

student in danger of flunking out of law school. The Interior Department answer confirms the point which I sought to make, namely, that the attorney in question, Mr. Veeder, is continuing to do the same things as a private attorney paid with Federal funds that he did as a Federal employee paid with Federal funds. This may work out just fine for the Omaha Indian Tribe and its advocates in the BIA, but it certainly appears improper to the Iowa landowners and this Senator.

Moreover, it appears that the Interior Department is unwilling to even consider whether the conduct it is sanctioning and funding is unethical according to the American Bar Association and commonly accepted notions of how our judicial system should operate.

The amendment which I had drafted was extremely moderate and narrowly drawn. It would not have prevented Indian tribes from securing the advice, counsel and representation of BIA or Justice Department lawyers. They could have still done that under the terms of my amendment; the Indian tribes can still look to the Federal Government to defray the expenses of legal counsel.

The amendment was so limited that it did not even deny Federal funding to independent counsel where a tribe is sued directly or the U.S. Government is sued and a tribe's rights and interests are challenged. These two situations, as identified in the BIA's fiscal year 1982 budget justifications, could still give rise to the Federal payment of independent counsel attorney fees and litigation expenses. All that I seek to do is halt funding where a tribe brings an action not specifically authorized, as in the case I have previously described. Even the BIA, in its fiscal year 1982 budget justifications, has assigned this kind of potential funding situation its lowest priority.

I have been in close communication with the Secretary of the Interior and other Senators concerned with this problem. It is, I think, generally agreed that what I am suggesting is not a massive restructuring of the special relationship which exists between the Federal Government and Indian tribes; rather, it is a first, small step toward putting an end to a practice not specifically authorized by law or the Congress. It would end current abuses such as I have described.

To summarize, Mr. President, it is my expectation that a thorough review of the question of funding private attorneys to represent Indian tribes will take place in the Congress and the executive branch. It is my further expectation that the final result will be the cessation of such spending. The Secretary of the Interior has assured me that such a review is taking place in his office; I will do what I can to assist in this undertaking. I have spoken with the Senator from Idaho (Mr. McClure), who chairs the Subcommittee on Interior and Related Agencies, so that moneys will no longer routinely be made available for the purposes I have described without an examination of authority and procedures for such expenditures.

I have spoken with the Senator from Maine (Mr. COHEN) who chairs the Select Committee on Indian Affairs; it is my understanding that he is considering holding hearings to review the questions which I have raised. I am trying to give the legislative process a chance to work. If, at some future date, it appears that my concerns and those of the landowners of Iowa are being ignored, as they have been in the past, then I will avail myself of every opportunity to make corrective changes. At the same time, it is my plan to continue my investigation of the Bureau of Indian Affairs through the Judiciary Committee's Subcommittee on Agency Administration, which I chair.

Mr. RUDMAN. Mr. President, I say to the Senator from Iowa that his points are well taken. As the Senator has stated, the chairman of this subcommittee has been assured by the Senator from Maine (Mr. COHEN) that his Committee on Indian Affairs will be looking into this situation very thoroughly.

We are glad that the Senator from Iowa agrees that, although it is an excellent idea, it probably is not germane or relevant to what we are trying to do today.

I thank the Senator for not offering the amendment at this time.

Mr. GRASSLEY. I thank the Senator from New Hampshire for his kind comments.

I disagree with the point that the person made with respect to the germaneness of the amendment, but that is not really the question.

Frankly, I am persuaded that that is not necessarily a good way to legislate. I have been assured of cooperation by the Senator from Idaho, and I believe that is the appropriate way to deal with this—through the legislative process. I have deferred for that reason.

As I have pointed out in my remarks, the amendment was narrowly drawn, so as not to raise the question of germaneness, because it only affected the appropriations in this bill and did not affect existing law.

As I tried to point out, I do not have any intention, through my amendment or through this process we are pursuing, to see if this specific instance and others like it are right. The only question is whether or not they will be carried out under existing law, and I say that they are not. But I do not intend to affect, nor would my amendment affect, places where the Justice Department can make that determination, that there is an interest for the Government to be involved with or where the Department of the Interior has made that determination.

All I am saying is that in this specific instance—and there are even more throughout the country to which I have referred—there has been no such determination made. I believe we are a government of law and not a government of men where some people in the bowels of government in this country can make a determination to pursue a goal on their own, contrary to statute.

That is the only thing we have in question, and that is what I want the appro-

priate committees of Congress to pursue, and only that point.

I believe that existing law is what it should be, and it should be maintained. I do not try to change existing law. I want only to put a stop to the procedures that are being pursued that do not have the force and effect of law behind them, where even the question has not been decided and there has been every effort to avoid making a decision as to whether the law is applicable.

I believe that every penny appropriated by Congress and expended by the bureaucracy should be spent in the performance of the mandate dictated by Congress.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

BIA: PAPAGO EARLY CHILDHOOD

Mr. DECONCINI. Mr. President, I would like some additional clarification on the language included in the committee report concerning the Bureau of Indian Affairs.

The committee has directed the Bureau of Indian Affairs to provide sufficient funds to continue the Papago early childhood program in fiscal year 1982 and expects the funds to be made available from the moneys allocated to the Phoenix area office for administrative purposes.

The sum of money we discussed in committee is \$272,000 and I would like to emphasize, with the chairman's concurrence, that these moneys are not to be transferred from other educational funds, or education administration funds.

Mr. McCLURE. It is the committee's intent to transfer these funds from General Administration moneys and not from the education accounts. I would point out, however, that the report is silent as to the amount of additional funds which are required for the project. We trust that can be negotiated between the affected parties.

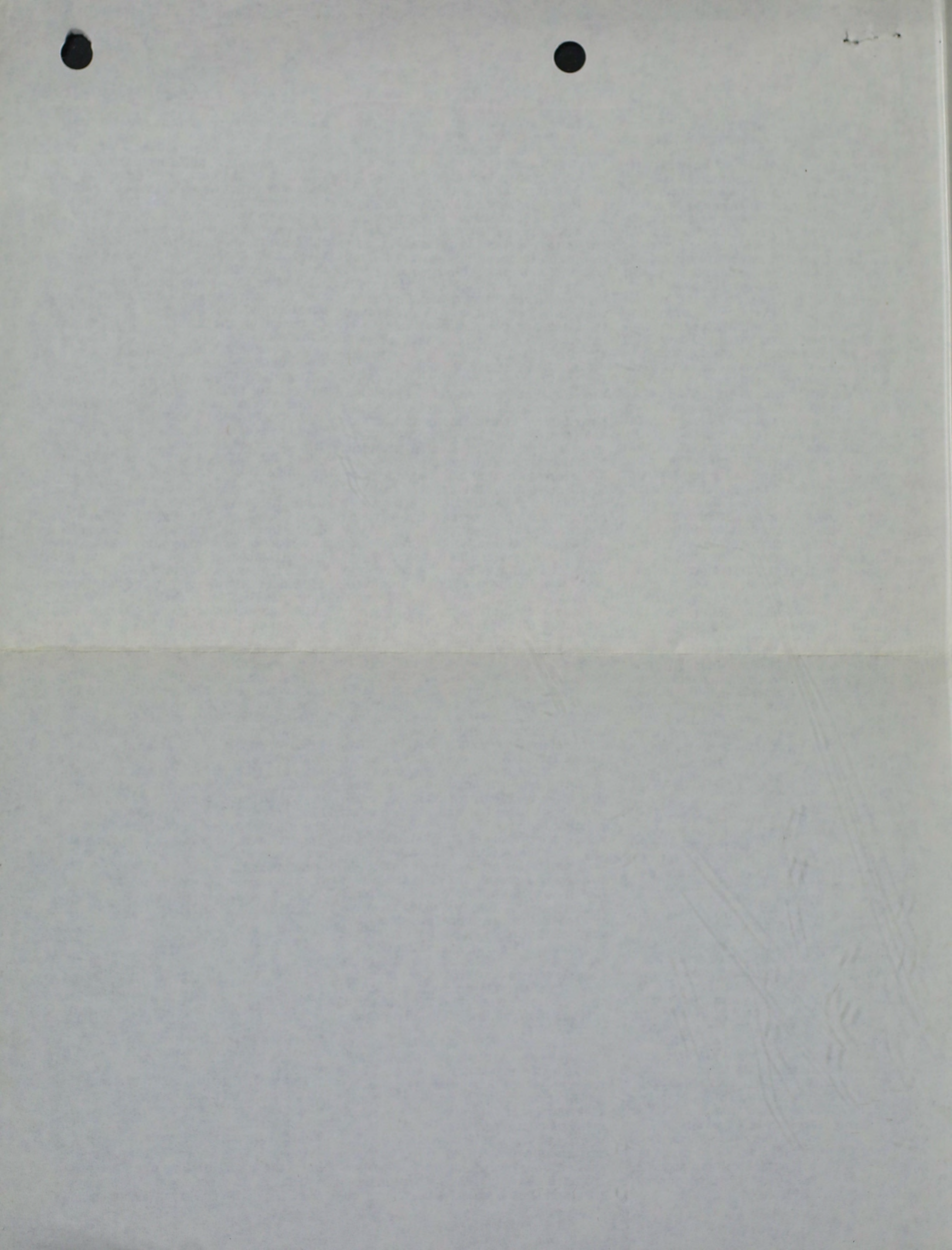
MULTIPLE MIRROR TELESCOPE

Mr. DECONCINI. Mr. President, the amendment by the distinguished floor manager, the subcommittee chairman, eliminates the moneys which were added, at my request, to accelerate the completion of the multiple mirror telescope. The MMT, located in Arizona, is partially funded through the astrophysical observatory of the Smithsonian Institution. I support the chairman's amendment—as we are forced to make a lot of sacrifices to cut spending as much as possible.

However, I would ask the committee to accommodate this very small amount of money, which will go a long way to enhance the scientific performance of the telescope, in fiscal year 1983.

The multiple mirror telescope is perhaps the most exciting development in astronomy in recent years. It is a great scientific achievement and its unqualified

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success makes possible very large future telescopes of similar design.

Mr. McCLURE. I can assure the Senator that the reduction proposed by the committee does not prejudice any future action, and the committee will certainly take a close look at providing funding for the telescope in fiscal year 1983.

Mr. MOYNIHAN. Mr. President, my distinguished colleague, the Senator from Arizona, and I wish to comment on the provisions of this bill that would delete from the Smithsonian Institution's fiscal year 1982 appropriation all funds for collections acquisition. As chairman of the Board of Trustees of the Hirshhorn Museum I am particularly struck by the consequences of this proposed reduction. In fiscal year 1981 the Smithsonian's appropriation for acquisitions was \$889,000, divided among the National Museum of American History (\$80,000), the National Museum of American Art (\$215,000), the National Portrait Gallery (\$315,000), the Hirshhorn Museum and Sculpture Garden (\$249,000), and the Museum of African Art (\$30,000). Federal acquisition funds have proven essential to the task of maintaining for the public a first-rate collection of historic and artistic treasures worthy of the national museums of the United States.

Mr. GOLDWATER. I wholeheartedly concur with my distinguished colleague, the Senator from New York. As chairman of the National Portrait Gallery Commission, I too, am acutely aware of the important role that Federal acquisition funds have had in helping the Smithsonian fill gaps in its existing collections and keep current with contemporary developments in the areas of its responsibility.

Mr. MOYNIHAN. We are talking about relatively modest sums, especially when compared with the funds provided to similar national museums. For example, appropriated acquisition funds for the British National Museums in fiscal year 1981 totaled \$22,938,000. While modest in amount, the Federal acquisition funds can only be described as providing basic subsistence for the Smithsonian. Every museum strives to obtain the grand gift, the extraordinary acquisition but equally important are the smaller, less glamorous purchases, the ones that provide a collection with range and coverage. The pieces that make a whole, the settings for the great diamonds come not from the generosity of but a few major benefactors but rather from careful and diligent acquisition efforts. With the loss of its Federal funds, the Smithsonian faces a devastating cut in its acquisitions budget.

Mr. GOLDWATER. I strongly suggest that when this bill reaches conference an appropriate adjustment be made to allow the Smithsonian to continue to use a reasonable level of Federal funds for its acquisitions program.

Mr. MOYNIHAN. My distinguished colleague's point is extremely well taken and I urge the Senators who will conference on this bill to give this issue all due consideration.

ENERGY CONSERVATION

Mr. DeCONCINI. Mr. President, my colleagues Senator GOLDWATER, Senator

CRANSTON, Senator HAYAKAWA, and I share a concern about the energy conservation appropriation and we would like to address a question to the distinguished floor manager:

Is it the floor manager's understanding that of the amount available for industrial waste energy reduction in the energy conservation appropriation, at least \$900,000 is included for continued research and initial engineering for test quantities of liquid hydrocarbon fuels from 10 tons per day of cellulosic waste?

Mr. McCLURE. That is correct.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. WALLOP. Mr. President, since 1974, a land policy group (LPG) has operated in the Department of the Interior to manage the land and water conservation fund and coordinate actions by the National Park Service, Fish and Wildlife Service, Bureau of Land Management, and the Forest Service in the Department of Agriculture. In recent years, the land policy group has initiated cooperative efforts by the directors of these four agencies to identify the highest priority land worthy of Federal attention, and find cost-effective alternatives to fee simple acquisition to save the taxpayer money. The LPG also has been responsible for coordinating Federal land acquisition and protection policies, assuring prompt responses to congressional inquiries, carrying out committee directives, and responding to recommendations by the General Accounting Office.

For fiscal year 1982, money from the land and water conservation fund is being appropriated directly to the four land managing agencies rather than through a central coordinating group. Consequently, it appears that the funding needed to support a small professional staff for the LPG may not be available.

I ask the chairman of the committee to comment on the possibility that within the \$99,246,000 being provided for the Federal portion of the land and water conservation fund, approximately \$350,000 could be allocated to support a small staff for the land policy group.

Mr. McCLURE. Mr. President, the committee certainly recognizes the contributions made by the land policy group, which is now in the office of the Assistant Secretary for Fish and Wildlife and Parks. Our report on fiscal year 1981 commended the Department's efforts to develop alternatives to fee acquisition, efforts led primarily by the LPG. The House Appropriations Committee also commended the LPG in their report on fiscal year 1980 rescissions. Based on its work in the past, we agree that this group can be the key to eliminating unnecessary spending for land acquisition and assuring that consistent policies are developed and implemented by the four

agencies using the land and water conservation fund. The bill, as amended in the full committee by Senator JOHNSON, does not provide for Federal administrative expenses, including funds for the land policy group and one of their major programs of encouraging nonfee acquisition and protection of nationally significant land areas. The House bill does provide for Federal administrative expenses, but none for the land policy group.

I recognize the value of the land policy group and will work in conference to see if there is a way to earmark some of the Federal administrative expenses to continue the land policy group.

Mr. WALLOP. Mr. President, I thank the chairman. I look forward to working with the land policy group as we continue our efforts to find new, cost-effective approaches to meeting Federal land management responsibilities and working cooperatively with States, local governments, and the private sector.

Mr. President, in keeping with the general tenor of the times, there are substantial cutbacks in the budget for several Department of the Interior natural resource planning and recreation grants programs for which we historically have had strong support. I refer specifically to those programs formerly administered by the Heritage Conservation and Recreation Service and recently transferred to the National Park Service. Among the programs transferred are the land and water conservation fund and the urban park recreation recovery program. Congress has also agreed to budget reductions for salaries and expenses for nongrant programs including planning and technical assistance. The rationale for these cuts was, and is, sound. There is a general need to reduce budgets and we understand that significant cost savings are being made through the elimination of overhead.

However, we supported funding for the purpose of continuing certain programs specifically authorized by Public Law 88-29, the Federal Outdoor Recreation Coordination Act of 1963, as it has become known. For those of you who are not familiar with this act, which, by the way is one of the most clear and concise ever approved by the Congress, the functions to which I refer are:

Recreation resources inventory and classification nationwide recreation planning;

Recreation technical assistance;

Research and education; and

Interagency coordination and cooperation.

In addition, the National Park Service is responsible for resource area designation studies and Federal real property transfers.

Mr. President, I am extremely concerned that funds appropriated for these purposes be used for these purposes. I believe the Federal Government should continue to play a leadership role, and should continue to provide to State, local, and private recreation suppliers technical services, planning assistance, and other forms of recreation support. It is imperative that the capacity to perform those authorized functions be retained.

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