

Group, Warner Bros., the Walt Disney Co., Saban Entertainment, Rolex, the Coalition to Advance the Protection of Sports Logos, and the Cosmetic, Toiletry, and Fragrance Association for their comments on the legislation and their support. Finally, I want to thank John Bliss and the members of the International Anti-Counterfeiting Coalition for their effective work against international counterfeiting and their support for this legislation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1996—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the conference report accompanying H.R. 1977, which the clerk will report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1977) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of December 12, 1995.)

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, would you state the conditions under which this conference report is being debated?

The PRESIDING OFFICER. When the Senate considers the conference report to accompany H.R. 1977, the Interior appropriations bill, time will be limited to 6 hours, 3 of which shall be under the control of the Senator from Washington, or his designee, of which 20 minutes shall be under the control of the Senator from West Virginia; and 3 hours under the control of Senators BUMPERS and BRADLEY, or their designees.

Mr. GORTON. Mr. President, the Senate is now considering the conference report on H.R. 1977, the fiscal year 1996 Department of the Interior and related

agencies appropriations bill. This conference report and accompanying statement of the managers appeared in the CONGRESSIONAL RECORD on December 12, 1995, on pages H14288 through H14310. This is the third conference agreement. The first conference report was recommitted by the House on September 28 due primarily to objections to the conference adoption of the Senate provisions on mining, which lifted the existing moratorium on issuing new patents. The second conference report was recommitted again by the House on November 15 due to objections to mining and Tongass National Forest concerns.

The agreements before the Senate today total \$12.235 billion in discretionary budget authority. The outlay scoring totals \$13.210 billion. The budget authority and outlay figures are precisely at the 602(b) allocation levels. The recommendations of this conference agreement represent a total decrease below the President's budget request of \$1.7 billion in budget authority and of \$949 million in outlays.

The conference report represents difficult choices and real cuts in spending—without scorekeeping adjustments—of \$1.4 billion below the fiscal year 1995 level or a reduction of 10 percent. Interior bill agencies do not share equally in the 10-percent reduction. For instance, the land management agencies are reduced by 14 percent; cultural activities are reduced by 15 percent; the Indian programs are reduced by 4 percent; and the Department of Energy agencies are reduced by 10 percent.

The Interior appropriations bill is a complex bill, providing funding for 40 agencies with very diverse programs. This conference agreement reflects a meshing of the budget resolution considerations, the administration's fiscal year 1996 priorities, the priorities of the Senate and House, and the concerns of individual Members. For example, the Congress and the administration place a high priority on the National Park Service and the Indian programs. Therefore, the National Park Service and the Indian programs are reduced significantly less than other programs and agencies within the bill.

Our conference addressed a considerable number of differences. There were approximately 900 items in disagreement between the House and Senate Interior appropriations bills. As in the past, this bill has received abundant attention and sparked debate within the Congress and the administration. This conference report represents an earnest effort to address many of the administration's objections to this year's Interior actions.

There may be programs which Senators would like to see funded at higher levels. On many, I agree. Certainly, the administration has indicated that it views funding for some programs as inadequate. However, I would remind these Senators and the administration of the funding constraints for this bill

and the difficult choices that had to be made. The conferees had to fund programs within an allocation that was 10 percent less than was available for the bill in fiscal year 1995. For every program that was reduced less than 10 percent, other programs had to be reduced by more than 10 percent.

Mr. President, I would like to highlight some of the items in the conference agreement:

INDIAN PROGRAMS

Programs for native Americans and Alaska Natives are funded at \$3,652,895,000 within the bill. Within the funding constraints, high priority was placed on the health needs of native Americans funded through the Indian Health Service and on Bureau of Indian Affairs funded elementary and secondary education programs.

The conferees restored \$111.5 million above the Senate level to the Bureau of Indian Affairs, resulting in an overall reduction for BIA of \$159.6 million, or 9 percent, below the fiscal year 1995 level for BIA activities. Funds were restored primarily to tribal priority allocations, which fund tribal government services.

Additionally, \$25 million has been added to the previous conference agreement for the Indian Health Service [IHS]. This brings the IHS 1 percent above the fiscal year 1995 enacted level.

LAND MANAGEMENT

Although the land management agencies have been decreased overall by 14 percent from the current level, the conferees have attempted to protect the operational base of the land management agencies as much as possible:

National Park Service: 0 percent.
Fish and Wildlife Service: -3 percent.
Bureau of Land Management: -5 percent.
Forest Service: -5 percent.

To assist with the growing recreation demands on the agencies in this bill, a pilot recreation fee proposal is included.

The construction accounts for the land management agencies have decreased \$85 million in total—20 percent. The majority of the construction projects involve the completion of ongoing projects and the restoration or rehabilitation of existing facilities.

Overall funding for land acquisition for the land management agencies totals \$140 million which is 40 percent below the fiscal year 1995 appropriations level. There are no earmarks for specific projects. However, the administration must obtain congressional approval for any projects to be funded.

NATIONAL BIOLOGICAL SERVICE

The Interior's biological research is placed under the Director of the U.S. Geological Survey. Funding of \$137 million is provided for the research activities, which is a reduction of \$35.7 million below the current level.

MINING AGENCIES

The conference report includes a compromise between the Senate and House provisions on mining patents.

The conference agreement continues the existing moratorium on the issuance of mining patents as contained in the fiscal year 1995 Interior appropriations bill. The conference agreement also contains provisions that the Secretary of the Interior must process within 5 years 90 percent of the patents grandfathered in the current moratorium and provides authority for third-party mineral examiners paid for by patent applicants.

The mining and minerals related agencies are collectively funded at 9 percent below the fiscal year 1995 level. The Bureau of Mines is eliminated and the essential functions of the Bureau of Mines are moved to the Department of Energy, the U.S. Geological Survey, and the Bureau of Land Management.

Last year's ban on Outer Continental Shelf [OCS] offshore oil and gas leasing continues.

DEPARTMENT OF ENERGY

The Energy Conservation Program is funded at \$553 million. The low-income weatherization program is funded at \$114 million.

Fossil energy research and development is funded at \$377 million, a decrease of 14 percent below the fiscal year 1995 level, not including the Bureau of Mines.

CULTURAL AGENCIES

We have made a concerted effort to address the critical repair and renovation needs of the cultural organizations, such as the National Gallery of Art, the Smithsonian Institution and the Kennedy Center, in order to fulfill our primary responsibility of protecting their collections and structures. Reductions to operating accounts, while unavoidable, have been kept relatively small in recognition of the wide array of public services which in large part define the mission of these agencies.

The National Endowment for the Arts is provided \$99.5 million and the National Endowment for the Humanities is provided \$110 million. The Senate and House managers differ with respect to the continuation or termination of the Endowments. The managers on the part of the Senate support continued funding for the Endowments and believe the controversial issues surrounding these two agencies are ones which should be addressed by the legislative committees of jurisdiction in the House and Senate.

In short, we have done the best we can with severely limited resources, concentrating our efforts on those agencies that rely on the Congress for the bulk, if not all, of their support and on those agencies that are of high priority to the administration and the Congress.

I have a couple of clarifying items relating to the Interior conference report that have been cleared with Senator BYRD, the ranking member of the Interior Subcommittee; Mr. REGULA, chairman of the House Interior Subcommittee; and Mr. YATES, ranking member of the House Interior Subcommittee.

In the statement of the managers accompanying the conference report, the managers referred to the "existing hospital authority" in American Samoa. This reference is to the institutional entity, and does not preclude changes to the composition or the structuring of the authority, particularly if the changes strengthen the management of health care in American Samoa.

The managers for both the House and the Senate agree that funds provided in this bill for cooperative conservation agreements may be used for the 4(d) rule to ease endangered species land use restrictions on landowners, whether large or small.

Mr. President, before I yield the floor, I wish to thank Senator BYRD, the ranking member of our Interior Subcommittee and the ranking member of our full Appropriations Committee. In addition, I would like to thank all of the Members on both sides of the aisle, who have provided their assistance in forming this bill. Also, I wish to express my appreciation to Chairman REGULA and his staff and to Mr. YATES and his staff.

I want to recognize and to voice my appreciation to the Interior Subcommittee staff as well. On my staff are Cherie Cooper, Kathleen Wheeler, Bruce Evans, and Ginny James. I also wish to thank Sue Masica, who is Senator BYRD's Interior Subcommittee assistant.

Mr. President, on a less formal basis, I would like to call the attention of my colleagues to the differences between this bill and the bill that originally passed the Senate. I remind my colleagues that final passage of this bill in the Senate was by a vote of 92 to 6. That overwhelming and bipartisan vote, I am convinced, was due to the magnificent cooperation I had from my distinguished colleague from West Virginia, Senator BYRD, and other members of the subcommittee. We attempted to follow the tradition of many years and deal with this bill, including all of its controversial elements, with the least possible partisanship, and I believe that we succeeded.

This contrasts rather considerably with the way in which this bill was treated in the House of Representatives. But I do wish to say, to emphasize to all Members of both parties, to the extent that there are differences in this bill from the bill which originally passed the Senate, those differences are slightly to increase some accounts and to attempt in part to meet objections on the part of the administration.

It is very clear to me, as I speak to my colleagues at this point, that we have not sufficiently satisfied the administration to have a guarantee that this bill will be signed. Nevertheless, as compared to the original bill, which passed by a vote of 92 to 6 in this body, we have made a number of substantive gestures in the direction of the objections of the administration. For example, this bill includes budget authority of \$111 million more than the bill which

originally passed the Senate. Primarily that extra money goes to various Indian activities which were the most controversial elements of the bill as it was debated in the Senate originally and again goes at least part way to meeting objections on the part of the administration.

Second, the mining patent provisions, while I suspect not satisfactory to all Members, are closer to the present law and to the moratorium that was passed by the House of Representatives than was the original Senate provision which was adopted by a very closely divided vote.

In addition, the language relating to the Tongass National Forest is mitigated to a certain extent to meet objections on the part of the administration. These two items, not at all incidentally, Mr. President, were the two items that created the greatest degree of opposition in the House of Representatives and caused two referrals back to the conference committee after the original conference committee report was adopted.

In several additional areas in which there is substantive legislative language in this bill, it has been modified at least modestly and in part to meet the objections of the administration.

I want personally to urge the administration seriously to consider approving this bill. It will provide considerably better and more assured support for the wide range of activities covered by this Interior Department appropriations bill than will any continuing resolution carried over an extended period of time.

As we speak here on the last day of the current continuing resolution, these agencies are operating on the lower figure contained in either the House or Senate bill. In almost every case, as a consequence, the bill that we have before us funds those agencies more generously and with a greater degree of certainty.

So I ask my colleagues to approve a bill that is literally easier for most of them to approve than was the one they voted in favor of by a vote of 92 to 6, and I suggest strongly to the administration that in the present context it is unlikely to get a bill more favorable to its concerns. If, as, and when there is a final budget agreement, there may be some additional changes, but, of course, they could be taken care of as a part of that budget agreement itself.

In any event, Mr. President, I strongly suggest to my colleagues support for and passage of this bill this afternoon.

With that, I yield the floor. I suggest the absence of a quorum, and I ask that it be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk called proceeded to call the roll.

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

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

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to be designated to control time on this side.

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

Mrs. FEINSTEIN. Mr. President, I yield such time as I may consume to myself.

Mr. President, I rise in opposition to the conference report on the fiscal year 1996 Interior appropriations bill.

One year ago, Congress voted overwhelmingly, with strong bipartisan support, to pass a California Desert Protection Act and establish the Mojave National Preserve. This act, the Desert Protection Act, culminated an 8-year-long battle in the Congress to protect some of America's most spectacular and environmentally sensitive wilderness areas, in particular the Mojave National Preserve, often called the "crown jewel" of the act.

California has about 25 million acres of desert. This act essentially protected around 6 million of those acres, created the Joshua Tree National Park, Death Valley National Park, and the East Mojave Preserve.

The congressional process included literally years of research, public hearings, debate, and every possible consideration and compromise to safeguard the interests of property owners and businesses in the region. The bill passed.

Now, rather than carrying out the intent of the legislation, which was to have a national preserve with hunting, which some of the opponents wanted, under National Park Service management, this bill contains an effort to destroy the Mojave National Preserve. All other national parks are being funded. Yet this conference report singles out the newest unit of the National Park System for budget cuts. The President had \$2.6 million in his budget for National Park Service management of this new park.

The conference report provides no funding for the National Park Service to manage the Mojave National Preserve. Instead, it turns management back over to the BLM, the agency which managed the East Mojave so poorly before enactment of the desert bill and provided the whole enthusiasm for creating a national park. And the bill also provides a totally inadequate amount for the BLM to do the job. The BLM was criticized when it had \$1.7 million to run this area. It did not do it adequately with that amount. And now there is no money for the Park Service, with the exception of the \$500,000 for planning.

I believe this is contrary to the wishes of the people of California. Included in a statewide poll, conducted very recently and just released yesterday, were some new poll numbers with respect to the views of Californians and this park. Statewide, 74 percent of all Californians opposed a limit on the Park Service budget for management of this park. Statewide, 84.6 percent of

Californians today support keeping the Mojave a national park. In every region of the State, in this new statewide poll, people overwhelmingly supported keeping the Mojave as a national park. Only 9 percent of the people of the State of California in this Field Institute poll oppose the park.

I want to emphasize that the local communities and businesses—this is a very sparsely populated area—and the Barstow, Baker, and Newberry Springs Chamber of Commerce have welcomed the Park Service to the Mojave and support the new park. Let me read what they have to say.

The Barstow Area Chamber of Commerce says: "The National Park Service is graciously welcomed to Barstow and to the Mojave Desert. The chamber hopes that the needed funds will be appropriated in a timely manner so that quality facilities and services will be accomplished as soon as possible by the Park Service's personnel."

The Barstow Development Corp. writes: "The park will be beneficial to the majority of business persons in Barstow and to Barstow's economy, therefore being a positive influence to most of the citizens in Barstow."

The Newberry Springs Chamber of Commerce says: "Newberry Springs is proud to be so near this unusual and wonderful area. Let it be known that we highly endorse the new Superintendent and staff and we pledge our support and cooperation to this project."

Little do they know, this bill is taking it all away.

The Baker Chamber of Commerce says: "Our community is the gateway to the East Mojave Preserve. Our community has embraced the changes that the Preserve has brought. In accord appropriate funding for the East Mojave Preserve would be duly appreciated."

The Los Angeles Times, San Jose Mercury News, San Diego Union Tribune, and the San Francisco Chronicle have all called on the President to veto the Interior appropriations bill because of its attack on the East Mojave.

Let me read just a few of the editorial headlines.

The San Diego Union Tribune, December 3: "Starved for funds; Congressman victimizes Mojave Preserve."

San Bernardino Sun, a paper in the area, November 18: "Lewis Confuses Park Issue with Flap Over Sheep."

San Francisco Chronicle, November 17: "While they are at it, they should strip all environmental riders, including the defunding of the Mojave National Preserve in California."

San Jose Mercury News, September 25: "Moan on the range; Republicans Resume the Destruction of Public Lands." "In an insult to California, the bill, this time, appropriated \$1 for the management of the new Mojave National Preserve, a way of undoing congressional establishment of the park last year."

Nobody should think it is anything other than just that.

Los Angeles Times, Friday, September 22: "Clinton Should Reject Sabotage of Desert Act; he needs Cali-

fornia and California needs protective law."

San Diego Union, again: "Desert Mischief; Veto the Interior Appropriations Bill."

San Francisco Chronicle, again: "Veto the Environmental Wrecking Legislation."

If it counts for anything at all, these are the views of the people of California. Eighty-four percent of the people support the Mojave National Preserve. The chambers of commerce of the small communities right in the area support the funding of the Mojave Preserve. Every major newspaper in the State supports the funding of the Mojave Preserve. Yet, today, we have a bill before us that completely undoes the intent of the last Congress to create what is a beautiful national park and what is a prime and beautiful desert area.

The BLM is neither capable nor mandated to manage the Mojave National Preserve. As I say, even with a budget of \$1.7 billion, three times the \$599,000 the conference has now given to the BLM, the BLM did not adequately manage this 1.4-million-acre area.

Without adequate funding for management of the Mojave, not only park visitors but those who live and work in the region will suffer. According to the National Park Service, permits for grazing improvements will not be processed and issued. Requests for rights-of-way will not be processed and approved. Mining plans of operation will not be processed and approved. Search and rescue and emergency medical services will be dangerously underfunded. Trash collection, restroom maintenance, and any hazardous spill cleanup will be cut back or eliminated. The visitors center and camp grounds may be closed. Park resources will receive minimal protection, like protection to Indian hieroglyphics on canyon walls, like protection to the 900 species of flora and fauna.

It limits the funding for development of a comprehensive management plan to \$500,000, far less than what it typically costs to develop a plan for a new national park. It limits the amount of time the Park Service has to develop the management plan. The California Desert Protection Act required a 3-year planning process and provided for extensive public participation. That is what the community wanted. If the Park Service is to satisfy the conferees' conditions for taking over management of the Mojave next year, that is completing the management plan, the agency will have to expedite the process and limit public participation. That is directly contrary to the intent of the Desert Protection Act. The act specifically mandated an inclusive planning process to ensure consideration of the views of the landowners, the ranchers, local government, and others.

This language is unprecedented. Never before has Congress required the National Park Service to develop a comprehensive plan before it can manage a new park. No one can tell me this is not just to kill the action taken by a majority. Let me say I would never do this to any Member or to any project that was approved by Congress—stand in front of it and say, all right, after 8 years, more than a dozen hearings, this is authorized, but we are going to kill it because we are not going to fund it.

Some have suggested that the National Park Service has not adequately ensured the continuation of human uses and has jeopardized wildlife recovery efforts. This is a complete misrepresentation of the Park Service's record in the Mojave.

Let me set the record straight. The Park Service has been doing a good job of managing the Mojave. In the last year, the Park Service has improved visitors' services. It has opened a visitors center in Baker. It has improved law enforcement; it has helped curtail illegal activities such as closing down two drug labs in the desert that were operating in the area. The Park Service has improved resource protection. Visitation to the area has increased significantly, bringing additional businesses to the surrounding communities.

As the Las Vegas Review Journal reported last month, Little Nipton, a small community, has not seen so much activity since its heyday in the early years of the century. Nipton is one of the entry points to the new Mojave National Preserve. Gerald Freeman, the owner of the Hotel Nipton, reports:

Since the National Park Service has taken over management jurisdiction, both the volume and quality of visitation is up. For example, the Hotel Nipton occupancy is up between 80 and 100 percent a year. In contrast to what I would call a condescending, indifferent presence of the Bureau of Land Management over the last 35 years, the National Park Service seems genuinely concerned with the welfare of the region. They appear to me—and others out here—to be a comforting and constructive presence. I urge you to support the National Park Service in its mission in the Mojave National Preserve and to do everything to ensure adequate funding is available to maintain the viability of their presence. I am convinced the rewards will be of great and lasting benefit to the region including a strong and vibrant business all around; greatly improving job opportunities for locals and others moving into the area; a major upgrade in the perception of the Mojave in the world at large; thus establishing a major source of pride and revenue for San Bernardino County and the State of California.

I cannot understand—we have three major chambers of commerce. We have people writing in, saying visitation has gone up, it is better than it was. Two drug labs have been closed. Yet because of the pique of some on the House Appropriations Committee, we defund it. I cannot understand this.

This is not just and fair public policy, particularly when we have 84 per-

cent of the people of the State in support of keeping the Mojave a national park according to a poll done as recently as last week. I hazard a guess that there is probably no new park in America that would get that kind of public support and yet have this body and the other body defund it in its first year of operation. It is bizarre. I do not understand.

Let me give another example, the small little restaurant called the Bun Boy in Baker. Owner Willis Heron writes:

I have lived in and been in business in Baker, CA for over 40 years. I write to express my strong support to fully fund the National Park Service. Not adequately funding the National Park Service is a disservice to the thousands of people living in the towns of Baker, Barstow, Needles, and Nipton and to the County of San Bernardino. The preserve and the local communities will suffer if the proper funding is withheld.

Again, I cannot understand it. The support is there. Roxanne Lang, a resident of Nipton says:

The National Park Service has done more for our local area in the last nine months without much funding than the BLM did in ten years I have been here. The National Park Service has managed to eliminate some undesirables—i.e. drug dealers—come into our schools and educate the children living in the desert about the environment; and give locals a generally good feeling that we have protection.

This body defunds it. I do not understand it. The Overson family, the largest private property owner and ranchers in the preserve, also report that management is much improved under the Park Service. Let me read their statement:

In the past 7 years under the Bureau of Land Management, crucial water replacement projects, pipelines, tanks, and troughs, have been put on hold. It has come to the point of having to get an attorney to sue the BLM to do the environmental assessments on the projects before funding will be allocated. Since the National Park Service took over management of the desert, many changes are apparent. We have been able to work with management for a yes or no answer. Projects are being worked on.

The effects of the rangers are also apparent. They have wrote numerous speeding tickets, deterred drunk drivers, closed an illegal drug lab, and have policed this isolated area. Because of these reasons, we feel we would be better off under Park Service management.

That is from the largest property owner in the Mojave Preserve, and this bill defunds it. I do not understand it.

Mr. President, Congress established the national preserve. There was already a concession to the opposition who wanted a national preserve with hunting. They got their national preserve with hunting, but under the Park Service so the environmental protections could be provided.

Guess what they did? They then turned around and defunded it—something that has 84 percent support throughout the entire State of California after the first year in operation. It is absolutely bizarre.

I have spoken to the administration. I am convinced they will veto this bill,

and one of the reasons they will veto this bill is this kind of subrogation of the will of Congress.

It is selfish, it is vain, it is wrong, it is not good policy, and it should not happen.

I thank the President. I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I listened carefully to the words of the Senator from California, and I must say I have some sympathy for her position on this issue and understand how she is upset. She mentioned that she was concerned about the preservation of Indian hieroglyphics in the park there, and I also have a lot of knowledge of native American issues. I understand that.

I wish that the Senator from California had voted to restore some of the funding for live Indians, the live Indians which Senator DOMENICI, Senator INOUE, and myself tried to restore. We tried to restore some of the draconian cuts that were made.

Native Americans are deeply concerned about preserving hieroglyphics. But they are also concerned about preserving their ability to manage their land, child welfare and family services, et cetera.

I do not mean it as a criticism of the Senator from California. I must say from listening to her somewhat emotional remarks, I hope that we can sit down and get some kind of better treatment of what is obviously a very important cultural and environmental area in the State of California.

Mrs. FEINSTEIN. I thank the Senator.

Mr. MCCAIN. Mr. President, I rise to express my deep disappointment with how little funding was restored by the conferees to native American programs in H.R. 1977, the fiscal year 1996 appropriations bill for Interior and related agencies.

During our consideration of the bill in August, the Senate rejected a Domenici-McCain-Inouye amendment to restore \$200 million to address what I believed was a draconian cut in funding for tribal governments. I say "draconian" because I know no other word to describe a cut that would have reduced last year's tribal funding by more than 25 percent. I withheld from offering further floor amendments after the chairman of the Interior Appropriations Subcommittee assured me on the floor of this Senate that he would support significant restorations to these tribal accounts in conference.

Mr. President, we now have before us the results of the conference committee's action. While I appreciate the sincere efforts of the members of the conference committee, I do not consider the amounts restored to tribal accounts significant enough. The conference bill maintains disproportionately deep cuts in critical funding needed for essential services on Indian Reservations. I believe the funding priorities reflected in this bill breach our

Nation's treaty obligations to tribal governments.

The conference bill provides \$654 million for tribal priority allocations, nearly a 9½-percent cut from the fiscal year 1995 funding level of \$722 million. This nine and one-half percent reduction will gut basic tribal government operations on Reservations, where the spending priorities are set by tribally elected officials, not Federal bureaucrats or Members of Congress who are far removed from reservation realities. Let me be clear—the tribal funds slashed by 9½-percent under this bill are under the direct control of tribal governments, not Federal bureaucrats. These cuts will not reduce the Federal bureaucracy. They will, however, sharply reduce tribal services and employment on Indian reservations.

Tribes have used these funds to deliver critically needed services to Reservation residents, such as criminal law enforcement and public safety efforts, elderly housing improvement and repair, child abuse protection and intervention services, adult vocational training, natural resource protection, child welfare and family services, land management, reservation road maintenance, administrative support activities, and other essential tribal government programs and operations. Tribal governments spend these funds on social workers, police officers, teachers, jailers, bookkeepers, and auditors. They make emergency home repairs. They fight fires. They clear and maintain roadways. They patrol land and water to deter poaching and to protect natural resources. Tribes rely on these funds to meet basic governmental obligations to their citizens.

In addition to the elimination of many essential services, these cuts will cause many reservation jobs to disappear. Since many reservations are in remote and impoverished locations with unemployment rates 10 to 20 times the national rate, tribal governments typically are the largest, and often the only, employers in Indian Country. Consequently, the 9½-percent cut in tribal funding from fiscal year 1995 levels will cause great hardship for many Indian households whose breadwinners will have no choice other than to move away from their reservation communities to seek employment.

Mr. President, the American people have spoken—they don't want new taxes, they don't want the Federal Government to grow, and they don't want deficit spending today that will make their children, and their children's children, pay and pay for years to come. I stand with those of us in the Senate who say enough is enough, that Federal funding must be reduced, not just restrained.

My problem with the Interior spending bill is not with its overall reductions. My problem is with how the conferees set their priorities within the overall reductions. Earlier this year I asked the Congressional Research Service to analyze Federal spending

trends on programs for American Indians and Alaska Natives over the past 20 years, and compare it to Federal spending for other Americans. The CRS found a steadily growing gap between what the Federal Government spends on Indians and non-Indians that began to widen in 1985. Since 1985, per capita Federal spending for Indians has fallen far behind per capita Federal spending on non-Indians. I am convinced there are many accounts in the Interior bill which are significantly lower national priorities than these tribal programs. Funding for these lesser priorities should have been reduced or eliminated in order to protect Indian funding.

My position on this is consistent with the Budget Resolution, which recommended to the Appropriations Committees that Indian program funding be held at 1995 levels and that the necessary reductions in budget authority be taken from other accounts. The conference committee chose to disregard these priorities and instead made Indian programs within the Interior Department bear a strikingly disproportionate share of the cuts.

Mr. President, many years ago, our predecessors in the U.S. Senate ratified treaties made with tribal governments in exchange for land and peace. The U.S. Constitution calls these treaties the highest law of our land. Neither the passage of time nor the changing of the guard has eroded our legal obligations as a Nation towards Native Americans. In my view, H.R. 1977 turns our national priorities upside-down, and places a stain on our national honor.

Accordingly, I urge my colleagues to join me in voting against adoption of H.R. 1977, as proposed by the conference committee, because it seriously shortchanges Indian tribes and violates our Nation's treaty obligations to Native Americans.

Mr. President, traditionally the Interior appropriations bill has been loaded with ear marks. Although this year's bill represents an improvement over past year's bills, it still contains many items that raise questions.

I want to state that these questions should not be interpreted in any way as to call into question the integrity of the bill's managers. I know they have worked hard and deserve much credit for the work they have done. But as I have routinely stated on the floor of the Senate, when earmarks and other specific provisions that have never been considered by either the full House or Senate are added to bills in conference then my right as a Senator to amend those provisions is denied me. That is wrong. The people of Arizona expect me to act to prevent their hard-earned tax dollars from being sent to Washington and then squandered on projects that have never seen the light of day. That is why I raise these issues.

First, let me note my strong concern regarding this legislation's treatment of native Americans.

I also want to raise some other issues I would hope the managers would elaborate on.

Amendment No. 2 in the conference report contains the following earmark: "Of which \$2,000,000 shall be available for assessment of the mineral potential of public lands in Alaska pursuant to P.L. 96-487 . . ."

Perhaps the Senator from Washington could explain the necessity for this provision being added in conference?

I would like to know why is this provision being added in conference having not been considered by either body in an amendable form?

Is there any reason this provision could not wait to be added to some authorizing language?

I say to the Senator from Washington that it is terribly aggravating to those of us who represent the citizens of our State who find these provisions added in a conference report because they are not amendable, nor do we have the opportunity to vote up or down.

Amendment No. 47 is particularly interesting. The House language originally was one sentence:

"For expenses necessary for the orderly closure of the Bureau of Mines, \$87,000,000."

The Senate struck that language and added a paragraph with more specifics.

However, the conference report now contains a long list of specific provisions detailing office closures and transfers in specific cities and locations. I am very concerned about these new details, added behind closed door, that I am now expected to vote on. The language notes certain office in Pennsylvania and Oregon.

I would like the managers of this bill to explain the meaning and purpose of this large amendment.

Amendment No. 84 deals with the Presidio. It is my understanding that this historic old Army base has been ordered closed as a result of the BRAC process. However, this bill contains language appropriating funds to keep this facility, or at least parts of this facility open. The committee also notes that separate legislation detailing the future of the Presidio may be considered by the Congress later this or next year.

Based on that fact, why are we appropriating funds for the Presidio at this time?

I am very concerned about the creation of the Presidio trust fund. In Arizona we closed Williams Air Force Base. We have not—nor do I think there will ever be created—a Williams trust fund. This is an issue that deserves much consideration and debate. I would hope that we would not be paving the road for the creation of the trust fund in this bill.

Therefore, I want to ask the question, if such funds must be appropriated, should they not be subject to authorization or to passage of the Presidio trust fund bill?

I also have questions regarding amendments Nos. 101 and 104. These

amendments apparently place an across-the-board prohibition on the Forest Service. After the bill mandates this sweeping prohibition, it contains one specific exception to this new rule. The language added in conference states, “* * * other than the Regional Office for Region 5 for the Forest Service, from San Francisco to excess military property at Mare Island, Vallejo, California.” Perhaps the managers can explain this unique exception.

I think, if I could seek the answers to those questions from the manager of the bill, I might have a better understanding of this conference report.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, the Senator from Arizona has raised legitimate questions about several of these amendments. I will prepare answers to them—we have two other Members waiting to speak—and try to answer them properly after those two Members have had their opportunity.

Mr. MCCAIN. Mr. President, I thank the Senator from Washington. I do believe this bill is a significant improvement. I do not believe there is a great deal of the traditional earmarks and add-ons in conference. I wish there were none.

I realize the Senator from Washington and the ranking member have very difficult decisions to make and that there are enormous pressures on them in certain areas to sometimes clean up certain aspects of the legislation that has not been brought up at the proper time. But I would like, as I say for the benefit of my friend from Washington—amendment No. 2, which is \$2 million available for assessments of mineral potential of public lands in Alaska; amendment No. 47, all of the long list of specific provisions which are associated with the closure of the Bureau of Mines; amendment No. 84, about the Presidio; and amendments Nos. 101 and 104, which place across-the-board prohibition on the Forest Service, and then there is one specific exception.

I thank my colleague from the State of Washington. I understand it may take some time. Since this is a very large piece of legislation, it may take some time to adequately address those concerns.

Again, I congratulate the Senator from Washington on doing a very sincere and difficult job.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent I be yielded such time as I may consume from that of Senator BUMPERS, who controls time on this side.

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

Mr. REID. Mr. President, I say to my friend, the Senator from Missouri, the reason I stood before him is because we had a Democrat, Senator FEINSTEIN, and then traditionally we are going back and forth. So I waited for Senator

MCCAIN. That is the traditional way we have done things for the last few days. I assume we would go back to a Republican next.

Mr. President, I first want to say about the two managers of this bill, the senior Senator from Washington and the senior Senator from West Virginia, I have worked with them on this bill and other matters over the years. I have found them both to be the best.

Senator BYRD's history, of course, is replete with his knowledge of procedures. Of course this bill is a bill that he has managed for many years. But let me just say about the senior Senator from Washington, the manager of the bill this year, he has spent a great deal of time on this legislation. He has had tremendous difficulties. I participated with him, trying to work out some of the differences. We have had the bill before the Senate, or the conference report, three times, as I understand it. So, I recognize the problems the manager has had, how hard it has been. It is not a perfect bill. I recognize that. My criticism of the legislation does not go to the managers of the bill but, rather, to the content of the legislation and the fact, in these times of very strict budget constraints, sometimes we disagree with the priorities.

Having said that, I say this bill is extremely important to the State of Nevada. The U.S. Geological Survey, the Bureau of Indian Affairs, the Bureau of Land Management—there are many important aspects of this legislation that have a direct impact on the State of Nevada. I am not going to spend a lot of time today talking about the things about which I just spoke, even though, with the Park Service, the busiest entity in the entire Park Service is the Lake Mead Recreational Area. Last year, there were almost 10 million visitors to that very fragile facility. It is an example of where we are not really taking care of our parks in this country. Lake Mead needs tremendous renovation because of the massive numbers of people who use that facility. The people who use Lake Mead do not use it just during the daylight hours. It is a 24-hour recreation facility. Because of the shift work that takes place throughout southern Nevada, people are coming on that facility all times of the day and night. It needs a lot of work. That money, that would lead to the work being done, the renovations being done, improvements being done on that recreation area, is not in this bill.

I do not criticize anyone in particular, other than to say that our park system is really in a bad state of repair. It is no better illustrated than the Lake Mead Recreation Area.

Today I am going to spend my time talking about a part of this bill that I think is really disturbing, and that is the Endangered Species Act and how it is dealt with. First of all, this conference report does not adequately provide funding for effective implementation of the Endangered Species Act. That is important because, whether you are a proponent of the Endangered

Species Act or whether you believe the act should not be in existence, the fact of the matter is that if it is inadequately funded it does not work for anyone.

Second, this conference report maintains the moratorium on listing of threatened and endangered species. I object to these provisions. I do it, not to be an obstructionist, but to enable the Fish and Wildlife Service in preserving and protecting species that are in a state of imminent extinction. In sum, the Fish and Wildlife Service must be able to carry out the noble goals of saving species from extinction.

I am a ranking member of the authorizing committee that will, hopefully next year, participate in reauthorizing the Endangered Species Act. I have worked with the junior Senator from the State of Idaho in coming up with legislation. He has introduced a bill that I do not support, but I am confident that we can come up with legislation that meets the goals of both of us. If we cannot, I will introduce a bill sometime next spring, and, hopefully in the near future, we will be able to stand in this Chamber and work out our difference. We need to reauthorize the Endangered Species Act.

What is taking place in this legislation, in this conference report, is not the appropriate way to do business. I remind this body, as a significant number of witnesses pointed out before our committee, extinction is irrevocable. Extinction is forever. It is important that we understand that these are not problems that we can go back and deal with later. Once there is an extinction it is over with. It is over with for good. To deny the Department of Interior the funds needed to ensure good science is to invoke a self-fulfilling prophecy of the failure of this act.

Extinction cannot be altered. We cannot have second thoughts. It is permanent. That permanence should weigh heavily when we consider our priorities.

We must make no mistake about it, our priorities are reflected in this budget, and I say respectfully that our priorities in regard to this act are skewed. I acknowledge that there are some real problems with the Endangered Species Act in its current state. We need to reauthorize the act, we need to change it, we need to make sure there is the ability for consultation with State and local government and with the private sector. We have to make sure there are exemptions for small property owners. We have to make sure that there are incentives for people complying with the Endangered Species Act. Those things are not in the act at this time. We have to put them in the act.

But to simply defund it, or fund it inadequately and to place a moratorium on listings, is not the way to do business.

I acknowledge, I repeat, the problems with the Endangered Species Act. I talked about some of them. These problems we have talked about at long length before the authorizing committee, and they are going to be addressed in the substantive legislation when it comes to this body and it is debated here on the floor.

That is why, Mr. President, a moratorium on listing species is wrong. The moratorium removes flexibility of the Secretary of the Interior. It delays action when action is critical. This moratorium in this conference report does, in fact, jeopardize the existence of species.

In this conference report, I think that we find a lot of impatience for substantive, reasonable, and prudent reform. We should be patient. We should recognize that this bill needs to be reauthorized. The moratorium would, regretfully, in my estimation, remain in effect despite the lack of logic, despite the damaging effects, and despite the fact the committees of jurisdiction have and will continue to address issues of concern.

The proponents of the Endangered Species Act reform argued for better science throughout the process of specie preservation. I ask, how is better science provided for if the funding is not provided for? Many who argue for reform of the Endangered Species Act assert the need to do more than just list a species, but also to declassify and delist species. Let us make sure the agency has the ability to do that, and they only have the ability to do that if there is sufficient funding.

But then what is the effect of failing to fund the act at an effective level? Mr. President, one of the effects of insufficient funding would be a decline of the medicinal research and humanitarian purposes that have benefited from the preservation and study of species and plants. Indeed, there is a great hope, hope of thousands of people who are fighting diseases that are anchored in the search for cures within the ecosystems and plant life that today may be on the verge of extinction.

More than 40 percent of prescriptions filled in our country, in the United States, each year derive from plants, animals, and microbes. These include medicines to fight cancers, infections, contagious disease, heart disease, childhood leukemia, to name just a few.

There is a lot of fun made of the Endangered Species Act. Why do we worry about this animal or that plant? The reason we worry about them is, I repeat, 40 percent of the prescriptions filled in our country are derived from plants, animals, and microbes.

Take, for example, the rosy periwinkle. It sounds funny, does it not, rosy periwinkle? In this little plant, two compounds were found that have proved successful in treating Hodgkin's disease and childhood leukemia.

As far as childhood leukemia, it cures childhood leukemia except in

rare cases. When the Presiding Officer and I were children, teenagers, young adults, children who got leukemia died. It is not that way anymore. Parents who have little children who have childhood leukemia are cured. Why? Because of something called the rosy periwinkle.

There is also a pupfish, an imperiled desert vertebrate, residing in isolated hot springs in the Southwest part of this country. The pupfish can survive in very high salt concentrations, and this ability is being studied as we speak by researchers in hopes of developing new treatments for kidney disease.

This pupfish is extinct in many places. There are a variety of pupfish. In the State of Nevada, we have an agricultural area that grew cotton. Because of the pupfish, the water that supplied the cotton was curtailed, and that area is no longer a cotton farming area. That is the sacrifice that was made for this little fish that will, all scientists say, lead to some dramatic changes in the way we treat renal failure.

We do not know every plant and animal that exists and, consequently, we do not know every cure, remedy, and healing that may exist for our benefit.

I am not going to take the time of this body. There are Senators wishing to speak on this floor. I could list plant after plant that leads to helping relieve the pain and misery of disease and, in many instances, cures disease. Of the 220,000 worldwide types of plants, only 5,000 have been examined for medicinal compounds. We know, as a result of an article within the past year in the Wall Street Journal that talked about some of these plants that were deemed to be worthless, how they have brought about dramatic improvements in the way we treat disease.

The black bear, which is a threatened bear in many parts of the United States, are now being studied because scientists believe they have found definitive and definite clues to the prevention of osteoporosis. How? The bear loses no bone mass during its 5- to 6-month hibernation period, and scientists are wondering why. They are now beginning to find out why.

What cures are we willing to risk losing with lack of funding of the Endangered Species Act? I do not think we should be willing to risk the loss of any cures. Recently, the American Society of Microbiology called for increased research in potential medicinal plants and other species, which takes on an urgency as known diseases grow resistant to known antibiotics.

How can we justify underfunding such a vital work of preserving species? I know there are problems with the Endangered Species Act. I say that on this floor for the second time today. I know that we have to reauthorize it and make some changes in the way the act has been administered. But I tell each of my colleagues, we must trust the legislative process of reauthoriza-

tion and reform and fully fund the Endangered Species Act. It is not happening in this conference report, and that is too bad.

We ensure for ourselves the need for more emergency saving efforts. This is a small price to pay when it comes to protecting and preserving species faced with imminent extinction.

I repeat, I recognize the difficulty of this legislation arriving at the point where it is. I again extend my congratulations and applause to the managers of this legislation, the senior Senator from the State of Washington and the senior Senator from the State of West Virginia. But I really feel that this conference report is lacking in a number of different ways, not the least of which is the problem with the Endangered Species Act.

The PRESIDING OFFICER. Who yields time?

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I ask unanimous consent that I be permitted to proceed for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized to speak for 10 minutes as in morning business.

VA, HUD, AND INDEPENDENT AGENCIES APPROPRIATIONS BILL

Mr. BOND. Mr. President, the reason I asked for morning business at this time was to bring my colleagues up to date and those who are very much interested in the appropriations process, particularly as it regards the Environmental Protection Agency, VA, and HUD, and what is happening here.

We have had a bill that has been passed by the Senate, passed by the House, and a conference report passed by the House that is waiting here. We have not passed it because the administration has promised clearly and unequivocally to veto it.

There are several things that are going to happen today. First, the majority leader has scheduled the measure to be passed later on after this bill, perhaps in wrapup tonight, and second, there is a major media effort to mischaracterize, I believe, what is going on with respect to the environment.

Some of my colleagues may have seen an article in today's Washington Post: "Temporary Reductions Halt 'Environmental Cop.'" It relates to concerns expressed by EPA Administrator Carol Browner.

I am getting a little tired of the press conferences, press statements, and grandstanding from the White House regarding how the majority in the Congress is rolling back environmental protection and making deep cuts in the environment.

Ms. Browner is reported in the Post as saying, "The environmental cop is not on the beat." She decries the fact