

6. The recommendation contained herein reflects the information available at this time and current departmental policies governing formulation of individual projects. It does not reflect program and budgeting priorities inherent in the formulation of a national civil works construction program nor the perspective of higher review levels within the executive branch. Consequently, the recommendation may be modified before it is transmitted to the Congress as a proposal for authorization and implementation funding. However, prior to transmittal to the Congress, the State of North Carolina, interested Federal agencies, and other parties will be advised of any modifications and will be afforded an opportunity to comment further.

H. J. HATCH,  
Lieutenant General, USA,  
Chief of Engineers.

Mr. CHAFEE. Mr. President, I am pleased that the bill before us, H.R. 6167, contains a provision I authored to provide relief to the local sponsor of the southeast light project in Block Island, RI. As you know, the southeast light is an historic structure located on the edge of an eroding bluff in Block Island. The light is in serious danger of toppling into the ocean. This provision will do much to speed up the pace of the relocation project. Section 357 of the bill states:

The non-Federal share of the cost of relocating the lighthouse shall be \$970,000. Administrative costs of the Army Corps of Engineers in carrying out this section shall not be treated, for purposes of this section, as costs of relocating the lighthouse and shall not be paid from amounts appropriated to carry out this section.

In effect, this provision will allow the Army Corps to award the relocation contract without additional Federal appropriations. Mr. President, is that in fact the understanding of the provision?

Mr. MOYNIHAN. That is correct. I am well aware of the situation at the light. The corps has balked at awarding the relocation contract due to a prohibition on spending in excess of \$970,000 on the project. This provision removes that prohibition and directs the corps to disregard internal administrative expenses associated with the project. The intention of the Congress is that additional appropriated money for relocation will not be required to move the project forward. The corps now has the authority to award the contract under the current cost estimates.

Mr. CHAFEE. I thank the chairman for this clarification.

The bill (H.R. 6167) was deemed read the third time and passed.

#### THE TELECOMMUNICATION AUTHORIZATION ACT OF 1992

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6180, the Telecommunications Authorization Act of 1992, just received from the House, that the bill be deemed read three times, passed, the motion to reconsider laid upon the table.

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

#### THE NTIA AUTHORIZATION BILL

Mr. HOLLINGS. I rise in support of H.R. 6180, the National Telecommunications and Information Administration [NTIA] authorization bill. NTIA serves as the primary adviser to the President on telecommunications policy. NTIA plays a vital role in setting and coordinating the nation's telecommunications policy. This role is becoming more difficult. Advances in telecommunications technology raise new policy issues before the old issues have been resolved. The precedents and traditions of the past will no longer serve us in the future. Each issue requires an independent review; each problem a fresh look.

Senator INOUE has worked hard to craft this consensus substitute amendment to reauthorize NTIA. I am pleased to join him in supporting this amendment and urge my colleagues to vote for H.R. 6180.

Mr. INOUE. Mr. President, I rise to support H.R. 6180, the Telecommunications Authorization Act of 1992. This bill includes the authorization for the National Telecommunications and Information Administration [NTIA] within the Department of Commerce. I have worked with the chairman of the Commerce Committee, Senator HOLLINGS, and the minority leader of the Commerce Committee, Senator DANFORTH, in crafting this bill with my House colleagues.

This bill contains a number of provisions that should aid the NTIA in the performance of its functions. The bill also contains a number of provisions relating to the functions of the Federal Communications Commission [FCC] that were initially contained in the FCC authorization bill. The substitute also contains a few additional provisions. I do not believe that these provisions are controversial. I welcome and encourage my colleagues support for final passage of this bill.

Let me summarize the major provisions of the House bill. First, the bill reauthorizes funding for the National Telecommunications and Information Administration [NTIA] for fiscal years 1992 and 1993. NTIA fulfills a valuable role as an independent, unbiased adviser to the President on communications policy. I expect NTIA to continue to maintain that independence and to consider all points of view in making its recommendations.

The bill retains the authorization figure for fiscal year 1992 of \$17,500,000; the same amount appropriated for that year. The substitute increases NTIA's authorization amount for fiscal year 1993 to \$17,900,000, which reflects the amount contained in the appropriated bill that has passed Congress and that is expected to be signed into law shortly. While I had hoped that NTIA could receive greater funding to provide telecommunications assistance to Eastern Europe and to promote new spectrum-based technologies, the appropriated amounts are consistent with the need to exercise fiscal responsibility.

The bill also reauthorizes the Peacesat Program, which was first authorized in the NTIA authorization bill for fiscal years 1968 and 1969. NTIA has made substantial progress in reestablishing the Peacesat Program. It has secured the agreement of the National Oceanic and Atmospheric Administration to use a GOES satellite for the Peacesat Program. It has also installed several earth terminals in the Pacific for the purpose of providing the Peacesat service. Because of these successful efforts, the Peacesat Program will once again provide the only means by which many island communities can maintain contact with the developed world. We expect NTIA to continue to monitor the administration of the Peacesat Program to ensure that additional Earth terminals are installed in the Pacific region and that the Peacesat Program continues to expand. We also expect NTIA to continue its efforts to locate and contract for additional satellite capacity necessary to replace the GOES satellite beyond the end of 1994.

This bill also amends the findings for the Peacesat Program to clarify that Peacesat may engage in negotiations to use the satellite facilities of foreign-owned satellites as long as control over the operation of the Peacesat Program remains based in the United States.

This bill also includes an additional authorization of \$1 million in funding to the Secretary of Commerce to convene, along with the Secretary of Health and Human Services, a panel to consider ways of satisfying the needs of rural health care providers for enhanced telecommunications facilities and services. This provision is based upon a report released 2 years ago by the Office of Technology Assessment [OTA] that details the severe difficulties faced by rural health care providers, especially nurse practitioners, in keeping up with the latest advances in medical science.

The report makes clear that the lack of adequate telecommunications facilities makes it very difficult for rural health practitioners to provide health care using the same advanced and essential information that is available to those serving the urban areas.

This provision is supported by the National Rural Health Association and Senator BURDICK. This provision is identical to the provision passed as part of the NTIA authorization bill in the 101st Congress. NTIA did not convene the rural health panel or conduct the study required by that bill. I expect that NTIA will find a way to comply with this provision in the coming year.

This legislation also authorizes funding for the National Endowment for Children's Educational Television. The endowment was created to provide funding for educational and instructional television programs. The House bill authorizes \$5 million in funding for fiscal year 1993 and \$6 million in funding for fiscal year 1994. These are the same amounts contained in the Senate

bill as introduced. Although the amount of funds actually appropriated for fiscal year 1993 is less than \$5 million, it is my hope that we can fully fund this program in fiscal year 1994.

Also, the House bill includes provisions to encourage the Federal Government to make more efficient use of the spectrum. Many Federal Government agencies received licenses to use the spectrum several years ago, before new innovative spectrum technologies had been developed. For example, trunking and narrowband technologies were developed many years ago, but have only recently been implemented by some Federal users and others have not instituted trunking at all.

I understand that NTIA is currently considering proposals for Federal users to move to trunking technologies, and I encourage such proposals to be deployed on a wide scale. This language, which the NTIA supports, would explicitly recognize that NTIA should promote spectrum efficiency, that it has the authority to withhold or deny frequency assignments in order to further that goal, and that NTIA must develop a plan to adopt more spectrum-efficient technologies for mobile radio users.

The House bill also incorporates two provisions included in the NTIA authorization bill, H.R. 3031, that passed the House last year. The first would give statutory recognition to the NTIA. Currently, NTIA derives its operating authority from an executive order of that Executive order. In addition, the bill codifies the President. The bill simply codifies recommendations made by the NTIA in its report on spectrum regarding the need for public participation and openness in the proceedings of the Intergovernmental Radio Advisory Committee.

The following provisions that are currently included in the FCC authorization bill, S. 1132, are also included, with some modifications, in the House bill:

First, the FCC's travel reimbursement program is reauthorized until 1994.

Second, the language to encourage negotiations for the Hawaii monitoring station is reauthorized for 2 additional years.

Third, the FCC's authority to issue refunds is expanded slightly to cover cases where rates decline but do not decline enough. As stated in the House report accompanying the FCC authorization bill, this authority is not intended to be used retroactively against the telephone companies.

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Sixth, the statute of limitations for forfeiture proceedings is amended to correspond with the terms of broadcast licenses.

Seventh, aggregators of operator services traffic must comply with standards regarding emergency ("911") calls.

Eighth, the FCC is permitted to receive gifts and bequests as long as the receipt does not create conflict of interest or an appearance of a conflict of interest.

Ninth, low-Earth-orbit satellite systems are required to pay fees similar to the fees paid by other satellite systems.

Tenth, the FCC's Older Americans Program is extended for 2 additional years.

The language in the FCC authorization bill concerning the licensing of consortiums is not included in this substitute. Not including this provision is intended to cast no judgment on the question of whether the FCC already has this authority or not. The question of the FCC's authority to require consortiums under the Communications Act is currently before the courts, and this legislation does not resolve that question.

Finally, the House bill includes several new provisions. These provisions are as follows:

First, NTIA shall prepare a report on the role of telecommunications in crimes of hate and violent acts against ethnic, religious, and racial minorities. In preparing this report, I do not intend that NTIA or any other Government official should violate the privacy rights of those who use communications, or become involved in monitoring the content of communications. The provision is drafted to require NTIA to analyze and report on information concerning these activities. I encourage NTIA to draw mainly upon published and other publicly available information in conducting its study in order to avoid excessive governmental interference in the content of communications. Although NTIA may request information from communications entities, these communications entities may refuse to provide such information if releasing such information would affect the privacy interests of communications users. I have no intention that NTIA or any Government official should pressure communications entities to gather information concerning the use of their facilities that they would not otherwise gather in the normal course of their business practices.

Second, the FCC is given the authority to assess fines against tower owners as well as radio licensees in the case of towers that do not comply with the FCC's tower requirements.

Third, the FCC shall report to Congress 30 days prior to authorizing any transfer of a television broadcast license involving a corporation organized pursuant to the Alaska Native Claims Settlement Act.

Fourth, the FCC shall make efforts to reduce telephone rates for Armed Forces personnel in foreign countries.

Fifth, the FCC shall adopt a standard for AM radio.

I strongly urge my colleagues to give their support to this bill.

#### CELLULAR COMPETITION

Mr. BRYAN. Mr. President, I would like to engage the senior Senator from Hawaii and chairman of the Communications Subcommittee in a brief colloquy. In July, the subcommittee held a hearing on mobile communications. The testimony received in that hearing raised numerous questions about the degree of competition in the cellular industry and whether the absence of vigorous competition may result in consumers being overcharged for these services.

The General Accounting Office conducted a study on cellular competition which was released at the hearing, and it, too, seriously questioned the Federal Communications Commission's approach to the industry. The study found that FCC policies allowing only two licensees in each market leads to limited competition which could be producing artificially high service rates.

I am troubled by the FCC's decision not to collect any data on cellular market performance. Due to the FCC's unique two-carrier regulatory structure for cellular, the agency at a minimum should closely monitor how this industry operates. Without such a check, the Commission cannot gauge whether its approach is providing real price competition.

Mr. INOUE. I appreciate the comments of my friend from Nevada. I also was struck by how little the FCC monitors this industry, particularly given its unusual regulatory approach to cellular. With the cable industry's problem fresh in our minds, we need to make certain that consumers are benefiting from competition or, in its absence, from regulation of this market.

Mr. BRYAN. I thank the chairman for those thoughts. Las Vegas, the largest city in Nevada, has the highest rate of cellular service penetration in the country. Consumers in my State and elsewhere deserve some measure of confidence that they are paying fair rates for this service. I would hope that as the FCC sets its priorities for next year it will pay particular attention to collecting and making available to the public all information relevant to the cellular policy debate.

Mr. INOUE. I heartily agree with the Senator's view. The FCC's mere reliance upon the future deployment of so-called emerging technologies to provide the competition necessary to drive down cellular rates does little to help cellular customers in the short run. I also hope that the Commission will examine a full range of policy options for mobile services to address these concerns.

Mr. BRYAN. I thank the distinguished chairman and look forward to working together on these matters. Mr. President, I yield the floor.

Mr. DANFORTH. Mr. President, I strongly object to a provision in H.R. 6180, the Telecommunications Author-

ization Act of 1992, which permits the Federal Communications Commission to accept gifts and bequests. I have agreed to allow this bill to be considered by the Senate, despite my serious reservations, because the bill contains provisions which are important to my colleagues, and we have no option but to pass the House bill at this late hour.

I believe that a regulatory agency should not be permitted to accept gifts from those entities which it regulates under any circumstances. I believe this provision has a certain aroma. I have reluctantly agreed to lift my hold on this bill if certain conditions are met.

The gift and bequest provision in H.R. 6180 requires the FCC to engage in a rulemaking to promulgate regulations which would preclude acceptance by the Commission of any gift, donation, or bequest that would create even the appearance of a conflict of interest. Along with others, I am sending a letter to the Chairman of the FCC requesting that the public comment period for such rulemaking be of at least 90 days duration, and that it will occur in its entirety during a period in which the Congress is in session. The Committee on Commerce, Science, and Transportation will conduct a hearing on this matter during that period, and would like to be certain that the committee's views are included in the FCC's record.

The letter makes clear that it is our intent that the FCC be permitted to accept no gift, donation, or bequest from any person, entity, or any affiliate of an entity that is regulated by, or has any matters before, the Commission. The letter states that the acceptance of items of value, even if unconditional, from such persons or entities creates an automatic and inherent conflict of interest.

The letter also states that it is our intent that the Commission would be unable to accept any gifts, donations, or bequests until the rulemaking required by section 4(g)(3) of the Communications Act of 1934 (47 U.S.C. 154(g)(3)), as amended by the Telecommunications Authorization Act of 1992, is completed.

It is my firm belief that the Commerce Committee must maintain careful oversight of the implementation of this provision, and I intend to make every effort to ensure that the committee undertakes that task.

The bill (H.R. 6180) was deemed read the third time and passed.

#### CORRECTIONS IN THE ENROLLMENT OF H.R. 429.

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 382, just received from the House, that the concurrent resolution be agreed to and the motion to reconsider laid upon the table.

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

#### CORRECTING THE ENROLLMENT OF H.R. 429

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Concurrent Resolution 142, a concurrent resolution to direct the Clerk of the House to make additional corrections in the enrollment of H.R. 429, submitted earlier today by Senator JOHNSTON; that the resolution be agreed to and the motion to reconsider laid upon the table.

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

The concurrent resolution was considered and agreed to as follows:

S. CON. RES. 142

*Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H.R. 429) to amend certain Federal reclamation laws to improve enforcement of acreage limitations, and for other purposes, the Clerk of the House of Representatives shall make the following additional corrections:*

In section 3004(b), delete "eighteen" and insert in lieu thereof "twenty-two".

Amend section 212 to read as follows:  
SEC. 212. CROPS FOR WHICH AN ACREAGE REDUCTION PROGRAM IS IN EFFECT.

Notwithstanding any other provision of law relating to a charge for irrigation water supplied to crops for which an acreage reduction program is in effect, until the construction costs of the facilities authorized by this title are repaid, the Secretary is directed to charge an acreage reduction program crop production charge equal to 10 percent of full cost for all water delivered by the Central Utah Water Project, as defined in section 202 of the Reclamation Reform Act of 1982 (43 U.S.C. 390bb), for the delivery of project water used in the production of any crop of an agricultural commodity for which an acreage reduction program is in effect under the provision of the Agricultural Act of 1949, as amended, if the total supply of such commodity for the marketing years in which the bulk of the crop would normally be marketed is in excess of the normal supply as determined by the Secretary of Agriculture. The Secretary of the Interior shall announce the amount of the acreage reduction program crop production charge for the succeeding year on or before July 1 of each year.

#### NEZ PERCE NATIONAL HISTORICAL PARK

Mr. FORD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 2032.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

*Resolved, That the House agree to the amendments of the Senate numbered 1, 2, and 3 to the bill (H.R. 2032) entitled "An Act to amend the Act of May 15, 1965, authorizing the Secretary of the Interior to designate the Nez Perce National Historical Park in the State of Idaho, and for other purposes."*

*Resolved, That the House agree to the amendment of the Senate numbered 4 to the aforesaid bill, with the following Amendment:*

Page 1, strike out line 6 and all that follows through page 2, line 2 and insert:

(3) In section 3, strike the proviso in the first sentence and insert in lieu thereof the following: "Lands or interest therein owned

by a State or political subdivision of a State may be acquired under this section only by donation or exchange. In the case of sites designated as components of the Nez Perce National Historical Park after November 1, 1961, the Secretary may not acquire privately owned land or interest in land without the consent of the owner unless the Secretary finds that—

"(1) the nature of land use has changed significantly or that the landowner has demonstrated intent to change the land use significantly from the condition which existed on the date of the enactment of the Nez Perce National Historical Park Addition Act of 1961;

"(2) the acquisition by the Secretary of such land or interest in land is essential to assure its use for purposes set forth in this Act; and

"(3) such lands or interests are located:  
"(A) within an area depicted on Sheet 3, 4, or 5 of the map entitled 'Nez Perce Additions', numbered 429-20018, and dated September 1991, or

"(B) within the 8-acre parcel of Old Chief Joseph's Grave site and Cemetery, Oregon, depicted as 'Parcel A' on Sheet 2 of such map."

Mr. FORD. Mr. President, I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

Mr. ADAMS. Mr. President, I am pleased to join with my colleague Senator HATFIELD in urging passage of H.R. 2032, the Nez Perce Park Additions Act of 1992. This bill answers many years of prayers from the Nez Perce Tribe who have sought a means of providing additional protection for their sacred sites, graveyards, and historic battlefields located throughout the Pacific Northwest. To even begin to understand the significance of this legislation to the Nez Perce people, it is necessary to revisit events and chapters in our history that contain many painful memories for a tribe that is known for having assisted the Lewis and Clark Expedition in 1803, and for having gone to great lengths to avoid a war that was forced upon them in 1877.

In April 1879, the North American Review published a statement entitled, "An Indian's View of Indian Affairs" containing the words of Chief Joseph of the Nez Perce, one of the great figures of Northwest history. He stated:

I want the white people to understand my people. Some of you think an Indian is like a wild animal. This is a great mistake. I will tell you about our people, and then you can judge whether an Indian is a man or not. I believe much trouble and blood would be saved if we opened our hearts more \* \* \*

[On his deathbed my father said:] "My son, never forget my dying words. This country holds your father's body. Never sell the bones of your father and mother." I pressed my father's hand and told him I would protect his grave with my life. My father smiled and passed away to the spiritland.

6. The recommendation contained herein reflects the information available at this time and current departmental policies governing formulation of individual projects. It does not reflect program and budgeting priorities inherent in the formulation of a national civil works construction program nor the perspective of higher review levels within the executive branch. Consequently, the recommendation may be modified before it is transmitted to the Congress as a proposal for authorization and implementation funding. However, prior to transmittal to the Congress, the State of North Carolina, interested Federal agencies, and other parties will be advised of any modifications and will be afforded an opportunity to comment further.

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Mr. CHAFEE. I thank the chairman for this clarification.

The bill (H.R. 6167) was deemed read the third time and passed.

#### THE TELECOMMUNICATION AUTHORIZATION ACT OF 1992

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The General Accounting Office conducted a study on cellular competition which was released at the hearing, and it, too, seriously questioned the Federal Communications Commission's approach to the industry. The study found that FCC policies allowing only two licensees in each market leads to limited competition which could be producing artificially high service rates.

I am troubled by the FCC's decision not to collect any data on cellular market performance. Due to the FCC's unique two-carrier regulatory structure for cellular, the agency at a minimum should closely monitor how this industry operates. Without such a check, the Commission cannot gauge whether its approach is providing real price competition.

Mr. INOUE. I appreciate the comments of my friend from Nevada. I also was struck by how little the FCC monitors this industry, particularly given its unusual regulatory approach to cellular. With the cable industry's problem fresh in our minds, we need to make certain that consumers are benefiting from competition or, in its absence, from regulation of this market.

Mr. BRYAN. I thank the chairman for those thoughts. Las Vegas, the largest city in Nevada, has the highest rate of cellular service penetration in the country. Consumers in my State and elsewhere deserve some measure of confidence that they are paying fair rates for this service. I would hope that as the FCC sets its priorities for next year it will pay particular attention to collecting and making available to the public all information relevant to the cellular policy debate.

Mr. INOUE. I heartily agree with the Senator's view. The FCC's mere reliance upon the future deployment of so-called emerging technologies to provide the competition necessary to drive down cellular rates does little to help cellular customers in the short run. I also hope that the Commission will examine a full range of policy options for mobile services to address these concerns.

Mr. BRYAN. I thank the distinguished chairman and look forward to working together on these matters. Mr. President, I yield the floor.

Mr. DANFORTH. Mr. President, I strongly object to a provision in H.R. 6180, the Telecommunications Author-

ization Act of 1992, which permits the Federal Communications Commission to accept gifts and bequests. I have agreed to allow this bill to be considered by the Senate, despite my serious reservations, because the bill contains provisions which are important to my colleagues, and we have no option but to pass the House bill at this late hour.

I believe that a regulatory agency should not be permitted to accept gifts from those entities which it regulates under any circumstances. I believe this provision has a certain aroma. I have reluctantly agreed to lift my hold on this bill if certain conditions are met.

The gift and bequest provision in H.R. 6180 requires the FCC to engage in a rulemaking to promulgate regulations which would preclude acceptance by the Commission of any gift, donation, or bequest that would create even the appearance of a conflict of interest. Along with others, I am sending a letter to the Chairman of the FCC requesting that the public comment period for such rulemaking be of at least 90 days duration, and that it will occur in its entirety during a period in which the Congress is in session. The Committee on Commerce, Science, and Transportation will conduct a hearing on this matter during that period, and would like to be certain that the committee's views are included in the FCC's record.

The letter makes clear that it is our intent that the FCC be permitted to accept no gift, donation, or bequest from any person, entity, or any affiliate of an entity that is regulated by, or has any matters before, the Commission. The letter states that the acceptance of items of value, even if unconditional, from such persons or entities creates an automatic and inherent conflict of interest.

The letter also states that it is our intent that the Commission would be unable to accept any gifts, donations, or bequests until the rulemaking required by section 4(g)(3) of the Communications Act of 1934 (47 U.S.C. 154(g)(3)), as amended by the Telecommunications Authorization Act of 1992, is completed.

It is my firm belief that the Commerce Committee must maintain careful oversight of the implementation of this provision, and I intend to make every effort to ensure that the committee undertakes that task.

The bill (H.R. 6180) was deemed read the third time and passed.

#### CORRECTIONS IN THE ENROLLMENT OF H.R. 429.

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 382, just received from the House, that the concurrent resolution be agreed to and the motion to reconsider laid upon the table.

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

#### CORRECTING THE ENROLLMENT OF H.R. 429

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Concurrent Resolution 142, a concurrent resolution to direct the Clerk of the House to make additional corrections in the enrollment of H.R. 429, submitted earlier today by Senator JOHNSTON; that the resolution be agreed to and the motion to reconsider laid upon the table.

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

The concurrent resolution was considered and agreed to as follows:

S. CON. RES. 142

*Resolved by the House of Representatives (the Senate concurring).* That in the enrollment of the bill (H.R. 429) to amend certain Federal reclamation laws to improve enforcement of acreage limitations, and for other purposes, the Clerk of the House of Representatives shall make the following additional corrections:

In section 3004(b), delete "eighteen" and insert in lieu thereof "twenty-two".

Amend section 212 to read as follows:  
SEC. 212. CROPS FOR WHICH AN ACREAGE REDUCTION PROGRAM IS IN EFFECT.

Notwithstanding any other provision of law relating to a charge for irrigation water supplied to crops for which an acreage reduction program is in effect, until the construction costs of the facilities authorized by this title are repaid, the Secretary is directed to charge an acreage reduction program crop production charge equal to 10 percent of full cost for all water delivered by the Central Utah Water Project, as defined in section 202 of the Reclamation Reform Act of 1982 (43 U.S.C. 390bb), for the delivery of project water used in the production of any crop of an agricultural commodity for which an acreage reduction program is in effect under the provision of the Agricultural Act of 1949, as amended, if the total supply of such commodity for the marketing years in which the bulk of the crop would normally be marketed is in excess of the normal supply as determined by the Secretary of Agriculture. The Secretary of the Interior shall announce the amount of the acreage reduction program crop production charge for the succeeding year on or before July 1 of each year.

#### NEZ PERCE NATIONAL HISTORICAL PARK

Mr. FORD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 2032.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

*Resolved,* That the House agree to the amendments of the Senate numbered 1, 2, and 3 to the bill (H.R. 2032) entitled "An Act to amend the Act of May 15, 1966, authorizing the Secretary of the Interior to designate the Nez Perce National Historical Park in the State of Idaho, and for other purposes."

*Resolved,* That the House agree to the amendment of the Senate numbered 4 to the aforesaid bill, with the following Amendment:

Page 1, strike out line 6 and all that follows through page 2, line 2 and insert:

(3) In section 3, strike the proviso in the first sentence and insert in lieu thereof the following: "Lands or interest therein owned

by a State or political subdivision of a State may be acquired under this section only by donation or exchange. In the case of sites designated as components of the Nez Perce National Historical Park after November 1, 1961, the Secretary may not acquire privately owned land or interest in land without the consent of the owner unless the Secretary finds that—

"(1) the nature of land use has changed significantly or that the landowner has demonstrated intent to change the land use significantly from the condition which existed on the date of the enactment of the Nez Perce National Historical Park Addition Act of 1961;

"(2) the acquisition by the Secretary of such land or interest in land is essential to assure its use for purposes set forth in this Act; and

"(3) such lands or interests are located:

"(A) within an area depicted on Sheet 3, 4, or 5 of the map entitled 'Nez Perce Additions', numbered 429-20018, and dated September 1991, or

"(B) within the 8-acre parcel of Old Chief Joseph's Gravesite and Cemetery, Oregon, depicted as 'Parcel A' on Sheet 2 of such map."

Mr. FORD. Mr. President, I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

Mr. ADAMS. Mr. President, I am pleased to join with my colleague Senator HATFIELD in urging passage of H.R. 2032, the Nez Perce Park Additions Act of 1992. This bill answers many years of prayers from the Nez Perce Tribe who have sought a means of providing additional protection for their sacred sites, graveyards, and historic battlefields located throughout the Pacific Northwest. To even begin to understand the significance of this legislation to the Nez Perce people, it is necessary to revisit events and chapters in our history that contain many painful memories for a tribe that is known for having assisted the Lewis and Clark Expedition in 1803, and for having gone to great lengths to avoid a war that was forced upon them in 1877.

In April 1879, the North American Review published a statement entitled, "An Indian's View of Indian Affairs" containing the words of Chief Joseph of the Nez Perce, one of the great figures of Northwest history. He stated:

I want the white people to understand my people. Some of you think an Indian is like a wild animal. This is a great mistake. I will tell you about our people, and then you can judge whether an Indian is a man or not. I believe much trouble and blood would be saved if we opened our hearts more \* \* \*

[On his deathbed my father said:] "My son, never forget my dying words. This country holds your father's body. Never sell the bones of your father and mother." I pressed my father's hand and told him I would protect his grave with my life. My father smiled and passed away to the spiritland.