

that the temporary budget reductions resulting from the current continuing resolution are causing a reduction in inspections. I agree with her. I would like to see a bill passed and signed into law.

Let me set the record straight. The EPA appropriations bill which passed the Senate earlier this year funded EPA's operating programs at the fiscal year 1995 level, and the conference report on VA-HUD and independent agencies provides a total funding level for EPA which is \$48 million more than the Senate-passed bill, a reduction of only 4 percent below the postrescissions fiscal year 1995 funding level.

We have managed in a very, very tight budget to provide close to full funding for EPA at a time when constraints on discretionary spending are extraordinarily tight. This subcommittee received an allocation which was 12 percent below last year's level, yet we managed to hold EPA at close to current funding levels. Despite the rhetoric from downtown, this demonstrates, I believe, a Republican commitment to continue to improve the environment.

Now, I am the first to admit that the EPA has received some targeted budget cuts in the appropriations process but the reductions came from areas which the National Academy of Public Administration and others identified as being unnecessary, wasteful or duplicative. NAPA is a nonpartisan organization which was commissioned by my Democratic colleague and predecessor, Senator MIKULSKI, then chair of the committee, to undertake a report on reforming EPA 2 years ago.

In this bill and the conference report, we followed the NAPA recommendations presented to Congress almost a year ago to turn more responsibility over to the States that have developed an enormous capacity over the past 25 years to manage environmental programs, including inspections of facilities. According to NAPA, "EPA should revise its approach to oversight, providing high performing States with grant flexibility, reduced oversight and greater autonomy."

That is what we have tried to do for this appropriations bill, and we have included authority for EPA to begin issuing block grants for maximum flexibility. We have tried to focus on the areas of highest risk to human health and the environment and reduce those programs which do not get the most bang for the buck in terms of environmental protection.

But the administration and EPA, rather than spending time organizing press conferences and news events, should be following the recommendations of NAPA to get its own house in order. Despite EPA's claim to support NAPA's recommendations, we have seen little in terms of real change. And regarding today's article in the Post, let me point out to my colleagues that indeed EPA is operating under a con-

strained budget because of the continuing resolution, and I am fully prepared to send a bill to the President so they will not have to operate under a continuing resolution. The conference report on the EPA bill, that is, VA-HUD and independent agencies, would provide an increase of 11.5 percent over the current continuing resolution, yet the President wants to veto the bill. His agents have stated unequivocally that he will.

I have suggested to administration officials that I as chairman, the ranking member, Senator MIKULSKI, and our colleagues in similar positions in the House, are more than willing to sit down to find accommodations within the 602(b) allocation to negotiate a reasonable compromise.

Rather than negotiating with us, today I am told later on the Vice President will hold a press conference with Administrator Browner at a suburban Maryland wastewater treatment plant where they will continue to attack Republican reductions in environmental improvements. Rather than pointing to the successes achieved over the past years to improve our water quality, they will talk about how the budget will impair future water quality improvements.

Let me set the record straight, Mr. President. Funding for EPA wastewater treatment construction in this year's bill is \$1.125 billion. In addition, the conference report stipulates that if legislation enacting a new drinking water State revolving fund is not authorized by June 1, 1996, an additional \$500 million will be available for wastewater State revolving funds for a total of \$1.625 billion.

Mr. President, this would represent an increase of about \$400 million over last year's level.

Now, in the last 2 weeks or more, I have repeatedly requested of top administration officials that they tell us how they wish to reallocate spending within the 602(b) allocations. I have made that request among others to Administrator Browner, to CEQ director, Ms. McGinty, to OMB director Dr. Rivlin, to the Vice President himself. I put in a call to the President. Obviously, he has other things on his mind. But none of these people has responded.

As a result, it appears that when this bill goes down, if the President carries through on his threat to veto it, it will be vetoed and EPA will fall back to the level of the continuing resolution. The only word we have heard from the administration is they want to spend about \$2 billion more.

The White House talks the language of reducing spending to balance the budget, but they do not have the music yet. They think the only way they can live is to spend more money. We have done the very best we can to establish priorities within the context of achieving a balanced budget in the year 2002.

I wish to say for the record that my ranking member, Senator MIKULSKI, has gone out of her way to be helpful,

to work with us, to make as many accommodations and improvements in the bill as possible. She too has sought the involvement of the administration. And even though Senator MIKULSKI's top priority, national service, is not funded in this bill, other than for close-down, it cannot be funded unless and until the administration is willing to sit down with us and tell us where they wish to make cuts to generate the support to pass this bill in both Houses.

Senator MIKULSKI has been thoroughly cooperative throughout. I could not ask for anyone who has been more willing to put the needs of the environment, of veterans, of housing, of space, and other important agencies ahead of partisan bickering. It is with great regret that I tell my colleagues that we are likely to see the measure, which is scheduled for passage later on tonight, vetoed by the President because simply he wants to spend more money.

I make the point again for those interested in the environment that if the President were to sign this bill, or if the President were even to send his people to discuss with us how to make improvements to protect their priorities, we would be more than willing to negotiate with them. Absent any response—and there has been no response—this bill will be scheduled later on for passage this evening. I regret that we will not receive the funding for environmental actions that are included in this conference report if the President chooses to veto it. But make no mistake. If there is a reduction in funding for environmental efforts, it will be the President's decision. It will be the President's veto. He is going to get a bill that is very close to last year's funding, and it protects the top priority programs in EPA.

Mr. President, I yield the floor.

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

The Senate continued with the consideration of the conference report.

The PRESIDING OFFICER. Who yields time?

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. I will be very brief. I rise to speak in opposition to the conference report. I know there are others who want to speak, and I simply want to make a few points.

I think it will be vetoed. I think it should be vetoed. I think that it continues the process of watering down our efforts to protect the environment, and it in my view should be rejected.

There are three areas that I believe need our special attention. The first is that under the conference report the protection of fish, wildlife and plant species awaiting endangered species listing would be blocked for another year, even if the species is on the brink of extinction.

Mr. President, we have an Endangered Species Act in order to protect those species that are on the brink of extinction. If we delay listing year after year, we might as well not have a law. When you delay the implementation of this law, you do not have one at all. We cannot declare any species in that period of time as endangered and the damage may be permanent. This is of real concern in a number of areas, for example, the marbled murrelet. I also know that the Mount Graham squirrel is an important specie that is endangered and affected by this act. I am not sure that in the next year it is going to be all over for either one, but the general direction is clear. If we continue to prevent the law from functioning, we might as well not even have that law, which, of course, is the intention of some who will delay the implementation of the law.

Second, Mr. President, is the rider on alternative P to the Tongass National Forest timber plan in Alaska. The conference report locks into place, through fiscal year 1997, the timber requirements of alternative P, which is a 4-year-old discredited draft forest plan. Alternative P mandates a logging target approximately 44 percent higher than the average cutting level over the past decade. And it does so in an area where the largest number of jobs are in tourism and fishing and not in timber cutting and in an area where unemployment is very low compared to the national average.

Mr. President, I am very concerned about what we have done in this bill with regard to Tongass. I think that it allows for much more cutting than we had anticipated when we passed the 1990 Tongass Timber Reform Act. And it is another example of Congress' changing things for the worse after there has been an agreement because the votes are there to change those things. And I think, frankly, it will be one of the major reasons that the President will veto this bill.

Finally, Mr. President, there are a series of cuts in vital programs. This bill follows the pattern set in the VA-HUD appropriations bill which makes reductions in the Corps of Engineers wetland enforcement budget and forbids the EPA from enforcing wetlands law, which in my State of New Jersey is a tremendously important thing.

This bill repeals protection for the newly created Mojave National Park and halts scientific studies needed to protect critical species in the Columbia River basin.

It halts the Department of Energy's program to set energy appliance efficiency standards that have been developed jointly with the industry, which will save consumers a lot of money and reduce the U.S. dependence on foreign oil. One might say you can save more oil from increased conservation than you could from opening up the Arctic National Wildlife Refuge.

Mr. President, this bill has gotten better, but it still does not meet what

I think are the highest possible standards. The President's statement on the report cites several additional shortcomings. For example, there is \$50 million in funding restored for the Bureau of Indian Affairs and the Indian Health Service. This additional funding, however, falls short of levels needed to maintain these important programs.

While the Bureau of Indian Affairs' budget has been increased \$25 million above the previous conference level, that would still leave the program \$111 million short of the House mark and \$159 million below fiscal year 1995 enacted levels.

The most significant effect of this action remains the crippling reductions targeted at tribal priority allocation programs which support essential tribal government, law enforcement, housing improvement, Indian child welfare, adult vocational training, road maintenance, and other basic reservation services.

I believe that this funding should be restored. It is not in the report. I think this will be another reason that the President will veto this proposal.

So, Mr. President, in conclusion, I think the report has gotten better, but it is not yet good enough. I urge my colleagues to reject the bill and the President to veto it because I do not think that the American people in 1994 voted for an attack on environmental problems. I believe we should not be delivering to the American people an anti-environmental Christmas present. I do not think they asked for it, and I do not think they will welcome it. I hope that the President will veto the bill.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER (Mr. KYL). The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BUMPERS. There are a lot of parts of this bill that I would like to address. I agree with the Senator from New Jersey that the bill is certainly better than it was in its original version. Thanks to the House of Representatives, who refused to accept it and voted overwhelmingly to recommit it to the conference, it has been improved.

To tell you the truth, Mr. President, I am so sick of making this speech I am about to make, I cannot tell you how tiresome it is, and yet until the Members of this body change their attitude about mining on public lands, until the President and the press finally penetrate the minds of the American people as to this, the greatest of all scams in the history of the Nation, I will come here every year, time after time, to make my argument again.

My mother used to have an expression, "Everybody's business is nobody's business." And I cannot think of a better application of that saying than what we allow the biggest corporations in the world to pull off on us. It is just

that it does not affect very many people.

There are about 10 to 12 States out West where the Federal Government has extensive landholdings and where people file mineral claims to mine gold, silver, platinum, palladium, whatever, off the Federal lands, and it is very important to the mining companies and it is important to those few States where it takes place. But because the other roughly 40 States do not have a dog in the fight, they feel free, Senators of those States feel free to vote however they chose in the certain knowledge that their constituents will never hold them accountable.

But let me recount the history of the issue of which I speak. In 1872, Ulysses Grant signed his name to the bill called the mining law of 1872. And the idea was we would permit people to go west and file claims on 20-acre parcels on the Federal lands there that the U.S. Government owned. Anybody could do it. And anybody can still do it. Just go out there and put four stakes down on a 20-acre tract, not just one, do a dozen if you want, two dozen, whatever you want. Just file claims on it. That started in 1872 as an incentive to get people to move west.

When I first became involved in this issue there were about 1,200,000 claims that had been filed. And they were required to either pay \$100 a year to maintain the claim or to certify that they had done \$100 worth of work on their claim.

Well, everybody simply sent in a certification that said, "I did \$100 worth of work." Meanwhile, they had no intention of mining it. Finally, in 1993, I was able to get a bill passed through here to require them to put up \$100—not a certificate that they had done \$100 worth of work, but pay \$100 cash. The number of claims dropped from 1.2 million to the present, roughly, 330,000.

So we have these 330,000 claims out there. If you own one of those claims, what do you do next? If you are really serious about mining something, then you start digging around to see if that land has anything on it. Most of the time, Mr. President, the people who own these claims never lay a glove on them. Some mining company comes in and says, "We will pay you so much to let us work this claim, and if we find anything there, we will give you a 5- or 10-percent override on everything we find." And, ordinarily, the person who owns the claim says, "That is fine with me, you are a big mining company. If anybody can make this work, you can." The claimant gets a nice little override for having simply put down four stakes on a claim.

But once the mining company finds something, gold, silver, whatever, they go to the Bureau of Land Management and they file an application for a deed. Now, this is really the most egregious part of this whole law. You think about somebody going out and putting down stakes on Federal land that belongs to the taxpayers of this country, finding

gold on it, and going to the BLM over at the Department of Interior and saying, "I want a deed to this land." Do you know what else? The Secretary of the Interior—if he can validate the claim that there is mineable hardrock minerals, has to give them a deed. It is not an option with him; he has to give them a deed. What do they pay for it? Either \$2.50 an acre or \$5.00 an acre—for billions of dollars' worth of gold, silver, platinum, and palladium. That is right, Mr. President. I am not making this up. I have made this speech every year for 7 years. The Secretary of the Interior has to deed billions of dollars' worth of minerals that belongs to the taxpayers of this country to some huge mining company for \$2.50 an acre.

Now, the mining industry which promotes this scam recently felt some heat as the press has caught on to the issue. I can see the representatives from the mining industry all sitting around the table saying, "What are we going to do? We cannot take this adverse publicity forever." And somebody says, "I have a grand scheme. We will say that we will give the Government not \$2.50 an acre, but we will pay them fair market value less the value of the minerals under the surface. That way, we can go home and tell the Chamber of Commerce if they raise the issue with us, if there is a townhall meeting and there are some of those people there who have been paying attention and want to know why we are giving billions of dollars away to the biggest corporations in the world, we will say that we will make them pay fair market value. That is where you cut it off. You do not say fair market value for the surface, which is \$100 an acre. Just tell them it is fair market value."

That is what the reconciliation bill says. If the bill were to become law, the mining companies would have to pay fair market value, which CBO says is \$100 an acre, underneath which is billions of dollars' worth of gold, silver, platinum, and palladium, for which they pay nothing.

Mr. President, there are not two Senators in this body that know this. It costs the Government \$250 an acre just to process patent applications. Think about that. Here they are going to pay fair market value of \$100 an acre. They are going to pay \$100 an acre for something that just the processing of the claim costs the taxpayers \$250. So we lose \$150 per acre right on the front end.

Mr. President, see this chart right here. "Value for the interest in the land owned by the taxpayers exclusive of and without regard to the mineral deposits"—\$2.50 an acre is the current price. The new price will go to \$100 an acre. In exchange for that, the biggest corporations in the world, many of which are foreign-owned, take billions of dollars' worth of taxpayers' gold and silver off the land and go home with it.

When I first got into this, the price of gold was \$330 an ounce; platinum was selling for less than \$400 an ounce. The

argument was made that "If we have to pay a 3-percent royalty, we might be able to live with that, but some of our mines might have to shut down and all these people will be thrown out of work."

Today, the price of gold is \$390 an ounce, and platinum is \$410 an ounce. And what do you think the same argument is? "We will have to shut down and put all these poor people out of work." You know why I know personally? I am not a miner. Do you know why I know that is the most specious argument of all? Because they pay an average of a 5-percent-net smelter return royalty to people who own private lands and pay substantial royalties to States if they mine on State lands. It is only when they mine on Federal lands they are going to go broke.

On December 1, 2 weeks ago, Secretary Babbitt at the Department of the Interior gave ASARCO a deed for 349 acres in the Coronado National Forest in Arizona near Tucson. What do you think the taxpayers of this country got? First of all, that 349 acres has underneath it 2.9 billion dollars' worth of copper and silver. What do the taxpayers get?

A whopping \$1,745. Do you know something else? The Washington Post and the New York Times did not have one word about it. Not one line. I guarantee not one person in this body saw a news story anywhere that 2 weeks ago the taxpayers got shafted for \$3 billion. Three months before that, the Secretary of the Interior gave the Faxe Kalk Mine, a Danish corporation, a deed to 110 acres of public land in Idaho. What was under the 110 acres? Mr. President, \$1 billion worth of travertine. What did the taxpayers get for their \$1 billion? Mr. President, \$275.

On May 16, 1994, the Secretary of the Interior gave Barrick Resources, a subsidiary of a Canadian corporation, a deed for 1,700 acres of land. What did it have under it? Mr. President, \$11 billion worth of gold. What did the taxpayers get for their \$11 billion?—\$9,000. I give the press credit; they did cover that one.

Stillwater Mining Co. in Montana, 2 days after I almost got a moratorium put on the patenting process, filed a claim with the BLM for deeds to 2,036 acres. They filed for their patent in 1990. They got their first half certificate and the Secretary of the Interior will eventually be forced to give the Stillwater Mining Co. a deed for that 2,036 acres. What is under that? Mr. President, \$44 billion worth of platinum and palladium—not my figures, their figures. Look at their prospectus. They are the ones who say there is 225 ounces of platinum and palladium on the land. We made the calculation. If that is correct, it is \$44 billion worth of platinum and palladium. What did Uncle Sucker get?—\$10,000.

We talk about balancing the budget; how are we going to finance Medicaid, education, the environment, and all the rest of it while we are giving away

billions and billions of dollars' worth of resources that belong to the people of this country? There is not a Senator in this body that has not gone home when he faced reelection and said, "If you elect me, I will balance the budget. I will treat your money as though it were mine. I will be tightfisted." You may be tightfisted with some poor, pregnant, teenage girl, or you may elect to make Medicaid a block grant program so some children get health care and others do not. But if things continue the way they are, you can rest assured those same people who are so concerned about that will continue to vote for this just as they have in the past. It is absolutely sickening. There is no other way to describe it.

This bill, thanks to the House of Representatives, contains a patent moratorium. Let me tell you about that. There are presently 608 patent applications pending over at the BLM. Of the 608, 373 of the applications already have their first half certificate so they can go ahead and get their deeds for \$2.50 or \$5 an acre. The rest of them, 235, are frozen, subject to future legislation.

But do you know what was in the reconciliation bill? A royalty. My staff came in and said, "Senator So and So has put a royalty in the reconciliation bill—5 percent." Really? We started looking at it, and it is 5 percent of nothing after taking into account the deductions. When you look at the reconciliation bill and you see that whooping big 5 percent royalty, and you say 5 percent of what? and you start seeing what you will deduct before you levy a royalty, there is nothing left to levy a royalty on. What is worse, what is even more cynical, is every one of the 608 applications for patents would be exempt from the royalty forever. That is billions of dollars' worth of minerals. Who else is exempt? The 330,000 claims that are in existence.

So you cannot tax the lands for which patents have been applied and you cannot tax any future claims on any applications for patent on the 330,000 claims that are still existing. What do you wind up with? Less than \$1 million per year. People say, "I wonder why President Clinton vetoed that reconciliation bill." That was only one reason.

Mr. President, I am still grateful to the House even though we had to grandfather the 373 patent applications and will likely never get a dime out of it. It is a step in the right direction.

So, Mr. President, let me cover one other point. I have never understood why hard rock minerals get this exemption. We do not give it to anybody else.

When I first became involved in this issue, I could not believe it was as egregious as it turned out to be. It turned out to be much worse than I thought at first. At the time, people believed that somehow or other if you rubbed a quartz crystal a certain way it would cure your warts and whatever else ails

you. I did not know about it. But everybody else in America seemed to know that these quartz crystals, people were being told, had healing powers.

Do you know where the biggest quartz crystal deposit in the United States is? It is in the Ouachita National Forest in Arkansas. People were down there with picks and shovels tearing the forest up.

I went to Senator McClure, who was at that time vitally interested in the subject. I said, "Do you mind if I pass a bill eliminating quartz crystals from the 1872 mining law?" He said, "No, I don't care." So I did, and in about a week's time. That is the fastest I have ever gotten anything done here since I have been here.

Every year we get a few thousand dollars in Arkansas as a royalty. I forget how much we charge on this. But we get a royalty on all of the quartz crystals taken off, and it goes to the Federal Treasury. I take full credit for that. If I could have gotten this whole thing taken care of by then we would not have nearly as much trouble today balancing the budget as we have.

Why do we charge coal miners 12½ percent for all the coal they mine off Federal lands? And if you go underground to mine coal on Federal lands, you have to pay an 8 percent royalty. If you take natural gas off Federal lands, you pay a 12½ percent royalty. And if you take oil off Federal lands, you pay a 12½ percent royalty. But, if you take gold, silver, or platinum, or any other hardrock mineral, you pay nothing.

If I were the oil industry, I would be up in arms about this because when they go out and drill an oil well they do not know whether they are going to hit anything or not.

Mr. President, I come to the end of this little speech saying I am going to vote against the bill even though I must confess the distinguished chairman of the committee, who I know had a very difficult time, did a tremendous job. I tried to pass an amendment in the conference 2 days ago to put a 1.5 percent royalty on mining on Federal lands and to give half of the money to the Bureau of Indian Affairs. Many of the western Senators, who have a lot of Indians in their States, have convinced me that the Indians are really getting savaged under this balanced budget thing. Even the President has allowed that the Bureau of Indian Affairs is getting shortchanged. I thought a 1.5 percent royalty on this with half of it going to the Bureau of Indian Affairs might attract some people who have shed tears on this floor about the plight of the poor native Americans—not one Republican vote; 8 to 6 on a straight party-line vote.

What else is in this bill? I wanted to give the BLM 10 years to process the 373 patent applications that were grandfathered by bill. However, the Republicans—particularly the western Senators—were not having any of that.

Let me tell you something, Mr. President. If we have 373 claims that

the first half certificate has been issued on, and this bill says that the BLM will process those claims within 5 years, do you know what that means? That means that about 75 claims a year will have to be processed. Do you know what else it means, Mr. President? That is an abject utter impossibility. Do you know the highest number of applications that have ever been processed in the history of the world in the BLM? Thirty-eight. Do you know who the Secretary of Interior was? James Watt. The man the environmentalists loved to hate more than anybody else.

Do you know what the average has been over the past 10 years? Mr. President, 25.7 claims a year.

So why do we have a provision in here saying you have to do 75 a year? It is utterly impossible. Why do we do that? I will tell you why they want to do it. Because, if there is ever a change in the makeup of this body, this nonsense is coming to a halt, and they want to get their deed before that happens. That is exactly why they want it all done in 5 years.

I offered an amendment to say why do not we at least make these mining companies, who are worth billions, pay the charges the Government incurs to process their application, which is \$250 an acre? If you are going to give them a deed for \$5 an acre, surely they would be charitable enough to pay \$250 to the taxpayers that they are putting out—8 to 6 vote; the same thing.

Mr. President, I do not know how it will all turn out. But I can tell you one thing. The Bureau of Land Management will not, and cannot, process 75 claims a year when the 10-year average has been 25.7 claims.

Mr. President, there has been an awful lot written and said about lobby reform. The ethics manual of the U.S. Senate just gets thicker and thicker. The first thing you know you will not be able to drive home. You will have to take a bus at the rate we deal with that around here. I do not have any quarrel with that. I do not care what the ethics requirements of this body are as long as I know what they are. That is all most Senators ask for. I do not care whether the value of the gift can be zero, \$20, or \$100 as long as I know and understand the rules that we are supposed to live by. But having said that, that is not the problem. The problem is the money that flows into campaigns. You tell me I cannot allow a lobbyist to buy my lunch but he can hand me a \$5,000 check at lunch? What kind of palpable nonsense is that?

I am telling you, campaign financing is what drives this body. That is one of the reasons we have not been able to deal with the reform of the 1872 mining law.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I thank my distinguished colleague from Arkansas for one incidental admission during this long speech which he has

given on the floor on mining patent claims, and that admission was that is not a part of this bill. It is a subject that is not entrusted to the subcommittee which I chair, or to a debate over this bill. In fact, it is a subject that is entrusted to a committee on which the Senator from Arkansas serves, in which he was on this subcommittee in the last Congress, when the political composition of this body was different than it is now, and when no bill on mining claims or patents appeared or was debated on this floor.

But I think I particularly regret, in connection with the remarks of the Senator from Arkansas, his statement that he intends to vote against the bill. As I reported earlier, this bill was passed by the Senate earlier this year in its original form by a vote of 92 to 6. The Senator from Arkansas voted for it. The mining patent provisions were less favorable to his position than they are now.

He has pointed out that the House moratorium on new claims, which was not included in the Senate bill, is now found in this bill with the sole exception of those claims which Congress cannot constitutionally terminate without compensating the claimants under the fifth amendment. The only claims that will be processed are those so-called grandfathered claims, and someday, whether it is 2 years or 5 years or 10 years, they will all be disposed of. At that point, unless the Congress passes a significant reform in its mining patent laws, there will not be any new claims subject to these provisions.

So I hope the Senator from Arkansas will reconsider and will support a bill which does not move as far in his direction as he would like but which does move further in the direction of the policies he advocates than did the bill he voted for just a few months ago.

That, I think, illustrates a larger point. Whatever the merits of the argument of the Senator from Arkansas, and, obviously, to toss about figures in the tens of billions of dollars as if this were the potential profits in mining—it would be overwhelmingly the most profitable business in the United States—of those billions of dollars, something between 90 and 99 percent, of course, will be paid to the people who work to separate these minerals from the ground in which they are found, which is a very expensive proposition.

While I am far from being an expert in this business, I do not find it to be a business in the United States which operates at a profit any larger than any other business. Its costs are high. Those costs are, generally speaking, paid out in the form of wages to people who are citizens of the United States. And that, of course, is the reason that Senators and Members of the House of Representatives from States in which these mineral deposits are located favor the continuation of a policy which at least sees to it that there is

some mining industry in the United States, declining though it may be.

Personally, I think we ought to reform these laws in such fashion that the people of the United States do reap some portion of the profit from minerals taken from their lands. But many feel that if we adopted the position of the Senator from Arkansas, there simply would not be any mining so there would be no value, no profit, and no jobs, no nothing. That is an appropriate debate, and it is appropriate for the Senator from Arkansas to state his position, just as it would be for the now Presiding Officer to state his, representing a State with many mines, but it is not a debate we are having here today. It has practically nothing to do with an appropriations bill for the Department of the Interior.

So I wish to pass on to other comments which have been made during the course of this debate since I last spoke, that do relate directly to this bill. In that connection, with neither the Senator from Arizona nor the Senator from Nevada being here, I would like to share one of the interesting paradoxes, sometimes frustrations, of dealing with a bill of this sort.

My friend and colleague from Arizona objected that there are items in this bill which have not been subject to debate in authorizing committees, that are unauthorized expenditures, or expenditures for unauthorized matters. My friend, the Senator from Nevada, objected to the fact that there is a moratorium on listings under the Endangered Species Act when no such appropriations are authorized. Authorizations for the enforcement of the Endangered Species Act ran out several years ago. Technically speaking, any money appropriated to enforce the Endangered Species Act is subject to a point of order on the floor here because the act has not been reauthorized.

The Senator from Nevada is the ranking minority member of the very subcommittee that deals with that subject, and the moratorium expires, by its own terms, on the day that the act is reauthorized. So he has it, at least partly, in his power to see to it that moratorium is terminated.

There is a serious group of Senators—not a majority but a significant group of Senators, as there are Members of the House—who do not believe that we should appropriate for any unauthorized project at all. I think the senior Senator from Arizona falls into that category, both by the remarks he made here somewhat earlier and by other quite similar questions that he has raised about new items being included in conference committee reports that were not included in the bill that passed either the House or the Senate together with appropriations for unauthorized projects.

I think I can say the Senator from Arizona has found fewer questions to ask in that connection of this Senator than he has of any other who is managing an appropriations bill on this

floor, and I believe that I now have answers, which I will state for the RECORD and for him or for his staff, if they are listening, and which I hope will satisfy each one of the questions that he has raised.

He raised questions concerning amendments Nos. 2, 47, 84, 101, and 104, dealt with in the conference committee report.

Amendments Nos. 2 and 47 go together. The House appropriations bill on this subject appropriated \$87 million for the complete termination of the Bureau of Mines as one of those entities which, according to the House, was simply to be ended. The Senate did not agree with that position and appropriated considerably more, \$128 million, for the continued operation of the Bureau of Mines and nine of its field facilities. That is a big difference between the two bills.

The conference committee came up with a compromise that will close at least five of those Bureau of Mines facilities, but it will transfer some of the functions for which there was strong support in the U.S. Senate to various other entities around the country. Those functions the Senate wished to preserve, and continues to preserve as a result of this conference committee, include health and safety research, minerals information, materials research, and minerals assessments on public lands in Alaska.

As a consequence, in reaching this compromise we had to outline exactly what was going to happen to various facilities and to various functions, and that is what we did. It is not new material. These are functions and facilities which would have been dealt with in one way in the original House bill, a different way in the original Senate bill. The compromise requires them to be listed.

The \$2 million for particular assessments in Alaska, about which the Senator raised a question, is money that would have been included in the normal operation of the Bureau of Mines under the Senate bill which continued it, but has to be stated separately in order to be continued as various facilities in the Bureau of Mines are closed.

A similar question was raised by the Senator from Arizona in connection with amendments 101 and 104 with respect to Forest Service functions and facilities.

For a number of years, the Interior Subcommittee has required approval of boundary changes in national forests, the abolition of regional offices or the movement or closure of Forest Service offices. Both the Appropriations Committees in the two Houses and the authorizing committees have had to be notified and had to approve of such changes.

In this particular connection, there is such a proposed change. During the course of the conference committee, the Forest Service asked for the move which is referred to here. That move and some of its conditions are outlined

in the bill as a result of the historic practice of the Appropriations Committee and the desire of the Forest Service itself.

Finally, by far the most significant amendment, about which a question was raised by the Senator from Arizona, has to do with the Presidio. The Senator points out that the Presidio, as a military reservation, has been closed under the Base Closure Commission activities, and he asks, essentially, why it is that we are appropriating money for a closed military facility.

The answer, of course, is that whatever the merits and the beauty of Williams Air Force Base in the State of Arizona, the Presidio in San Francisco is a totally, completely unique national asset, a magnificent open space in one of America's largest and most famous cities.

So some years ago, before I became chairman of this subcommittee, it was determined that the Presidio, when it was to be closed as a military base, would become, in large measure, a national park. And the appropriation in this bill is for the operation of the Presidio as a national park.

I may say, Mr. President, that I have been bothered by this, at one level at least. The Presidio is the most expensive single national park in the National Park System as a result of these transfers.

So what has happened as a result of the fiscal pressure on the National Park System in running the Presidio is that a group of citizens in the city of San Francisco have gotten together and have proposed a Presidio trust to be created by the Congress. It has not been created by the Congress yet. The authorizing committee has not completed its work on it. The Senate has not debated it.

So this conference committee report says, "Well, we are appropriating money now directly to the National Park Service." We will have to help the Presidio trust with appropriations for at least a number of years until they have transferred this into a purely local facility. So we are going to limit the amount of money that the National Park Service can spend out of our appropriations to one-twelfth of the appropriation for each month, with the hope that the trust will succeed the Park Service sometime during the course of this fiscal year.

But the appropriation for the Presidio is because it is, in fact, a part of Golden Gate National Park and is something which the people of the United States have determined is appropriate to maintain.

The Senator from Arizona also objected to the amount of money appropriated for various native American purposes, particularly to the Bureau of Indian Affairs, noting, however, that it is larger by more than \$100 million in this bill than it was in the bill that originally passed the Senate.

I simply want to emphasize today, Mr. President, what I emphasized at

the time of the original debate. The reductions for Indian activities in this bill are lower than the reductions for any other major purpose covered by this bill. They are lower in the reductions than for any other purpose in this bill.

As I said in my opening remarks, in order to attempt to balance the budget, we have \$1.4 billion less for 1996 than we had for 1995. This means less money for our national endowments, for our museums, for our land management activities, the Forest Service, the Bureau of Land Management, the National Park Service, the Department of Energy's nonnuclear research activities—right across the board.

The reductions for Indian activities are sharply less than the 10-percent average reductions for everything else, which means, of course, that the reductions for everything else are greater.

I must confess, the distinguished senior Senator from Arizona and I have a certain philosophical difference as to whether there is literally an obligation in perpetuity for the taxpayers of the United States to pay for activities, local governmental activities which everyone else in the United States pays for out of their own revenues, for the operation of tribal governments, for police services, and the like.

I am a strong believer in self-determination, but I think at some point at least, the self-determination carries with it an obligation or duty of self-support, and we should be at least moving in that direction.

That, however, is not the philosophy behind this appropriations bill. This appropriations bill makes a modest but real contribution toward the overriding necessity in this country of balancing the budget of the United States, of ceasing the practice of spending money we do not have and sending the bill to our children and our grandchildren. As a consequence, all of the activities within the jurisdiction of this subcommittee have less money for 1996 than they had for 1995.

Mr. President, they will have less money next year than they have this year if we do not also reform the huge entitlement programs which grow far more rapidly than our economy does. There is a relationship between these two.

In that connection, Indian activities are taking a smaller and more modest hit than, for all practical purposes, every other activity in this bill.

My own No. 1 priority was to try to see to it that we protected our National Park System, which is an asset for every person in the United States, and the cultural institutions here in Washington, DC, for which we have either the sole or primary responsibility, like the National Gallery of Art, the Smithsonian Institution, and the like. I think we have done so reasonably well.

So I terminate these remarks with the views that I expressed earlier. I remind my colleagues that this bill was

passed overwhelmingly by this body by a vote of 92 to 6, and I point out at the same time that the objections of a handful of Members who voted against it last time and the reluctant assent of some of those who voted for it have to at least have modestly been met.

I am sorry at this point we do not have the approval of the White House. It is impossible to meet the conditions the White House has laid out. The White House just wants to spend more money, as the Senator from Missouri said in respect to his appropriations money. They want to spend money on everything. They want to borrow it. They do not want to pay for it themselves, but they want to spend it, and that is not going to happen. It is not going to happen now; it is not going to happen later. In fact, the defeat or veto of this bill will sentence the money funded by it to less money than they have in this bill, because the continuing resolution, under which we are operating today, has less money for most of these activities than does this bill.

So we hope that we can persuade the Executive to approve this bill to get it out of the battle of the overall budget. I hope my colleagues will provide very strong support for it, because I am convinced that we have done a responsible and a balanced job under very, very difficult circumstances.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I yield myself 10 minutes under the time allocated to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator is recognized.

Mrs. MURRAY. Mr. President, I rise to say I am glad this conference report has finally made it to the Senate floor. I know the senior Senator from Washington, Chairman GORTON, has worked very hard to get it to this stage. I also wish to thank Senator BYRD and his staff for their assistance in keeping me informed and helping to move the process forward.

My primary concern with this conference report is its authorizing language regarding the Columbia Basin ecosystem project. This important project was instituted by former Speaker Tom Foley and Chairman HATFIELD to provide a scientific foundation to guide us in developing sound resource policies, especially regarding fisheries management. In many areas of the Columbia Basin region, our forests are dying due to past timber harvest practices, fire suppression policies, and insect infestation. Our salmon and other fisheries resources are endangered, due in part to land-based activities that impact watersheds, like cattle grazing, forestry, recreation, and development.

Unfortunately, this conference report intentionally limits science. It demands that the Forest Service and Bureau of Land Management study only "landscape dynamics and conditions

for forest and rangeland management, specifically the management of forest and rangeland vegetation structure, composition, density, and related social and economic effects." It goes on to say the scientific assessment must not contain any other material than that quoted above.

During the second conference, I was unable to convince my colleagues to add a provision allowing for the study of fisheries and watersheds and deleting the clause limiting study. I truly believed my colleagues would support this moderate attempt to allow scientists to provide us information to help guide us in making scientifically based resource management decisions.

In this latest round of conference negotiations, Chairman GORTON, too, tried to convince the House to open up the scientific assessment for fisheries and watershed studies. I want to thank him for his efforts, which were unfortunately unsuccessful.

Mr. President, the amendment I had offered only addressed one area of concern for me in this bill regarding the Columbia Basin project: that of limiting science. However, I am also very concerned that this report prohibits the agencies from issuing a final environmental impact statement or a record of decision and from selecting a preferred alternative in the draft environmental impact statement.

This bill also limits the ability of the Forest Service and BLM to consult or conference as required under section 7 of the Endangered Species Act. The agencies may modify current policies for fish protection and if they have consulted on these policies in the past, they need not do so again—even if the amendment is a drastic modification of current protections. Similarly, the agencies are prohibited from consultation for any projects, such as timber sales, if sales are based on the forest plan amendment.

The President has indicated that he intends to veto this bill. One of his reasons for doing so is the authorizing language on the Columbia Basin project. I look forward to working with him and Chairman GORTON to make the necessary improvements in this language so that we can practice ecosystem-based stewardship and provide a steady stream of commodities while also protecting our resources for this and future generations.

Let me also add that while I have focused the majority of my remarks on the Columbia Basin project, I am also concerned with several other provisions included in this bill. For example, while an additional \$50 million were made available to the Bureau of Indian Affairs and Indian Health Service during the last conference, the level of funding for these programs is still woefully inadequate.

The cuts to tribal priority allocations are particularly disturbing. Tribal priority allocations represent an important component of Federal Indian policy. In addition to recognizing the

reduction in bureaucracy that self-governance allows and the shifting of decisionmaking from the Federal to the local level, TPA funds also represent a fundamental recognition of tribal sovereignty. I think it is important that the Federal Government recognize that Indian nations have the capacity, the responsibility, and the right to govern themselves. The Federal Government must also remember its historic obligations to the Indian nations as set out in the many treaties signed by the United States and the sovereign tribes.

Furthermore, I continue to oppose the language preventing Washington State tribes, specifically the Lummi Nation, from exercising their water rights. While I appreciate the willingness of Chairman GORTON to remove language that would likely have derailed the ongoing negotiations—negotiations, I might add, that include all affected parties including the non-Indian landholders and appear to be going well—the language still represents a threat to tribal sovereignty and sets an extremely poor precedent for government-to-government relations.

Mr. President, to close, I would like to note quickly my concerns about several other provisions contained in this bill, including: First, the severe funding cuts to the National Endowment for the Arts and the National Endowment for the Humanities; second, the attempts by this Congress to thwart scientific protocol regarding the methods used to identify the threatened marbled murrelet's nests; and third, the provisions related to the Tongass National Forest.

Again, I want to thank Chairman GORTON for the many improvements he has made in this report. I encourage him to continue those efforts should the President veto this appropriations bill.

Mr. LEAHY. Mr. President, many Vermonters are disappointed about a pattern in this Congress to undermine environmental standards through appropriations and the budget process.

Unfortunately, Congress is doing it again in the Interior bill.

Let me list just a few of the measures that were added to this bill which are direct attacks on the environment using the indirect appropriations process. These are items which have not received hearings, authorizing committee deliberation, or open floor debate.

First, a group of Alaskans asked the Forest Service to update the environmental study for a large timber sale which was being reoffered for a second time. The judge agreed with the Alaskans that an updated study would be worthwhile. This Congress overrules the judge.

Second, the Forest Service has been working on a forest plan for the Tongass National Forest for several years amidst annual meddling from the Appropriations Committee and Congress. In this bill, Congress dictates its choice for forest management, and forces it upon the resource professionals and people of the region.

Third, our country has an Endangered Species Act to protect our Nation's fish and wildlife from extinction. This bill prohibits the Fish and Wildlife Service from listing species as endangered species. We can change our minds about this bill, but we cannot change our minds after extinction.

Fourth, last year, Congress passed a bipartisan bill to create the California Desert National Park by a wide margin. One year later, Congress is trying to dismantle the National Park through funding gimmicks.

Fifth, our country's mining law is 123 years old. This Congress refuses to update the law through the authorizing process, and instead tries to force as many giveaways through the Department of the Interior as they can. They know the American people want changes, but they are scrambling to get what they can while they hold back the will of the American people.

Sixth, this Administration has an excellent record of creating new jobs while protecting the environment, including endangered species. To continue this record of cutting through gridlock, finding flexible solutions, and moving forward, the Administration was studying the Columbia River Basin. This bill says "ignorance is bliss," and cuts funding for science.

There are other problems with the bill as well, some with legislative issues, and some with funding.

One provision has to do with the National Endowment for the Arts. The Supreme Court has an established standard to judge pornography. This bill, however, includes a vague new definition based on the personal opinion of what a few members consider disgusting.

One of the most blatant funding problems is the energy cuts. The President's budget promotes national security, economic progress, and environmental responsibility by supporting voluntary incentives for energy efficiency. This bill cuts energy efficiency funding by 38 percent, including critical programs like weatherization. Weatherization was cut by 50 percent. Vice President GORE pointed out that with the President's budget we could save more energy than could be drilled from the Arctic National Wildlife Refuge.

The pattern is clear and persistent. Environmental funding and environmental laws are the first to go. Our natural resources cannot endure this kind of abuse. Pollution, extinction, degradation, and abuse are not problems that we can easily fix, if at all.

The American people do not want this, and soon Congress will learn about their opposition. But until then, and propelled by this bill, the abuse and neglect continues.

Mr. WELLSTONE. Mr. President, I have spoken time and time again about the cuts in this Republican budget to low-income heating, energy, and weatherization assistance programs that help the most needy in our country. Throughout this year we have seen horrible heat waves and horrible cold

snaps. Many citizens of our Nation have become ill and some have even died from the heat and the cold. Yet, still we cut those programs. In the Interior Appropriations bill, energy conservation programs are funded at a level that is only 60 percent the President's request and only 73 percent of last year's funding level. That is just plain foolish.

Mr. President, I have also spoken time and time again about how this Republican budget gives away our natural resources without measuring long-term budget consideration and without designing a long-term energy policy. Still, despite new information, numbers that just don't add up and many unexplored environmental concerns, the Republican budget still contains provisions to open up the Arctic Refuge to drilling, to give oil companies royalty relief for drilling in the Gulf of Mexico, and pages and pages of other provisions that just don't make sense.

This is not energy policy, this is not environmental policy. This is short-term gain without consideration of long-term loss and a jumbled-up mass of contradictions. It just don't make any sense.

Mr. President, why say that our country needs more oil and needs to rely less on foreign supply and then turn around and allow Alaska North Slope oil to be sold to foreign countries. Does that make sense? We need more oil, but we can sell some anyway?

Mr. President, why say that our country needs more oil and needs to rely less on foreign supply and then turn around and slash funding for the Weatherization Assistance Program and other conservation programs. We need more oil, but we can afford to waste some?

Why say that our country needs more oil but not consider ways that we could save oil, by beginning discussions on a long-term energy policy that will benefit every citizen of this nation, not just the oil companies. We need more oil, but lets not worry about how we use it?

Mr. President, this is all just smoke and mirrors. This country needs a long-term energy policy and this country needs to have policies and budgets that are not a mass of contradictions. Our natural resources are the last thing we should play with. I will be voting against this bill.

EXTERNALLY FIRED COMBINED CYCLE FUNDING

Mr. COHEN. Senator SNOWE and I would like to bring to the attention of the chairman an important Fossil Energy Program within the Department of Energy. The Department has initiated a demonstration project to repower Pennsylvania Electric's Warren Station utilizing externally fired combined cycle technology. The purpose of this program is to develop a commercially viable use for this technology. A 20-member consortium, consisting of utilities, private industry,

State energy organization, foreign organizations, and the Department's Morgantown Energy Technology Center, has spent 8 years and \$34 million to develop the EFCC technology.

This technology is based on a ceramic heat exchanger that can dramatically increase the amount of electricity generated from burning coal. This ceramic technology produces 20 percent more electricity per pound of coal than conventional steam power plants and, as a result, it can significantly reduce pollution and the cost of power. It could be used to update aging power plants across the United States. According to the Washington Post, this technology "appears to place the United States in the forefront in developing high-temperature ceramics" for industrial applications, overtaking international competitors.

Ms. SNOWE. Earlier this year, the Department provided funding to begin testing the technology, which is critical to demonstrate the commercial viability of the project. However, \$4.3 million is now needed to complete these tests, which are currently suspended until further funding becomes available. Consortium members expect the program to be commercially viable after completion of the testing. I understand that in addition to coal, the heat exchange technology could be applicable to other types of power production, such as bioenergy.

While some private money has been located to continue the tests, funding from the Department is necessary to restart the testing. If the testing cannot be completed, the \$26.5 million already provided by the Federal Government and the \$7.5 million contributed by the Consortium will have been wasted.

Senator COHEN and I understand that the chairman of the Interior Subcommittee shares our interest in this project and believes that the Department should make an effort, within its budget constraints, to try to ensure that the testing is completed.

Mr. GORTON. The Senators from Maine are correct. This promising technology could be very beneficial to improving electricity generation in this country.

Mr. COHEN. We thank the distinguished chairman for his assistance on this important matter.

TWIN CITIES RESEARCH CENTER

Mr. WELLSTONE. Mr. President, thank the managers of the bill for their help in providing the Twin Cities Research Center [TCRC] a smooth transition from Bureau of Mines facility to non-Federal entity. The Minnesota congressional delegation and the TCRC have been working to facilitate this transition, and would like to ask the chairman about the following scenario.

The TCRC would be able to continue operations within the Department of the Interior until June 30, 1996 or until such time as a transfer of the facility to a university or government entity is completed, whichever is sooner. The re-

sponsibility for identifying funds to maintain such operations would lie with the TCRC and/or the partners interested in seeing this facility remain open. To the extent authorities exist for the Department of the Interior to accept donations or contributions that might be offered to keep the facility open, they may be used. If the Department were to identify other funds that might be available to assist in this, or similar efforts, they would be subject to the normal reprogramming guidelines.

I would ask the chairman—if the authorities exist that would allow funds to be made available for the purposes described, would the interested parties be able to consider such a scenario?

Mr. GORTON. The Senator has identified a possible scenario. The Department is able to do whatever it can within existing authorities, subject to the availability of funds. However, it should be understood that any funds to be provided for this purpose must be from new agreements. Any funds remaining from prior or existing agreements with other parties and the Bureau of Mines are required for shut-down costs. The Senator should also understand that to the extent similar scenarios may apply at other Bureau facilities, this Senator expects the Secretary to give equal consideration to the needs of those facilities and the communities in which they are located.

Mrs. BOXER. Mr. President, I strongly oppose this conference report, many aspects of which I find deeply troubling. I am gratified that the President has stated that he will veto the conference report. At this time, I would like to mention just a few of the most objectionable provisions.

THE MOJAVE NATIONAL PARK PRESERVE

The provisions in this bill on the Mojave National Park Preserve are an affront to the people of California and to the intent of Congress which was clearly stated when we passed the California Desert Protection Act last year. The management of this land as a park preserve is supported by 84 percent of Californians. Every major newspaper in the State, including the San Francisco Chronicle, Los Angeles Times, San Diego Union Tribune, and San Bernardino Sun has voiced its support for the preserve and its strong opposition to efforts to strangle the preserve out of existence.

I find this situation strange, in that it appears that there was only one member of the conference who pushed to defund the preserve. The previous conference report defunded the preserve and gave the Park Service \$1 to operate it—clearly just a back door attempt to close one of our largest national parks through the appropriations process. To add injury to insult, this new conference report has added additional restrictions on Park Service management of the new 1.4 million acre preserve that would prevent the Park Service from conducting planning activities. It imposes a cap on Park

Service planning expenditures at a fraction of typical planning costs for a new National Park, and imposes an unrealistic deadline for completion of a plan which will limit the congressionally mandated public involvement in the planning process.

On these grounds along, Mr. President, this conference report should be vetoed.

ENDANGERED SPECIES ACT MORATORIUM

This report prohibits adding new species to the endangered species list and prohibits designation of critical habitat for listed species. It also prohibits the monitoring of listed species which is an important part of the recovery process.

A moratorium will harm our Nation and my State of California. Of the more than 100 species currently proposed for listing which would be denied protection under this moratorium, more than half are from California.

Mr. President, on average, endangered plant species have fewer than 120 individuals left by the time they are listed; animal species are reduced to fewer than 1,200 individuals by the time of listing—a 6-month moratorium could see valuable species go extinct for no reason. I don't see why should we wait months and months while we lose flora and fauna that may cure cancer and alzheimers. Why should we wait while species get closer to extinction, creating more complicated and expensive problems that will have to be solved when the moratorium is lifted? The real agenda here is a piecemeal dismantling of the act. This is one more back door move by Republicans to weaken the Endangered Species Act in the face of 77 percent of Americans who support maintaining or strengthening the Endangered Species Act.

TONGASS NATIONAL FOREST

The Tongass National Forest is the last intact rainforest in North America. This conference allows and promotes subsidized logging in extremely ecologically sensitive areas.

The Tongass provisions in the bill are unacceptable. They will require that an outdated and scientifically discredited timber harvesting can be implemented in the national forest for the next 2 years. This will result in logging at a rate that is 100 million board feet over the historical average—that is logging at a rate of 418 million board feet per year. The Forest Service has rejected this plan because it allows logging at unsustainable and environmentally destructive levels.

MINING

We have been trying to reform the 1872 Mining Law for many years and it is difficult to comprehend how year in and year out, the U.S. Congress continues to allow our taxpayers to lose thousands of acres of Federal lands and billions of dollars in Federal revenue—mostly to foreign-owned mining companies. My distinguished colleague Senator BUMPERS has led the debate in favor of reform for over 7 years, and

this morning he again laid out his devastatingly effective critique of the moratorium language in this conference report and the sham reform that is included in the Republican budget reconciliation bill.

Since 1872, we have given away more than 3.2 million acres. For how much? For the price of \$2.50 an acre or at a maximum \$5 dollars an acre, and not a nickel in royalties. Over \$250 billion worth of minerals have been taken off that land and the U.S. taxpayer has in return received a mining site clean up bill for between \$30 and \$70 billion. This conference report will allow it to continue.

BUREAU OF INDIAN AFFAIRS

Affairs some funding for the Bureau of Indian Affairs [BIA] has been restored, the amount still falls short of the levels needed to maintain these important programs. Critically important funding for the Bureau of Indian Affairs must be restored, and it must occur without pitting these programs against other important Department of Interior programs. Additional BIA funds are needed to support essential tribal government activities, law enforcement, housing improvement, general assistance, Indian child welfare programs, adult vocation training, road maintenance, and other basic reservation services. I urge my colleagues to pay special attention to this issue.

INTERIOR APPROPRIATIONS CONFERENCE REPORT

Mr. KERRY. Mr. President, today I am voting against the conference report on the Interior appropriations bill and I would urge the President to veto this bill should it reach his desk.

This conference agreement is the third attempt by the conferees who have been meeting on this bill since September. Despite their difficult challenge and tremendous effort, regrettably, it is far from an acceptable compromise. I have particular problems with the funding level for the Department of Energy's energy conservation programs, the National Endowment for the Arts and the National Endowment for the Humanities and numerous objectionable legislative riders.

Energy conservation, like pollution prevention, makes good business and economic sense. It saves production costs and conserves resources and it is clearly the best of all energy options. Unfortunately, the conferees have funded this important work at a level well below that which the President and others have requested, and which is \$187 million below the 1995 enacted level. The \$536 million budget is a 26-percent reduction from the 1995 enacted level and a 38-percent cut from the President's request.

The conference committee added numerous legislative riders to the bill that have serious policy implications, yet these were added without the benefit of congressional hearings or public input.

One of the most egregious riders would set in stone the current Tongass

Forest management plan for an additional 2 years, thus prohibiting an update to the unsustainable timber sale levels it mandates. Additional riders would prove harmful to the environment by placing a moratorium on future listings and critical habitat designations under the Endangered Species Act.

Another provision would require wasting energy by preventing the Department of Energy's implementation of new energy efficiency standards for an additional year.

The ideological fervor of the Republicans who now control the Congress has manifest itself in heavy cuts to the National Endowment for the Arts and the National endowment for the Humanities.

It is my hope that the President will veto this bill so that the conferees can work toward a package that provides sufficient funding for environmentally beneficial programs and strips the environmentally harmful legislative riders.

We can and must do better than this. We must not and the President will not capitulate to the tactic of the Republicans who now control the Congress to hold hostage the funding for our national parks and public lands until they are permitted to abolish or emasculate vital environmental protections that have withstood previous head-on challenges.

I hope, after this bill is vetoed, the Congress will get down to serious, good faith negotiations to develop a reasonable interior appropriations bill which can be passed with broad support and signed into law.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Acting for the leader, I ask unanimous consent that the vote on the adoption of the conference report to accompany H.R. 1977, the Interior appropriations bill, occur at the hour of 2 p.m. today. I further ask that at 3 p.m., the Senate turn to S. 908. It is my understanding this has been cleared.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. STEVENS. Mr. President, I delete the last request with regard to S. 908, and I ask unanimous consent that it be rescinded.

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

The vote on the pending legislation then is set at 2 p.m. this afternoon.

Mr. STEVENS. That is correct. At 2 p.m., we will vote on the pending conference report.

Mr. President, with the consent of the distinguished chairman of the Appropriations Subcommittee, I yield myself such time as I need to comment on this report.

Mr. President, I first want to start off by commending my good friend from Washington, my southern neighbor. I think Senator GORTON's task has

been a very difficult one this year. As he stated, he has had a substantial reduction in the amount of money available to him. He has done a fantastic job. There are areas here where we have serious concern. I think anyone in the Senate has serious concerns over areas that affect their States directly. All of the agencies in the Department of Interior have substantial impact on Alaska, and we know that funding is being restrictive. There is a general decline now in the amount of taxpayers' funds available to run these entities, and I view that with great regret.

However, I also know that we are committed to a balanced budget, and some of these steps have to be taken so we can eliminate the constant growth of interest on the national debt. That interest now, this next year will be larger than the amount of money that is available to spend for the national defense of this country.

I do manage that defense bill, and I am appalled we are spending more money next year on interest than we will spend on the defense of our country, but there is no alternative but to pay the interest on the debt that is due. That is why we are laboring so hard to try and find a way to reverse that trend and hopefully reach the day when the interest starts coming down, when we can start making funds available to these very necessary functions such as those of the Department of Interior.

I am particularly concerned right now about the comments that have been made by the Senator from Arizona concerning the money that is earmarked here for the Bureau of Land Management to do mineral assessments that were formerly done by the Bureau of Mines. The situation that we had, Mr. President, was this: When this bill was before the Senate, the Senate did not zero out the Bureau of Mines.

The House bill did mandate the closure of the Bureau of Mines. When we got to conference and realized that the funding was so limited, we had to take action suggested by the House—action I really regret. The Bureau of Mines has been a very vital function for the Federal Government, but it has been agreed now to close that Bureau.

I pointed out to the conferees that under section 1010 of the Alaska National Interest Lands Conservation Act—we call that ANILCA, an act passed by the Congress in 1980—over 100 million acres of Alaska lands were set aside. Congress recognized that there had to be an assessment of lands that were to be patented to the State and Federal governments, and an assessment of these lands were set aside to the extent possible. That is required, as I said, under section 1010 of the Alaska National Interest Lands Act.

We have requested that this money be earmarked so that the people who formerly worked for the Bureau of Mines and were performing the assessments required by law that have to be made prior to the transfer of lands,

that they will be made under the direction of the Bureau of Land Management, which does in fact have the authority over the lands. This was not behind closed doors. We had a provision in the Senate bill, had we maintained it, that all of the people performing Bureau of Mines functions in Alaska would remain on the payroll. What we have done is maintained the funds for the absolutely essential minimum requirement of the law, which is to do these mineral assessments formerly under the Bureau of Mines, which will be done under the Bureau of Land Management until the job is completed.

I believe that that is a necessary function of the conference committee. Having acceded to the House provision, the Senate demanded that the minimum function required in my State to be maintained is earmarked at \$2 million in this bill to continue that. That will be a requirement through coming years that we maintain those funds, and I intend to do every thing I can to see to it that the Senate will maintain that constant.

Mr. President, there is another very vital matter in this bill that pertains to my State, and that is under the administrative provisions for the Forest Service, this bill retains language pertaining to the Tongass forest in southeastern Alaska. I regret that it is necessary to continue doing this. I want the Senate to know that this is not the provision that the Senate voted on; this is a provision that has been substantially modified in conference.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, let me claim time under the time reserved for those in opposition to the conference report.

Mr. President, I listened with great interest today to the comments by Senator McCAIN. I find myself in a similar circumstance. I commend Senator GORTON and others who have worked on this legislation. I do not come here with ill will toward those who have tried to put together a compromise. But I do feel very strongly that we find ourselves with respect to the appropriations available in some critical areas, dealing with some very vulnerable people, short of what is needed. Again, I do not intend to be critical of those who have worked on this compromise. I understand the competing needs involved, and they reached a different conclusion than I might have, a different conclusion than Senator McCAIN said he would have reached. For that reason, he intends to oppose the conference report. I am going to oppose the conference report for the same reason.

Let me be more specific. I am very concerned about an area of spending dealing with Indian children. That concern stems from a substantial amount of observation by me of the Indian reservations in North Dakota and elsewhere, from hearings that I have held,

from stories and concerns that I have related to the Senate previously.

I have, Mr. President, seen in offices folders containing reports of child sexual abuse and physical abuse which were stacked on the floor and had not even been investigated because there was not enough money to investigate them. We are talking about 3-year-old, 5-year-old, 8-year-old children who have been victims of alleged physical or sexual abuse. The cases had not even been investigated. You may ask why. Well, because the people in charge of investigating the reports simply do not have the resources. They say, "These reports are stacked up and we have not been able to deal with them. We do not have the capability. We are overwhelmed."

There are stories that break your heart when you hear them. I have told the Senate the story that got me interested in this issue. It is a story of a young girl named Tamara DeMaris. Tamara was 3 years old when she was placed in a foster home. But the person who placed Tamara in her foster home was handling 150 different cases. And with few resources and one person handling 150 cases, guess what happened? A 3-year-old child gets placed in a foster home that turns out to be an unsafe home for a 3-year-old. This is a foster home where they have a drunken party, and during this drunken party, this little 3-year-old child gets beaten up. Her nose is broken, her arm is broken, and her hair is pulled out by the roots. This is a 3-year-old child, who is our responsibility, who was placed in a foster home, and the result is that she is beaten because nobody checked to see whether this was a foster home where a young child ought to be placed.

On that reservation, there are more people now doing the checking to see what kind of foster homes are available and whether they are safe places to put young people. I am glad that this has happened. It happened as a result of my intervention and the intervention of others to get additional resources.

But the experience of this young Tamara DeMaris is not all that unusual, regrettably. I will never forget when I met this little girl. You look into her eyes and wonder whether the scars from the beating will ever go away, and know that the beating occurred because we did not make sure that we would have enough resources to provide for her protection. Three year olds cannot take care of themselves. It is not their fault if they are born into poverty. It is not their fault if they are born into a situation where there is no family structure. It is not their fault that they are going to be placed in a foster home by someone. It is not their fault that someone commits sexual abuse or violence against them. But it is our responsibility to try to protect those kids.

We are not doing enough about it. The resources do not exist in this piece of legislation to deal with it. We have an Indian boarding school in North Da-

kota. I visited that Indian boarding school about a month or two ago and saw the children, many of whom come from very troubled backgrounds, and I read some of the letters they had written when they came to school. One 13-year-old girl, her dream was a very simple thing, that maybe at Christmas, some Christmas, she would be able to have a mother and a father and a sister and a brother together to celebrate. Of course, in her circumstance, it will not happen. It has never happened. It will not happen in the future. That was her dream. Very simple. A lot of kids dream for material things, but she wanted a home where a mother, father, brother, and sister would be able to spend Christmas with her.

The point I make is that we suffer some very serious, troubling problems on Indian reservations with respect to child abuse and with respect to poverty, health challenges and other things. This piece of legislation, Mr. President, simply does not adequately address those issues.

Mr. President, I remember touring a hospital some while ago and holding in my arms a little baby who had been born prematurely. A Native American had come to the hospital to give birth. Her blood alcohol content when she checked in was 0.23. The baby, upon birth, had a blood alcohol content of 0.21. The mother wanted nothing to do with the baby. She did not want to see the baby. Think about the consequences of this: Someone showing up to deliver a baby with a 0.23 blood alcohol content and delivering a baby with 0.21 blood alcohol content. It is likely the baby will suffer from fetal alcohol syndrome.

The same hospital showed me just before I was at the nursery the space where the carpenters had prepared for a new device. They were, I believe, getting an MRI, a device that is breathtaking. It can look through the human body to see what is inside. Here, 200 feet apart, is an example of the most breathtaking success in health care and the most tragic human failure.

How do we respond to all of these things? How do we deal with them all? Some say you cannot throw money at it. I do not disagree with that. On the other hand, with respect to children, with respect to babies and 3-year-olds and 5-year-olds and 13-year-olds, with respect to those kids who are born of circumstances that they did not create, we must, it seems to me, in this legislation give them an opportunity, give them a fighting chance, deal with their health care needs, provide protection to make sure that foster homes are safe.

We must do that, and I regret to say this legislation simply falls too short. I voted for this bill when it left the Senate, hoping that maybe when we got to conference we would still have an opportunity to work out some approach that would provide enough resources to deal with the needs of Indian children. I conclude, having looked at the conference report, pretty much the same

as the Senator from Arizona, Senator McCAIN, has concluded. It simply falls short. We have to do better. I hope that, although I intend to vote against this conference report, when we approach this funding bill again next spring, working in good faith with good people, that those who put this kind of legislation together will understand that there really is no higher priority for us than to meet our responsibility to children. Children cannot take care of themselves. We have certain trust responsibilities to meet. In my judgment, we have not met them.

Mr. President, with that I yield the floor.

Mr. MURKOWSKI. Mr. President, I thank the Chair. I remind the President that it is the holiday season and as the song goes—'tis the season to be jolly. Unfortunately, my good friend from Arkansas, as he described the mining law provisions in the Interior bill, did not follow the holiday spirit. I think he may have construed the holiday season with the Grinch of Christmas, or something of that nature, but clearly his description of the legislation was not in the holiday spirit.

I think it is fair to say that his comments were hardly constructive toward enacting mining law reform, and might even be construed to be destructive. As the President is aware, today's 6-hour debate on the fiscal year 1996 DOI conference report is, in the opinion of the Senator from Alaska, a good deal about politics and very little about policy. Many of our friends on the other side of the aisle see the environment as a political issue and are prepared to do just about everything to exploit the issue. Unfortunately, in their effort to win political points with the media they are destroying our natural resource industries. I think we should look at what has happened. A portion of our resource industry and the jobs that go with it are being destroyed. We are driving those jobs overseas. We are increasing our balance of payment deficit.

Take for example, the Department of the Interior's attitude toward resource development. They oppose it. Mining, coal, oil and gas, timber, grazing, all of these resource activities on public lands are opposed by this administration. As a result, the administration is forcing us to import many of these resources from overseas.

The greatest portion of our balance of payments deficit, Mr. President, is the cost of imported oil. What is the administration doing to encourage exploration in areas such as ANWR? In my State of Alaska, geologists tell us ANWR is the most likely prospect for a major oil discovery. Unfortunately, this administration opposes any exploration in this area. As many of you know, my State of Alaska has contributed 25 percent of the total domestic crude oil produced in the United States for the last 18 years.

The arguments prevailing in the early 1970's against opening Prudhoe

Bay are the same arguments prevailing today against opening ANWR. The only difference is we have learned how to develop the Arctic in the last quarter of a century, and, as a consequence, we can apply advance technology to do a better job, making a smaller footprint. That is not the policy of this administration. The administration's policy is to constrict resource development. Where have all our high-paying blue-collar jobs gone? They have been exported overseas.

As I mentioned earlier, today's debate is about politics, not policy. I hope that my colleagues will see through this smokescreen.

Mr. President, I urge my colleagues to consider the DOI conference report on its merits. An awful lot of effort and time has gone into the bill. Senator GORTON put together a good bill. There were problems with the House, but ultimately he put together what I think is an acceptable compromise.

Earlier today, my friend Senator BUMPERS talked about the mining law provisions in the budget reconciliation package. To hear his view, it is a giant sellout of American resources to a few mining companies. I want to clear up a few misunderstandings, because you have to recognize that this industry provides good-paying jobs which provide a solid tax base.

Looking at the royalty provision under the proposal sent to the President, for the first time in history in this legislation, miners are required to pay a 5 percent net proceeds royalty. During good market conditions, if an operation is making a profit, they pay a royalty. During bad market conditions, if an operation is losing money, they do not pay a royalty. The significance of the mining industry—it is a world competitive market out there—you either compete with South America, Brazil, Australia, on a world market price or you do not compete at all.

In other words, Mr. President, we are trying to provide incentives for operators to stay in production, to keep our U.S. jobs, these high-paying union jobs that keep people working and provide a local and Federal tax base.

And I would encourage the unions in this country that are dependent in the resource industry to look behind this smokescreen to what this administration is really attempting to do with resource development jobs—mining of any kind, hard-rock, coal, you name it. They do not want anything to happen on public land. This attitude will not create jobs.

Patents—for the first time in history miners would be required to pay fair market value for patented land. There would be a reverter for the first time in history—that patented land used for nonmining purposes reverts back to the Federal Government. So there is no speculation. There are no ski resorts built under the idea that you get a patent for mining and then use it for something else.

We protect property rights by allowing the pending patent applications at

Interior to move forward under the existing law. The remaining 330,000 mining claims holders would have to prove that they have a "vested possessory property right." If they do not have that right, they are subject to the new law.

For the first time in history, we establish an abandoned mine land fund to start the process of cleaning up old abandoned mines. We maintain the existing \$100 per claim holding fee for 3 years and then double the fees to \$200 per claim starting in 1999.

Mr. President, the Congressional Budget Office's score over 7 years is approximately \$157 million. As new mines come into production this figure will significantly increase.

What is the administration's proposal? Mr. President, they have no proposal. Secretary Babbitt continues to demand mining law reform, yet he offers no solution. The administration has failed to submit a proposal to Congress this year.

In fact, instead of supporting mining law reform legislation, the President's budget calls for the elimination of the percentage depletion allowance for hard-rock mining—a multi-billion-dollar budget bombshell that will cost several billion dollars, and thousands of jobs.

According to the administration, this would save roughly \$954 million over 10 years—in effect, place a \$1 billion-plus burden on the Nation's miners. Once again, the White House has singled out the mining industry for punishment. Why?

Its the latest assault in Secretary of Interior Babbitt's and the administration's war on the West on hard-working people and their jobs. Make no mistake about it, they are singling out the hard-rock mining industry for termination.

Oil, gas, and coal jobs are not put in jeopardy at this time, however, the camel's nose is under the tent. It is only a matter of time until the administration uses the Tax Code to go after oil, gas, and the coal industry.

Mr. President, the hard-rock mining industry provides 120,000 direct and indirect jobs nationwide. This proposal could eliminate 60,000 to 70,000 of those jobs.

The administration is using the environment as a political issue. The debate is not about policy. It is about politics.

I urge my colleagues to see through this smokescreen and vote on the facts. If we can send a man to the Moon, we can surely develop our natural resources and protect our environment.

On the matter of the Tongass, Mr. President, I commend my good friend and senior colleague, Senator STEVENS, and those who have worked so hard to get approval in the conference.

The conferees have significantly modified the provision dealing with the management of the Tongass National Forest to fully respond to administration concerns. In the original amendment, the administration objected to:

First, sufficiency language; second, the dictate to follow a forest plan that the administration believes is superseded by more recent information; and third, imposing a permanent ban on the development of wildlife habitat conservation areas.

The new amendment agreed to by the conferees contains none of these three requirements. It allows operations on the Tongass National Forest to continue under the current Tongass land management plan [TLMP]. Further, it directs that revision and amendment of the TLMP continue.

The new amendment reaffirms the compromise embodied in the 1990 Tongass Timber Reform Act [TTRA] by requiring that for the next 2 years, any change to the TLMP shall maintain at least the number of suitable available and suitable scheduled acres of timber land and allowable sale quantity as that identified in the preferred alternative of the October 1992 final TLMP (alternative P). The regional forester, at that time, developed alternative P as the best way to manage the Tongass National Forest implementing the compromise of the 1990 legislation. Subsequently, litigation from environmental groups has undermined the compromise.

Unfortunately, the ninth circuit court has ruled that the 1990 act's requirement to seek to meet market demand for timber is merely hortatory and not binding on the Forest Service as are numerous other statutory obligations. More recently, on October 19, Alaska District Court Judge, James Singleton, ruled that based upon the ninth circuit's reasoning, the balancing mechanisms of the 1990 Act are not a binding duty. Rather they are merely a Congressional admonition to be factored into the mix of Forest Service goals. Judge Singleton then held that "the absence of any enforceable duty" denies plaintiffs (the State of Alaska and the Alaska Forest Association) standing to challenge Forest Service decisions, and that plaintiffs will not receive relief "unless congress intervenes in a more forcefully way."

The amendment meets this challenge from the courts by imposing a nondiscretionary obligation on the Forest Service to maintain a land base suitable for timber production and resulting allowable sale quantity as indicated in alternative P, thus restoring the 1990 compromise and establishing a binding duty to maintain the timber land base. The Forest Service has flexibility to work within a number of administrative land use designations to harmonize this duty with other statutory obligations or agency goals.

The conference agreement makes it clear that any revision, amendment, or modification shall be based on the application of the scientific method and sound, verifiable scientific data. Data is sound, verifiable and scientific only when it is collected and analyzed using the scientific method. The scientific method requires the statement of a hy-

pothesis capable of proof or disproof, preparation of a study plan designed to collect accurate data to test the hypothesis; collection and analysis of the data in conformance with the study plan; and confirmation, modification or denial of the hypothesis based upon peer-reviewed analysis of the collected data. That the data used shall be from southeast Alaska ecosystem. The current TLMP revision process underway does not meet these standards and should be modified in the 2-year time period provided by this amendment.

The amendment also includes language to release timber enjoined by the ninth circuit court because the Forest Service had not conducted an environmental analysis when allowing the transfer of sales from one long-term timber contract holder (the Alaska Pulp Corp.) to another (Ketchikan Pulp Co.). Previously, Congress passed section 503 of Public Law 104-14 which said that the transfer of sales should be authorized, notwithstanding the requirements of the National Environmental Policy Act [NEPA] and the Alaska National Interest Lands Conservation Act [ANILCA].

The ninth circuit subsequently determined on September 28, that section 503 or the rescissions bill did not alter the legal basis for the court's original decision. The court stated that section 503 reflected the "mistaken view that the dispute involves the changing of parties to a contract." The court said that, since the alternatives described in the environmental impact statement were driven by Alaska Pulp Corporation's [APC] contract, NEPA and ANILCA required a new set of alternatives in order for the Forest Service to reoffer the timber to third parties (because the Forest Service was no longer under an obligation to sell the timber to anyone). Accordingly, the ninth circuit held that section 503 failed to address the legal significance of the termination of APC's contract by focusing solely on the fact that the sales were transferred from one party to another.

By saying that "the change of purchasers for whatever reason shall not be considered a significant new circumstance," the amendment in this bill makes it clear that, even though the change of purchasers is due to the termination of the long term sale, the transfer to third parties is covered by the language in the bill. The language says that it will not be legally significant no matter what reason the Forest Service makes for the transfer.

I urge the administration to recognize the good faith negotiations that resulted in this compromise, and to sign the Interior appropriations bill. To do otherwise would be to destroy the small kernel of hope that this provision will bring to the people of southeast Alaska who live in the forest. Because there is no State forest, there is no private land. These people live in the forest—Ketchikan, Wrangell, Petersburg, Juneau, Sitka, Skagway. All

of these areas are in the forest, and the people living in this area have hopes that this legislation will maintain their industry at a modest level.

Finally, Mr. President, I urge that realism dictate the evaluation of these matters by the Department of Interior. They suggest that the Queen Charlotte goshawk and the Alexander Archipelago wolf might be endangered as a consequence of logging. It is absolutely without any scientific fact of any kind, and is simply a bogus excuse. They have already been ruled as not subject to the Endangered Species Act because they are not threatened. But they keep bringing this matter up.

Mr. President, we have a season on wolves. We allow the taking of wolves. They are predators. If they were scarce, obviously, that would be the first thing to go. But the Secretary of the Interior puts this smokescreen up and suggests that the wolves and the timber do not mix, and it is absolutely based on no scientific fact.

Alaskans simply cannot understand it. And the only effort they are making in the evaluation of the goshawk is not to find out how many are in the forest. They simply look at the next proposed area to be logged and use the wolf or the goshawk to block development. There is no substantiation to suggest that the goshawk is endangered either.

But it just drives me crazy to see these false excuses coming out of this department that knows better, and they admit they know better. But they will use any excuse at any time to address an emotional argument.

I yield the floor.

I wish the President a good day.

I see my good friend from West Virginia seeks recognition. I wish him a good day as well.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank my friend from Alaska. He is always most generous in his comments concerning other Senators. He has always been very kind, and as is his characteristic way, he is always cooperative and courteous toward me. I appreciate his friendship. And I am glad to have him as my colleague.

Mr. President, today the Senate is finally able to undertake its consideration of the conference report on H.R. 1977, the FY 1996 Department of the Interior and Related Agencies appropriations bill. This bill has been to conference on three occasions, as a result of two different votes to recommit the conference report by the House. However, we now have a product that has passed the House and I hope that the Senate will be able to provide its approval expeditiously. For the information of Senators, this conference report and accompanying statement of the managers appeared in the CONGRESSIONAL RECORD on December 12, 1995, on pages H14288 through H14309.

The agreements before the Senate today total \$12.234 billion in budget authority, and \$13.210 billion in outlays,

as scored by the Congressional Budget Office. The Subcommittee has had its 602(b) allocation increased by the Full Committee in order to provide an additional \$50 million for Indian programs, which has been an area of concern to numerous Senators, as well as to the administration.

The recommendations of this conference agreement represent a total decrease below the amounts provided in fiscal year 1995 of approximately \$1 billion in budget authority and \$822 million in outlays. Thus, when all of the various scorekeeping adjustments are factored in, this bill is about 8 percent below current levels.

This conference report reflects the very difficult choices imposed upon the Appropriations Committee this year as a result of the constrained funding for domestic discretionary spending provided in the budget resolution. Nearly every single agency in this bill is funded at a level well below the fiscal year 1995 enacted level. Significant personnel reductions will result due to various program terminations or restructurings recommended in the Interior bill this year. The picture might be prettier if we had more money, but we do not have more money. Further cuts in domestic discretionary spending contemplated by the President in his most recent budget proposal make it likely that additional cuts in the outyears for the programs in this bill will be necessary. So next year will be slimmer than this year.

Given the constraints within which conferees had to work, as well as the prospects for the future, I believe this conference report reflects a balancing of the competing interests found in the Interior bill.

Now, Senator GORTON has already laid out the details, and laid them out well. I wish to extend my strongest commendation to Senator GORTON for his leadership on the Interior appropriations bill this year. This is his first year as chairman of the subcommittee, and I am going to say something about the chairman of the subcommittee that I have never said before in my almost 40 years in this body and 44 years on Capitol Hill. I am going to say something that I have never heard another Senator say about a subcommittee chairman; that is that this subcommittee chairman, Senator GORTON, is the best subcommittee chairman that this subcommittee has had in at least the last 8 years.

What am I saying when I say that? I was chairman of the subcommittee for 6 years. So what I am saying is that Senator GORTON is a better chairman of this subcommittee, has mastered its details more, is better prepared, more knowledgeable concerning the bill than I ever was.

This is a Western Senator's bill, as a matter of fact. I am not a Western Senator. Senator GORTON is a Western Senator. But I salute him, and I daresay there is not another Senator in this body that I have ever heard say that

another chairman of the subcommittee has been a better chairman than he, the Senator speaking, has been. I say that ungrudgingly. And, of course, it has to come from my heart. So I congratulate Senator GORTON. I commend him.

The Bible says, "Seest thou a man diligent in his business? He shall stand before kings." Senator GORTON is diligent in his business, and we are fortunate to have him as our chairman.

Of course, I hope the day will come when I will again be chairman of the subcommittee. I look forward to that day. I hope it is not too far away. But, in the meantime, my words stand as they have been spoken.

So he has mastered the complexities of the public lands and other issues that confound this bill year after year. He has been most considerate of me and of other Senators throughout this appropriations process. He cannot do everything for everybody. He cannot do everything for anybody. He cannot do everything he would like for himself. But I thank him for his courtesies. He has been most deferential and generous to me.

Mr. President, I hope that the Senate will act to support this conference report. As I have already said, it is the third conference report on the bill. While changes have been made from the earlier conferences, the administration continues to voice concerns about some of the provisions, particularly the legislative language in the bill, and it is possible that the bill will be vetoed. But I hope that the administration will think carefully before reaching a decision about the fate of this bill.

The controversial issues will not go away if the bill is vetoed. They will not go away. The \$50 million increase for Indian programs might be taken away. Further restrictions on the Agencies funded in the bill might be imposed. So, while the administration may not like everything about the bill—and I do not like everything about the bill—while the administration may not like everything about the bill, I urge the administration to think carefully once, twice, three times, and then think again. Think again before issuing a veto. If a veto is issued, I hope the administration will be prepared to negotiate constructively. A position that the bill is signable only if the language items are removed in their entirety is not helpful—or realistic.

There are many programs which were identified as a priority by the administration, but our allocation constrained how far we could go in funding all of the programs on their list. Given the environment in which we had to work, most programs fared relatively well in this conference agreement. It is unclear how some of these activities will be treated if funding for the Interior bill agencies is folded into a continuing resolution. In addition, this bill begins a responsible downward trend, which is absolutely necessary given where do-

mestic discretionary spending appears headed in the coming years.

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

The subcommittee has attempted to protect the operational base of the agencies funded in the bill, while at the same time these agencies are having to take their share of administrative and personnel reductions. In order to protect the operating accounts, more significant reductions were taken in the land acquisition and construction accounts.

Funding for Indian programs under the jurisdiction of the Interior Subcommittee is reduced by 4 percent below the FY 1994 level. These reductions are taken primarily from the discretionary activities of the Bureau of Indian Affairs, in order to protect education and health care for Indians, which also fall under the jurisdiction of this subcommittee. The conference agreement restores \$112 million to the Bureau of Indian Affairs from the Senate-passed level.

Total funding in the bill for the Land and Water Conservation Fund is \$140 million, a level 40 percent below the FY 1995 amount. No project specific earmarks are included for land acquisition. The conferees direct the administration to propose projects for consideration, subject to the committee's re-programming guidelines.

Total funding for construction in the land management agencies is reduced by nearly 20 percent below last year's level.

The National Biological Service is eliminated as an independent entity, and the conference agreement folds the natural resource research responsibilities of the Interior Department into the jurisdiction of the Geological Survey. Efforts have been taken to protect, as much as possible, the existing research facilities located in various states.

The Bureau of Mines is terminated, with its health and safety and materials partnership functions transferred to the Department of Energy and its non-Alaska mineral information responsibilities assigned to the Geological Survey. The Alaska minerals activities from the Bureau of Mines are transferred to the Bureau of Land Management.

Funding for the National Endowment for the Arts is reduced by about \$63 million, to a level of \$99.5 million. The National Endowment for the Humanities is reduced by about \$62 million, to a level of \$110 million. The conferees agreed to disagree regarding future funding for these two agencies.

As usual, Mr. President, the most controversial issues in the Interior bill involve legislative proposals. With respect to the most significant of these items:

The bill contains language continuing the moratorium on the issuance of mining patents. Provisions are included regarding a schedule for the

processing of those patent applications in the pipeline, as well as for the use of third parties in the conduct of mineral examinations.

Legislative language is included regarding the management of the Tongass National Forest in Alaska. While management direction is specified for the next 2 years, the Forest Service will be able to complete the current planning process.

A moratorium on implementation of certain provisions of the Endangered Species Act is imposed until reauthorization of this landmark legislation is enacted.

Language is included which changes the direction provided by Congress last fall regarding the management of the California Desert. The latest conference agreement allows the National Park Service to engage in a comprehensive planning effort during fiscal year 1996, but management in the Mojave Preserve remains the responsibility of the Bureau of Land Management.

Legislative language is included which limits the types of grants that can be funded using NEA dollars appropriated in this act. The language offered to the Senate bill has been modified to address concerns regarding potential legal challenges.

In summary, Mr. President, this conference report is not perfect. It is exactly what most conference reports are—a compromise. The House did not get everything it wanted, and neither did the Senate. This bill makes a significant downpayment toward deficit reduction, while trying to balance many competing needs and interests. I urge the Senate to adopt this conference report, and I hope the President will give it his approval.

Lastly, I would like to commend the staff who work on this appropriations bill. It is not an easy task, in part because of the variety of issues involved, and also because of the extreme interest so many Senators place on the programs and projects under the jurisdiction of the Interior Subcommittee. I wish to thank Senator GORTON's staff: Cherie Cooper, Kathleen Wheeler, Bruce Evans, and Ginny James. On my staff, Sue Masica handles the Interior bill, and is assisted by Carole Geagley. The staff works together as a team, and I think that is reflected in the quality of the product presented to the Senate today.

I thank all Senators and urge adoption of the conference report.

I yield the floor.

INTERIOR PRIORITIES

Mr. LEAHY. Mr. President, I would like to discuss briefly with the chairman some of the funding included in this bill. Together we have made an effort to eliminate earmarks within the bill. There is no way to accommodate the many projects that Senators requested. One way to treat every State fairly is to provide no earmarks, and instead set programmatic budget priorities.

I have worked to improve the budget process by focusing on programs within

the administration's budget rather than add-ons and earmarks. We cannot simultaneously address the deficit program and continue to add new programs. I have worked with the agencies to craft budgets that make sense to the State of Vermont and address national issues that are worthy of Federal support.

In that respect, I wish to clarify my understanding of the budget's treatment of several programs and projects that are important to the agencies and important to the State of Vermont. At the time the budget was presented, the Interior Department provided information to me which indicated that the Lake Champlain Basin initiative was continued in the budgets of the Geological Survey and the National Park Service at approximately the fiscal year 1995 levels—\$222,000 and \$250,000 respectively—and that there was approximately \$600,000 in the Fish and Wildlife Service Budget for these purposes. In addition, the Connecticut River Valley ecosystem project was slated to receive approximately \$1,005,000 in the FWS budget for the Conte Refuge, and that the Park Service intended to allocate \$250,000 for this effort. The Fish and Wildlife Service would also participate in efforts to protect the resources of these ecosystems through investments in endangered species management and private lands wetlands restoration.

Mr. President, while no specific earmarks restating what was included in the budget were provided in the committee report, I hope the chairman would extend his agreement that the agencies should follow through on their commitment to continue these initiatives, roughly at the levels assumed in the budget. The budget levels were essentially a continuation of the prior year level of effort, and my objective is to see that the initiatives continue. Obviously, if there were reductions in any of the budget line items where these programs are funded, these initiatives would have to bear their fair share of any such reductions. However, for the most part, under the leadership of the chairman, the operating accounts of the land management agencies have been pretty well protected, and the agencies should be able to follow through on the indications provided by the Department.

Mr. GORTON. I am aware of the Senator's concern for emphasizing these initiatives. What he has presented seems reasonable, and I would expect the Department to follow through with roughly the funding levels that have been identified.

Mr. JEFFORDS. I join my fellow Senator from Vermont to express my interest in these important community efforts in the State of Vermont. I am glad that the chairman concurs with our understanding.

Mr. BYRD. I thank the Senators from Vermont for highlighting these concerns. I agree with the chairman. Since the accounts in which these initiatives are funded are basically level with the budget request, the Department should

be able to address these programs consistent with the information provided when the budget was submitted.

Mr. DOMENICI. Mr. President, I rise in support of the conference agreement accompanying H.R. 1977, the fiscal year 1996 Interior and related agencies appropriations bill.

This bill has been a long time coming to the Senate. I commend the distinguished subcommittee chairman, Senator GORTON, for his diligence in completing this bill.

The final bill provides \$12.1 billion in budget authority and \$8.2 billion in new outlays to finance the operation of the Department of Interior agencies, the U.S. Forest Service, the Indian Health Service, the energy conservation and fossil energy programs of the Department of Energy, the Smithsonian Institution, and other arts-related agencies. Most of the funding in this bill is for nondefense discretionary programs.

When outlays from prior year budget authority and other completed actions are taken into account, the final bill totals \$12.3 billion in budget authority and \$13.3 billion in outlays for fiscal year 1996. The bill is \$0.5 million in budget authority and \$0.25 million in outlays under the subcommittee's revised 602(b) allocation.

Mr. President, the subcommittee had difficult decisions to make in setting priorities for the funding in this bill. In revisiting the bill for the third time, the conferees restored important funding for the native American programs funded in the bill. I have fought for this outcome since the bill came before the Senate. While we have not made up all the funding I believe is necessary for the Bureau of Indian Affairs for tribal priority allocations, the restoration of \$25 million for this purpose is significant. I thank the chairman for his efforts in this regard.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of the conference agreement be printed in the RECORD, and I urge the adoption of the conference report.

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

INTERIOR SUBCOMMITTEE, SPENDING TOTALS— CONFERENCE REPORT		
(Fiscal year 1996, in millions of dollars)		
	Budget authority	Outlays
Nondefense discretionary:		
Outlays from prior-year BA and other actions completed	146	5,001
H.R. 1977, conference report	12,089	8,208
Scorekeeping adjustment		
Subtotal nondefense discretionary	12,234	13,210
Mandatory:		
Outlays from prior-year BA and other actions completed		24
H.R. 1977, conference report	59	25
Adjustment to conform mandatory programs with Budget Resolution assumptions	6	6
Subtotal mandatory	65	55

INTERIOR SUBCOMMITTEE, SPENDING TOTALS—
CONFERENCE REPORT—Continued

[Fiscal year 1996, in millions of dollars]

	Budget authority	Outlays
Adjusted bill total	12,299	13,265
Senate Subcommittee 602(b) allocation:		
Defense discretionary		
Nondefense discretionary	12,235	13,210
Violent crime reduction trust fund		
Mandatory	65	55
Total allocation	12,300	13,265
Adjusted bill total compared to Senate Subcommittee 602(b) allocation:		
Defense discretionary		
Nondefense discretionary	-1	-0
Violent crime reduction trust fund		
Mandatory		
Total allocation	-1	-0

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

Mr. GORTON. Mr. President, I ask unanimous consent for 1 additional minute past the 2 o'clock time.

The PRESIDING OFFICER. I believe the Senator has 2 minutes under his control, at any rate.

Mr. GORTON. Fine.

Mr. President, one of the finer customs of the Senate, one of the customs that makes it work in contentious times better than might otherwise be the case, is the custom of Senators to treat kindly their fellow Members and to speak well of them. I think that is a wonderful custom, and I have been its beneficiary on a number of occasions. But I must say, I have never been its beneficiary in such fulsome terms as were just applied to me by my friend and colleague, mentor, the senior Senator from West Virginia. I cannot claim to deserve all of those compliments, but I may appreciate them even the more for that.

I learned what I have learned in the service of the Appropriations Committee from him during his chairmanship, and the extent that I have had a success this year has been largely due to the advice and the guidance which the senior Senator from West Virginia has provided.

He has stated very well the difficulties under which this bill is presented to this body, the great contribution it makes to deficit reduction and the difficulty that that created in attempting to properly fund and instruct the agencies under its jurisdiction. I have also made a statement to that effect.

I will simply solicit the support of my colleagues for the bill which I believe reaches its goals well, considering the challenges with which we are faced, and I hope that the President will change his mind and sign it, as it will be much better than any alternative that he is likely to receive through a continuing resolution.

The yeas and nays have not been requested?

The PRESIDING OFFICER (Mr. COVERDELL). They have not.

Mr. GORTON. 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 agreeing to the conference report to accompany H.R. 1977, the Interior appropriations bill for fiscal year 1996. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Texas [Mr. GRAMM] is necessarily absent.

The result was announced—yeas 58, nays 40, as follows:

[Rollcall Vote No. 604 Leg.]

YEAS—58

Abraham	Gorton	McConnell
Ashcroft	Grams	Moynihan
Bennett	Grassley	Murkowski
Bond	Gregg	Nickles
Burns	Hatch	Pell
Byrd	Hatfield	Pressler
Campbell	Heflin	Reid
Chafee	Helms	Roth
Coats	Hollings	Santorum
Cochran	Hutchison	Shelby
Cohen	Inhofe	Simpson
Coverdell	Inouye	Smith
Craig	Jeffords	Specter
D'Amato	Johnston	Stevens
DeWine	Kassebaum	Thomas
Dole	Kempthorne	Thompson
Domenici	Kyl	Thurmond
Faircloth	Lott	Warner
Ford	Lugar	
Frist	Mack	

NAYS—40

Akaka	Exon	McCain
Baucus	Feingold	Mikulski
Biden	Feinstein	Moseley-Braun
Bingaman	Glenn	Murray
Boxer	Graham	Nunn
Bradley	Harkin	Pryor
Breaux	Kennedy	Robb
Brown	Kerrey	Rockefeller
Bryan	Kerry	Sarbanes
Bumpers	Kohl	Simon
Conrad	Lautenberg	Snowe
Daschle	Leahy	Wellstone
Dodd	Lieberman	
Dorgan		

NOT VOTING—1

Gramm

So, the conference report was agreed to.

Mr. GORTON. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington.

Mr. GORTON. Mr. President, before we move on to the next item, I wish to add to the list of thanks that I gave earlier in connection with this bill the name of Julie Kays from my own personal staff who has handled every aspect of this bill for me in a tremendously successful and skilled fashion.

UNANIMOUS-CONSENT AGREEMENT—CONFERENCE REPORT ON H.R. 2099

Mr. GORTON. Mr. President, I ask unanimous consent that following the disposition of H.R. 1561, the Senate proceed to the consideration of the conference report to accompany H.R. 2099,

the VA-HUD appropriations bill, and that it be considered under the following time limitations: 30 minutes equally divided between the two managers, 10 minutes under the control of Senator BUMPERS, 10 minutes under the control of Senator HUTCHISON, 10 minutes under the control of Senator LAUTENBERG, 10 minutes under the control of Senator MCCAIN, 10 minutes under the control of Senator BOXER; further, that following the expiration or yielding back of time, the Senate proceed to vote on the conference report, and that following that vote, the Senate immediately concur in the amendment of the House to the amendment of the Senate, all without any intervening action or debate.

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

Mr. GORTON. 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. 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.

FOREIGN RELATIONS
REVITALIZATION ACT

Mr. HELMS. Mr. President, I ask unanimous consent that it be in order to make the pending business S. 908.

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

Under the previous order, the clerk will report S. 908, the State Department reauthorization and reorganization bill.

The legislative clerk read as follows:

A bill to authorize appropriations for the Department of State for fiscal years 1996 through 1999, and to abolish the United States Information Agency, the United States Arms Control and Disarmament Agency, and the Agency for International Development, and for other purposes.

Pending:

Dole amendment No. 2025, to withhold certain funds for international conferences in funds were expended for U.S. participation in the United Nations Fourth World Conference on Women while Harry Wu was being detained in China.

Helms amendment No. 2031, to authorize reduced levels of appropriations for foreign assistance programs for fiscal years 1996 and 1997.

Kerry (for Boxer) amendment No. 2032 (to Amendment No. 2025), to express the sense of the Senate regarding the arrest of Harry Wu by the Government of the People's Republic of China.

Helms amendment No. 2041, to express the sense of the Congress regarding the consolidation and reinvention of the foreign affairs agencies of the United States.

Helms amendment No. 2042 (to amendment No. 2041), in the nature of a substitute.

The Senate resumed consideration of the bill.