prevented from bringing her case in Federal court is Elaine L. Williams, a partner in Katten Muchin & Zavis, a Chicago law firm whose clients include the Chicago Bulls and the Chicago White Sox.

Last August, Ms. Williams, who is black, sued the firm, alleging sexual and racial discrimination. She said she had received less bonus money than other lawyers, despite her having higher monthly billable hours, was subjected to derogatory jokes and made the object of lewd remarks. A spokesman for the law firm denied her accusations.

In November, a Federal judge in Chicago dismissed Ms. Williams suit, citing a clause in an agreement she signed in 1991 when she was made a partner; it said all employee disputes must be submitted to binding arbitration. Ms. Williams' lawyer, James D. Montgomery, said: "We have no options but to proceed with it, and then, based on what happens in arbitration, go back to court and see what else we can do."

While the number of companies that have sought to restrict their employees' ability to sue is relatively small, the trend has caught the attention of some in Congress.

Three weeks ago, Representative William D. Ford of Michigan and Major Owens of Brooklyn, both Democrats, asked the General Accounting Office to study how these policies affect "employees and the enforcement of Federal laws enacted to eradicate employment discrimination."

[From the New York Times, Apr. 5, 1994]

SECURITIES ARBITERS MOSTLY WHITE MEN OVER 60

(By Steven A. Holmes)

WASHINGTON.—A Congressional study of the securities industry has found that at a time when more employees are compelled to submit complaints of job discrimination and sexual harassment to arbitration, the people who decide the cases are overwhelmingly white men in their 60's with little experience in labor law.

The study, conducted by the General Accounting Office and made public last week, looked at companies affiliated with the New York Stock Exchange and the National Association of Securities Dealers. And though neither the stock exchange nor the securities dealers keep detailed statistics on the arbitrators who decide such discrimination cases, investigators for the accounting office estimated that 89 percent of the 726 arbitrators used by the exchange at the end of 1992 where white men whose average age was 60. The estimate was drawn from data on 349 arbitrators whom the G.A.O. was able to identify by age, sex and race.

The report was limited to the securities industry, which for years has required people seeking to become licensed brokers for

stocks or bonds to agree that any complaint of discrimination—including sexual harassment—be submitted to arbitration panels selected from a pool of approved arbitrators.

GROWING PRACTICE

Since 1991, when the Supreme Court rules that such arrangements were legal, the practice has grown. Several companies outside the securities field now require that as a condition of employment, promotion or other benefits, workers agree to take discrimination claims to arbitration rather than Federal or state courts.

The stock exchange's and dealers' arbitration panels are made up of retired brokers and executives, lawyers who have worked in the securities field and members of the general public. The panels are not required to give written explanations of the legal theory on which they base their decisions, and, by agreement, their rulings cannot be appealed to Federal or state courts.

A spokeswoman for the stock exchange declined to comment on the study by the accounting office, which is the investigative arm of Congress, until officials of the exchange had studied it.

Advocates of arbitration say it provides a speedier alternative than Federal court for resolving disputes between employers and their workers, while reserving the right of workers to seek redress in cases of discrimination.

Critics say companies are setting up a private judicial system and trying to thwart the will of Congress, which in 1991 expanded the right to sue for discrimination, for the first time giving women and the disabled access to jury trials and higher money damages.

BARRED FROM COURT

"Everyone is committed to coming up with alternative dispute-resolution methods," said Kerry Scanlon, director of the Washington office of the NAACP Legal Defense and Education Fund Inc. "But the answer is not to get a procedure that insures that everything will be brief but throws everything else out the window."

Among the securities workers who have found that they are unable to press their discrimination cases in Federal court is Robin Harris, 36, who said she had been demoted from her supervisory position of Citibank because of racial prejudice against her.

Ms. Harris signed a registration form with the National Association of Securities Dealers when she was hired in October 1989 by Landmark Brokerage Services Inc. to sell securities directly to the public in office space leased from Citibank. The form contained a clause in which Ms. Harris promised that any dispute between her and her employer would be handled by a panel of arbitrators selected from the pool maintained by the securities dealers association.

"You had to sign it to work there," Ms. Harris said. "It never occurred to me that it was a document that I would have to challenge later on."

PROMOTION, THEN DEMOTION

Ms. Harris says she compiled a stellar record at Landmark and was promoted in February 1990 to supervising the company's sales force in lower Manhattan. But in July, after Citibank took over the brokerage company, she was demoted, replaced by a white man and saw her salary cut because, she says, Citibank executives did not want a black woman in a position of such responsibility. Citibank denied the accusations.

Ms. Harris filed a \$100 million discrimination suit against Landmark and Citibank in

the Bronx County Division of New York State Supreme Court. But the companies filed a motion to compel arbitration, and Ms. Harris and her lawyer decided that they had no chance of pressing her case in court and accepted arbitration, which has not yet begun.

In the G.A. study, Congressional investigators found that 34 discrimination cases had been resolved by stock exchange arbitration panels from 1990 through 1992. The Congressional report provided a breakdown of only 18 cases decided between August 1990 and December 1992. Of these, 10 resulted in financial awards to the employees, which eight were decided in favor of the brokerage house.

The securities dealers did not provide the accounting office investigators with several discrimination cases that were submitted to arbitration panels.*

By Mr. HEFLIN:

S. 2014. A bill to amend the coastwise trade laws to clarify their application to certain passenger vessels, and for other purposes; to the Committee on Commerce, Science, and Transportation.

U.S.-FLAG PASSENGER VESSEL ACT OF 1994

Mr. HEFLIN. Mr. President, I am introducing legislation today regarding our domestic maritime industry. This legislation has as its sole purpose the closing of a longstanding loophole in our coastwise trade laws. Under present law, a vessel that transports passengers between two points in the United States must fly the U.S. flag, be built in a U.S. shipyard, be owned by U.S. citizens, and be manned by U.S. crews.

However, under an unusual interpretation by the Customs Service, a vessel transporting passengers for hire which leaves a U.S. port, sails beyond the 3-mile territorial sea and returns to the original port is considered to be on an international voyage and can be foreign-flag, built in a subsidized foreign shipyard, owned by foreign citizens and manned by low-wage foreign personnel. To date, the Customs Service has cracked down only on charter fishing boats which take paying passengers out to sea beyond the 3-mile limit and return to the same port. The Customs Service now asserts that these vessels must comply with coastwise trade laws and must be U.S.-flagged. However, they have not taken this position across the board, with respect to cruises-to-nowhere—dinner, entertainment, and pleasure cruises departing from and returning to the same U.S. port.

This situation whereby certain vessels receive an exemption from applicable coastwise trade law is inherently unfair to the entire American merchant marine industry: shipbuilders, vessel operators, and labor. The legislation introduced today would make these so-called cruises-to-nowhere subject to our domestic shipping laws as are all other vessels that transport passengers between U.S. ports. To be fair to existing foreign-flag operators in

this trade, the legislation provides for the phasing-out of existing foreign-flag operations to mitigate the effect on the owners of these ships and on our ports which may have terminal agreements with these operators.

Mr. President, this legislation eliminates an unfortunate loophole in our coastwise law in a fair and equitable manner and restores to our domestic maritime industry the benefit of those laws as originally intended. I urge my colleagues to join with me in supporting and helping to pass this bill.

By Mr. SIMPSON:

S. 2015. A bill to provide for daylight saving time on an expanded basis, and for other purposes; to the Committee on Commerce, Science, and Transportation.

DAYLIGHT SAVING TIME EXTENSION ACT OF 1994

Mr. SIMPSON. Madam President, today, I am pleased to introduce the Daylight Saving Time Extension Act of 1994. Under the provisions of this act, daylight saving time would now begin on the third Sunday in March instead of the current date of the first Sunday in April, and the ending date would be on the first Sunday in November rather than the current date of the last Sunday in October.

I became interested in extending daylight saving time to occur after the celebration of Halloween when a fine, talented, and enthusiastic Sheridan, WY, educator, Sharon Rasmussen, contacted me about making one of her third-grade class's favorite holidays a much safer one.

I listened intently and heard her out and then did some research and determined that with the later sunset—these things do sound a bit arcane at times and perhaps inconsequential to some, but nevertheless with a later sunset, excited trick-or-treaters all across America would be able to cross streets and perform their "mission," as they determine that, with greater safety. The safety of drivers and pedestrians on the streets is also another reason for the legislation to also extend daylight saving time by 2 weeks in the spring.

Last spring, the Insurance Institute for Highway Safety released a study which analyzed 1987-91 data from the Federal Government's fatal accident reporting system. They concluded that 900 fatal crashes involving 727 pedestrians could have been avoided during the study period if daylight saving time had been in effect.

When the Senate first voted to extend daylight saving time by 3 weeks in 1986, the main argument against the extension was the fear of placing schoolchildren at risk on their way to school. Not only has this fear been proven false by the institute study, but children's lives will actually be saved by further extending daylight saving time.

A few commonsense explanations as to why there will be decreased accidents are: First, the afternoon rush hour is longer and heavier than the morning rush hour; second, large numbers of children engage in unsupervised play in the afternoon; and, third, there are more alcohol-impaired drivers in the afternoon. Those are simply the facts.

Extended afternoon daylight will also make urban residents feel more secure in the early evening hours. Muggers do not like sunlight and they tend to strike in lighter evening hours rather than at 6 or 7 a.m. Concern about urban crime is a reason the Service Station Dealers of America have endorsed this legislation.

The RP Foundation, the Retinitis Pigmentosa Foundation, fighting blindness and the 100,000 Americans who suffer from night blindness support daylight saving time because their vision effectively ends when the sun sets. More evening sunlight means more freedom for these individuals.

Madam President, finally, I also have a clear parochial interest in extending daylight saving time and my rural State colleagues will be similarly interested. USDA data reveals that beef consumption increases in the spring and summer months. This is true for two reasons: People eat more beef when barbecuing outdoors—more evening hours spent outside while using barbecue means more sales of beef to them and fast food sales increase by as much as \$880 per restaurant per week, according to 1984 research done by McDonald's Corp. Surely, not the most important reasons for the bill and yet they are significant, too, and, as I say, provincial.

So support for extended daylight saving time comes from a significant variety of industries including the convenience stores, chain restaurants, sporting goods manufacturers, and, of course, the industry I just described. Yes, extended daylight saving time is good for the economy, but I would not want to simply lend my name to legislation which sought only to improve the economy while in any way risking the lives of children.

Madam President, the Daylight Saving Time Extension Act of 1993 does and will save lives, and I encourage my colleagues to study and support this legislation.

Mr. FORD. Madam President, may I just say that I have gone through the daylight saving time question now for almost 20 years, and these statistics are not new. When you talk to farmers in my part of the country, daylight saving time means that the dew has not often dropped until the sun comes out and dries it. They go by Sun time and not necessarily by clock time. If you are on the western end of a time zone, in that early hour your lights are on for an hour earlier. Your heat is up

in the western time zone. Even though a few industries might find that it is profitable, many of the major operations where you have huge assembly lines, and so forth, have to have their lights on; they have to have their heat on because they come in so much earlier in the western part of that time zone.

I thought we had done pretty well when we had 6 months regular time or standard time and 6 months daylight saving time to kind of equalize it so everybody would be reasonably happy.

I find that in my part of the country Halloween is not necessarily on Halloween night; they proclaim a different night locally. And so even though some may have it on the designated night of Halloween, other communities have it different times and have a period of safety and make all these arrangements so that our children will be safe, and they find the parents go with the smaller children.

So we will get into this as time goes on. I do appreciate the interest that my distinguished colleague from Wyoming has, and I know he is sincere in that. I look forward to working with him on this legislation.

Madam President, I do not believe there is any other Senator wishing to be recognized.

Mr. SIMPSON. Madam President, I would just inquire, if I may, of my friend from Kentucky, in Wyoming they celebrate Halloween on Halloween. I see that in Kentucky they celebrate Halloween on other days.

Mr. FORD. The communities have a right to decide, and the communities understand. They try to prepare for the youngsters who come by and trick-or-treat and that sort of thing. We try to cooperate with the parents and not necessarily the calendar.

ADDITIONAL COSPONSORS

S. 55

At the request of Mr. METZENBAUM, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 55, a bill to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes.

S. 455

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 455, a bill to amend title 31, United States Code, to increase Federal payments to units of general local government for entitlement lands, and for other purposes.

At the request of Mr. COCHRAN, his name was added as a cosponsor of S. 455, supra.

S. 729

At the request of Mr. REID, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S.

729, a bill to amend the Toxic Substances Control Act to reduce the levels of lead in the environment, and for other purposes.

S. 1040

At the request of Mr. BINGAMAN, the names of the Senator from Maine [Mr. MITCHELL] and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of S. 1040, a bill to support systemic improvement of education and the development of a technologically literate citizenry and internationally competitive work force by establishing a comprehensive system through which appropriate technology-enhanced curriculum, instruction, and administrative support resources and services, that support the National Education Goals and any national education standards that may be developed, are provided to schools throughout the United States.

S. 1359

At the request of Mr. LEAHY, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 1359, a bill to amend the Food Stamp Act of 1977 to require the domestic production of food stamp coupons.

S. 1415

At the request of Mr. PRYOR, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of S. 1415, a bill to amend the Internal Revenue Code of 1986 to clarify provisions relating to church pension benefit plans, to modify certain provisions relating to participants in such plans, to reduce the complexity of and to bring workable consistency to the applicable rules, to promote retirement savings and benefits, and for other purposes.

S. 1651

At the request of Mr. D'AMATO, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S. 1651, a bill to authorize the minting of coins to commemorate the 200th anniversary of the founding of the U.S. Military Academy at West Point, NY.

S. 1773

At the request of Mr. SIMON, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 1773, a bill to make improvements in the Black Lung Benefits Act, and for other purposes.

S. 1781

At the request of Mr. SIMON, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of S. 1781, a bill to make improvements in the Black Lung Benefits Act, and for other purposes.

S. 1802

At the request of Mr. HOLLINGS, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S.

1802, a bill for the relief of Johnson Chestnut Whittaker.

S. 1805

At the request of Mr. WARNER, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 1805, a bill to amend title 10, United States Code, to eliminate the disparity between the periods of delay provided for civilian and military retiree cost-of-living adjustments in the Omnibus Budget Reconciliation Act of 1993.

S. 1819

At the request of Mrs. KASSEBAUM, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 1819, a bill to prohibit any Federal department or agency from requiring any State, or political subdivision thereof, to convert highway signs to metric units.

S. 1837

At the request of Mr. RIEGLE, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1837, a bill to suspend temporarily the duty on the personal effects of participants in, and certain other individuals associated with, the 1994 World Cup soccer games.

S. 1920

At the request of Mr. DOMENICI, the names of the Senator from Alaska [Mr. STEVENS] and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 1920, a bill to amend title XIV of the Public Health Service Act—commonly known as the Safe Drinking Water Act—to ensure the safety of public water systems, and for other purposes.

S. 1924

At the request of Mr. HATCH, the names of the Senator from Pennsylvania [Mr. WOFFORD] and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 1924, a bill to amend the Internal Revenue Code of 1986 to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home.

S. 1954

At the request of Mr. SIMON, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 1954, a bill to extend the deadlines applicable to certain hydroelectric projects under the Federal Power Act, and for other purposes.

SENATE JOINT RESOLUTION 90

At the request of Mr. ROBB, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of Senate Joint Resolution 90, a joint resolution to recognize the achievements of radio amateurs, and to establish support for such amateurs as national policy.

SENATE JOINT RESOLUTION 146

At the request of Mr. WOFFORD, the names of the Senator from Maryland [Mr. SARBANES] and the Senator from

Georgia [Mr. NUNN] were added as cosponsors of Senate Joint Resolution 146, a joint resolution designating May 1, 1994, through May 7, 1994, as "National Walking Week."

SENATE JOINT RESOLUTION 169

At the request of Mr. WARNER, the names of the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Utah [Mr. HATCH], the Senator from Alabama [Mr. SHELBY], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Maine [Mr. MITCHELL], the Senator from Nevada [Mr. REID], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of Senate Joint Resolution 169, a joint resolution to designate July 27 of each year as "National Korean War Veterans Armistice Day."

SENATE CONCURRENT RESOLUTION 45

At the request of Mr. D'AMATO, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of Senate Concurrent Resolution 45, a concurrent resolution relating to the Republic of China on Taiwan's participation in the United Nations.

SENATE CONCURRENT RESOLUTION 60

At the request of Mr. GRAMM, the names of the Senator from Pennsylvania [Mr. SPECTER], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Michigan [Mr. LEVIN], the Senator from Kansas [Mr. DOLE], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of Senate Concurrent Resolution 60, a concurrent resolution expressing the sense of the Congress that a postage stamp should be issued to honor the 100th anniversary of the Jewish War Veterans of the United States of America.

SENATE RESOLUTION 170

At the request of Mr. CHAFEE, the names of the Senator from Michigan [Mr. LEVIN] and the Senator from Kansas [Mr. DOLE] were added as cosponsors of Senate Resolution 170, a resolution to express the sense of the Senate that obstetrician-gynecologists should be included as primary care providers for women in Federal laws relating to the provision of health care.

SENATE RESOLUTION 190

At the request of Mr. D'AMATO, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from Vermont [Mr. JEFFORDS], and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of Senate Resolution 190, a resolution expressing the sense of the Senate that the President should work to achieve a clearly defined and enforceable agreement with allies of the United States which establishes a multilateral export control regime to stem the proliferation of products and technologies to rogue regimes

that would jeopardize the national security of the United States.

SENATE RESOLUTION 197

At the request of Mr. BAUCUS, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of Senate Resolution 197, a resolution to promote clean air and to prevent the import of "dirty" gasoline into the United States.

AMENDMENTS SUBMITTED

PAYMENTS IN LIEU OF TAXES ACT

JOHNSTON AMENDMENT NO. 1629

Mr. HATFIELD (for Mr. JOHNSTON) proposed an amendment to the bill (S. 455) to amend title 31, United States Code, to increase Federal payments to units of general local government for entitlement lands, and for other purposes; as follows:

On page 7, line 3, strike "October 1, 1999." and insert in lieu thereof "October 1, 1988."

DEPARTMENT OF AGRICULTURE REORGANIZATION ACT OF 1994

DASCHLE AMENDMENT NO. 1630

Mr. LEAHY (for Mr. DASCHLE) proposed an amendment to the bill (S. 1970) to authorize the Secretary of Agriculture to reorganize the Department of Agriculture, and for other purposes; as follows:

At the appropriate place, insert:

SECTION 1. ELIMINATION OF DUPLICATIVE INSPECTION REQUIREMENTS.

(a) IN GENERAL.—The Secretary of Agriculture shall

(1) eliminate inspections of pilots and aircraft by the Department of Agriculture; and

(2) develop with the Administrator of the Federal Aviation Administration inspection specifications and procedures by which aircraft and pilots contracted by the United States Department of Agriculture will be inspected. The Administrator will ensure that the inspection specifications and procedures are met.

(3) permit the utilization by the Department of Agriculture of inspections and certifications of pilots and aircraft conducted by the Federal Aviation Administration.

(b) APPLICABILITY.—An inspection requirement shall be eliminated pursuant to subsection (a)(1) only if the pilots and aircraft are inspected by the Federal Aviation Administration for compliance with the safety regulations of the Federal Aviation Regulations.

SIMPSON AMENDMENT NO. 1631

Mr. LEAHY (for Mr. SIMPSON) proposed an amendment to the bill S. 1970, supra; as follows:

On page 5, line 21, delete "function or".

On page 70, after line 25, add the following: "The compensation of any person serving as an Administrator shall not be raised by this Act."

This amendment clarifies certain authorities, and prevents compensation increases.

NOTICES OF HEARINGS

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. LEVIN. Mr. President, I wish to announce that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, will hold a hearing on Wednesday, April 20, 1994, at 2 p.m., in room 342 of the Dirksen Senate Office Building. The subject of the hearing is reauthorization of the Office of Government Ethics.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Wednesday, April 13, 1994, at 10 a.m., in SR-332, on the oversight of the disaster assistance programs.

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

COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, April 13, 1994, at 9:30 a.m. in open session to receive testimony on policy and plans for multinational peace operations in review of the Defense authorization request for fiscal year 1995 and the future years Defense program.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, April 13, beginning at 10 a.m. to conduct an oversight hearing on GSE housing goals.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FORD. Mr. President, I ask unanimous consent that the Commerce, Science, and Transportation Committee be authorized to meet on April 13, 1994, at 2:30 p.m. on the nomination of Arnold G. Holz to be the Chief Financial Officer of NASA.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate

on Wednesday, April 13, 1994, at 2 p.m. to hold a nomination hearing on Charles Twining to be Ambassador to Cambodia.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 13, 1994, at 10 a.m. to hold a hearing on the chemical weapons convention—Treaty Document 103-21.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, April 13, 1994, beginning at 9:30 a.m., in 485 Russell Senate Office Building to consider for report to the Senate S. 1216, Crow Settlement Act; S. 1256, Fish and Wildlife Resources Management; S. 720, Indian Lands Open Dump Clean-up Act; S. 1066, a bill to provide Federal recognition for the Pokagan Band of Potawatomi Indians; S. 1357, a bill to provide Federal recognition for Little Traverse Bay Band of Odawa Indians and the Little River Band of Ottawa Indians; H.R. 734, an act to provide for the extension of certain Federal benefits, services, and assistance to the Pascua Yaqui Indians of Arizona; and for other purposes, to be followed immediately by an oversight hearing on the President's fiscal year 1995 budget request for the Bureau of Indian Affairs.

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

COMMITTEE ON THE JUDICIARY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, April 13, 1994, at 2 p.m. to hold a hearing on the King Holiday and Service Act of 1993.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet on April 13, 1994 at 9:30 a.m., for an executive session to consider S. 1995, Health Centers Reauthorization Act of 1994; S. 2000, Human Services Reauthorization Act of 1994; H.R. 1036, Employee Retirement Income Security Act Preemption; and the nominations of Martha B. Gould, Frank J. Lucchino, Bobby L. Roberts, Gary N. Sudduth, and Robert Willard to be members of the National Commission on Libraries and Information Science; Larry Brown, Jr. to be a member of the National Council on Disability; Mary Lucille Jordan to be a member of the Federal Mine Safety and

Health Review Commission; Fred Garcia to be Deputy Director for Demand Reduction, Office of National Drug Control Policy; Shirley Mahaley Malcom to be a member of the National Science Board; Rodney A. McCowan to be Assistant Secretary for Human Resources and Administration, Department of Education; and Public Health Service Corps nominees.

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

COMMITTEE ON SMALL BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that the Small Business Committee be authorized to meet during the session of the Senate on Wednesday, April 13, 1994, at 2 p.m. The committee will hold a full committee hearing on interstate use tax collection.

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

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. FORD. Mr. President, I ask unanimous consent that the Science, Technology, and Space Subcommittee of the Commerce, Science, and Transportation Committee be authorized to meet on April 13, 1994, at 2:30 p.m.—or immediately following the 2:30 p.m. nomination hearing—on the reauthorization of the National Science Foundation [NSF].

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

SUBCOMMITTEE ON SURFACE TRANSPORTATION

Mr. FORD. Mr. President, I ask unanimous consent that the Surface Transportation Subcommittee of the Committee on Commerce, Science, and Transportation be authorized to meet on April 13, 1994, at 10 a.m. on Amtrak Investment Act and local rail assistance.

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

ADDITIONAL STATEMENTS

EXPLANATION OF ABSENCE

• Mr. BIDEN. Mr. President, I was unavoidably absent when the Senate voted on the California Desert Protection Act. I was speaking at the Gannett News Service headliner breakfast and although I left in time for the vote, I found myself in a traffic jam which delayed my return to the Senate. If I had been present, I would have voted in support of this important measure. •

SALUTE TO THE UNIVERSITY OF TEXAS AT ARLINGTON'S MOVIN' MAVS

• Mrs. HUTCHISON. Mr. President, I rise today to congratulate the University of Texas at Arlington's Movin' Mavs and their coach Jim Hayes for capturing their fourth consecutive Na-

tional Intercollegiate Wheelchair Basketball championship. The final four tournament was held in early March at UTA's Texas Hall, where the Movin' Mavs won a stunning victory over the University of Illinois by a score of 60 to 32.

As newcomers to intercollegiate competition, the UTA Movin' Mavs have an impressive track record. Only one year after joining the National Intercollegiate Wheelchair Basketball League in 1989, the Movin' Mavs earned their first national title, which they have fiercely and successfully defended ever since. Several of the team members have attained All American status, and some alumni have continued on to earn roster positions on Team USA and compete in Gold Cup, Pan American, and Olympic competition. Last year, the Movin' Mavs winning streak was recognized by the White House for the first time, and, like many other national champs, the team was invited to meet the President.

The members of the team are truly a diverse group of young men: They represent a variety of ethnic and socioeconomic groups, they are pursuing a wide range of degrees, and their physical challenges came about in different ways. But they all have one thing in common: They have chosen to study and train at UTA, and to participate in the larger University of Texas system that strives to provide students from all walks of life with an opportunity to develop fully their individual talents and abilities.

Mr. President, the Movin' Mavs have certainly seized that opportunity, and it is with great pleasure that I recognize them today. I commend their outstanding display of teamwork and athletic ability, and I hope their accomplishments will encourage other major colleges and universities to provide similar competitive opportunities for their physically-challenged student-athletes.●

ONE TEEN'S VIEW

● Mr. SIMON. Mr. President, many young Americans are having their childhoods stolen from them. They are witnesses to brutal acts of random violence, living in fear for their safety, distracted from what should be an innocent, carefree time in their lives.

One young man in Queens, NY has written a compelling piece describing his experience watching a close friend bleed to death after being shot on the street. Miguel Sanchez, 16, makes it clear that we have made an unforgivable mistake. We have tolerated a level of violence in our society that has now reached our children. They experience the loss of their loved ones at an alarming rate. As Miguel's words suggest, we cannot predict the effect such losses will have on young people's lives, on their ability to function in so-

ciety, and more importantly on their ability to pursue happy lives untainted by the pain of such preventable losses. It is time to take real, thoughtful steps toward protecting our young people from the violence that permeates their daily lives.

Mr. President, I ask to enter "One Teen's View" in the Record at this point.

The article follows:

ONE TEEN'S VIEW

(Miguel Sanchez, 16, is a sophomore at Aviation High School in Queens, New York, who wants to become a power-plant mechanic. The only son in a family of 16 children, Miguel moved to the United States from the Dominican Republic five years ago)

I know what violence is because I live with it every day. I have seen people get robbed, shot, or even beat up just for being in the wrong place at the wrong time. Some people believe that violence will stop if we can "just get along," to quote Rodney King. But a lot of people don't believe that because they have not seen any action or help from the government or the police.

Last summer I experienced something no one likes to talk about. A friend of mine was shot right in front of me and my friends. Some of them were scared of being shot and ran. The ones that stayed, including me, were afraid of getting shot too, but we wouldn't leave our friend, Leslie, who was bleeding. I ran for the ambulance. I was scared, mad, and lucky, because the man didn't shoot at us. He ran into a building instead.

When I came back with the ambulance, I felt like it was too late. What I remember most were her eyes, because she looked at me as if she wanted to say something but couldn't. I held her hand and I felt her grabbing my hand tighter. She kept looking at me, and all I could say was "I'm sorry," as if I had been the one who shot her.

She died in the hospital a week later. How the incident got started doesn't really matter. There are really no good reasons for shooting people. Just a lot of people with guns and bad tempers.

It doesn't even seem to matter if you take the guns away because kids can always get another one as easy as they got the first one. Kids today believe that having a gun in their bag is something to be proud of. My message to them is, the only thing a gun really gets you is trouble. I usually don't get into fights and don't get close to people, because when I get close to someone either they move or I lose them by violence in the street. I had a friend, he got shot. I saw him in the morgue. But I didn't see him. I only saw his body.

Violence is not something you want to experience, even once, and never on a daily basis. You become afraid of going outside to play because of fear of getting beat up or accidentally shot. When I wake up in the morning, I ask myself, am I going to survive this day? So every day I try to make it seem as if it is my last day on this earth. So far, I've been lucky. I don't know when my luck is going to run out.●

NO NEW RUSSIAN BASES IN LATVIA

● Mr. DECONCINI. Mr. President, there has been a disturbing development in the progress toward removing Russian troops from Latvia.

On March 15, 1994, Russian and Latvian negotiators tentatively agreed on August 31, 1994, as the date for withdrawal of the estimated 12,000 Russian troops from Latvia. According to the same agreement, the Russian radar station at Skrunda would continue to operate for 4 years with a limited number of military and civilian personnel; after this period, the Russian Government would have a year and a half to dismantle the facility. The amount of rent to be paid by Moscow for the Skrunda station was still under discussion, but basically the withdrawal framework had been set. A bilateral treaty containing the agreement was expected to be approved by heads of State of Russia and Latvia and the respective legislatures in the near future.

However, on April 6 of this year, the Russian press published a directive from President Yeltsin's chancellery agreeing to a Russian Defense Department and Foreign Ministry proposal for creating 30 Russian military bases on other CIS States and Latvia. I would note that Latvia was mentioned not once, but twice, so it cannot be claimed that this was an accidental misprint.

A few hours later, Russian Foreign Minister Kozyreff and Yeltsin spokesperson Kostikov were saying that the Latvia reference was a misunderstanding, and that Russia does not intend to create a base in Latvia. Moreover, this directive did not go over very well in a lot of places. Many other CIS States rejected the basing plans on their territories.

For the record, I do not believe Moscow really was planning to create a new base in Latvia. Just maybe, those bureaucrats in the Defense and Foreign Ministries were thinking of the Skrunda radar station, which may have to be reconfigured in terms of manning requirements, technology support, and so forth. But that is not very likely. The Russian verb in the announcement was clear: to "create." Moreover, in the March 15 agreement with Latvia, Skrunda was specifically identified as a "station" and not a "base."

Perhaps someone was trying to embarrass Foreign Minister Kozyreff, who happened to be meeting in Pskov, near the Russian-Latvian border, with the Foreign Minister of Sweden on the day the news hit the press. Or maybe it was just another attempt by hardline military and political types to fire a shot across the Latvians' bow and see what the reaction would be in the West.

To its credit, the Russian Government has quickly and resolutely disavowed the directive, but to the best of my knowledge, it is technically still in force. The Latvian Government is insisting, and rightly so, that the entire directive be rescinded. I trust our State Department is making the same case to the Russian Government.

In Latvia, there has been an outbreak of protest against the troop withdrawal agreement, and President Ulmanis has postponed his scheduled trip to Moscow to sign the agreement.

Mr. President, the CSCE and the United Nations have called for the removal of foreign troops from the Baltic States. The agreement between Latvia and Russia was not the best, but it was certainly a move toward reduced tensions in the Baltics, and an opportunity for Latvia and Russia to address other pressing issues in their countries.

I urge the Russian Government to officially rescind its directive on bases in the CIS and Latvia, and I hope that the Russian-Latvian troop withdrawal agreement will get back on track very quickly.●

MAKING A DIFFERENCE

● Mr. SIMON. Mr. President, I would like to commend Child Abuse Prevention Services of Chicago, IL, for its outstanding commitment to the children of the Chicago area.

Since its establishment in 1974, Child Abuse Prevention Services has been dedicated to reducing the incidence of child abuse in the Chicago metropolitan area.

On Tuesday, April 19, Child Abuse Prevention Services is celebrating its 20th anniversary.

CAPS strives to reduce the incidence of child abuse in the Chicago metropolitan area through education for at-risk families. Its programs include support groups for parents and children, a 24-hour hotline, parental training classes and education classes for educators, social workers, medical personnel, parents, adolescents, and children.

In 1974 CAPS was founded by a small group of parents who were concerned about the scarcity of support for distressed parents in the Chicago area. Originally formed as Citizens Committee for Battered Children, at its core is the conviction that child abuse could be prevented by helping parents develop constructive relationships with their children.

In its first year, Child Abuse Prevention Services established a hotline for parents with questions and concerns about parenting and a parent support group. Seventeen volunteers handled thirty calls per month from troubled parents. In 3 short years CAPS grew fivefold. By 1977, 8 staff members and 95 volunteers administered support groups throughout the city of Chicago and suburbs. The hotline received 300 calls per month.

CAPS has continued to grow. Currently an 18-member staff and 125 trained volunteers provide child abuse prevention services, including support groups, parent training classes, and a children's sexual abuse prevention program to approximately 7,000 families per year.

CAPS' significant contributions to the improvement of the welfare of children have not gone unnoticed. In 1983, the Beatrice Foundation presented CAPS with the foundation's first Excellence Award "for outstanding achievement and improvement in non-profit management." On November 5, 1987, CAPS' representatives traveled to Washington, DC to be presented personally by President Reagan the President's Child Safety Partnership Award "for exemplary, innovative and successful efforts and achievements in combatting child victimization." Other awards conferred on CAPS include the Voluntary Action Award in 1984 "for outstanding achievement in effectively and creatively involving volunteers to meet community needs;" the Helen Cody Baker Award in 1985 and 1986 "in recognition of an outstanding contribution to the understanding of the medical and social welfare services in metropolitan Chicago," and a recipient of the WBBM Wreath of Hope Campaign in 1988.

Corporations and foundations alike realize the importance of the services CAPS provides. More than 85 percent of the funding CAPS receives is contributed by individuals, corporations, and private foundations as well as the United Way.

This year, as the agency celebrates its 20th anniversary, CAPS enjoys the support of Azteca Foods, Coopers & Lybrand, AT&T, Marshall Field's, Tatham Euro RSGC, LaSalle Construction, Sargent & Lundy, Caremark International Inc., Washington, Pittman & McKeever, CNA Financial Corp., and Harris Bank. The Chicago Tribune also has made a significant contribution to child abuse prevention awareness with its year-long series "Killing Our Children," throughout 1993.

I would especially like to recognize Jack Fuller, president and CEO of the Tribune for this exceptional series of articles. As a result of his dedication, readers throughout Illinois learned about the desperate need to protect our children. While the focus of this coverage was the abuse and murder of children in Chicago, this issue is of such national importance, that I frequently inserted articles from this series into the CONGRESSIONAL RECORD, for the benefit of my colleagues.

Mr. Fuller, along with Sam DiPiazza, managing partner of the Chicago Cluster of Coopers & Lybrand, who has successfully led a campaign to increase the level of corporate and civic support for CAPS, garnering patronage by other corporate and civic leaders in the Chicago area, merit special recognition.

CAPS looks toward the future, and continues to expand its resources and programming to meet the swelling needs of child abuse prevention in the Chicago metropolitan area.

Thank you, Child Abuse Prevention Services, for all the children and fami-

lies whose welfare has been immeasurably improved by your endeavors and for continuing to improve the awareness of child abuse prevention in a noble effort to keep our most precious resource, children, unharmed and unmolested by those who they depend on for care.●

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

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

(The remarks of Mr. SIMPSON pertaining to the introduction of S. 2015 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

STAR PRINT OF S. 1569

Mr. FORD. Madam President, I ask unanimous consent that S. 1569, as reported, be star printed to reflect the changes I now send to the desk.

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

ORDERS FOR TOMORROW

Mr. FORD. Madam President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m. Thursday, April 14; that following the prayer, the Journal of proceedings be deemed approved to date, and that time for the two leaders be reserved for their use later in the day; that there then be a period of morning business not to extend beyond 9:30, with Senators permitted to speak therein up to 5 minutes each, with Senator HARKIN recognized for up to 15 minutes; that at 9:30 the Senate proceed to executive session to consider the Barkett nomination as provided for under the provisions of a previous unanimous consent agreement.

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

RECESS UNTIL 9 A.M. THURSDAY, APRIL 14, 1994

Mr. FORD. Madam President, if there is no further business to come before the Senate today, and if no other Senator seeks recognition, I ask unanimous consent the Senate now stand in recess as previously ordered.

There being no objection, the Senate, at 4:50 p.m., recessed until Thursday, April 14, 1994, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate April 13, 1994:

DEPARTMENT OF STATE

ROBERT KRUEGER, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BURUNDI.

SECURITIES AND EXCHANGE COMMISSION

STEVEN MARK HART WALLMAN, OF VIRGINIA, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMIS-

